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Behind the Curtain: Unpacking Racism in Casting Practices

Elias Mehdawi[1]

[1] Department of English Language & Literature, University of Waterloo, Canada

Correspondence: Elias Mehdawi, Department of English Language & Literature, University of Waterloo, Canada.

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Abstract

This research studies systemic racism in Hollywood against Middle Eastern actors, claiming that such actors' almost complete absence from blockbuster film and television is both structural and not incidental. Using Critical Race Theory (CRT), it examines systemic racism through longitudinal content analysis of the top 10 highest-grossing films released from 1995 to 2025 and comparative role analysis of Middle Eastern actors compared to white actors. The findings show that there are sharp contrasts: only 12 of the 310 blockbusters have actors identified as Middle Eastern with a significant role and all 12 were male; nearly half of each role taken by Middle Eastern actors conformed to a limiting stereotype (terrorists, hypersexualization, and tokenism). Qualitative analysis of how these portrayals of Middle Eastern actors are overshadowed by the complexity and depth shown about the roles of white actors implies that the last bias is an accepted stereotype and masks active discrimination from society. First-hand accounts from actors, comedians, and filmmakers such as Riz Ahmed, Rami Malek, and Salma Hayek all illustrate how typecasting, tokenism, and whitewashing are still impediments to legitimate representation in Hollywood. Lastly, it is further argued in the study that Hollywood's exclusion of Middle Eastern actors has implications for real-life prejudice and hate crimes against Middle Eastern communities. By engaging with CRT's notion of structural racism, this study calls for a structural shift in Hollywood, advocating for more diversity at the level of executive leadership, investment in Middle Eastern-led productions, and accountability for systemic replication of racism in casting. Representation must go beyond being a symbolic gesture for Hollywood to ensure that Middle Eastern actors can embody visible, humanized voices that are perceived to be complex.

Keywords: Hollywood, systemic racism, Critical Race Theory (CRT), representation, middle eastern actors, casting practices, typecasting, tokenism, whitewashing, stereotypes, media and society, film industry, blockbuster cinema, visibility politics, gender and race, orientalism, cultural erasure, narrative power, diversity in media

1. Introduction

In this research paper, I will be arguing that racism directed at Middle Eastern performers is systemic in Hollywood. I am coming from the perspective of Critical Race Theory (CRT) to make my point clear: this is not an isolated case of a "few bad apples", this is an entire system that has consistently and purposefully discriminated against Middle Eastern performers. I do not believe it is merely a coincidence that there is a nearly absolute absence of Middle Eastern performers/characters in film and television; it is a deliberate act of exclusion, of silencing an entire demographic.

I will not engage in psychoanalysis and hypothesize about Hollywood's unconscious rationale for their discriminatory and racist attitudes toward Middle Eastern performers, because it would lead me to an endless rabbit hole of inquiry; while an interesting line of investigation, that is not the intention of this paper. Instead, I will present the metrics, collect and analyze the statistics from reputable studies that lead us to the only unavoidable conclusion: that systematic racism toward Middle Eastern performers is real, and has always existed in Hollywood.

This research is not merely about film as an art form. Film is one of the most potent instruments for influencing public perception and opinion. My argument is that systemic racism portrayed by film in some manner is not "just" a reflection of racist attitudes or stigma within public society in general, but develops and strengthens it. In other words, the systematic erasure of Middle Eastern people is effectively normalizing their marginalization.

2. Critical Race Theory

This research extends the considerable foundations of CRT established by scholars such as Richard Delgado, Jean Stefancic and Derrick Bell, which highlights the systemic nature of racism against Black people, taking many forms in the United States. I will be using the same methodology to identify the identical patterns of systemic racism within Hollywood. Critical Race Theory, as described by Richard Delgado and Jean Stefancic, is:

> "The critical race theory (CRT) movement is a collection of activists and scholars engaged in studying and transforming the relationship among race, racism, and power. The movement considers many of the same issues that conventional civil rights and ethnic studies discourses take up but places them in a broader perspective that includes economics, history, setting, group and self-interest, and emotions and the unconscious. Unlike traditional civil rights discourse, which stresses incrementalism and step-by-step progress, critical race theory examines the very foundations of the liberal order, including equality theory, legal reasoning, enlightenment rationalism, and neutral principles of constitutional law" (Delgado and Stefancic, 2001, p. 3).

CRT reinforces the idea that racial inequity is a common and normalized occurrence rather than a random, unique, or sporadic event. Racial inequities that are present within government policy, the media, and representation are reinforced by the majority of people in society, who likely have no idea that they are complicit in perpetuating systemic racism. CRT upholds the goal of using storytelling and lived experience as a means of negating the dominant culture, which often defends or excuses accountable inequalities and systemic injustice. For this study, CRT represents one of the lenses through which we will identify exclusion and stereotyping related to Hollywood casting.

Similar to Critical Race Theory, this study employs both qualitative and quantitative forms of inquiry to unveil and address systems of inequality. Traditionally, CRT scholars articulated statistics and personal narrative alongside the assertion that statistics have limits when it comes to capturing the daily experiences of racialized people. To this end, this study uses CRT as a springboard to not only shed light on systemic trends in casting by measuring the percent of trope-reliant roles are composed for Middle Eastern actors using quantitative measurement, but it also acknowledges the qualitative nature of narrative and counter-narrative in which to amplify the voice and stories of those directly affected. By sharing personal stories, such as those of Riz Ahmed, Rami Malek and my own, actors paint a more comprehensive picture than an anecdotal example, which can be read as counterstories that stand against entrenched myths/assumptions in the industry. Such stories relevant to CRT methodology redirect how underrepresentation can be framed, not as failures of individuals or the market, but as rituals with prescribed avenues of exclusion in Hollywood.

3. Methodology and Data Collection

For a longitudinal content analysis, this paper examines the top 10 highest-grossing films worldwide from 1995 to 2025, using BoxOfficeMojo and IMDb as data sources. In prioritizing the most lucrative films released each year, or those with the most significant financial reach in terms of international release. Considering the cultural imprint of Hollywood films, this study aims to examine the visibility and portrayal of Middle Eastern representation in popular cinema.

The analysis determines whether a Middle Eastern actor is in a lead or "top billing" role, as opposed to a more token or background role, as these often represent a convenient and superficial lens of representation. Each lead or top-billing role is scrutinized against a few established tropes, such as villainy, token inclusion, and hypersexualization, and classified by genre and character placement in these films. This study is important because blockbuster films shape public perception on a global scale and have the ability to establish what is normalized regarding who is heroic or human and who is worthy of being a central character. Ultimately, by documenting the near total lack of Middle Eastern actors (specifically women) in leading roles, over the past 30 years. This paper examines the overwhelming absence of representation of Middle Eastern actors from Hollywood films, and considers what this means for the politics of visibility and representation for women in Hollywood. This paper provides evidence to challenge exclusion in casting by carefully documenting the data.

Furthermore, this paper investigates the question of whether there is bias against Middle Eastern actors in Hollywood by examining the careers of 10 currently active Middle Eastern actors (both male and female) who are considered successful in Hollywood. I surveyed some of the more successful and notable Middle Eastern actors working in the United States and reviewed their entire ongoing filmographies on IMDb. Each of their roles was categorized so that I could determine the percentage of roles that contained stereotypical and/or villainous characters. To clarify the results and enrich the analysis, I did the same thing for a group of Caucasian actors.

The results will show that Middle Eastern actors, particularly early in their careers where they are often forced to accept whatever roles that they are offered, are much more likely to play villainous or stereotypical characters. Once Middle Eastern actors gain prestige and can pick and choose the roles they accept, the likelihood that they play stereotypical or villainous characters drops.

I will focus on Riz Ahmed as an illustrative case. A review of his first 10 roles reflected consistent villainous or negative forms of representation: terrorists, social deviants, isolated or villainous characters. However, once Ahmed gained prestige and the ability to selectively choose his roles, only one of these characters was villainous (*Venom*, 2018), a blockbuster film that, somewhat paradoxically, allowed him to gain even further prestige despite these discriminatory representations. This contributes to the notion that Middle Eastern actors are typically typecast in their initial roles. Once they achieve success and can create new categories for characters, they will actively choose roles that undermine these harmful, stereotypical roles early on.

3.1 Representation in Top-Grossing Films (1995–2025)

This study examines 30 years of blockbuster movies and their potential for serious inquiry into Middle Eastern actors, particularly in the roles they portray. This analysis examines the number of roles based on previously established tropes and the distribution of leading and supporting roles. The data is from BoxOfficeMojo and IMDb. The BoxOfficeMojo site lists the worldwide top-10-grossing films each year; I then used IMDb to analyze the cast lists from those films. This study will analyze films from 1995 to 2025. The yearly focus on the top-10-grossing films is intentional; notably, these blockbuster films tend to have the broadest societal reach and impact, which have significant influence over who is represented and who is not in mainstream global cinema.

Year	**Count**	**Actor(s) & Film(s)**
2025	0	
2024	0	
2023	1	Rami Malek (*Oppenheimer*)
2022	1	Mamoudou Athie (*Jurassic World: Dominion*)
2021	1	Rami Malek (*No Time to Die*)
2020	0	
2019	1	Multiple actors (*Aladdin*)
2018	2	Riz Ahmed (*Venom*), Rami Malek (Bohemian Rhapsody)
2017	0	
2016	1	Riz Ahmed (*Rogue One*)
2015	0	
2014	0	
2013	0	
2012	0	
2011	0	
2010	0	
2009	0	
2008	1	Faran Tahir (*Iron Man*)
2007	0	
2006	1	Alfred Molina (*The Da Vinci Code*)
2005	0	
2004	1	Alfred Molina (*Spider-Man 2*)

2003	0	
2002	1	Tony Shalhoub (*Men in Black 2*)
2001	0	
2000	0	
1999	0	
1998	0	
1997	1	Tony Shalhoub (*Men in Black*)
1996	0	
1995	0	

4. Key Findings from the Data

- There were zero Middle Eastern women in any of the top-grossing films from 1995 to 2025.
- In 2007, *300* was one of the year's top 10-grossing films. The villains in the movie were all Persian, yet the main Persian character, Xerxes, was portrayed by Rodrigo Santoro — a Brazilian actor.
- The only lead roles played by Middle Eastern actors were Mena Massoud as Aladdin (*Aladdin*, 2019) and Rami Malek as Freddie Mercury (*Bohemian Rhapsody*, 2018).
- Between 1995 and 2003, the only representation was Tony Shalhoub, who appeared in a supporting role outside the top five billing in *Men in Black* (1997) and *Men in Black II* (2002).
- Between 2009 and 2015, there were no Middle Eastern actors in top roles in any of the top 10 box office films.
- Only five roles were among the top three billed characters in the film. Of those, three were lead villains.
- In total, only 12 out of 310 films featured a Middle Eastern actor in a significant role, which is just 3.87%.
- Of those 12 roles:
  - Five were villains.
  - Three were protagonists.
  - Four were minor supporting characters with limited screen time.
- 21 out of the 31 years (68%) had zero Middle Eastern representation in top-billed roles.
- There were no instances of Middle Eastern actors cast as romantic leads or superheroes.
- Just six actors accounted for all 12 roles identified.

Genre Bias Observed

Most of the roles that did exist were concentrated in:

- Action/sci-fi blockbusters
- Spy thrillers
- Franchise films

There was zero representation in genres such as:

- Animated voice roles
- Romantic comedies
- Dramas
- Coming-of-age stories

The prejudice is undeniable. The fact that, out of the top 10 highest-grossing films each year for the past 30 years, not a single Middle Eastern woman has been included in the main cast is nothing short of discriminatory. I predict that if I extended this study across the entire century-long history of Hollywood, I still wouldn't find a single Middle Eastern woman in a leading role in a major blockbuster film. It is important to note that the films dominating the box office are not obscure or niche — they are the films with the biggest budgets and global reach. In my study, franchises like the Marvel Cinematic Universe, DC Universe, Disney animated films, the Jurassic Parks series, Star Wars, Harry Potter, and The Lord of the Rings were consistently among the top 10 highest-grossing films of each year. Not a single one of these major franchises has cast a Middle Eastern woman in the main ensemble.

This absence is not an oversight. Instead, it reflects entrenched practices of an industry that continues to erase entire communities. Even when Middle Eastern actors are cast, they are often overwhelmingly villainous roles, minor roles or bit parts that allow them little complexity, depth or the importance that is available to white characters in these narratives. The fact that six actors account for the limited appearances over three decades reinforces how narrow the industry's imagination regarding inclusion truly is.

Moreover, the genres where representation has occurred are revealing: 0 in romantic comedies, dramas, animated films, or coming-of-age stories—genres that often make connections to evoke cultural empathy and humanity in characters. Instead, representation is limited to action, sci-fi, or spy films that reinforce one-dimensional representation aligned with the negative stereotypes that often accompany these genres. Representation and diversity in global blockbusters are about so much more than opportunity; they are also about visibility, power, and the right to be viewed as fully human.

5. Comparative Analysis of Role Typecasting

To conduct a comparative analysis of role typecasting, the following actors were selected based on their prominence and active presence in the Hollywood film industry. The sample comprises 10 Middle Eastern actors (5 male, five female) and 10 white actors (5 male, five female).

Middle Eastern Male Actors

- **Rami Malek** – Egyptian-American (*Bohemian Rhapsody*, *Mr. Robot*)
- **Omid Djalili** – Iranian-British (*The Mummy*, *The Infidel*)
- **Alexander Siddig** – Sudanese-English (*Syriana*, *Kingdom of Heaven*, *Star Trek: Deep Space Nine*)
- **Riz Ahmed** – British-Pakistani (*Sound of Metal*, *Nightcrawler*)
- **Shaun Toub** – Iranian-American (*Iron Man*, *Homeland*)

Middle Eastern Female Actors

- **Shohreh Aghdashloo** – Iranian-American (*House of Sand and Fog*, *The Expanse*)
- **May Calamawy** – Egyptian-Palestinian (*Moon Knight*, *Ramy*)
- **Yasmine Al Massri** – Lebanese-Palestinian (*Quantico*, *Caramel*)
- **Sarah Shahi** – Iranian-Spanish-American (*Person of Interest*, *Sex/Life*)
- **Golshifteh Farahani** – Iranian (*Paterson*, *Extraction*)

White Male Actors

- **Brad Pitt** (*Fight Club*, *Once Upon a Time in Hollywood*)
- **Leonardo DiCaprio** (*Inception*, *The Revenant*)
- **Ryan Gosling** (*La La Land*, *Drive*)
- **Tom Cruise** (*Mission: Impossible* series, *Top Gun*)
- **Chris Evans** (*Captain America*, *Knives Out*)

White Female Actors

- **Jennifer Lawrence** (*The Hunger Games*, *Silver Linings Playbook*)
- **Scarlett Johansson** (*Black Widow*, *Marriage Story*)
- **Emma Stone** (*La La Land*, *Easy A*)
- **Amy Adams** (*Arrival*, *Enchanted*)
- **Jessica Chastain** (*Zero Dark Thirty*, *Molly's Game*)

Some key characteristics we are looking for when seeing the characters these actors played are:

- Terrorist
- Socially Deviant or Isolated
- Emotionally or Psychologically Disturbed
- Hypermasculine or Misogynistic
- Incompetent / Buffoonish

- Tokenized or Backgrounded
- Perpetual Foreigner Tropes
- Over Sexualized Women
- Male Gaze female
- Saved by white protagonist

These are some common tropes that middle eastern actors are found playing and I will consider all of them when gathering data.

Data detailing the research on Middle Eastern Actors:

Actor	Trope-Aligned Roles	Total Roles	% of Roles with Tropes
Rami Malek	18	32	56%
Omid Djalili	42	64	66%
Alexander Siddig	40	63	64%
Riz Ahmed	11	36	31%
Shaun Toub	38	89	43%
Shohreh Aghdashloo	40	78	51%
May Calamawy	12	35	34%
Yasmine Al Massri	15	35	43%
Sarah Shahi	21	65	32%
Golshifteh Farahani	47	73	64%

Data detailing the research on White Actors:

Actor	Trope-Aligned Roles	Total Roles	% of Roles with Tropes
Brad Pitt	5	102	5%
Leonardo DiCaprio	2	54	4%
Ryan Gosling	3	51	6%
Tom Cruise	2	53	4%
Chris Evans	3	63	5%
Jennifer Lawrence	5	38	13%
Scarlett Johansson	9	84	11%
Emma Stone	4	57	7%
Amy Adams	3	65	5%
Jessica Chastain	2	62	3%

For Middle Eastern actors the two most typical tropes were villainous roles and token roles. Of the 570 roles assessed, 280 were considered to be in those trope-aligned categories — 49.1%. For white actors, there were a total of 669 roles, of which only 38 were in trope-aligned categories, representing 5.7% of the total roles.

Additionally, it is essential to note that many of the roles assigned to Middle Eastern actors were based on stereotypical definitions. In comparison, when white actors portray villains, directors and producers tend to take their time in defining their characters. DiCaprio and Cruise have played villains, but they were not one-dimensional gun-wielding "terrorists". They were fully-fledged villains. These characters made choices, typically defined by complex motives. In addition to the quantitative differentiation, I also observed a clear qualitative differentiation, particularly in complexity, narrative prominence, and narrative importance. Middle Eastern characters are frequently relegated to one-dimensional pathways; there is no distinction, independent agency, development of different layers, or opportunities for growth relative to their white counterparts.

This comparative analysis demonstrates the difference in casting between Middle Eastern and white actors in

Hollywood. For instance, what I observed in the data is that almost half (49.1%) of performances by Middle Eastern actors are trope-aligned — villain, token, or otherwise reductive. For white actors, the estimate is that only 5.7% of their performances were of the trope-aligned type. This difference in experience is not only quantifiable; there is also a qualitative difference: white actors receive layers of narrative and depth of character, while Middle Eastern actors often take the situation they are in and re-perform a flattened character over and over again. Overall, this analysis lends support to the argument that typecasting is systemic and a racialized one where reckless stereotypes are prevalent and harmful for Middle Eastern performers everywhere, effectively encumbering growth opportunities for performers. Hollywood's claim to diversity remains hollow so long as it continues to deny Middle Eastern actors the complexity and prominence readily offered to their white counterparts.

Examples of Common Tropes

As mentioned in the preceding section, a majority of roles that Middle Eastern actors tend to be cast in are stereotypically associated with familiar tropes such as terrorist or hypersexualized women. In the film *From Dusk Till Dawn* (1996), Salma Hayek played a seductive dancer; she embodied the exoticized and hypersexualized stereotype of a Middle Eastern woman. Her escape from violence and death occurred solely through her sexuality, and her sole purpose was to reinforce segments of the male gaze and Western, orientalist fantasies—a complete absence of any genuine cultural authenticity or nuancing.

Riz Ahmed's character in *Four Lions* (2010) is a would-be jihadist, anchoring yet another stereotype of a Middle Eastern man as a terrorist. Although the film is a dark comedy that seeks to poke fun at extremism, there remains a much broader pattern of representation where Middle Eastern men are represented as terrorists or inner city killers. In Ahmed's case, while he is aware of the context of the critique of Islamism and turf wars among British Muslims, it pushes a much larger narrative. Middle Eastern actors are regularly cast in stories that connect violence, fanaticism and danger, and take steps backwards for a very limited, often damaging, representation of their communities and lived experiences.

Another example is Rami Malek in the television mini-series *24: Legacy* (2017), in which he plays Marcos Al-Zacar, a young man who is manipulated into the role of a suicide bomber. While the show attempts to imbue psychological complexity into Al-Zacar's character, the role ultimately regurgitates a heavy-handed stereotype about the Muslim man as a radicalized threat. In general, Malek's character is representative of how Middle Eastern actors get cast in the association of their identity in portraying a character of terrorism, perpetuating harmful cultural tropes in mainstream Western media.

As previously mentioned, these roles occurred early in the actors' careers, during a period when freedom of choice was severely limited and actors often had to accept whatever opportunities were available to gain visibility in the industry. The systematic pattern of Middle Eastern actors in roles typifying terrorism, and hypersexualization of one kind or another, or social deviance, is not an innocent coincidence; the entire reality shows where systemic issues in Hollywood reside. These roles are interrelated and positioned with a much broader representational harm as complex selves and identities are flattened into depersonalizing character tropes. By consistently casting Middle Eastern performers in simplistic and harmful ways, the industry devalues their range and potential. It reinforces public perceptions that shorthand Middle Eastern identity to danger, violence, or exoticism.

Firsthand Accounts of Industry Bias

The casting process in Hollywood has disappointed numerous Middle Eastern actors. Riz Ahmed has been a significant voice in the battle against negative portrayals of Muslims in film and television. In an article for *The Guardian* titled "You've got to try and worry about something bigger than yourself: Riz Ahmed on rap, racism and standing up to Hollywood", Ahmed details some of the barriers he has endured as a Muslim actor in the business. During the press tour for his Academy Award-nominated performance in *Sound of Metal* (2019), Ahmed noted that nearly every interview he participated in included inquiries about his race and religion. The fact that a Muslim actor was nominated in the lead role was noted as strange, even alien to the Academy, which certainly indicates what a rare and underrepresented experience it is for an actor from a Middle Eastern background to achieve recognition at this level.

One particularly salient point during the interview is when Ahmed reflects on the conversation happening around his nomination:

> "That *Sound of Metal* even exists then is a hail-mary; that it went on to be nominated for Baftas and Oscars is altogether more unexpected and impressive. And so, when it started being noticed that a Muslim had never previously been in the running for the most prestigious acting award, Ahmed felt conflicted. "Some people go like, 'Oh, first Muslim, this and that,'" he says. "And your initial reaction is like, 'What's that got to do with anything?'" Then you have another

> feeling: 'But actually, wait that is relevant, insofar as like, why hasn't this happened before? That's weird.' So always that kind of push and pull."

Ahmed continues to feel that push and pull; he has it now in our interview. It would be much more straightforward to talk about learning to play the drums, instead of having to explain why it matters that, in the 200 most popular films made between 2017 and 2019, only 1.6% of the nearly 9,000 speaking characters were Muslim. That, in 181 of those 200 films, there were no Muslim characters at all. "There's a voice in my head right now that's just going, 'Oh my God, come on, get off this stuff, man!'" Ahmed admits. "Like 70% of my interviews end up being about politics and representation and all that" (Lewis, 2021).

Furthermore, later in the interview Ahmed discusses the moment in his career when he finally beat the stereotypical roles he played and was able to play more complex roles.

> "*The promised land*," is what Ahmed calls the phase of his career that he's entered. In an essay in 2016 for *The Good Immigrant*, a book about race and immigration in the UK, he defined it as a place "where you play a character whose story is not intrinsically linked to his race. There, I am not a terror suspect, nor a victim of forced marriage. There, my name might even be Dave" (Lewis, 2021).

In another *The Guardian* interview, Rami Malek reflects on his experience as a Middle Eastern actor navigating post-9/11 Hollywood. Journalist Charlotte Edwardes notes "this being a post-9/11 United States, he found he was offered parts playing terrorists, the kind of thing where he would be discovered in the boot of a car" (Edwardes, 2025). Malek also addresses a darker truth in the industry by invoking the phrase "white passing." He describes how, although he is Arabic, his appearance occasionally allows him to pass as white, which helps him avoid certain biases in the casting process. This reveals a more disturbing truth: being Middle Eastern is not the problem — being perceived as Middle Eastern is. It is the visual component of one's ethnicity that Hollywood seems to find problematic, and demonstrates the industry's bias against not just one's identity, but also their appearance. Malek explains:

> It's difficult to rid yourself of that sense of difference. "I don't know how you ever get over that. I'm what's called 'white passing', but I have very distinctive features, and we definitely didn't fit in." He and Sami developed finely tuned antennae; felt they could see an agenda a mile off. "We just had an uncanny way of sensing people." He relates how another actor recently observed this to Corrin: "'From the second Rami walks in the room, he is assessing every single situation, how it will affect him, or others, the domino effect of it all.' I don't know if it's a blessing or a curse," he adds. "Sometimes I find it detrimental." I ask if he can turn it off. "No. You can't help it." "I got thrown on the bonnet of an LAPD cop car because someone had robbed a liquor store and stolen a woman's bag. They said the thief was of Latin descent and, 'You fit the description" (Edwardes, 2025).

Malek's experience with an LAPD officer demonstrates the relationship between social conceptions and Hollywood; it illustrates how various ethnicities — Latin, Middle Eastern etc. — are often mishandled as "good enough". When one refers to broad-groupings; we see this practice not only on the streets, but we see this also in Hollywood casting practices, since Hollywood allows "diverse" identities to be treated as indistinguishable. The tension to "white-wash" oneself or suppress one's ethnicity is a recurring aspect of Critical Race Theory, and for many actors of color, not just to get roles, but to participate in a system in which whiteness is normalized.

Chapter 23 of *Critical Race Theory: The Cutting Edge*, titled "Working Identity", writers Devon W. Carbado and Mitu Gulati discuss how people of color are often expected to whitewash themselves to fit in at work. They write, "To fully appreciate workplace discrimination, then, one has to examine and raise questions about not only the employer's conduct (whether it is legitimate for employers to behave in ways that adversely affect outsider employees) but the employee's conduct as well (whether it is legitimate for employees to be pressured to behave in particular ways to avoid discrimination)" (Carbado & Gulati, 2013, p. 224).

The concept of whitewashing can be found in Rami Malek's interview. He raises the issue that his appearance does not immediately signal that he is Middle Eastern, so he is racially ambiguous, which comes with the connotation of being "flexible". In Hollywood terms, this means more work. Malek's experience is indicative of how Carbado and Gulati describe people of color implicitly having to manage how they present themselves to navigate and survive institutions that can and do work to exclude them actively. The concept of whitewashing will be discussed further in this paper.

Salma Hayek, who has achieved great success in Hollywood and has Middle Eastern and Mexican heritage, has spoken extensively about her place in Hollywood and the challenges she sometimes faces. A common trope for Middle Eastern actresses often involves hyper sexualization. This illustrates a bigger issue, because Middle Eastern actresses encounter the double bind of marginalization for their ethnicity as well as gender.

Hayek in an interview in 2019 with Vogue noted that Hollywood studio heads told her that she was born in the wrong country, that she could never be a leading lady in America as, when she spoke, she'd remind people of their maids.

> "I battled racism by using their sexism," says Hayek of navigating all the naysayers back then. "So, I invented this sexy character." That was what [Hollywood] was able to open up to, that's how I went in. I remember understanding this, and making a choice: 'Am I degrading myself?' I didn't sleep with people. It was just that this was something they could understand. In their head, the audience is attracted, and with this me on the screen, they could forgive the accent. So, I said, 'OK I can do that.' "With each "hot girl" part Hayek won, she would delicately inject more character, pushing the limitations of the role: "Let me add a little bit of intelligence — then they would say, 'You cannot be intelligent, we do not want this character to be intelligent, take this out'. Let me add some comedy — 'This is too funny, you cannot be funnier than the guy'. OK, let me add some warmth or humanity. If I could inject something into one or two scenes, I did. I did the best with what I had there. Does this still happen? Yes, it still happens. But trust me, we've come a long way. It's a process; revolutions are very messy," she smiles, sagely." (Evans-Harding, 2019)

Although actors of Middle Eastern descent face numerous challenges in the Hollywood scenario, the challenges are more pointed for the Middle Eastern female actors when gender-biased racial attitudes come into play. Their roles are thus not only subject to stereotyped portrayals of race but also to Orientalist versions of Middle Eastern femininity. These films and series commonly caricaturize Middle Eastern women, depicting them as either hypersexualized beings or oppressed beings who cookie-cutter need to be liberated by the West.

The other tropes include the "oppressed woman," which is reinforced through films as varied and widespread in theme as *Not Without My Daughter* (1991) and *The Stoning of Soraya M.* (2008). In these films, Middle Eastern societies are assuredly oppressive; Western intervention is practically the only method to liberate women. Such tropes oversimplify complex sociopolitical realities by reinforcing the stereotype that Middle Eastern cultures are inherently oppressive.

Hyper sexualization of Middle Eastern women regularly occurs. Films such as *The Mummy* (1999) and *Aladdin* (1992) where Middle Eastern women, as alluring and secretive characters, exist mainly to seduce or unnerve their male counterparts; in this way, such portrayals are objectifications rather than fully-realized individuals. Even in contemporary settings, Middle Eastern women remain mostly relegated to being side characters, with little hope or acknowledgement of being the main object of their own narratives. The lack of representation impacts not only the portrayal of Middle Eastern women in films and television but also the chances available to Middle Eastern actresses in Hollywood.

Personal Connection

I was born in Vancouver, British Columbia Canada, a significant location for Hollywood movies, so I was well-positioned to pursue acting as a career. While my ethnicity is Afghan, I was as Canadian as anyone else. I wanted to be like the greats in Hollywood, actors like Leonardo DiCaprio and Marlon Brando. They were my heroes, and I can only admire the acting talent that those two had in their ability to play so many different characters.

I was particularly taken with Brando's ability to portray such diverse characters; he played the ill-tempered Stanley Kowalski in *A Streetcar Named Desire* (1947), and a few years later, he played the kind and soft-spoken Terry Malloy in *On the Waterfront* (1954). I wanted to achieve that as well. Like many young aspiring actors, I dreamed of playing a wide range of roles with emotional and psychological depth.

However, for the first time in my life, my ethnicity became my identity. As soon as I began acting, I was typecast as a villainous terrorist. Here are a few roles that I have auditioned for in the past few months. Due to confidentiality, I cannot disclose which TV shows or character names these roles were for; however, all of these roles were for popular shows on streaming platforms.

- Middle Eastern Hotel Guest/Assassin / 20s-50s. A Middle Eastern man with a thick accent, he initially appears to be an unassuming, baffled hotel guest who is clueless about the source of all the gunfire. But in fact, he is a Saudi assassin, under orders to capture four women.
- Male, 20s, Iranian (or Iranian descent). Speaks Farsi. One of an international assortment of elite soldiers. His arrogance can make him cynical and negative, yet has a strong sense of duty to his mission and saving the world… RECURRING GUEST STAR.
- Male, 15, a disturbed, disheveled kid. A truly violent anti-social by nature, not peer pressure. An outlandish act lands him in the crew, and his presence in the gang ups the ante on their violence.

A few characters I have been cast as are “Young Praying Jihadist” and “Young Afghan Thief”. “Young Afghan Thief” was originally named “Young Afghan Terrorist” however after speaking to producers I got them to agree to change the name so I could avoid further typecasting. Although the name was changed, it did little to avoid typecasting.

A common thread in these roles is violent, gun-wielding, angry and villainous. This is a common occurrence for middle eastern actors. It is these roles that directly contribute to negative societal perceptions of middle eastern people. I soon realized that my goal of becoming an actor with range and depth quickly turned into supporting racist stereotypes that have plagued my community.

Black Tokenism Policy

The concept of “Black Tokenism Policy” is a crucial lens through which we can understand the current state of Hollywood’s treatment of Middle Eastern actors. CRT scholar Derrick Bell coined this term in his groundbreaking book *Faces at the Bottom of the Well*, in chapter 7 titled *“A Law Professor’s Protest.”* There, Bell examines the systemic racism embedded in academic institutions, with a particular focus on Harvard University. He describes how institutions maintain an appearance of inclusivity through what he calls the “formalizing of a black tokenism policy: ‘Hire one if you must, but only one’” (Bell, 1992, p. 113). Bell supports this claim with disturbing statistics: “According to Harvard’s Affirmative Action Plan, during the 1988–89 school year, only 15 of the 957 tenured faculty (1.6 percent) were Black. Moreover, there were only 26 Blacks (1.1 percent) among the 2,265 tenure-line faculty positions” (Bell, 1992, p. 112). These figures reveal how tokenism enables institutions to cite minimal representation as evidence of diversity, while doing little to challenge the underlying structures of exclusion.

Bell also argues that significant reform often only comes after a tragedy — a pattern that should not be necessary. In a fictional parable, he illustrates how change is often a reactive rather than proactive process. The George Floyd murder is a recent and powerful real-world example of this: change followed, but it should not have taken a tragedy of that magnitude to spark action. Reform should come before the breaking point, not after it has occurred.

Bell outlines four key causes of racial inequality in universities: “white superiority, faculty conservatism, scholarly conformity, and tokenism” (Bell, 1992, p. 118). To explain society’s resistance to diversity, he uses a compelling analogy from classical music: just as audiences tend to prefer the musical styles they are most familiar with, institutions often cling to the “sounds” they know. “Initial introduction to an art form, as to one’s native language, creates a strong preference for that mode. Other styles can seem dissonant and unmusical—inaccessible without considerable effort” (Bell, 1992, p. 120). This resistance to change is not just about comfort — it is about power, and it shapes who gets hired, who gets heard, and who gets seen.

This same pattern is also evident in Hollywood. Bell’s notion of tokenism maps almost perfectly onto the industry’s treatment of Middle Eastern actors. Out of the 310 most successful box office films in the past 30 years, Middle Eastern actors were cast in lead roles only 12 times — and not once was a woman of Middle Eastern background in a lead role. That is not inclusion — it is erasure. The roles given to Middle Eastern actors in blockbuster films are either nonexistent or token at best. A fitting analogy would be pointing to Ross’s Black girlfriend in *Friends* as proof the show was “diverse.” Accurate representation would mean that one or more of the six main characters reflected racial and cultural diversity — not just a guest appearance. This kind of tokenism makes it nearly impossible for Middle Eastern actors to break out and build lasting careers, which is why only six have ever booked a lead role in a top 10 box office film over the past three decades.

Bell’s critiques of *white superiority* and *faculty conservatism* in academia apply just as well to Hollywood. He argues that change cannot happen unless institutions elevate diverse voices into real positions of power. In film, the most powerful roles are not in front of the camera — they are in the executive suites. Moreover, if we examine the current heads of major Hollywood studios, such as Paramount, Disney, Warner Bros., Sony, and Netflix, we observe the same pattern: all five are led by white men. Representation in casting is important, but it is not enough. Until the people who greenlight scripts, hire directors, and control budgets are diverse, we will continue to see systemic inequality reproduced on screen. Bell’s framework helps us understand that the problem is not just a lack of Middle Eastern faces in Hollywood — it is the deeper structures of power that continue to exclude them.

Whitewashing

Whitewashing has been a longstanding practice in the entertainment industry, particularly in Hollywood. It is not limited to just Middle Eastern identities — from the beginnings of Hollywood, it has had a persistent history of white actors in characters made for people of color. One of the most visible and egregious forms is blackface. In terms of Middle Eastern representations, whitewashing is a persistent practice that exists to this day, and new examples continue to be revealed. *300* (2006) takes place primarily in ancient Persia and is a fictionalized retelling of the battle between the Spartans and their “evil” opponents, the Persians. In addition to the film’s ugly racism and dehumanizing representation of the Persians as monstrous and villainous, the lead characters, the Persians, were not even portrayed by people of Persian descent. A precise instance of whitewashing that only serves to fortify Hollywood’s ability to create narratives.

Scholar Brooke K. Gentry articulates that whitewashing is not only about white actors taking on more roles than actors from a Middle Eastern background, but it is also about narrative control. By erasing authentic representation, they retain primacy in narrative power and hold a monopoly on representations of how these communities are perceived and understood. As Gentry states:

> “Over a century ago, shortly after Thomas Edison founded the first film studio, his initial film screened was *The Dance of the Seven Veils.* Since then, thousands of feature films with Muslim characters have been produced, with representations ranging from the international terrorist to the desert sheik. Jack Shaheen suggests that this misrepresentation of Muslims is not benign. Instead, it is a deliberate use of “repetition as a teaching tool, tutoring movie audiences by repeating over and over, in film after film, insidious images of Arab people.” Ironically, many of the early Hollywood films depicting Muslim characters never consulted with or cast any actual Muslim men and women. This concept, called ‘whitewashing,’ refers to a casting process in the United States where white actors are given historically non-white character roles. Hollywood’s whitewashing engages in erasure, where Muslims are erased completely from the screen, and inaccuracy, where Muslims are represented inaccurately, which can lead to invented stereotypes and fabricated history and identities. By casting white actors in these roles, Hollywood never gives Muslims a chance to defend themselves or call for more historically accurate representations” (Gentry, 2018, p. 15).

Whitewashing is a double-edged sword, it not only impacts the actors who have been excluded, but also the culture and identity of Middle Eastern communities. Gentry points out several notable examples in film that have highlighted the effects of this practice, including *Lawrence of Arabia* (1962) and *The Sheik* (1921). With numerous other examples in the realm of more recent films, such as *Exodus: Gods and Kings* (2014) and *Prince of Persia* (2010).

Exodus: Gods and Kings stars Christian Bale, a Caucasian actor, as a Hebrew character—leading to criticism for his portrayal of Moses. When contacted, director Ridley Scott responded to the backlash stemming from his casting decision, ultimately resurrecting the worst traditions of old-school Hollywood, saying, “I cannot mount a film of this budget and then say my lead actor maybe Mohammad so-and-so from so-and-so” (Reed, 2021, p. 712). Not only does this quote reflect the bias that has objectively existed in the industry, but it also highlights an inherent belief that only a white lead actor is capable of “selling” a film.

For decades, the standard argument has been that films with a Middle Eastern narrative will not reach Western-leaning audiences, and that this ethnic diversity, along with the willingness to center those stories around non-white leads, could be too risky from a financial perspective. Most recently, several articles have been published that dispute this argument. A recent report titled “Diverse Films Make More Money at the Box Office”, presented by UCLA’s Center for Scholars & Storytellers analyzed over 100 films released from 2016 to 2019 shared that films that include representations other than white actors, for the most part, were more successful than white-cast films on a worldwide measure. Newman writes “They found that films ranked below average for diversity take a financial hit at the box office, compared to films ranked above average. Even after accounting for critical acclaim, big-budget films lacking in diversity make about $27 million less on their opening weekend, with a potential loss of $130 million in total. Regardless of the critical acclaim of a film, money is still being left on the table if the film lacks authentically inclusive representation” (Newman, 2021). *Black Panther* (2018), *Aladdin* (2019), and *Crazy Rich Asians* (2018) are just a few of the box office hits that have proven audiences are not only interested in engaging with diverse stories but also actively seeking them out.

Middle Eastern narratives such as *The Breadwinner* (2017) and *The Night Of* (2016), garnered numerous accolades and significantly wide recognition, suggesting stories based in Middle Eastern culture can resonate broadly across cultural boundaries even if it bears its roots in Middle Eastern identity. Simply as long as the stories are authentic and come from a place of care. The perception that casting Middle Eastern identities is a financial risk that should not be attempted is as outdated and unsupported as a lack of diversity in representation in Western-centered cinema. However, as the international market continues to grow and audience demographics evolve, it becomes increasingly clear where the true strength lies — and just as clear that the industry is running out of excuses.

Middle Eastern Representation in the Most-Watched TV Shows

A common misconception is that while Hollywood may have been discriminatory in the past, things have significantly improved in recent years. However, the numbers tell a different story. An article published on *The Independent* titled "*The 100 Most-Watched TV Shows of the Past Year Revealed*" lists the most-viewed shows of the year. Diversity appears to be on display — *Squid Game* tops the list with 27.1 million viewers, and other shows with diverse casts, like *The White Lotus* and *Abbott Elementary*, also performed well (Parkel, 2025).

However, upon closer examination, the reality is more revealing. Of the 100 shows listed, 5 were reality programs, such as *Survivor* and *American Idol*, leaving 95 scripted TV shows. After reviewing the cast lists for every single one of those scripted shows, not a single Middle Eastern actor appears in the top billing. Yes, a handful were given minor, token roles in the background — but not one broke through to lead status. That is not progress — that is exclusion masquerading as diversity.

The Limits of BIPOC: Erasure of Middle Eastern Identity in Hollywood Metrics

Each year, a report titled the *Hollywood Diversity Report* is released, offering a snapshot of diversity in the film and television industry (Ramón, 2024). However, the report does not tell the whole story — and in doing so, it ignores some critical truths. It categorizes diversity into just two groups: white and Black, Indigenous, and People of Color (BIPOC). While Middle Eastern individuals technically fall under the BIPOC umbrella, the report fails to address them as a distinct group. If it did, the results would reveal an alarming level of exclusion and discrimination.

In Chapter 45 of *Critical Race Theory: The Cutting Edge*, CRT scholar Juan F. Perea writes:

> "Paradigmatic descriptions and study of white racism against blacks, with only cursory mention of other people of color, marginalizes all people of color by grouping them, without particularity, as somehow analogous to blacks. Other people of color are deemed to exist only as unexplained analogies to blacks. Uncritical readers are encouraged to continue assuming the paradigmatic importance of the black-white relationship while ignoring the experiences of other Americans who also are subject to racism in profound ways" (Perea, 2013, p. 464).

In the rare instances where the *Hollywood Diversity Report* does mention MENA (Middle Eastern and North African) individuals, the discrimination becomes immediately apparent. The report notes that only 4% of MENA actors are cast in lead roles on streaming platforms. Keep in mind that MENA encompasses over 25 countries across the globe, yet still accounts for only 4%. If we were to break this down further and isolate Middle Eastern actors specifically, that percentage would likely be even lower.

When examining the overall share of all streaming film roles, MENA representation falls to just 2.1%. The numbers for creatives behind the camera are even more telling: only 3% of directors and 1% of writers across streaming platforms are from MENA backgrounds. The data found 0% female MENA writers. Reports like these often celebrate "progress" by pointing to broad increases in diversity. However, when you look closer, it becomes clear that Middle Eastern individuals are still being pushed to the margins — nearly invisible within Hollywood. Hiring more Black, Latinx, and Asian individuals is, of course, necessary and important — but using their inclusion to paint over the exclusion of others is not accurate equity.

As Malcolm X once said, when someone claimed progress had been made through civil rights legislation: "It did not show improvement to stick a knife nine inches into someone, pull it out six inches, and call it progress. But some people, Malcolm observed, do not even want to admit the knife is there" (Omi & Winant, 1994, p. 22). Hollywood, through the broad and often vague label of BIPOC, still refuses to admit that the knife is even there — let alone pull it out.

Societal Impact

The societal impact of Hollywood's discrimination against Middle Eastern people is a central concern of this study. I hypothesize that much of the racism and discrimination directed toward Middle Eastern individuals in society stems directly from their portrayal in cinema. In her study "*Impact of Films: Changes in Young People's Attitudes after Watching a Movie*," Tina Kubrak investigates whether films can shape societal attitudes. She begins by noting, "Nowadays films occupy a significant portion of the media products consumed by people. In Russia, cinema is being considered as a means of individual and social transformation, which contributes to the formation of the Russian audience's outlook, including their attitudes towards topical social issues" (Kubrak, 2020, p. 1). The idea that art shapes thought is nothing new — it is a recurring phenomenon throughout history.

Hollywood, as the epicentre of global media and storytelling, is more than just an entertainment hub. It is a cultural institution that both reflects and shapes dominant ideologies. Much like the Russian literary giants of the 19th century — Tolstoy, Dostoevsky, Turgenev and Pushkin — who used their works not just to entertain but to influence the moral fabric of society, Hollywood also carries that potential. However, unlike those writers, who often urged readers toward compassion and introspection, Hollywood has too often leaned into distortion, commodification, and spectacle. From the public exposure of sexual abuse by figures like Harvey Weinstein to movements like #OscarsSoWhite, the industry's darkest corners are finally being examined.

Kubrak's study involved 70 university students aged 18–24, who were asked to watch *The Best Exotic Marigold Hotel* (2011). Using a psychosomatic technique with 25 attitude scales toward the elderly, the study measured attitudes before the film, immediately after, and two weeks later. The findings displayed that while a single film can have a short-term impact on viewers' perceptions, the effects are usually temporary. As Kubrak writes, "In general, the study confirms the potential for a positive impact, as in the case of improving the postgraduates' attitudes, but at the same time demonstrates the need to take into account the individual differences of viewers to achieve desired results" (Kubrak, 2020, p. 10). This insight is important. One positive film featuring Middle Eastern characters is not enough to shift public opinion. If the overwhelming majority of portrayals continue to depict Middle Eastern people as terrorists, villains, or erase them altogether, then the occasional positive representation does little to counterbalance the damage. Only a broader shift in the norm — where Middle Eastern characters are regularly shown as protagonists, romantic leads, and heroes — can begin to reshape public perception.

This matters deeply because, for many people, film is their only exposure to Middle Eastern individuals. As NBC News reported, "Pew reported that 62% of Americans have never met a Muslim. So when the only source of material for your knowledge of Islam and Muslim comes from television images and headlines, that's obviously concerning," said Dr. Bilal Rana (Shankar, 2017). Kubrak also emphasizes that pre-existing attitudes heavily influence how a film is received: "The initially negative attitude towards elderly people among students could contribute to the negative influence of the film on them" (Kubrak, 2020, p. 10). When over half of Americans have never met a Muslim, and most portrayals in media are negative or absent, those existing stereotypes are not just reinforced — they are magnified.

The Real-World Impact of Media Erasure

The aim of this research is not simply to justify the need for more Middle Eastern movie stars. As someone who grew up in North America, I am well aware of the profound impact Hollywood has on the collective psyche of society. Hollywood has the power, like no other institution, to shape perceptions, beliefs, and attitudes among audiences. Muslims are still victims of hate crimes and discrimination, and a lot of this is a result of the depictions and lack of depictions of Muslims in cinema.

In "Arabs and Muslims in the Media After 9/11: Representational Strategies for a 'Postrace' Era," scholar Evelyn Alsultany gives a perspective on the reality that Muslims in America faced in the 9/11 landscape. Her research reveals the profound impact of inadequate, often stereotype-laden representations, or sometimes no representation at all, on public understandings, which inevitably have consequences for lives.

> "Hate crimes, workplace discrimination, bias incidents, and airline discrimination targeting Arab and Muslim Americans increased exponentially. According to the FBI, hate crimes against Arabs and Muslims multiplied by 1,600 percent from 2000 to 2001. In just the first weeks and months after 9/11, the Council on American-Islamic Relations, the American-Arab Anti-Discrimination Committee, and other organizations documented hundreds of violent incidents experienced by Arab and Muslim Americans and people mistaken for Arabs or Muslims, including several murders. Dozens of airline passengers perceived to be Arab or Muslim were removed from flights. Hundreds of Arab and Muslim Americans reported discrimination at work, receiving hate mail, and physical assaults, and their property, mosques, and community centers vandalized or set on fire? In the decade after 9/11, such discriminatory acts have persisted" (Alsultany, 2013, p. 161).

Hollywood is not the only culprit in shaping harmful perceptions — the media at large has done little justice to Middle Eastern people. However, the influence of film is particularly significant. As Sir Richard Livingstone once put it, film is "one of the new forces of the century which has taken over where the church left off" (Gray 1950, p. 135). In other words, film holds a cultural authority that rivals even religion in shaping beliefs and values.

As George Gerbner famously stated, "Television does not tell us what to think—it tells us what to think about, and how to think about it" (Gerbner et al., 2002, p. 54). It is essential to recognize the profound impact that television and cinema have on shaping a normative view of the social world. Media narratives do not just reflect reality—they create it. They normalize stereotypes and support existing hierarchies, shaping how we perceive collective action and often masking our awareness of the harm it causes once we leave the scripted frame. We need to examine how such an understanding is crucial evidence for understanding how media subtly socializes viewers and shapes their behaviour.

I believe it is hard to deny the connection between three essential realities: the negative or absent representations of Middle Eastern people in Hollywood; Hollywood's reach in shaping society's view of itself; and how these realities affect the discrimination and hate crimes these communities face in the "real world". If we are to combat the hate and bias that Middle Eastern people are experiencing, we first need to address the root, and that begins with calling for a more honest, inclusive Hollywood. Representation is not just a superficial issue; it is a structural one, and it matters.

The Path Ahead: Rethinking Representation in the Middle East

To effectively address racism in Hollywood, we need more than diversity or representational quotas. We need a deep and widespread transformation of how stories are told, whose stories are cast through, and the vision that these stories are led by. This initiative will begin by hiring Middle Eastern executives, screenwriters, directors, and creatives who can tell authentic stories through their lived experiences. We also need to see meaningful and transparent industry policy reform that changes hiring practices to prioritize all hiring and holds casting decisions accountable, so diversity does not become just another empty symbol.

Raising awareness and advocacy also work in concert with Hollywood biases. When there is widespread awareness of Hollywood's longstanding biases, that in itself puts pressure on studios to provide representations of real lives. The recent success of *Parasite* (2019) and *Minari* (2020) in various markets indicates that audiences want non-derivative stories that are authentic and exquisitely told. Continuing efforts towards activism and media literacy will help restore momentum for new waves in Middle Eastern representation.

For social progress to be sustained, it relies on disrupting systemic inequities, creating opportunities for Middle Eastern voices, and holding Hollywood accountable for how it represents those voices. Far-reaching, systematic social change is often slow to develop. Still, the film industry has considerable cultural power and needs to take the necessary steps to represent Middle Eastern identities truthfully, richly, and with dignity.

Potential Pathways for Change

While changes remain relatively slow to occur in Hollywood, there are paths for progress in improving representation by dismantling specifically exclusionary casting techniques.

These are:

- Diversity quotas in casting and production: Diversity quotas would indeed allow Middle Eastern people to get equal opportunities with other actors and filmmakers.
- More investment in Middle-Eastern-led productions: Studios should actively support and finance films and television programming which present Middle Eastern stories without Western coloring.
- Greater accountability for casting: Industry watchdog bodies must do careful monitoring and publication of racial inequities in Hollywood casting, imposing accountability on studios for exclusionary practices.
- Support for indie and streaming projects: With slow evolution towards change in traditional Hollywood power structures, independent filmmaking and streaming platforms present alternative platforms for Middle Eastern actors and creators for telling their untold stories.

There is a need for Hollywood to take these radical steps, which could liberate it from practices that often bypass Middle Eastern actors. Until then, the burden of representation will continue to lie with those who fight against an industry that refuses to be reformed in a meaningful way.

6. Conclusion

The information, explanations and theory of this inquiry indicate to me the following: systemic racism towards Middle Eastern artists in Hollywood does not exist solely in the past; it exists as a contemporary reality. The evidence is consistent, from the casting of token roles or career-beginning typecasting of Middle Eastern actors, to the glaring absence of Middle Eastern women in blockbuster films and top-billed television shows; it is all a systemic pattern, not a coincidence or casting oversight. This is an entrenched system that continues to systematically erase an entire group of people from the stories that provide context and understanding of our cultural consciousness.

Discrimination, in whatever form, contributes to our collective and individual experiences. When Arab and Middle Eastern identities are erased or vilified on screen, it normalizes societal discrimination off screen. It reinforces a collective view of people that can overlook nuances, complexities, questions of humanity, or, I dare say, a person's inherent goodness. When the stories of people do not exist or exist through violence, hyper sexualizing of people, or the complete absence of their identity, we start to view them collectively through the same lens. As I mentioned regarding the theory and data, and as has already been observed, the media we consume influences how we perceive others and ourselves, how we shape policies, and how our communities will view those individuals. This influence also continues to affect acts of violence, all of which are coincidentally reflected in the media message.

The answer will not come easily, but it is clear: representation cannot be symbolic. Hollywood must not only create art with Middle Eastern voices for on-screen stories, but also ensure that those voices are represented off-screen, at the lens, in the writer's room, and in the boardroom, making decisions. Hollywood must cast, write, produce and direct Middle Eastern stories with intention. Audiences must demand better, because it stops when it becomes unacceptable to exclude Middle Eastern people in the usual way of proceeding. Hollywood tells the stories that the world remembers. It is time those stories included us.

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Author Profile

Elias Mehdawi is a journalist, writer, and researcher based in Toronto, Canada. He holds an MA in Rhetoric and Communication Design from the University of Waterloo, where his research focused on representation and systemic bias in media industries. His scholarship engages with Critical Race Theory, cultural studies, and media analysis, with particular emphasis on Middle Eastern representation in global film and television. He has presented at the University of Zurich, the Pacific Sociological Association, and the Canadian Sociological Association.

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The Protection of Consumers Against Dangerous Goods in Cameroon: An Overview of the Regulatory Framework

Felix Fung Kum[1,2,3]

[1] PhD Research Fellow, Department of English Law, Faculty of Laws and Political Science, University of Buea, Cameroon

[2] Graduate Teaching Assistant, Department of Business Law, University of Buea, Cameroon

[3] Advocate-in-Training of the Cameroon Bar Association, Cameroon

Correspondence: Felix Fung Kum, PhD Research Fellow, Department of English Law, Faculty of Laws and Political Science, University of Buea, Cameroon; Graduate Teaching Assistant, Department of Business Law, University of Buea, Cameroon; Advocate-in-Training of the Cameroon Bar Association, Cameroon.

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Abstract

Consumer protection in Cameroon gained legal recognition with the enactment of Law No. 2011/012 on Consumer Protection, which aims to safeguard consumers from unfair trade practices and unsafe products, including dangerous goods. This law, alongside other regulations on hazardous substances, seeks to ensure the safety, health, and economic interests of consumers in a rapidly evolving market environment. Despite the existence of legal frameworks, consumers in Cameroon remain vulnerable to the sale of dangerous and defective goods due to enforcement challenges, scattered regulations, and limited consumer awareness. This situation poses significant risks to public health and safety. This research paper critically assesses Cameroon's legal and institutional frameworks in protecting consumers against the dangerous goods. The study employs a qualitative socio-legal approach, analyzing relevant statutes, case law, and regulatory policies. It also reviews secondary literature and official documents to evaluate the practical enforcement of consumer protection laws in Cameroon. Findings reveal that the 2011 Consumer Protection Law provides a comprehensive framework mandating product safety inspections, immediate withdrawal of hazardous goods, and penalties for illegal advertising and sale of dangerous products. However, enforcement is hindered by fragmented regulations, limited resources, and insufficient consumer education. Additional laws on explosives and hazardous waste complement consumer safety but require better integration and application. While Cameroon has established a solid legal foundation for consumer protection against dangerous goods, significant gaps in enforcement and public awareness limit its effectiveness. Strengthening institutional capacity and harmonizing regulations are essential to improve consumer safety. The research recommends enhancing regulatory enforcement agencies' resources, promoting consumer education on product safety, improving coordination among relevant authorities, and establishing clear mechanisms for product recall and compensation to consumers harmed by dangerous goods.

Keywords: protection, consumer, dangerous goods

1. Introduction

The complex modern commercial society and the sophistication of the production process and its products with their imperfections as to the relative strength of the consumer to the producer have heightened.[1] This has led to a quest for countries to enact laws that could afford a greater protection for consumers against the sale of dangerous goods. However, goods maybe considered dangerous if they do not meet the required standard by their nature, they are dangerous[2]. A dangerous good is a product which, under normal or reasonably foreseeable conditions of use, presents a risk that is not compatible with the use of the product or service and is considered unacceptable in compliance with a high level of protection of the health and safety of people, pets, property or the environment.[3] Thus, their sale needs to be regulated to protect consumers against such vices in the goods.

Initially, the law of contract provided the basis of consumer protection. Contract law governs the creation and enforcement of agreements between parties. It establishes the rules that parties must abide by in their dealings, including requirements for offer, acceptance, consideration, and capacity. It is a legally binding agreement that outlines the rights and obligations of each party. When one party fails to meet his obligations under the contract, the other party may seek legal remedies, such as damages or specific performance[4]. Additionally, in another dimension under the Sale of Goods Act 1893, the purchaser of goods could bring an action for breach of an express or implied term in the contract. It appears that there are no implied warranties or conditions in a contract of sale as to quality or fitness of goods for any particular purpose, unless two principal conditions are satisfied. The first is that the sale must have been a sale by description.[5] This therefore means that the seller or producer is not in a position to supply goods that are suitable for the purpose unless the goods are adequately described. A good example in Cameroon is the sale of pharmaceutical products where the consumer must produce a "prescription order", otherwise known in French as "*Ordornance*" before he can be served by the pharmacist.[6]

The "prescription order" or "*ordornance*" is a list of the drugs required. Until this requirement is satisfied, the pharmacist may not be held liable for the supply of wrong drugs, which may be detrimental to the consumer's health. If merchantability will mean suitability for the purpose, then the right pharmaceutical products will only be supplied where they are adequately described.[7]

In regulating the sale and of dangerous goods, the rule is that, when the goods are those normally supplied in the seller's course of business, the word description will be interpreted to mean the actual description by which the goods which are the subject matter of the contract were bought.[8] Sale by a person who deals in goods of that description in the eyes of the law will invariably exclude private sale or sale for private use, consumption, occasional sales or a sale that takes place only once.[9] One justification for the insistence that the sale must be by a person who deals in goods of that description is probably to allow specialists and professionals to display the expertise knowledge and skills in the selection of the goods since they can better appreciate the risk involved in not complying with the implied conditions of fitness for the purpose and sale by description and in some occasions, could even advise the consumer on the availability, sustainability and viability of alternative goods or substitutes.[10] The restriction of the seller to sell only in the course of business or that the sale must not be a private one may promote the sale of sub-standard goods even if they are not sold in the course of business.

In English law, there has been both statutory enactments and case law aimed at protecting consumers against the sale of dangerous goods. In Cameroon such regulations contain in pieces of legislation. The English Sale of Goods Act 1893 (as amended) provides for instance, statutory protection by implying terms into contracts for the sale of goods, the breach of which gives rise to a number of remedies depending on the gravity of the situation.

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1 Eugene, M., (2016). The protection of rights of consumers of goods in Tanzania: A law-based approach. *The African Journal of Finance and Management, 25*, 110–136:110.

2 L. Sunel, (2017). *Product liability: The common law and the consumer protection act 68 of 2008*, (PQDT-Global, 2017) p. 2.

3 Article 104 DIRECTIVE No. 02/19/UEAC/639/CM/33 of 8 April 2019 Harmonizing the protection of consumers within the CEMAC ZONE.

4 Zeija, F., (2018). Consumer protection in Uganda: The law in theory and practice. *Journal of Consumer Policy, 41*(4), 455–471:460.

5 This condition was upheld by the English Court of Appeal in the case of, *Ashington Piggeries Ltd. v. Christopher Hill Ltd.* (1972) A.C. 441.

6 *Ibid.*

7 Mulaku Sema, D. (2021). A critical appraisal of contractual liability for defective products within the perspective of electronic commerce in Cameroon. *Scholars International Journal of Law, Crime and Justice, 4*(9), 566–573, p. 569.

8 This was in the case of by the court In the English case of *Ashington Piggeries Ltd. v. Christopher Hill Ltd (1972) A.C 441.*

9 Mulaku Sema, D. (2021). A critical appraisal of contractual liability for defective products within the perspective of electronic commerce in Cameroon. *Scholars International Journal of Law, Crime and Justice, 4*(9), 566–573, p. 569.

10 *Ibid.*

In 1985 precisely on the 25th of July, the Council of European Union enacted Directive 85/374/EEC to regulate the circulation of goods and services within member states in a bid to ensure the sale defective free goods and services within the Union. Britain in 1987 incorporated the Directive into its national laws, known as the Consumer Protection Act of 1987.[1] France on her own part on the 19th of May 1998 incorporated the Directive into her local laws.[2] Cameroon on her own part has made conscious efforts in the protection of consumers against dangerous goods and services by enacting the much-needed 2011 Consumer Protection Law.[3] The 2015 law on commercial activities in Cameroon, the OHADA Uniform Act Relating to General Commercial Law[4] and CEMAC directives on protection of consumers[5]. While the directive must first be transposed into Cameroonian domestic law in order to have the force of law, this is not the case with the CEMAC regulations, which are directly applicable in Cameroon. Under Directive No. 02/19-UEAC-639-CM-33 of 8 April 2019 harmonizing consumer protection within CEMAC[6], the implementation of consumer protection provisions must be based on respect for guiding principles that guarantee rights enshrined. The Directive recognizes 13 fundamental consumer rights, establishing the general framework for consumer protection in all CEMAC countries. It protects consumers from certain business practices. In particular, it prohibits: unfair business practices[7], false and misleading business practices[8], and abusive business practices[9]. It strengthens consumer protection by setting out a specific legal regime on unfair terms and prohibits economic operators from placing or making available on the market dangerous products or services.[10]

The primary intent of the law is to establish liability on the part of the seller or producer and by so doing, guaranteeing the safety of the consumer and this must be so, irrespective of whether the sale is a private one. This position can be supported by sections 17 and 18(2) of the 2011 Cameroonian Consumer Protection Law. According to section 17: Standards for food, pharmaceutical products and drugs shall be compulsory and comply with those laid down by relevant international organizations.[11] In the light of the foregoing section, all sales whether private or public carried out either once must comply with the set standards and the seller or producer irrespective of the capacity in which he sells, must be held liable for any injury caused to a consumer by the product. In the case of pharmaceutical products for example, the standards are those laid down by the World Health Organization (WHO). On the other hand, section 18 (2) the 2011 Cameroon Consumer Protection Law provides that: The producer or supplier of a technology, good or service supplied or sold to a consumer shall be liable for damage caused by such technology, good or service.[12]

In assessing the dangerous nature of a good, account is taken in particular of the characteristics of the goods, including its composition, packaging, assembly, installation, use and maintenance conditions; the effect of the product on other products if the use of the first with the second can reasonably be anticipated[13]; the presentation of the product, its labeling, any warnings and instructions concerning its use and disposal as well as any other indication or information relating to the product; categories of consumers who find themselves at risk with regard to the use of the product.[14] However, the possibility of achieving a higher level of safety or of obtaining other products presenting a lower risk does not constitute a sufficient reason to consider a product dangerous.[15]

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1 However, in June 2016, Britain in a referendum backed out of the European Union. With the complete negotiation of Brexit.

2 See for instance Article 1386 (1) – (18) of the French Civil Code.

3 Law No. 2011/012 of 06 May 2011, known as Framework on Consumer Protection Law in Cameroon.

4 Law N° 2015/018 of December 21, 2015 governing the commercial activity in Cameroon.

5 Article 104 DIRECTIVE No. 02/19/UEAC/639/CM/33 of 8 April 2019 Harmonizing the protection of consumers within the CEMAC ZONE.

6 Herein after refers to the Directive.

7 Directive, art. 32 on the general obligation of fairness.

8 *Ibid*., art. 35.

9 *Ibid*., art. 40.

10 *Ibid*., art. 103.

11 See section 17 of the 2011 Cameroon Consumer Protection Law.

12 *Ibid*, section 18.

13 Article 104 DIRECTIVE No. 02/19/UEAC/639/CM/33 of 8 April 2019 Harmonizing the protection of consumers within the CEMAC ZONE.

14 *Ibid*.

15 *Ibid*.

2. Major Classification of Dangerous Goods

This generally entails the elements that make up goods dangerous. Goods can either be considered as dangerous by their nature, or they contain a hidden defect in it which causes harm when consumed.[1]

2.1 Goods Dangerous by Their Nature

There are some products which, in the present state of human knowledge, are quite incapable of being made safe for their intended and ordinary use. This is not only limited to goods whose defects are caused by a miscarriage of the manufacturing process (the traditional defective product), but products which are dangerous because of their design or composition.[2] Also, a product not inherently dangerous will be treated as dangerous if its use has caused harm because of improper directions or inadequate warning. Even foreseeability of harm, given the state of available knowledge, that is the development risk defense, has occasionally, not afforded an excuse from liability. Retailers have not been excused simply because they bought from otherwise reliable suppliers and were not negligent in inspecting. Strict liability is therefore far more than negligence liability in disguise. For strict liability to apply, the drug has to cause harm or death, due to a defect in the pharmaceutical drug (proximate cause).

2.2 A Defect in the Goods that Makes it Unsafe

A good at some instance maybe considered dangerous if there is defect in it. The question that begs for answer is what is a defect? there is a defect in a product ‘‘if the safety of the product is not such as persons generally are entitled to expect; and ... ‘safety’ in relation to a product, shall include safety with respect to products comprised in that product and safety in the context of risks of damage to property, as well as in the context of risks of death or personal injury’’.[3] Safety then is a relative notion, and this reduces considerably from the alleged strict liability basis of the scheme. In determining what persons generally are entitled to expect in relation to a product: ‘‘all the circumstances shall be taken into account, including (a) the manner in which, and the purposes for which, the product has been marketed, its get-up, the use of any mark in relation to the product and any instructions for, or warnings with respect to doing, or refraining from doing anything with or in relation to the product; (b) what might reasonably be expected to be done with or in relation to the product; and (c) the time when the product was supplied by its producer to another; and nothing in this section shall require a defect to be inferred from the fact alone that the safety of a product which is supplied after that time is greater than the safety of the product in question.’’[4]

It is implicit in the foregoing that in determining the issue of defectiveness, approaches such as the cost-benefit analysis and the consumer expectation test will be relevant. These concepts detract from the spirit of strict liability and are more suited in negligence. Cost-benefit computations and the notion of reasonableness (for example, in determining what people are entitled to expect in section 3(2)(b)) are factors used in deciding whether the defendant’s conduct is negligent or not.

Moreover, the list of factors in section 3(2) for the purpose of determining defectiveness is not exhaustive. It has to be said that the expression ‘‘such as persons generally are entitled to expect’’, instead of ‘‘a person’’, covers consumers, other users, and bystanders. But must they expect absolute safety? The answer here is certainly negative, since the interests of potential victims must be balanced against various other factors such as the manner in which the product is marketed, the reasonable expectations of the producer as to the products used and the role of warnings/instructions.[5] Perhaps a compromise between these two obviously unintended (and indeed undesirable) extremes, may be reached by stating that the standard expected ought to be one of reasonable safety, and then taking into account the expressed circumstances and (all other relevant factors) as to reasonableness. It must be noted though, that there cannot be absolute safety, not even in a scheme of strict liability.[6]

2.3 Design and Warning

For the sake of clarity, it may be useful to distinguish between warnings and directions for use, although quite

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[1] W. Yuanxi, “Dangerous goods detection based on transfer learning in X-ray images”, *Neural Computing and Applications* 32 (12) 2020, pp.8711-8724:8720

[2] P. Jean, M. Christian, A. Marie, (2001). Hazard identification of dangerous goods. *International Conference on Safety and Reliability*. (ESREL 2001), p. 17.

[3] Section 3(1) of the British Consumer Protection Act, 1987.

[4] 6 S. 3(2) of the British Consumer Protection Act, 1987.

[5] S. D. Galega, ‘Insidious Disease, Product Injury and the Causal Nexus in Tort Law,’ *op. cit.*, see also A. Longla Boma, Principles of consumers protection law in Cameroon, *op. cit.*

[6] *Ibid.*

frequently, the inclination is to use these expressions interchangeably.[1] The function of a warning is to acquaint the consumer with dangers associated with the product, whereas instructions for use, on the other hand, indicate how the optimum beneficial effects may be achieved by using the product. Safety is thus a factor in determining defectiveness, and in making that determination the design of the product, whether ‘‘adequate’’ or ‘‘effective’’ warnings/instructions accompanied the product in question, are relevant factors. This adds to the relativity of the concept.[2] In one sense, this may be laudable, especially from the manufacturer’s perspective, for it is inconceivable to expect products to be perfect. The public utility of some products such as medicaments makes them unavoidably unsafe.[3] However, using warnings to determine the safety of products has been castigated as a technique to lower the relevant ‘‘expectations of safety’’, a mechanism to enhance the cost-benefit assessment in the defendant’s favors.[4] One may wonder whether warnings can make ‘‘safe’’ a product known to be clearly dangerous, such as cigarettes. All these simply point to the limits of strict liability. Where risks of failing to follow instructions/directions are neither mentioned nor obvious, such instructions/directions, standing alone, could be insufficient to discharge the producer’s duty. In the case of design or structural ‘‘defects’’ in a product, it is doubtful if warnings/instructions can be of much help. This brings to mind the question as to when warnings are necessary, their adequacy and even their effectiveness. All these compounds the question of safety and ultimately, defectiveness. Indeed, courts usually adopt a cost-benefit approach reminiscent of negligence in design defect cases.[5]

Hence, not only the interests of consumers should be considered, even in a ‘‘consumer protection’’ legislation. It is difficult to think of a product which can be absolutely safe under all circumstances. Hence, notwithstanding the criticism of warnings within the scheme, it seems that their role is so vital and necessary that the Cameroonian legislator would be making a serious error of judgment to exclude it in a strict liability legislation for defective products.[6]

Inadequate warning as one of the defects has also been established for strict liability in defective medicinal product cases. The standard for determining the adequacy or need for warning has been to avoid any side effects or injuries that may occur to the consumer of a medical drug to be aware of its effects before using or consuming it. The duty to warn arises if a manufacturer knows or should have known of a dangerous condition.[7] The manufacturer of a prescription drug is under a duty of care and is liable for failure to inform the medical professionals who are to make prescriptions to their patients that a drug may be dangerous or have side effects when taken for certain conditions even if the percentage of users who might be harmed were few.[8] This duty of the manufacturer, however, does not extend beyond warning the medical professionals. The drug manufacturer has no duty to warn the patient for this now is the duty of the prescriber or retailer.[9] In most cases in Cameroon, the retailers do not give such warnings because they are mostly business men who lack even the basic knowledge of medical care and so can be strictly liable for selling defective drugs, whose sources are unknown sometimes. It becomes imperative for one to look at strict liability in defective medical drugs by determining the liability of the various groups of persons involved from the stage of production to consumption or usage.

3. Types of Dangerous Goods

Dangerous goods are classified into nine main classes based on their specific hazards, each posing distinct risks during handling, storage, and transportation. Each class of dangerous goods requires tailored handling, packaging, and transport regulations to mitigate their unique risks.[10] Explosives and flammable materials pose

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[1] A. Longla Boma, Principles *of consumers protection law in Cameroon, op. cit.*

[2] *Ibid*.

[3] Despite their known inherent dangers, in such cases the products may not be regarded as defective.

[4] Stapleton, J. (1986). Product liability reform: Real or illusory? *Oxford Journal of Legal Studies, 6*, 392–406, pp 392-406:394.

[5] *Morris v. West Hartlepool Steam* Navigation *Co* [1956] AC 552, 574*; Caterpillar Tractor Co. v. Paula Beck,* 593 F 2d 871 (Alas. 1979).

[6] S. D. Galega, ‘Insidious Disease, Product Injury and the Causal Nexus in Tort Law,’ *op. cit.*

[7] Siggins C.S., (1986), “Strict Liability for Prescription Drugs: Which Shall GovernComment K or Strict Liability Applicable to Ordinary Products?”, 16 Golden Gate University Law Review, 1986, p. 316, at http://digitalcommons.law.ggu.edu/ggulrev/vol16/iss2/2 (Accessed 23/10/2023)

[8] See *Finn v. G.D. Searle &* Company *at* 697-98, 677 P.2d at 1150-51, 200 Cal. Rptr. at 873-74.

[9] Siggins C.S., (1986), “op. cit., p. 319.

[10] Dangerous goods classes and hazard labels - CASA https://www.casa.gov.au/operations-safety-and-travel/safety-advice/dangerous-goods-and-air-freight/dangerous-goods-classes-and-hazard-labels (Accessed on 18/6/2025)

immediate fire and blast hazards, demanding strict segregation and containment.[1] Gases, whether toxic or flammable, risk leaks and asphyxiation. Toxic and infectious substances threaten health through exposure or contamination, requiring biohazard controls. Radioactive materials pose long-term health risks from radiation exposure, necessitating shielding and monitoring. Corrosives can cause severe injuries and damage to transport infrastructure. Miscellaneous goods, though varied, still demand careful risk assessment.[2]

Regulatory frameworks like the UN Model Regulations and national agencies (e.g., CASA, FAA) provide classification, labeling, and handling standards to ensure safety during transport. However, challenges remain in enforcement, especially with mixed or newly developed materials, requiring ongoing vigilance and training.

3.1 Class 1: Explosives

These substances and articles can explode, causing mass explosions, fire, projection hazards, or minor blast hazards. Examples include ammunition, fireworks, flares, blasting caps, and airbag inflators.[3]

Consists of explosives that have a mass explosion hazard. A mass explosion is one which affects almost the entire load instantaneously. Explosives with a severe projection hazard consist of explosives that present a projection hazard but do not cause a mass explosion. Explosives with a fire hazard consist of explosives that pose a fire hazard and either a minor blast hazard, a minor projection hazard, or both—but not a mass explosion hazard. Minor fire or projection hazard consists of explosives that present a minor explosion hazard. The explosive effects are largely confined to the package and no projection of fragments of appreciable size or range is to be expected. An external fire must not cause virtually instantaneous explosion of almost the entire contents of the package.

3.2 Class 2: Gases

Gases are divided into flammable gases (e.g., propane, butane), non-flammable/non-toxic gases (e.g., helium, nitrogen), and toxic gases (e.g., chlorine). They may be compressed, liquefied, or dissolved under pressure and can pose fire, toxicity, or asphyxiation risks.[4] Gases are defined by dangerous goods regulations as substances which have a vapour pressure of 300 kPa or greater at 50°c or which are completely gaseous at 20°c at standard atmospheric pressure, and items containing these substances. The class encompasses compressed gases, liquefied gases, dissolved gases, refrigerated liquefied gases, mixtures of one or more gases with one or more vapors of substances of other classes, articles charged with a gas and aerosols. Gases which ignite on contact with an ignition source, such as acetylene and hydrogen. This gas can either be flammable or non-flammable gas.

Flammable gas means any material which is ignitable at 101.3 kPa (14.7 psi) when in a mixture of 13 percent or less by volume with air, or has a flammable range at 101.3 kPa (14.7 psi) with air of at least 12 percent regardless of the lower limit. Gases which are neither flammable nor poisonous. Includes the cryogenic gases/liquids (temperatures of below -100°C) used for cryopreservation and rocket fuels. This division includes compressed gas, liquefied gas, pressurized cryogenic gas, compressed gas in solution, asphyxiant gas and oxidizing gas. A non-flammable, nonpoisonous compressed gas means any material which exerts in the packaging an absolute pressure of 280 kPa (40.6 psia) or greater at 20°C (68°F), and does not meet the definition of Division

3.3 Class 3: Flammable Liquids

Liquids that can ignite easily, such as gasoline, alcohols, adhesives, and paints. They present fire hazards and require careful packaging and handling to prevent ignition.[5] Flammable liquids are defined by dangerous goods regulations as liquids, mixtures of liquids or liquids containing solids in solution or suspension which give off a flammable vapour (have a flash point) at temperatures of not more than 60-65°C, liquids offered for transport at temperatures at or above their flash point or substances transported at elevated temperatures in a liquid state and which give off a flammable vapour at a temperature at or below the maximum transport temperature.

A flammable liquid means a liquid which may catch fire easily or any mixture having one or more components with any flash point. As example: acetone, diesel, gasoline, kerosene, oil etc. There is strongly recommended for transportation at or above its flash point in a bulk packaging. There are three main groups of flammable liquid.

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1 *Ibid.*

2 What are Dangerous Goods? | Federal Aviation Administration. https://www.faa.gov/hazmat/what_is_hazmat (Accessed on 18/6/2025)

3 Classes - Dangerous Goods International https://dgiglobal.com/classes/ (Accessed on 18/6/2025)

4 The Nine Classes of Dangerous goods, available at https://www.sainthelena.gov.sh/wp-content/uploads/2024/08/THE-9-CLASSES-OF-DANGEROUS-GOODS.pdf (Accessed on 18/6/2025)

5 *Ibid.*

Low flash point group – liquids with flash points below –18 °C; Intermediate flash point group – liquids with flash points from –18 °C to +23 °C; High flash point group – liquids with flash points above +23 °C. Flammable liquids are capable of posing serious hazards due to their volatility, combustibility and potential in causing or propagating severe conflagrations.

3.4 Class 4: Flammable Solids

Includes solids liable to spontaneous combustion, substances that emit flammable gases on contact with water, and self-reactive substances. Examples are matches, sulfur, and certain metal powders.[1] Flammable solids are materials which, under conditions encountered in transport, are readily combustible or may cause or contribute to fire through friction, self-reactive substances which are liable to undergo a strongly exothermic reaction or solid desensitized explosives. Also included are substances which are liable to spontaneous heating under normal transport conditions, or to heating up in contact with air, and are consequently liable to catch fire and substances which emit flammable gases or become spontaneously flammable when in contact with water.

3.5 Class 5: Oxidizing Substances and Organic Peroxides

These materials can cause or enhance the combustion of other materials. Oxidizers like ammonium nitrate and organic peroxides require special care as they may intensify fires.[2] Oxidizers are defined by dangerous goods regulations as substances which may cause or contribute to combustion, generally by yielding oxygen as a result of a redox chemical reaction. Organic peroxides are substances which may be considered derivatives of hydrogen peroxide where one or both hydrogen atoms of the chemical structure have been replaced by organic radicals.

3.6 Class 6: Toxic and Infectious Substances

Toxic substances that can cause death or injury by ingestion, inhalation, or skin contact (e.g., arsenic, pesticides). Infectious substances containing pathogens that cause diseases in humans or animals (e.g., medical waste, infected specimens).[3] Toxic substances are those which are liable either to cause death or serious injury or to harm human health if swallowed, inhaled or by skin contact. Infectious substances are those which are known or can be reasonably expected to contain pathogens. Dangerous goods regulations define pathogens as microorganisms, such as bacteria, viruses, rickettsiae, parasites and fungi, or other agents which can cause disease in humans or animals.

3.7 Class 7: Radioactive Materials

Substances emitting ionizing radiation harmful to humans and animals, such as uranium, radium, and medical isotopes. They require strict controls to prevent contamination and exposure.[4] Dangerous goods regulations define radioactive material as any material containing radionuclides where both the activity concentration and the total activity exceeds certain pre-defined values. A radionuclide is an atom with an unstable nucleus and which consequently is subject to radioactive decay.

Radioactive substances comprise substances or a combination of substances which emit ionizing radiation. Whilst undergoing radioactive decay radionuclides emit ionizing radiation, which presents potentially severe risks to human health.

3.8 Class 8: Corrosives

Materials that cause severe damage to living tissue or other materials on contact, including acids, battery fluids, and corrosive cleaners. They pose chemical burns and material degradation risks.[5] Corrosives are substances that, by chemical action, degrade or disintegrate other materials upon contact. Corrosive materials mean a liquid or solid that causes full thickness destruction of human skin at the site of contact within a specified period of time. A liquid that has a severe corrosion rate on steel or aluminum is also a corrosive material. Corrosives cause

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1 What Are the Nine Classes of Dangerous Goods? – VinciWorks. https://vinciworks.com/blog/what-are-the-nine-classes-of-dangerous-goods/ (Accessed on 18/6/2025)

2 *Ibid.*

3 Types of Dangerous Goods and Commodities | UPS - United States. https://www.ups.com/us/en/support/shipping-support/shipping-special-care-regulated-items/hazardous-materials-guide/types-of-dangerous-goods-and-commodities (Accessed on 18/6/2025)

4 Understanding Dangerous Goods: Examples Across the 9 Hazard ... https://www.airseadg.com/general-news/understanding-dangerous-goods-examples-across-the-9-hazard-classes/ (Accessed on 18/6/2025)

5 The 9 Classes of Dangerous Goods - Storemasta Blog. https://blog.storemasta.com.au/9-classes-dangerous-goods (Accessed on the 18/11/2025)

severe damage when in contact with living tissue or, in the case of leakage, damage or destroy surrounding materials.

3.9 Class 9: Miscellaneous Dangerous Goods

A catch-all category for substances that present hazards not covered by other classes, such as dry ice, genetically modified organisms (GMOs), asbestos, and airbag modules. These materials may pose environmental or other specific risks.[1] Miscellaneous dangerous goods are substances and articles which during transport present a danger or hazard not covered by other classes. This class encompasses, but is not limited to, environmentally hazardous substances, substances that are transported at elevated temperatures, miscellaneous articles and substances, genetically modified organisms and micro-organisms and (depending on the method of transport) magnetized materials and aviation regulated substances.

A material which presents a hazard during transportation, but which does not meet the definition of any other hazard class. This class includes: any material which has an anesthetic, noxious or other similar property which could cause extreme annoyance or discomfort to a flight crew member so as to prevent the correct performance of assigned duties or material for an elevated temperature material, a hazardous substance, hazardous waste, or a marine pollutant. Miscellaneous dangerous goods present a wide array of potential hazards to human health and safety, infrastructure and/ or their means of transport.

4. Legal Frameworks Regulating Dangerous Goods in Cameroon

The framework regulating the sale of dangerous goods in Cameroon can be ascertained from national as well as some regulations with international characters.

4.1 National Framework Regulating the Sale of Dangerous Goods in Cameroon

The regulation of the sale of dangerous goods in Cameroon is relied upon on pieces of legislation regulating other sectors of the economy. This is both laws on commercial activities and laws regulating consumers protection.

a) The 1996 Constitution of Cameroon as amended

The 1996 Cameroonian Constitution, while foundational in Cameroon's legal framework, does not explicitly articulate direct protections for consumers against dangerous goods in detailed provisions. However, the Constitution sets principles and guidelines for the protection of public welfare, safety, and economic rights[2], which indirectly support consumer protection mechanisms including protection against dangerous goods. Key points relevant to consumer protection and dangerous goods protection in Cameroon are derived from a combination of constitutional duties and complementary laws enacted under or alongside the constitutional framework. The Constitution obliges the state to direct policies towards securing equitable distribution of resources for the common good, which includes safeguarding the welfare of consumers.

Article 45 of the Constitution elevates duly ratified international agreements above national laws, allowing Cameroon's consumer protection regime to incorporate international safety and consumer protection standards. The Constitution ensures equality, human rights protection, and environmental protection, which collectively establish a broad mandate for consumer safety, including protection from dangerous goods.

b) The Law Relating to Establishments Classified as Dangerous, Unhealthy or Obnoxious, 1998

Adopted on 14th July 1998, this law governs, within the framework of the principles of environmental management and protection of public health, establishments classified as dangerous, unhealthy or obnoxious.[3] Dangerous, unhealthy or obnoxious establishments are divided into two classes according to the dangers or the gravity of the inconveniences inherent in their activities: Class I comprise establishments whose activities can be authorized only if measures are taken to prevent the dangers or inconveniences it can caused; such authorization may be subject to the location of the said establishments outside residential areas or far away from water catchments, the sea or buildings occupied by third parties.[4] Class II comprise establishments which, although not constituting major dangers or inconveniences to the interests are nonetheless subject to the general

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[1] Dangerous Goods: Definition, Regulations, and Classes. https://www.inboundlogistics.com/articles/dangerous-goods/ (Accessed on the 18/6/2025)

[2] Preamble of Law No. 96/007 of 18 January 1996 as amended. Under Article 65, "The preamble shall be part and parcel of this Constitution. In the wordings of the above cited Article, the aim of the legislators was to incorporate the preamble and elevate it to be part of the Constitution."

[3] Article 1 Law No. 98/015 Of 14 July 1998 Relating to Establishments Classified as Dangerous, Unhealthy or Obnoxious.

[4] *Ibid*, article 3.

prescriptions aimed at protecting such interests.[1]

In order to further strengthen the protection of consumers for sale of dangerous goods, the for the settlement of disputes mechanisms. The law provides that the ministry in charge of classified establishments shall have full powers to enter into a settlement. To that end, the matter should be duly referred to it by the offender. The amount of the settlement shall be fixed in consultation with the ministry in charge of finance. This amount may not be less than the corresponding minimum penal fine.[2] The settlement procedure shall precede any possible legal procedure, under pain of being declared null and void. The proceeds of the settlement shall be paid in full to the National Environment and Sustainable Development Fund, as provided for in Section 11 of Law No. 96/12 of 5 August 1996: outline law on environmental management.

c) Law on Safety Regulations Governing Modern Biotechnology in Cameroon, 2003

The law governs the safety, development, use including contained use, manipulation and cross-border movement, including the transit of any genetically modified organism that may negatively affect human and animal health, biodiversity and the environment. The safeguarding of products thereof that may negatively affect human and animal health, biodiversity and the environment.[3]

The law further provides that the competent national administration in charge of biosafety shall have full powers to work out a compromise. To this end, the accused must refer the matter to the authority concerned. The amount of money paid as settlement shall be determined in consultation with the authority in charge of finance. The said amount shall not be less than the minimum amount of the corresponding penal fine. Under pain of nullity, the settlement procedure shall be carried out before any possible court proceeding. The method of collecting and allocating the proceeds of the settlement shall be determined by regulation.[4]

d) The 2011 Framework law on Consumers Protection and Regulation of Sale of Dangerous Goods

Law No. 2011/012 of 06 May 2011 is a framework law on Consumer Protection in Cameroon. This law is of great imperative. It handles chapter IV physical safety[5] and environmental protection, protection of consumer's economic and technological interests, consumer education, participation in decision-making, compensation for damage suffered by consumers and penal provisions. This law features among the first all-inclusive law on the protection of consumers in Cameroon and it governs all transactions relating to the supply, distribution, sale and exchange of goods (including dangerous goods) and services.[6] However, the law is a framework law which must be read alongside other laws for the purpose of interpretation and application. The law repeatedly mentions the word goods, but it fails to clearly define what dangerous goods is.

As a matter of fact, consumers of dangerous goods or products are endowed with a plethora of rights one of the rights relates to the right to safety and compensation for losses suffered. Evidence of the application of this right to safety and compensation for losses suffered is seen in the case of *Egbe Maureen v Ruth Eyonh, Elf Oil Cameroon & Ors,*[7] wherein the vendors of a dangerous product (kerosene) was held strictly liable for damage suffered by the plaintiff.

In ensuring the protection of consumers from dangerous products, the law places on suppliers a number of duty. The vendor must provide the consumer with correct, adequate, clear and legible information. Such pieces of information as required by this Law must be in French and English which would enable the consumer to make appropriate and rational choices before concluding a contract.[8] Secondly, the vendor/ supplier of a goods is required to provide or deliver to the consumer a product that meets the minimum requirements of sustainability, utilization and reliability and guarantees his right to health and safety. It is worth reechoing that, the goods in question must be accompanied by a manual, receipt, or any other document containing inter alia, utilization and warranty.[9] In addition, vendors are required to dispose of dangerous products in such a way that the environment would not suffer effects from its toxic components while the competent authorities and consumer groups are by

1 *Ibid*, article 3.

2 Article 40, Law No. 98/015 Of 14 July 1998 Relating to Establishments Classified as Dangerous, Unhealthy or Obnoxious.

3 Article 1, Law on Safety Regulations Governing Modern Biotechnology in Cameroon, 2003.

4 *Ibid*, article 64.

5 Which include dangerous goods.

6 Section 2, Law No. 2011/012 of 06 May 2011 on Consumer Protection in Cameroon.

7 1193, 21 AC562, 599.

8 Section 14, Law no.2010/021 of 21 December 2010.

9 *Ibid*, section 10.

section 15 required to "…establish and strengthen appropriate institutional framework to ensure activities relating to the management, collection and disposal of hazardous or toxic waste to ensure the protection of the environment".

Still on the issue of consumer safety, any local product or goods must be inspected, tested and measured by the relevant authority to ensure that it complies with national and international environmental, health and safety standards.[1] This explains why products which do not comply with the above standards are prohibited or withdrawn from the market because they constitute a potential hazard and, returned to the vendor or supplier for testing at his expense.[2] This portrays the possibility of the law to carryout product recalls in a bid to eliminate the possibility of harm which consumers of products could possibly be faced with.

The use of the word "*imported*" implies the law does not only apply to domestic sales but also from sale across national borders. The international element can be seen when the law states that the functional equivalence of certificates and signatures delivered by certification authorities (accredited authorities) from foreign countries have the same value like certificates delivered in Cameroon, if the accredited body is recognized by a mutual agreement of recognition concluded by the competent authority of the concerned states.[3] The recognition of certificates and signatures from a foreign country is not automatic but has to be done by a text.[4]

The law offers an explanation of commercial activity. It from the basis of such activities that the transaction and sale of dangerous enters the market. A contract is the most recognized method of economic exchange. The legislator has the important task of reconciling economic efficiency with contractual justice. This is because it forms the basis for commercial activities which engage parties to transact in certain classes of goods considered as dangerous goods. Commercial activity has been defined in article 2(1) of the law and has to do with all commercial relationships be it contractual or not. It holds that commercial activity includes all production activity and exchange of goods (including dangerous goods) and services exercised on the basis of supporting or electronic materials by all physical or moral persons conformingly to the provision of texts having legislative, regulatory or conventional character regulating commerce.[5] Commercial relationships are said to include: any trade transaction for the supply or exchange of goods.

To continue, the law advocates strongly for consumer associations and NGOs. This is seen in section 21 where it is stated that "consumers have the right and freedom to form voluntary, autonomous and independent consumer associations with defined domains". It follows that consumers may participate in public decision-making structures, in which they are expected to contribute to the promotion of commercial and political activities. This explains why the National Consumer Council was established to: Promote the exchange of ideas between private and public authorities, consumer and employer associations; Foster dialogue between persons defending consumers "interests and delegates of employees" organizations on issues relating to consumer protection.[6]

e) Regulating the Sale of Dangerous Goods in the Law Governing Commercial Activities in Cameroon

The sale of dangerous goods is a commercial activity, and commercial activities are governed in Cameroon by Law No. 2015/018 of 21 December 2015 on Commercial Activities in Cameroon. In a bid to protect consumers against the sale of dangerous goods, this law advocates for a balance in contract. By this, this law prohibits the seller from taking advantage of his economic skills and judgment to disadvantage of the consumer odiously. In achieving this aim, the Cameroonian legislator requires the seller to supply the purchaser including consumer of dangerous goods, with qualitative, quantitative information of the entire transaction. Thus, Article 46 (1) of this Law stipulates that "every salesperson or service provider is obliged to inform consumers about the conditions of sales of goods and services".[7] To add, this law adds that descriptions and qualifications must be added to the list of documents made in the declarations of commercial guarantee, documents and advertising means. The law expressly provides that: "any description of the characteristics and qualities of a good or service made in documents and means of advertising, as well as any statement of commercial or communicated to the consumer shall be deemed to be an integral part of the contract relating to the goods and services".[8] This is by providing

1 *Ibid*, section 16.

2 *Ibid*, article 16.

3 See Article 40 (1) of Law No.2010/021 of 21 December 2010.

4 *Ibid*, Article 40 (2).

5 Article 2 (1) of Law No.2010/021 of 21 December 2010.

6 *Ibid*, section 25.

7 Article 46(1) of the Law on Commercial Activities in Cameroon.

8 *Ibid*, Article 42(2).

consumers with preventive instruments aimed at reinforcing their consent while at the same time introducing remedies against abuses of weaknesses and by so doing guarantees the buyer's right to peaceful possession by obliging the seller to guarantee the peaceful and helpful possession and the actual use of the sold item during a period of 6 months for new goods and a period of three months for used goods.[1]

The law also guarantees an after-sale service provided by the trader or a third party. It puts the consumer at a privileged position, by giving him the power to unilaterally terminate a contract and provides punishment[2] to manufactures and vendors of goods, including vendors of dangerous goods who violate the provisions and commits aggressive or deceptive practices towards the consumer. In application, this position in read in line with, article 256[3] of the penal code to the one that violates the provisions regarding guarantees for goods, fails to organize and commits an aggressive or deceptive practice with respect to the consumer.

The law equally provides curative remedies to cure contractual imbalance. This could be seen in the penalties provided for in articles 90 to 96 which include suspension to a maximum of six months, the affixing of seals leading to the temporary cessation of the activity without tax exemption, fines and seizures of products prohibited for consumption or not in conformity with the standards.[4]

f) Regulating the Consumption of Dangerous Goods in Advertisement Law and Media law

This is regulated in Cameroon by the 2006 law on advertisement. This is law is one of the laws which protect the rights of consumers against the advertisement of dangerous goods or products because they become aware of the information concerning the dangerous products through newspapers and advertisements made on the televisions, radio stations and other media outlets, giving them an opportunity to make informed choices.

In advertisements, the messages must respect the integrate of the consumer. This is guided by a plethora of instruments which prohibits the sale of guns, explosive or other instruments or products which threaten the physical integrity of consumers.[5] Article 38(1) of the 2006 law on advertisement is provides that, advertisement of arms and explosives of any kind or for any other instrument or product cable of causing death or impairing the physical integrity of human being is prohibited, whatever their use or purpose may be.[6] Thus, seller of goods which fall under these categories are prohibited from advertising goods which have been banned by the law. The purpose behind this provision lies in the fact that the legislator does not qualify the sale and advertisement of such products to constitute commercial transaction under the 2015 law on commercial activities in Cameroon based on it dangerous character. The legislator thus holds that the advertisement of arms and explosives is capable of inciting vulnerable individuals, who may not fully appreciate the dangerous nature of such products, to procure and use them.

The regulating the advertisement of dangerous product with the aim of protecting the consumers, one of the major products which has drawn the attention of the legislators is the sale of tobacco. The state might therefore be expected to intervene to restrict this advertising and prevent consumers being under any delusions about the dangers implicit in their choice.[7] There is thus the need to limit the promotion of the product to reduce the number of victims and eventual deaths caused by the tobacco. The 2006 law on advertisement states that advertisement for cigarettes and other tobacco products are prohibited in the print press, via radio, TV broadcast, outdoor advertising and in movies or any other comparable structure.[8] The law further provides that, the prohibition indicated in sub-paragraph 1 also applies to any form of sponsorship or under writing displaying cigarettes and other tobacco products, as well as cross-border advertising broadcast from within Cameroon territory.[9] Moreover, advertisements for cigarettes and other tobacco products communicated under conditions other than those set forth in sub paragraph 1 and 2 above are subject to restrictions whose conditions are set by

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1 *Ibid*, article 51.

2 *Ibid*, article (1)(c).

3 Article 256 of the Cameroonian Penal Code stipulates that: "A prison sentence of two months to two years and a fine of 400,000 to 20 million francs shall be imposed on any person who, by any fraudulent means, causes the artificial increase or decrease of the price of goods or public or private securities".

4 Article 90, of the Law of December 21, 2015.

5 Article 38(1) of the 2006 on advertisement in Cameroon.

6 *Ibid.*

7 Howells G., (2011). The *Tobacco Legal Policy and Consumer Protection*. Ashgate Publishing Limited, Surrey, p. 240.

8 Article 26(1) on the law of advertisement in Cameroon.

9 *Ibid*, article 26(2).

regulatory provisions.[1]

The advertising message must be in a form which is accepted by law. Thus, it must be expressed in clear language and be able to identify the product and its nature. The obligation of identification is different from that previewed in other forms of consumers protection information in national and supranational legislation. National instruments provide explicitly for the obligations to clearly indicate the words “advertising” when broadcasting advertising messages. This concern for the clear identification of advertising messages is driven, on the one hand, by the desire to raise the vigilance of message recipients, and on the other hand, to avoid any confusion between informational obligations and commercial or advertising content.[2] The obligation simply instruct the advertising message should be clear and easily identifiable.[3]

An effort of this law in preventing harmful goods is seen in section 36 which states that: “The content of advertising messages shall be in conformity with the requirements of…, truthfulness and the respect for national values and traditions.” Looking at the above paragraphs, we see that the law has the consumer at heart and seeks to protect health of consumers. We see that the interests of consumers especially in the telecommunication and audiovisual sectors are followed right up to the stage of advertisements, as the law regulates against the advertisements of illegal and counterfeited products.[4] This explains why advertisements must be done to the credit of the state and for the interests of the consumer. Judging from section 2 of the law, we can see that the Law on Consumer Protection has put in so much effort in ensuring the economic and interests of the consumer. By so doing, it lays emphasis on the right to good health and safety of the consumer.

This law being a landmark law, it liberalized the press from state control, pre-publication oversight and censorship. This was followed by an increase in the number of news paper publishing houses and media broadcasting.[5] This law is related to different categories of the media such as film, radio and TV, publishing, theatre, multimedia, fine arts and design. Media law is a field that relates to regulations of the telecommunications industry, information technology, broadcasting, advertising, the entertainment industry and online services. A growing area of concern relates to the right to free speech, censorship and defamation. By this, media law defines very fine lines between many legally permissible forms of speech and unprotected speech that results in liability and also guarantees the freedom of the press.

g) Regulation the Sale of Dangerous Goods in the Law Regulating Against Anti-Competitive Business practices

When the protection of consumers with respect to dangerous products is in question, the efforts of anti-competition laws also known as anti-trust laws play a role in regulating sale of dangerous goods. This law has as purpose or desire to maintain competition in the market in order to promote efficiencies and reduce prices. This law safeguards and protects consumers from large companies, especially those which engage in anticompetitive practices and exert harmful monopoly powers over consumers and competitors. This law is also meant to increase consumer choice and eliminate practices that reduce or restrict new entrants from entering into the market. The law equally prohibits agreements that have the effect of fixing prices, tariffs, rates or discounts or impeding the freedom to set those prices, tariffs, rates or discounts individually.[6]

h) Environmental Management Law 1996 (Law No. 96/12)

This law establishes the general legal framework for environmental management in Cameroon, defining environmental protection as a national interest and setting out procedures for environmental impact assessments and resource management[7].

This law[8] provides a broad regulatory framework for managing chemical, harmful, and dangerous substances in Cameroon. It mandates prior authorization for the production, importation, transit, and marketing of such substances, thereby controlling their entry and circulation in the market. The law also sets conditions for

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[1] *Ibid*, article 39(3).

[2] Thus, this obligatory is supplementary to other information obligations.

[3] Article 28 of the 2006 law on advertisement in Cameroon.

[4] Article 30 of Law No. 2006/018 of December 29, 2006, governing Advertising in Cameroon.

[5] Tiako Ngangum P., (2019). Media Regulation in Cameroon. *African Journalism Studies*, *40*.

[6] Article 5 of Law No. 98/013 of 14 July 1998.

[7] Law No. 96/12 of 5 August 1996 relating to Environmental Management.

[8] LAW NO. 96/12 OF 05 AUGUST 1996 RELATING TO Environmental Management, available at Minepded. https://minepded.gov.cm/wp-content/uploads/2020/01/LAW-NO.-9612-OF-05-AUGUST-1996-RELATING-TO-ENVIRONMENTAL-MANAGEMENT.pdf (Accessed on 18/2/2025)

transport, packaging, and sale to ensure safety and environmental protection.

Violations of these provisions lead to seizure and destruction of dangerous goods, with strict liability for damages caused by their use or transport, including fines and rehabilitation obligations. This framework ensures that dangerous goods are sold only under controlled conditions, reducing risks to public health and the environment.[1]

i) The 1977 Law Regulating Explosive Substances

This legislation controls the manufacture, possession, transport, and use of explosive substances and detonators, ensuring safety and security.[2]

This law strictly regulates the manufacture, sale, import, transport, and storage of explosive substances and detonators.[3] It requires prior authorization for all activities involving explosives, including the operation of depots. The sale of explosives is tightly controlled, with sellers responsible for verifying buyers' authorization. The law also allows for prohibition of manufacture in certain regions for public safety and mandates destruction of explosives posing danger without compensation to operators.[4] This ensures that explosive goods are sold and handled under stringent safety protocols, minimizing risks associated with their sale and distribution.[5]

j) The 1989 Law on Toxic and Hazardous Waste (Law No. 89/27)

This law regulates the management, handling, and disposal of toxic and hazardous waste to protect human health and the environment in Cameroon[6]. This law[7] specifically targets toxic and hazardous wastes, prohibiting their unauthorized introduction, production, storage, transport, and discharge within Cameroon. It defines toxic wastes broadly to include flammable, explosive, radioactive, and other dangerous substances.[8] The law requires industries generating such wastes to declare their volume and nature and to handle them safely. Severe penalties, including imprisonment and heavy fines, are imposed for violations, emphasizing the seriousness of controlling hazardous waste. This law indirectly regulates dangerous goods by controlling their waste management, thus preventing illegal or unsafe disposal that could result from their sale and use.

Together, these laws create a layered regulatory system that governs dangerous goods in Cameroon by controlling their production, sale, transport, and disposal, backed by strict penalties and enforcement mechanisms to protect public safety and the environment.[9]

k) The Cameroon Penal Code

The Cameroon Penal Code protects consumers against the sale of dangerous goods primarily through criminal sanctions targeting manufacturers, sellers, and distributors who engage in unsafe practices. Section 289 of the Penal Code punishes anyone who, through lack of due skill, carelessness, or disregard of regulations, causes harm or sickness to others. This includes reckless manufacture or supply of products like medicines that may endanger public health, with penalties ranging from imprisonment (3 months to 3 years) to fines (10,000 to

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1 Law on Environmental Management - snh.cm. https://www.snh.cm/images/reglementation/EN/Law%20Environment.pdf, (Accessed on 18/8/2]25)

2 Law No. 77/15 of 6 December 1977 to Regulate Explosive Substances and Detonators in Cameroon.

3 Law No. 77/15.

4 Loi nº 96-12 portant loi-cadre relative à la gestion de l'environnement. https://www.fao.org/faolex/results/details/en/c/LEX-FAOC019578/ (Accessed on 18/3/2025)

5 *Ibid.*

6 Law No. 89/27 of 29 December 1989 on Toxic and Hazardous Waste.

7 Loi nº 89-27 portant sur les déchets toxiques et dangereux. – ECOLEX. https://www.ecolex.org/details/legislation/loi-no-89-27-portant-sur-les-dechets-toxiques-et-dangereux-lex-faoc039382/ (Accessed on 16/10/2024)

8 THE ENVIRONMENT - MINEPAT Cameroun. https://minepat.gov.cm/wp-content/uploads/2022/01/Rapport-Etat-de-lenvironnement-SRADDT_OUEST-05-11-2018.pdf (Accessed on 18/2/2025)

9 The legal and institutional framework for the control of environmental... https://www.researchkey.net/the-legal-and-institutional-framework-for-the-control-of-environmental-pollution-in-cameroon/ (Accessed on 20/ 11/2024)

500,000 francs) or both.[1]

Section 258(1) specifically punishes those involved in the sale of illegal or falsified medications and defective products that pose risks to consumers.[2]

The Penal Code outlines principal penalties such as imprisonment and fines for individuals, and fines, closure, or dissolution for corporate bodies involved in offenses, including those related to dangerous goods. Failure to take necessary precautions is considered evidence of creating risk, making manufacturers and sellers liable even without direct proof of intent to harm. The Penal Code works alongside the 2011 Consumer Protection Law, which mandates product safety standards, recalls of unsafe goods, and provides consumers with rights to redress such as refunds or replacements.

4.2 Regulating Dangerous Goods in Supranational Laws

These supranational laws are both OHADA laws and CEMAC regulations.

4.2.1 The OHADA Laws (OHADA Uniform Act on General Commercial Law)

OHADA is an international organization composed of 17 West and Central African Countries[3] whose goal is to promote regional economic development through the harmonization of its member states business laws. Harmonization is mainly achieved through the Uniform Acts which compiled all relevant legal norms in specific areas of business. OHADA relies on specific institutions such as the Common Court of Justice and Arbitration (CCJA) which is an arbitral institution and assumes the role of a Supreme Court in all disputes regarding the application of the Uniform Acts. It should be noted that its headquarters is in Abidjan and ordinary litigants and consumers in Cameroon will hardly have access to this institution. Thus, only big companies and entrepreneurs can easily have access to the CCJA. To resolve this difficulty, litigants will be more exposed to ADR mechanisms which are locally provided.

The Uniform Acts is very pragmatic; it gives prominence to the will and conduct of the party's mandatory rules. It also provides solutions regarding commercial sale, the transfer of ownership, the transfer of risks, and the period of limitation for commercial sales which is fixed by article 274 at two years, depending on the date the action may be instituted.

Also, article 225 of the UA relating to general commercial law imposes liability on any vendor for a dangerous product. Although the provisions of the OHADA Uniform act relating to general commercial law in Africa do not apply to sales to consumers or other services[4], it has a persuasive character in the protection of the rights of the consumers. The OHADA law applies directly and supersedes national regulations per Article 10 of the Treaty on the Harmonization of Business Law in Africa. Members signatory to the Uniform Act, Cameroon inclusive, are expected to implement these principles and laws in enacting local law. Thus, enabling, the protection of the rights of consumers against unsafe goods, unfair contract terms among others.[5] It is against this backdrop that the need to protect consumers of dangerous goods has been daunting in Cameroon. The existing legislation notably; the 1990 law on the regulation of commercial activities and the OHADA Uniform Act on General Commercial Law have proven themselves inadequate in baiting these hurdles.

4.2.2 The CEMAC Community Legislator and the Protection of Consumers of Dangerous Goods

The protection of the consumer including the consumers of dangerous goods saw the light with the putting in

[1] Section 258 of Law No. 2016/007 of July 2016 Relating to the Cameroon Penal Code punishes adulteration of food, beverages, or medical substances with imprisonment and fines. On it's part, Section 228 punishes failure to guard against bodily harm from dangerous activities with imprisonment.

[2] *Ibid.*

[3] The Treaty creating OHADA was signed at Port-Louis, Mauritius Island on 17 October 1993, as revised at Quebec, Canada, on 17 October 2008. The revisions became effective on 21 March 2010. As of July 7, 2010, the West African members of OHADA are Benin, Burkina Faso, Cote d'Ivoire, Guinea, Guinea-Bissau, Mali, Niger, Senegal, and Togo, and the Central African members of OHADA are Central African Republic, Chad, Cameroon, Comoros, Congo, Equatorial Guinea, and Gabon.

[4] OHADA Uniform Act, the preparation of the Act is reviewed in Part I and the broad outline of its content is presented in Part II of this document. The provisions of Book V of the Uniform Act apply to all contracts of sale of goods between traders, be they natural persons or corporate bodies. The provisions of the Book do not apply to sales to consumers, sales after seizure, sales of chattels as well as to contracts in which the major part of the obligation of the party that delivers the goods shall be the supply of manpower or other services. See Article 203 of the OHADA Uniform Act Relating to General Commercial Law.

[5] Article 10: The Uniform Acts are directly applicable and obligatory in contracting states, notwithstanding any contrary provisions of a previous or subsequent internal law.

place of a CEMAC directive on the 22 of March 2019.[1] In a general manner, CEMAC Directives do impose on member states the obligation to fully extend the application to the said directives to their national laws. The directives are obligatory provisions which are to be transferred by individual member states according to their competence and means. This transposition must not only conform to the directive but must be clear and precise. Directives are the principal means of legislative action at the level of CEMAC. It is comprised of over 173 articles.

This CEMAC Directive is revolutionary in the protection of consumers of dangerous goods at the CEMAC level as it adds to the existing substantive, procedural and the institutional mechanisms geared towards consumer protection. The CEMAC Directive adds new substantive rules by providing a list of unfair contract terms in its article 88(1) (I-xxvii), the obligation to inform the consumer on the nature and quality of the goods is equally made obligatory under Chapter 2 of the directive, anti-commercial practices are prohibited by the Directive. The Directive obliges sellers to guarantee their products. The CEMAC Directive provides that in the absence of specific guarantee regimes for specific products, the regime of guarantee is two (2) years for new products and six(6) for occasion products.[2] This directive equally prescribes the conduct to be adopted during consumer proceedings such as the rules of interpretation[3], competent jurisdiction[4], and the burden of proof[5]. In general, the CEMAC Directive on consumer protection thus completes the status of consumers vis a vis dangerous goods. This is seen as the directive further creates three more institutions in charge of protecting consumers viz, the National Council for consumers for consultations and commissions[6], commission for abusive clause[7] and Commission for the security of the consumers.[8]

The relevance of a CEMAC Directive on consumer protection against sale of dangerous goods is seen on the existence of a CEMAC regulation on the transportation of dangerous goods. This is due to the inability of national consumer protection laws to adequately protect the rights of consumers of danger which must be commenced from the moment it is manufactured and transported to the markets. The application of this directive in Cameroon explained by the principle contained in article 21 known as the principle of 'direct applicability'[9]. This principle is to the effect that regulations adopted at the CEMAC zone are integrated as they are passed into the national legal order without the need of any national measures of reception. Thus, once the CEMAC legislator passed the law, they are applied immediately and without any contestations by the national authority.[10]

4.2.3 International Covenant on Economic, Social and Cultural Rights (ICESCR)

The ICESCR (1966) more concretely engages with economic and social rights related to consumer protection. Article 12 enshrines the right of everyone to the highest attainable standard of physical and mental health. This right includes safe access to food, water, and goods, hence requiring protection against dangerous products. Article 11 guarantees the right to an adequate standard of living, echoing protection from harmful goods compromising that standard.

States parties to the ICESCR are obligated to take steps, including legislative and administrative measures, to protect health and well-being. This extends to establishing standards for product safety and controls on dangerous goods. The ICESCR establishes an obligation for progressive realization, meaning consumer protection frameworks must improve continually to better secure health and safety from dangerous goods.

The Committee on Economic, Social and Cultural Rights (CESCR), the treaty's monitoring body, has emphasized in its General Comments the state's responsibility to regulate harmful products, enforce safety standards, and ensure remedies for consumers harmed by defective or dangerous goods.

4.2.4 United Nations Model Regulations on the Transport of Dangerous Goods

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[1] Directive N^0 02/19-UEAC-639-CM-33. Herein after referred to as CEMAC Directive on Consumer Protection.

[2] (Article 94(1)(2)) of the CEMAC Directive.

[3] *Ibid*, article 6.

[4] *Ibid*, article 10.

[5] *Ibid*, article 20

[6] See chapter 4, Title VIII of the CEMAC Directives.

[7] *Ibid*, see chapter 5.

[8] Chapter 6 of the CEMAC Directive on consumer protection.

[9] Article 21 of the Additive to the CEMAC treaty.

[10] Bongyu, G. M., (2010). The Economic and Monetary Community of Central Africa (CEMAC) and the decline of sovereignty. *Journal of Asian and African Studies, 44*, 389–406.

These regulations harmonize hazard classification, communication, and transport conditions internationally to ensure safety in the carriage of dangerous goods by all modes of transport, preventing accidents and environmental damage.

These recommendations were developed by United Nations Economic and Social Council Committee of Experts on the Transportation of Dangerous Goods in 1956. The objective is to be a model regulation to set the standard in the multimodal transport of dangerous goods and to assure the safety of health, environment and properties in the Carriage[1]. These recommendations refer to the international organizations and governments involved in the transport of dangerous goods regulations.[2] These recommendations regulate the standard of the container, label, notification and dangerous goods documentary for the transporter, consignor and inspector in case of the possession or control of the dangerous goods.[3]

The scope of these Regulations ensures the worth of all those who deal in the Transport of Dangerous Goods directly or indirectly. Among various other aspects, these Regulations cover principles of definition, classification, listing of dangerous goods, packing requirement, labeling or placarding, marking, testing procedures or transportation documents. Moreover, they also provide for special requirement related to a particular class of dangerous goods.[4]

According to the classification, packing, listing, marking, labeling, carriers and document in general use, inspecting authorities and consignors have an advantage from streamlined transportation, control, and handling and from a decrease in time consuming rules[5]. Resultantly, their jobs will be easier or more simplified as impediments to the international transportation of the goods will be reduced. On the other hand, benefits will become more obvious as the commerce in the goods classified as dangerous increases.[6]

4.2.5 The Universal Declaration of Human Rights (UDHR) 1948

The UDHR, adopted in 1948, does not explicitly mention consumer protection or dangerous goods but sets foundational human rights principles that underpin consumer rights. Article 25 of the UDHR provides the right to a standard of living adequate for health and well-being, including food, clothing, housing, and medical care. This implies protection against hazardous and dangerous goods that could jeopardize health. Article 3 guarantees the right to life, liberty, and security of person, which encompasses protection from unsafe and dangerous products threatening physical safety. By establishing a broad human dignity and safety framework, the UDHR supports the right to safe goods and services, reinforcing that consumers should not suffer harm from defective or dangerous products.

The UDHR's principles have informed subsequent international consumer protection guidelines, such as the UN Guidelines for Consumer Protection, which detail physical safety measures for consumer goods, including recalls and hazard notifications. Critically, as a declaratory instrument, UDHR sets normative goals but lacks enforcement mechanisms, requiring states to adopt specific laws for effective consumer protection against dangerous goods.

4.2.6 African Charter on Human and Peoples' Rights (ACHPR)

While primarily a human rights instrument, the ACHPR implicitly protects consumers by guaranteeing the right to health[7] and the right to a satisfactory environment[8]. These rights encompass protection from harmful and dangerous goods as part of the broader right to health and wellbeing. The Charter obliges states to take positive

1 United Nation, (n.d.). Recommendations on the Transport of Dangerous Goods. https://www.unece.org/fileadmin/DAM/trans/danger/publi/unrec/rev17/English/00ERev17_Recommendations.pdf (last visited July. 28, 2024)

2 Consumer Protection against Dangerous Goods - LawTeacher.net. https://www.lawteacher.net/free-law-essays/commercial-law/consumer-protection-against-dangerous-goods-commercial-law-essay.php (Accessed on 28/7/2024)

3 *Ibid.*

4 Li Zhaohua, (2022). Research on safety, supervision of dangerous goods road transportation based on 4R crisis management model. Three Gorges University.

5 Nikaki, T., Soyer, B. (2012). New International Regime for Carriage of Goods by Sea: Contemporary, Certain, Inclusive and Efficient, or Just Another One for the Shelves. Retrieved from HEINONLINE: http://heinonline.org/HOL/Page?handle=hein.journals/berkjintlw30&div=13&g_sent=1&collection=journals. (Accessed on 28/7/2024)

6 *Ibid.*

7 Article 16 of ACHPR 1981.

8 *Ibid* Article 24.

measures to protect individuals from risks, including unsafe consumer products. The African Commission on Human and Peoples' Rights, interpreting the Charter, has reinforced the state's duty to regulate and monitor products that can harm health. Although not a consumer protection law per se, it provides a vital legal basis to hold governments accountable for ensuring consumer safety, including against dangerous goods.

5. Institutional Framework for Protecting Consumers Against Dangerous Goods

For purposes of clarity, it is worth mentioning that there are several institutions put in place with purposes of ensuring the protection of Consumers against dangerous goods ranging from ministries to NGOs, to Civil Society, to Law enforcement personnel, and several other stakeholders.

5.1 Consumers Protection Associations (Standards and Quality Control Institutions)

Institutions like the Cameroon Agency for Standardization (ANOR) develop and enforce standards and technical regulations that goods must meet, targeting the quality and safety of products.

The encouragement for consumers to form association aimed at protection consumers including regulation against the sale of dangerous goods is visible form the 1990 laws on freedom of association[1] and the 2011 framework law on consumer protection in Cameroon. This is to fight and protect the interest of the consumers and regulate the sale of dangerous goods.[2] The 1990 law on commercial activities announced and advocate for the creation of consumer protection associations, fails to delimit the scope of these associations. Thus, judges before 2011 were invoking the principles of common and equity in attributing *locus standi* to consumers associations.

Cameroonian law provides that, consumers shall have the right and freedom to form voluntary, autonomous and independent consumer associations or organizations with well-defined domains and areas of intervention.[3] Consumer associations can also provide consumers with independent and objective advice on nature of the products based on tests and surveys they have conducted. These are groups that seek to protect people from abuse like sale of unsafe products, false advertising and pollution. Consumer's protection organizations activities are lobbying, campaign, protest, negotiation or even litigation with the aim of enforcing consumer's rights which are violated by business practices aimed at deceiving the consumers on the nature and quality of the product among others.[4] However, a bird eye view of the above cited areas which it seeks to protect with the aim of protecting the consumption of dangerous, shows the main area of intervention of these association is to plead on behalf of the consumers before a competent authority. Also, on it's part, the Customs and Border Control regulate imports and exports, ensuring that potentially dangerous and substandard goods do not enter the Cameroonian market.

They collaborate with regulatory authorities to inspect and seize hazardous goods.

A case establishing the *locus standi* of consumer protection association in lodging civil action with the aim of protecting the consumers of dangerous goods in Cameroon especially when the association was not a party to the contract is; *The Organisation for Consumers Sovereignty (OCOSO) v. Ets. Ndifor and Bros*.[5] Justice Tabufor F. T. in this case opinioned that, "it very clear that the doctrine of privity of contract entails only that non-party cannot bring an action on the contract. It has no bearing on the possibility that a third-party victim bringing some other cause of action like negligence as in the case of *Donoghue v. Stevenson*[6] or nuisance or breach of stator duty". This implies consumers' protections may intervene only in case where only classic rules on civil responsibility could be applicable when actions concern mass wrong. That consumer protection associations will intervene where the act of the professional amount to negligence, nuisance and a breach of statutory obligation. The judge in case of *The Organisation for Consumers Sovereignty (OCOSO) v. Ets. Ndifor and Bros*,[7] went further to express that based on the present-day dispensation when statutory law is becoming the principal source of law, the breach of any statutory duty upon which the consumers stand as the beneficiary gives any consumer

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[1] See Law no. 2020/009 of 20th July 2020 modifying and completing certain provisions of Law no. 90/053 of 19 December 1990 relating to Freedom of Association in Cameroon.

[2] See article 21 of the 2011 Legal Framework Law on the Consumers Protection in Cameroon.

[3] See the Framework Law on Consumer Protection in Cameroon, section 3 (f).

[4] The national movement of consumers is very active in promoting consumers interest in Cameroon and some common consumers associations in Cameroon include: Ligue Camerounaise des consommateurs (LCC), Bureau national pour la protection des consommateurs (BNPC), Organization for consumer sovereignty (OCOSO) among others.

[5] Suit no. HCB?48?04-05 (Unreported).

[6] (1932) AC 562.

[7] Suit no. HCB?48?04-05 (Unreported).

protection association the *locus standi* to plead on their behalf.[1] The rules in the privity of contract have been relax in cases where there is the violation of consumers rights.[2] This intend to protect the consumers of dangerous whose rights maybe be violated at any time by the professionals who best understand the master the nature of the goods and the regulations of the goods.

As noted earlier, the main area of intervention of these association is to plead on behalf of the consumers before a competent authority, the 2011 Framework Law on Consumers protection has clearly delimited the powers of the consumer protection associations in pleading on behalf of the consumers. The law provides that the associations can defend the interest of consumers before any competent arbitration body or court. This is evident in the Prime Ministerial decree no. 119[3] which provides that the access to the Appeals Committee is open solely to consumers, Consumers associations and Non-Governmental Organization created for the purpose of consumers protection and who esteem that the consumer is often the aggrieved party in the contract.

However, Cameroon law on consumers protection fails to determine the interest of the consumers of dangerous goods where the consumers protection association can intervene. It can be safely ascertained that this interest touches on the rights wielded by consumers. Once these rights are violated, the consumer protection association becomes competent in intervening.[4]

For the non-governmental organizations (NGOs), they are vested with the powers to engage actions suits in Cameroon, the legislator also includes NGOs as actors in the enforcement of consumers rights.[5]

5.2 The Role of Disputes Settlement Institutions: Judicial; Courts

In principle, all citizens who have been affected with a defect from the goods have the liberty to seize the competent court to obtain redress. Courts in Cameroon enforce consumer rights through civil and criminal litigation. Criminal law provisions penalize adulteration, falsification, and distribution of unsafe products, carrying imprisonment and fines. However, this liberty is of a formal nature and any exercise thereof must be judged by weighing the realities or outcome. It is in this light much attention has been tilted to informal routes in resolving consumer disputes. It is pursuant to this that most legislators have emphasized on the peculiarity of consumer access to justice. The consumer stands tall as a major beneficiary of this right based on the plethora of rights that are constantly being violated by shoddy practices devised by economic operators. The institution of the justice system (both institutional jurisdiction and ADR redress mechanism) capable of upholding this right is a *conditio sin qua non* for the respect of the rights of consumer in Cameroon including consumers of dangerous goods. Without an efficient dispute resolution mechanism, the law on consumer protection would be a piece of printed futility for want of respect of consumer rights.

In court, a consumer or association of consumers may bring a civil or penal action. A group of consumers or a consumer alone may claim depending of the amount of the demand. He can bring his action before the Court of first instance or the high court. The Court of first instance shall have jurisdiction: In criminal matters: To hear matters where the number of damages claimed does not exceed ten million francs. In civil matters, it shall have jurisdiction: To hear matters where the amount of damages claimed does not exceed ten million francs; to recover by way of simplified recovery procedure, all claim where the amount does not exceed ten million francs. The High Court shall have jurisdiction: In civil and commercial matters: To hear matters where the amount of damages claimed is exceed ten million.[6] To recover by way of simplified recovery procedure, all claim where the amount exceeds ten million francs. However, the courts sometimes face challenges such as delays and limited consumer-friendly remedies, which can undermine effective protection.

5.3 National Council on Consumer Protection (NCCP)

One of the key institutions responsible for ensuring the protection of consumers against dangerous goods in Cameroon is the National Council on Consumer Protection. The National Council Consumer Protection is empowered to carry out administrative regulatory measures aimed at protecting consumers. These measures include actions such as suspending licenses of businesses that supply dangerous or defective products, ordering the replacement of defective products, and enforcing compliance with consumer safety standards. The Council

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[1] *Ibid.*

[2] *Ibid.*

[3] Decree no. 119/PM of 10 August 2012.

[4] There rights and principles are six in numbers as contained in the 2011 Framework Law on consumers Protection in Cameroon.

[5] This is justified by the dame reasons that are offered for the decentralization of justice in consumers protection law to consumers associations.

[6] See generally the Law on judicial Organization in Cameroon.

serves as a regulatory agency that enforces consumer protection laws, minimizing consumer abuse, and ensuring harmful goods do not endanger public health and safety.

Administrative measures by the Council tend to be more accessible and less costly for consumers than court processes, enabling quicker and more effective remedies. The Council can act on complaints and take preventive action against suppliers who deal in unsafe or dangerous goods.

The Council operates within a broader legal and regulatory framework including criminal law provisions under the Penal Code that penalize adulteration, falsification, and distribution of unsafe goods. For example, criminal sanctions exist for those providing defective foods, beverages, or medical substances that pose health risks.

The National Council on Consumer Protection is thus a vital institutional actor combining regulatory oversight and administrative authority to ensure consumers in Cameroon are protected from dangerous goods through enforcement, sanctions, and consumer redress mechanisms.

This institutional framework, however, faces challenges including delays and inefficiencies in judicial enforcement and the need for wider consumer awareness. Strengthening the Council's capacity and integration with criminal and civil law enforcement can further enhance consumer protection against dangerous goods in Cameroon.

5.4 Ministry of Public Health

This Ministry regulates the safety and quality of consumable goods including food, beverages, and medicines. It monitors and inspects the production, importation, and distribution of potentially dangerous goods, particularly in the pharmaceutical and food sectors. The Ministry issues health and safety alerts and can mandate withdrawal of hazardous products from the market.

5.5 Ministry of Small and Medium Sizes Enterprises in Cameroon

This Ministry helps regulate commercial activities relating to the supply and distribution of goop. It plays a role in licensing and inspection of commercial enterprises to ensure compliance with consumer safety laws. It also oversees standardization policies and prevents unfair trade practices related to dangerous goods.

6. Policy Frameworks Protecting Consumer from Dangerous Goods in Cameroon

Cameroonians through their government has enacted and adopted several principles aiming at protecting Consumers from dangerous goods.

a) AU Decision on Protecting Consumers in Africa (Ex.CL/Dec.115 (V))

This decision is a policy directive calling for member states to establish legal frameworks targeting consumer protection, especially against dangerous goods. It emphasizes consumer rights to safe products, adequate information, and effective avenues for compensation and redress. The decision also urges states to adopt sanctions and robust enforcement mechanisms for violations affecting consumer safety. It promotes adherence to international safety and consumer protection standards, reinforcing local laws. Crucially, it stimulates member states to harmonize consumer protection efforts across Africa, facilitating regional cooperation on dangerous goods safety.

b) African Continental Free Trade Area (AfCFTA) and Consumer Protection

The AfCFTA, operational from 2021, aims to create a single continental market facilitating free movement of goods and services. Beyond the direct regulations, AfCFTA's emphasis on eliminating tariffs and non-tariff barriers is coupled with measures to monitor trade remedies like anti-dumping, countervailing duties, and safeguards. These help prevent dumping of substandard or dangerous goods that could exploit tariff elimination, thereby protecting consumers from unsafe imported products. Regarding consumer protection from dangerous goods: The AfCFTA Protocol on Trade in Goods incorporates provisions on product standards, sanitary and phytosanitary (SPS) measures, and technical barriers to trade[1]. These safeguard consumer health and safety by enforcing rigorous quality controls and testing procedures before products can move across borders. SPS measures ensure that goods, particularly food and agricultural products, meet health standards to prevent harmful goods circulation. Cooperation and transparency in implementing these measures among member states strengthen consumer protection. The Protocol allows member states to apply safeguard measures[2] against sudden surges of goods that threaten domestic industries or consumer safety, including dangerous goods. Rules of origin, under negotiation but critical, establish criteria for product authenticity to prevent unsafe and counterfeit goods benefiting from tariff concessions.

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[1] See the provisions of Article 21 and 22 of AfCFTA.

[2] *Ibid* Article 19.

c) African Union (AU) Consumer Protection Framework

The AU promotes harmonized consumer protection laws among member states to ensure cross-border safety and trade reliability. This includes directives to safeguard consumers from unsafe and dangerous products, emphasizing liability, product safety standards, labeling, and recall mechanisms. Though direct binding regional legislation specific to dangerous goods on the consumer level is still evolving, the AU's policy frameworks set principles for member states to adopt and enforce.

d) United Nations Guidelines for Consumer Protection

These guidelines emphasize the protection of consumers from hazards to their health and safety, requiring manufacturers and distributors to notify authorities and the public about unforeseen hazards promptly.[1] They also recommend recall and compensation if products are seriously defective or hazardous. The United Nations Guidelines for Consumer Protection (UNGCP) provide a comprehensive framework to protect consumers against the sale of dangerous goods by emphasizing several key measures[2]. The guidelines affirm consumers' right to access non-hazardous products, promoting just, equitable, and sustainable development while protecting health and safety.[3] Member States are encouraged to adopt or maintain legal systems, safety regulations, national or international standards, and voluntary standards to ensure products are safe for their intended or reasonably foreseeable use.[4] Manufacturers, suppliers, importers, and retailers must ensure goods remain safe during handling and storage and provide consumers with proper instructions and information about risks, including through internationally understandable symbols.[5]

If unforeseen hazards arise after products are marketed, manufacturers and distributors must notify authorities and the public promptly. Serious defects require product recalls, replacements, or compensation to consumers[6]. The guidelines stress the importance of adequately resourced consumer protection enforcement agencies to promote compliance and facilitate consumer redress[7]. The guidelines encourage consumer and business education and high ethical standards in production and distribution to prevent abusive practices.

7. Conclusion and Recommendations

Cameroon has established a comprehensive legal and regulatory framework to manage the sale, transport, and handling of dangerous goods, aimed at protecting human life, property, and the environment. This framework includes national laws such as the 1996 Environmental Management Law, the 1977 Law regulating explosive substances, and the 1989 Law on toxic and hazardous waste, which set strict conditions for the manufacture, importation, transport, and sale of dangerous substances[8]. These laws require prior authorization, impose safety and environmental standards, and provide for the seizure and destruction of non-compliant goods[9]. Moreover, Cameroon aligns with regional regulations, particularly those of the CEMAC sub-region, which regulate the transportation of dangerous goods by road through specific regulations adopted in 1999. These regulations classify dangerous goods into categories based on their risks and impose strict conditions on consignors and carriers to ensure safety during transport[10]. The government also enforces quality and safety standards to prevent the importation of dangerous or counterfeit products through programs like PECAE, supervised by agencies such

[1] United Nations Guidelines for Consumer Protection. https://www.un.org/esa/sustdev/publications/consumption_en.pdf (Accessed on 27/7/2024)

[2] United Nations Guidelines for Consumer Protection | UNCTAD. https://unctad.org/system/files/official-document/ditccplpmisc2016d1_en.pdf (Accessed on 27/7/2024)

[3] *Ibid.*

[4] Dangerous Goods – UNECE. https://unece.org/transport/dangerous-goods (Accessed on 27/7/2024)

[5] *Ibid.*

[6] UN Guidelines for Consumer Protection | One Planet network. https://www.oneplanetnetwork.org/knowledge-centre/resources/un-guidelines-consumer-protection (Accessed on the 27/7/2024)

[7] UN Guidelines for Consumer Protection: Draft Resolution ... – Unctad. https://unctad.org/system/files/official-document/ditc-ccpb2015_02res_en.pdf (Accessed on 27/7/2024)

[8] LAW NO. 96/12 OF 05 AUGUST 1996 RELATING TO ... - Minepded https://minepded.gov.cm/wp-content/uploads/2020/01/LAW-NO.-9612-OF-05-AUGUST-1996-RELATING-TO-ENVIRONMENTAL-MANAGEMENT.pdf (Accessed on 18/2/2025)

[9] The Legal Framework for the Safe Transportation of Dangerous ... https://www.pioneerpublisher.com/slj/article/download/1199/1098 (Accessed on 18/9/2024

[10] *Ibid.*

as SGS and ANOR.[1]

Based on the above, the article recommends the following:

To policy makers and government, it is evident that consumer engagement with product safety is weak. Thus, regulators can support consumers by informing them of potential risks, to encourage them to avoid buying unsafe goods. In various regulated sectors, consumers do not prioritise safety considerations. Consumers consider safety when purchasing a product behind factors such as price and ease of purchase. Understanding consumer and business perceptions and experiences is crucial to ensure that regulations work, and to influence effectively. Also, regulating the sale of dangerous goods and ensuring product safety should keep pace with trends especially in online commerce. Online commerce rose steadily over the past decade, a trend that accelerated few years ago during the outbreak of COVID-19 pandemic. This includes growth in online marketplaces. These platforms, provided by websites such as online stores and social media sites, can be used by anyone to sell products, but are not responsible for the safety of goods sold by third parties. These platforms have become increasingly popular with people who sell from home rather than business premises, or from overseas, both of which present challenges for regulators to investigate or take enforcement action.

In all, the government has to promote a culture of consumer protection and strengthening consumer education and information activities using all available media, with a focus on vulnerable and disadvantaged populations, in partnership with consumer associations to ease the protection of consumers against sale of dangerous. This is by Increase consumers' awareness of risks to their health and safety, including the risks posed by the abuse of traditional medicines. It should also ensure and promote sustainable consumption patterns, including through consumer education and information, the promotion of good business practices and the suppression of misleading business practices. Furthermore, considering the inclusion of consumer protection in the digital strategy, in order to ensure effective consumer protection in both online and offline commerce, ensuring that laws adapt to the evolution of marketplace.

To the sellers of dangerous goods there is need for transparency and disclosure by operator or actors in the sale of dangerous goods in Cameroon. This should be by providing complete, accurate and not misleading information regarding the goods, terms and conditions of usage to enable consumers to take informed decisions. Thus, they should ensure easy access to this information, especially to the key terms and conditions, regardless of the means used.

Also, sellers of dangers goods should deal fairly and honestly with consumers at all stages of their relationship, as an integral part of the business culture. Businesses should avoid practices that harm consumers, particularly with respect to vulnerable and disadvantaged consumers. This is by not subjecting consumers to illegal, unethical, discriminatory or deceptive practices, such as abusive marketing tactics, or other improper behavior that may pose unnecessary risks or harm consumers. Thus, sellers of dangerous goods and their authorized agents should have due regard for the interests of consumers and responsibility for upholding consumer protection as an objective.

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Deep Learning: A Brief Study on Its Architectures and Applications

Haradhan Kumar Mohajan[1]

[1] Chairman and Associate Professor, Department of Mathematics, Premier University, Chittagong, Bangladesh

Correspondence: Haradhan Kumar Mohajan, Chairman and Associate Professor, Department of Mathematics, Premier University, Chittagong, Bangladesh.

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Abstract

Deep learning (DL) is a specialized branch of machine learning (ML) and artificial intelligence (AI) that uses multilayered neural networks, and teaches computers to process data in a way inspired by the functionality of human brain. It is based on "deep" neural networks comprising millions to billions of parameters organized into hierarchical layers that mimic human brain. It is a set of methods that uses deep architectures to learn high-level feature representations that allows the learning of more complex models compared to shallow architectures. Deep neural networks are a type of artificial neural network that have many layers in between (deep) the input and output layer. The DL has become one of the most popular and visible areas of ML due to its success in a variety of applications, such as computer vision, natural language processing, and reinforcement learning. Recently, it has become increasingly popular due to the advances in processing power and the availability of large datasets. The aim of this review is to provide an overview on DL frameworks in briefly.

Keywords: deep learning, neural networks, architectures, cyber-security

1. Introduction

Deep learning (DL) is a class of machine learning techniques that involves a neural network as a part of the thinking process for an artificial intelligence (AI), such as pattern recognition by passing input through various layers of the neural network (Drori, 2022; Mohajan, 2025b). It is the concept of computers simulating process of a human brain to analyze, think, and learn. It is a set of learning methods that attempt to model data with complex architectures combining different non-linear transformations (Yu & Deng, 2011). It focuses on utilizing multilayered neural networks that take inspiration from biological neuroscience and is centered on stacking artificial neurons into layers of interconnected neurons that collaborate to process input data to perform works, such as classification, regression, and representation learning (LeCun et al., 2015). It has achieved significant success in various fields, such as image recognition, computer vision, phonetic recognition, sound and image processing, voice search, audio processing, hand-writing recognition, facial recognition, speech and image feature coding, visual object recognition, text classification, semantic utterance classification, natural language processing, speech recognition, and recommendation systems (Sutskever et al., 2013).

The word "deep" in DL refers to the number of layers through which the data is transformed that have a substantial credit assignment path (CAP) depth. The term "deep learning" was introduced to the machine learning community by American distinguished professor of computer science Rina Dechter in 1986 with artificial neural networks by Ukrainian computer scientist Igor Aizenberg in 2000 (Schulz & Behnke, 2012). The DL has covered the research areas of neural network, graphical modeling, optimization, pattern recognition, and signal processing. Recent DL methods are developed since 2006. Modern DL provides training stability, generalization, and scalability with big data (Deng, 2014).

Training in DL especially in deep neural networks (DNNs) requires a large amount of data and computational resources. But, the availability of cloud computing and the development of specialized hardware, such as graphics processing units (GPUs) has made it easier to train DL (Goodfellow et al., 2016). The DL algorithms are complex mathematical structures with several processing layers that can separate the features of data or representations into various abstraction layers. Some of the popular DL architectures are convolutional neural networks (CNNs), recurrent neural networks (RNNs), and deep belief networks (DBNs) (LeCun et al., 1998).

2. Literature Review

A literature review is an overview of previously published works, such as scholarly articles, books, and theses on a particular topic (Creswell, 2013). A good literature review has a proper research question, a proper theoretical framework, and a chosen research methodology. It is also a common portion in a research proposal or prospectus (Baker, 2000). It provides an outline of current knowledge to identify relevant theories, methods, and gaps in the existing research. It analyzes, synthesizes, and critically evaluates the research area to give a clear picture of the state of knowledge on the subject (Galvan, 2015).

Kamal Choudhary and his coauthors have realized that DL is one of the fastest growing topics in materials data science with rapidly emerging applications spanning atomistic, image-based, spectral, and textual data modalities. They have presented a high-level overview of DL methods followed by a detailed discussion of recent developments of DL in atomistic simulation, materials imaging, spectral analysis, and natural language processing (Choudhary et al., 2022). Jenny Gu and her coauthors have presented a nice overview on recent advances of CNNs, multiple variants of CNN, DL architectures, regularization methods and functionality, and applications in various fields (Gu et al., 2015). Li Deng has reviewed some selected applications of DL in broad areas of signal and information processing, such as speech and image detection and processing, multimodality, language modeling, natural language processing, and information retrieval (Deng, 2014).

Yann LeCun and his coworkers have shown that DL allows computational models that are composed of multiple processing layers to learn representations of data with multiple levels of abstraction that have dramatically improved the state-of-the-art in speech recognition, visual object recognition, object detection, and many other domains, such as drug discovery and genomics (LeCun et al., 2015). Iqbal H. Sarker has shown that DL is a branch of ML and AI, and is considered as a core technology of fourth industrial revolution. He has discussed the structured and comprehensive view on DL techniques including a taxonomy considering various types of real-world tasks like supervised or unsupervised. He has aimed to draw a big picture on DL modeling that can be used as a reference guide for both academia and industry professionals (Sarker, 2021). Geert Litjens and his coworkers have studied the major DL concepts pertinent to medical image analysis. They have used DL for image classification, object detection, segmentation, registration, and other tasks; and provide concise overviews of studies per application area (Litjens et al., 2017).

Jurgen Schmidhuber has studied the deep supervised learning, unsupervised learning, reinforcement learning and evolutionary computation, and indirect search for short programs encoding deep and large networks. His study has focused on the narrower, but now commercially important, subfield of DL in artificial neural networks (ANNs) (Schmidhuber, 2015). Yoshua Bengio has focused on the context of the unsupervised and transfer learning challenge, on why unsupervised pre-training of representations can be useful, and how it can be exploited in the transfer learning scenario (Bengio, 2012). Rene Y. Choi and his coworkers have wanted to provide an overview of current ML methods and their use in medical research, focusing on select ML techniques, best practices, and DL (Choi et al., 2020). Abhishek Hazra and his coworkers have briefly examined different application area of DL techniques and some current state-of-the-art performances of it. They have also discussed some of the limitations of DL techniques (Hazra et al., 2020).

3. Research Methodology of the Study

Research is a systematic investigation to describe, explain, predict, and control the observed phenomenon. It involves inductive and deductive methods (Cohen & Arieli, 2011; Mohajan, 2018a). It is an essential and powerful tool in leading a person towards progress. It tries to collect and analyze data to increase understanding of a specific topic with a focus on controlling sources of bias and error (Pandey & Pandey, 2015). It attempts to develop new knowledge through the use of existing knowledge in a new and creative way so as to generate new concepts (Creswell, 2013). There are two major types of empirical research design: qualitative research and quantitative research. The qualitative research is a type of research that aims to gather and analyze non-numerical data (Silverman, 2011; Mohajan, 2018b). It is used to explore complex phenomena to gain insight into people's experiences and perspectives on a particular topic (Berg, 2009). The quantitative research designs are experimental, correlational, and survey that deal data of numerical form, such as statistics, percentages, etc. (Goertzen, 2017; Mohajan, 2020).

Methodology is the systematic approach to conduct research, gather information to reach in a specific goal. It is a system of principles and general ways of organizing and structuring theoretical and practical activity (Oduor, 2010). Research methodology covers the systematic procedures and techniques used to conduct research, ensuring that studies are valid, reliable, and address research questions effectively. It describes the techniques and procedures used to identify and analyze information regarding a specific research topic (Groh, 2018; Mohajan, 2017).

4. Objective of the Study

Deep learning is a family of methods in AI and ML that uses deep architectures to learn high-level feature representations. It has emerged as a game-changing technique within the arena of data-driven analytics due to its revolutionary success in several traditionally hard AI applications (Agrawal & Choudhary, 2019). It has proven useful in many software disciplines, such as computer vision, speech and audio processing, natural language processing, robotics, bioinformatics, chemistry, video games, search engines, online advertising, and finance (Goodfellow et al., 2016). It is based on multi-layered neural networks, such as artificial neural networks (ANNs), convolutional neural networks (CNNs), recurrent neural networks (RNNs), and deep belief networks (DBNs) (LeCun et al., 1998). Major objective of the study is to discuss the aspects of deep learning, such as basic idea, recent development, and applications. Other minor objectives of the study are as follows:

1) to highlight on architectures of DL,
2) to focus on neural networks, and
3) to discuss application and drawbacks of DL.

5. Architectures of DL

Deep learning architectures are multilayer non-linear repetition of simple architectures, and in most of the cases these help to obtain highly complex functions out of the inputs (LeCun et al., 2015). These can be constructed with a greedy layer-by-layer method, and most of them are based on neural networks that can be considered as a generalization of a linear or logistic regression (Tealab, 2018). The neural networks are inspired by the structure and function of the biological neurons of human brain, and these are designed to learn from large amounts of data (Bengio et al, 2007). The human brain consists of tens of billions of small processing units known as neurons that are connected to each other via synapses (Arel et al., 2009).

Some common DL network architectures are fully connected networks, deep belief networks, recurrent neural networks, convolutional neural networks, generative adversarial networks, transformers, and neural radiance fields (Cho & Chen, 2013). The DL models are able to automatically learn features from the data that makes them well-suited for tasks, such as computer vision, image recognition, speech recognition, natural language processing, machine translation, bioinformatics, drug design, medical image analysis, climate science, material inspection, and board game programs (Deng, 2014). The most widely used architectures in DL are feed-forward neural networks (FNNs), convolutional neural networks (CNNs), deep neural networks (DNNs), and recurrent neural networks (RNNs) (Bengio, 2009).

6. Neural Networks

Human nervous system contains cells, such as neurons that are connected to one another with the use of axons and dendrites, and are referred to as synapses. It consists of more than a billion of neural cells that process information. The computational units of it are connected to one another through weights that serve the same role as the strengths of synaptic connections in biological organisms (Szegedy et al., 2013). There are four types of neural networks: i) artificial neural networks (ANNs), ii) convolutional neural networks (CNNs), iii) deep neural networks (DNNs), and iv) recurrent neural networks (RNNs). Among these four neural networks, two architectures: convolutional neural networks (CNNs) and recurrent neural networks (RNNs) are currently most popular (Litjens et al., 2017).

A neural network is a graph with neurons, such as input and output nodes, units, etc. that are connected by links and communicate with other nodes via connections, and work similar to the human nervous system. It can be used for regression or classification (Nielsen, 2015). The neurons are organized in layers; an input layer (first layer), one or more hidden layers connected one after the other, and an output layer (last layer). Each neuron receives input from the previous layer neurons, and this process continues until the final layer produces the output of the network. The input layer receives data from the outside world which the neural network needs to analyze or learn about (Hastie et al., 2009).

6.1 Artificial Neural Networks (ANNs)

The ANN computing systems are inspired by the biological neural networks that are arranged in a series of layers and constitute animal brains that generally work without task-specific programming. An ANN contains a layer of input nodes, three hidden layers, and an output layer. It is built on the principles of the structure and operation of human neurons known as units (Hastie et al., 2009). It also contains nodes that communicate with other nodes via connections. Different layers can perform different kinds of transformations on their inputs (Brocardo et al., 2017). Signals travel from the input to the output layer, possibly after traversing the layers multiple times. The goal of ANN is to solve problems in the same way that a human brain would (Bishop & Bishop, 2024).

Each neuron is a mathematical processing unit, which is combined with all other neurons, and is designed to learn the relationship between the input features and the output (Georgevici & Terblanche, 2019). The first model of an artificial neuron was proposed by American neurophysiologist and cybernetician Warren McCulloch and American self-taught logician and cognitive psychologist Walter Pitts in 1943 that was the first mathematical model of a neural network (McCulloch & Pitts, 1943). Artificial neurons are elementary units in an ANN that are non-linear mathematical functions with many parameters. Each of these consists of three basic components: weights, thresholds, and a single activation function (Goodfellow et al., 2016).

Let us reformulate the input vector $x = \{x_1, x_2, ..., x_n\}$ as a set of features, and a set of weights of the neuron as $w = \{w_1, w_2, ..., w_n\}$. The output of the neuron that can be calculated by applying the activation function over the net input as (Gulshan et al., 2016),

$$y = f(\{x_1, x_2, ..., x_n\}.\{w_1, w_2, ..., w_n\} + b)$$

$$y = f(x_1 w_1 + x_2 w_2 + ... + x_n w_n + b)$$

$$y = f(x.w + b),$$

where b is the "bias" term that is the information which can impact output without being dependent on any feature. Here f is an activation function that is extremely important feature of the ANN. It basically decides whether a neuron should be activated or not, and it limits the output signal to a finite value. The function f is differentiable and monotonic, but the derivative of f is non-monotonic (Ghosh et al., 2019).

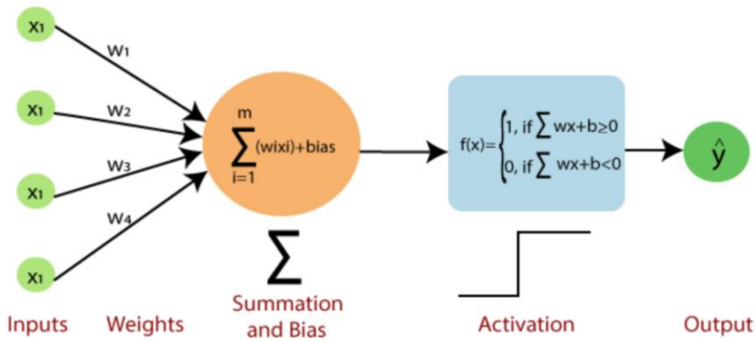

Figure 1. Three basic components of ANN: weights, thresholds, and a single activation function

Source: Qamar & Zardari (2023).

Without an activation function *f*, the neural network is just a linear regression model, as it performs only summation of product of input and weights. Each node in an ANN contains an activation function (Yegnanarayana, 2009). The ANNs are used on a variety of tasks, such as computer vision, image classification, speech recognition, machine translation, social network filtering, playing board and video games, medical diagnosis, and natural language processing (Silver et al., 2016).

6.2 Convolutional Neural Network (CNN)

A CNN is a type of feed-forward neural network that learns features through filter optimization, which can be applied to process and make predictions from many different types of data, such as text, images, and audio. It is introduced by French-American Chief AI Scientist at Facebook and JT Schwarz Professor Yann LeCun (LeCun et al., 2015). It detects local conjunctions from features and pooling layers merge similar features into one. It is composed by several kinds of layers, such as convolutional layers, pooling layers, and fully connected layers that allow reducing the dimension by taking the mean or the maximum on patches of the image, which act on small patches of the image. It is the most popular and successful variants among sparsely connected networks (Rumelhart et al., 1986). It is the most commonly used deep network that provides the benefit of automatically learning high-level useful features directly without having to extract handcrafted features. It can afford a semantic segmentation by associating each pixel of the input image to a label, and jointly optimize numerous related tasks together (Zhao et al., 2019). It is trained on either the entire image or on image patches and the important features are learned by optimizing a specific loss function. It takes advantage of the multidimensional structure of images capturing the spatial relationships between pixels (Krizhevsky et al., 2012).

At each layer, the input image is convolved with a set of *k* kernels $W = \{w_1, w_2, ..., w_k\}$ and subsequently biases $B = \{b_1, b_2, ..., b_k\}$ are added, each generates a new feature map X_k. These features are repeated for every convolutional layer *l as*,

$$X_k^l = \sigma\left(W_k^{l-1} \otimes X^{l-1} + b_k^{l-1}\right).$$

The discrete convolution between two functions *f* and *g* is defined as,

$$(f * g)(x) = \sum_t f(t) g(x+t).$$

For 2-dimensional signals, such as images the 2D-convolutions is used as,

$$(K * I)(i, j) = \sum_{m,n} K(m,n) I(i+n, j+m)$$

where *K* is a convolution kernel applied to a 2D signal or image *I*. If the image has 3 channels and if $K_l(l = 1,2,...,C_0)$ denote 5×5×3 kernels, where C_0 is the number of output channels. The convolution with the image *I* with the kernel K_l corresponds to the formula,

$$(K_l * I)(i, j) = \sum_{c=0}^{2} \sum_{n=0}^{4} \sum_{m=0}^{4} K_l(n,m,c) I(i+n-2, j+m-2, c).$$

For example, for each neuron in the fully-connected layer, 10,000 weights would be required for processing an image sized 100×100 pixels. But, applying cascaded convolution kernels, only 25 weights for each convolutional layer are required to process 5×5 sized tiles (Habibi & Heravi, 2017).

The CNNs are applied in text processing, image and video recognition, recommender systems, image classification, image segmentation, face recognition, object detection, medical image analysis, natural language processing, brain-computer interfaces, image segmentation, and financial time series (Ronneberger et al., 2015). The CNN also has some drawbacks, such as it is complex with an enormous amount of training parameters and it can be difficult to interact with any single layer within the deep network. Sometimes it is viewed as a black-box that does not explain their predictions in a way that humans can understand (Brown et al., 2018).

6.3 Deep Neural Networks (DNNs)

The DNN is an ANN with multiple hidden layers (tens to hundreds) between the input and output layers that makes them more complex and resource-intensive compared to conventional neural networks, which consist of the same components, such as neurons, synapses, weights, biases, and mathematical functions; and these as a whole mimics the functions of the human brain (Schmidhuber, 2015). It is capable of classification and generalization. The extension of CNN is considered as DNN, usually it has more than 3 layers, including the output and input layers. The major advantages of DNN are the ability of dealing with raw, unstructured, and unlabeled data, and cluster and process them to similar forms. For example, it can take a billion images, and cluster them according to their similarities (Janowczyk & Madabhushi, 2016). The DNN has gained popularity in 2006, when the researchers have founded that greedily training DNNs layer-by-layer in an unsupervised manner, followed by supervised fine-tuning of the stacked network, could result in excellent pattern recognition tools (Litjens et al., 2017).

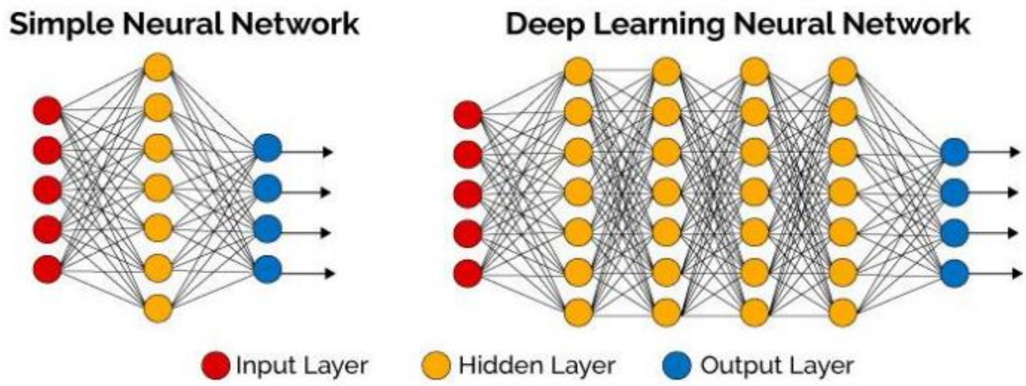

Figure 2. Summation and activation within single and deep neural networks

Source: Georgevici & Terblanche (2019).

6.4 Recurrent Neural Networks (RNNs)

The RNN is proposed by Kaiming He and his coauthors that consists of 152 layers, and has lower error and easily trained with residual learning. It is one of the most interesting neural network architecture. It is a special class of neural network allowing for an indefinite memory of previous events (He et al., 2015). It is a type of neural network that is able to process sequential data, such as time series and natural language (Ranzato, 2006). It is able to maintain an internal state that captures information about the previous inputs that make them well suited for tasks, such as speech recognition, natural language processing, and language translation. It has achieved better performance and is considered as an important advance in DL (Goodfellow et al., 2016). It is mostly trained by a sequence of data like sentence and makes subsequent similar sentences which are most likely used in chatbots. It is widely used in several applications, such as image captioning, generating review, generating feedback, and generating music (Rumelhart et al., 1986).

7. Application of DL

The DL is used in many aspects of our daily lives, such as image classification, recognition, colorization, and question answering; speech recognition, understanding, generation, and processing; sentence classification, modeling, and processing, etc. (LeCun et al., 2015; Mohajan, 2025a). It is also applied in many recent outstanding activities, such as word processing, video classification, document processing, photographic style transfer, question answering, person identification, object detection, face recognition and verification, playing Go, mobile and television vision, self-driving cars, web search, fraud detection, email and spam filtering, chip design, financial risk modeling, etc. (Silver et al., 2016; Wang et al., 2017).

The DL provides exciting new capabilities in numerous fields, such as navigation, particle physics, protein science, drug discovery, chemistry, physics, biology, materials science, astrophysics, etc. (Agrawal & Choudhary, 2019). In medical, modern DL tools show the high accuracy of detecting various diseases that improve the diagnosis efficiency. For example, these have been used for cancer detection and cell classification, lesion detection, X-ray CT reconstruction, organ segmentation, and image enhancement (Litjens et al., 2017).

DL algorithms can achieve the best performance in various tasks, such as image recognition and natural language processing. It can discover and learn relevant features from data without the need for manual feature engineering. It can scale to handle large and complex datasets (Deng & Yu, 2014). Since more data are available in DL; it can continually improve its performance day by day. It can be applied to a wide range of tasks and can handle various types of data, such as images, text, and speech (Kim et al., 2017).

8. Drawbacks and Challenges of DL

The DL is used successfully in image recognition, natural language processing, and autonomous systems. It is also used in neural networks to analyze and learn from large datasets. Despite its impressive capabilities it faces many challenges in data quality, computational demands, and model interpretability (Bengio, 2009). For example, it is difficult to estimate how much data are necessary to sufficiently and reliably train DL systems, because it depends both on the quality of the input training data as well as the complexity of the task (Choudhary et al., 2022). It is also suffered from the “black box” problem when input is supplied to the algorithm and an output emerges, but it is not exactly clear what features were identified or how they informed the model output (Wang et al., 2017).

The DL can inadvertently learn and perpetuate biases present in the training data that can lead to unfair outcomes and ethical concerns. It requires substantial computational resources, such as high-performance

GPUs or TPUs. Access to such hardware can be a bottleneck for researchers and practitioners (Bengio et al., 2007). It can be used with full potential by enhancing data quality, leveraging advanced tools, and addressing ethical concerns. Continuous improvement and adaptation are necessary for the successful future use (Zeiler & Fergus, 2013).

9. Conclusions

In this study, I have briefly presented DL architecture and applications with the future challenges. The DL is one of the fastest growing topics in data science, computer science, medicine, and natural sciences. Recently, it becomes a research hotspot due to its powerful learning ability and advantages for dealing with complex patterns. During the past few years it has achieved an enormous improvement in computer vision, speech recognition, and text understanding. The DL provides a solid comprehensive foundation to any researcher interested in the current and future directions of DL research. Despite the empirical promising results of it reported so far, much need to be developed. The DL has advanced the world faster than ever, but there are many difficult problems for humanity to deal with.

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Study on Living Inheritance of Manchu Banjin Festival "Mangshi Dance" (ICH) from Flow Theory Perspective

Yi Gang[1] & Bi Zhang[1]

[1] Lingnan Normal University, Zhanjiang 524048, China

Correspondence: Bi Zhang, Lingnan Normal University, Zhanjiang 524048, China.

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Abstract

With the in-depth advancement of the protection of intangible cultural heritage (ICH), the living inheritance of traditional music and dance has become a crucial issue. This study takes the Manchu "Mangshi Dance" in the Banjin Festival as the research object and introduces the flow theory to explore its inheritance mechanism. The research finds that the inheritance of "Mangshi Dance" is faced with problems such as insufficient participation of participants and weakened cultural identity. It is confirmed that the nine elements of flow experience are inherently compatible with the inheritance of ICH, and dimensions such as "challenge-skill balance", "clear goals", and "immediate feedback" can significantly improve the inheritance effect. The research shows that reconstructing ritual scenes, optimizing movement design, and strengthening interactive experience can effectively stimulate participants' sense of immersion, enhance cultural identity and inheritance motivation. This study provides a new perspective for the living inheritance of ethnic festival music and dance, has enlightenment significance for improving the theoretical system of ICH protection, and its empirical model can be promoted to similar ICH projects.

Keywords: flow theory, living inheritance of intangible cultural heritage, northeast ethnic festival music and dance, Manchu Banjin Festival, Mangshi Dance

1. Introduction

As a living carrier of human civilization, the protection and inheritance of intangible cultural heritage (ICH) has become a global issue. Although China has made progress in the field of ICH protection, traditional music and dance projects are confronted with difficulties such as declining participation and weakened cultural identity due to the impact of modern culture and the limitations of inheritance methods.

Mangshi Dance is a representative festival music and dance of the Manchu people. It is accompanied by Manchu folk songs and performed in Manchu folk costumes (Gang Yi et al., 2024). It was called "Mangshi Dance" during the Shunzhi reign, "Makeshi Dance" during the Kangxi reign, and renamed "Qinglong Dance" in the Qianlong period. Moreover, "Da Ma Hu" and "Xiao Ma Hu" included in "Makeshi Dance" were renamed "Yanglie Dance" and "Xiqi Dance" respectively (Wang Ningning, 2022). With its movement system of "circling with sleeves raised" and the interactive form of "Kongqi" harmony, it carries the Manchu martial spirit and collective memory. However, in the contemporary inheritance process, problems such as the weakening of ritual scenes and the fragmentation of participants' experience have emerged. How to break through the limitations of static protection and realize the transformation from "skill preservation" to "cultural activation" is a key proposition in current ICH research.

The flow theory provides a new perspective to solve this problem. The immersive experience under the "challenge-skill balance" revealed by it is highly consistent with the sustainability, pleasure, and creativity required for the living inheritance of ICH. In the field of art, the flow state can enhance participants' concentration and intrinsic motivation, which is related to the characteristics of the unity of body and mind and emotional resonance emphasized in the inheritance of “Mangshi Dance”. Against the background of strengthening the capacity-building for the sustainable development of ICH worldwide, exploring the interaction mechanism between flow experience and ICH inheritance is of great significance in the contemporary era.

This study aims to explore from three aspects: first, to analyze the internal connection between the nine elements of the flow theory and the living inheritance of ICH, and construct a theoretical analysis framework; second, to investigate the promoting effect of flow experience on the inheritance effect by taking “Mangshi Dance” as a case; third, to extract practical paths based on the flow theory and provide operable strategies for similar ICH projects. The expected results will break through the traditional “museum-style” protection model, and realize the transformation from “passive inheritance” to “active participation” by stimulating participants’ immersive experience and cultural identity, thereby injecting vitality into the contemporary inheritance of ethnic festival music and dance.

2. Theoretical Framework of the Living Inheritance of ICH and Flow

2.1 Theoretical Basis and Research Status of the Living Inheritance of ICH

The living inheritance of ICH emphasizes the realization of the sustainable development of ICH through the active practice of participants under the premise of maintaining cultural authenticity. Its theoretical basis originates from the “community participation” principle of the Convention for the Safeguarding of the Intangible Cultural Heritage of UNESCO. It breaks through the traditional “museum-style” static protection model and shifts the focus from material carriers to the cultural practice process. Its theoretical connotation includes three interrelated levels: original protection (such as the core movements and interactive forms of “Mangshi Dance”), adaptive development (such as the integration of traditional elements into modern dance dramas), and participatory practice (stimulating the cultural consciousness of inheritance subjects), which together constitute a systematic solution.

Current research on the living inheritance of ICH shows a diversified trend. At the practical level, the academic community focuses on educational inheritance paths. For instance, Hebei Minzu Normal University has developed an array of intangible cultural heritage courses and established a practical platform, integrating Manchu intangible cultural heritage into the modern education system, addressing the issue of a lack of inheritors, and also emphasizing the cultivation of cultural identity (Zhou Hongsong, 2020). At the theoretical level, interdisciplinary perspectives are widely applied. Theories from psychology and sociology are used to analyze the inheritance mechanism. The introduction of the flow theory provides a new perspective for explaining the intrinsic motivation of participants’ continuous investment. Studies by South Korean scholars have shown that when learners enter the flow state, their artistic expression and cultural identity are significantly enhanced (Kim Gyu-eun & Kim Min-seong, 2020).

The research status of the Manchu “Mangshi Dance” reflects the common challenges in the living inheritance of ICH. The Qing Dynasty’s documents provide detailed descriptions of the dance movements and cultural connotations, providing a genuine basis for its dynamic inheritance. However, in reality, it has fallen into a vicious cycle of “broken inheritance chain — declining recognition — shrinking participation”, facing the predicaments of “scarce inheritors” and “insufficient protection measures” (Chen Mengxi, 2012). The regional isolation, the passing away of elderly artists, and the lack of reserve forces have led to the loss of original movements and ritual procedures; the textbook-based and stage-based adaptations have deleted narrative details and symbolic symbols, diluting its cultural value (An Xiaochun, 2007; Chen Mengxi, 2012). At the same time, the variety show-style reconstruction of “Donghai Mangshi Dance” and the ritualized upgrading of the court “Qinglong Dance” have weakened the emotional resonance of young learners due to the simplification of narrative logic and the weakening of ethnic elements, resulting in a reduction in the number of participants (Li Ting, 2020; Wang Shuyao, 2021).

Similarly, the Manchu ICH Banjin Festival also faces problems of identity dilution and unbalanced participation structure in its modern reconstruction. As an ethnic celebration and an ICH symbol, its core memory (the naming of “Manzhou” in 1635) has a low awareness among the youth group. The festival activities have been simplified to “tasting — watching — lottery drawing”, and the ritual function has been weakened (Dai Huaiming, 2011; Shi Shaotao, 2010); in terms of the participation structure, the actual attendees are mainly middle-aged and elderly people. Young people living scattered in cities and residents in non-Manchu inhabited areas are absent due to the lack of community ties and emotional resonance. The local authorities’ measures to attract people have not changed the cold situation of “the festival is held, but people are absent”, which hinders the transformation of the festival’s cultural capital into social practice (Lin Rongyao, 2006; Yu Zidong, 1996).

The deficiency of current research lies in the insufficient discussion on the psychological mechanism in the inheritance of ICH. The research on the adaptability between the flow theory and the living inheritance of ICH is still in its initial stage. Especially in cultural practices such as “Mangshi Dance” and “Banjin Festival” which have both technical and group characteristics, how to stimulate individual flow experience and collective cultural identity through environmental design and interactive feedback requires further theoretical exploration and empirical testing, which provides an academic growth point for this study.

2.2 Core Concepts of the Flow Theory and Its Application in Cultural Research

The flow theory was proposed by psychologist Mihaly Csikszentmihalyi in the 1970s. It originated from the observation of the psychological state of artists and athletes and describes the optimal experience state of high concentration, pleasure, and a sense of control that individuals have when they are fully engaged in activities (Csikszentmihalyi & Csikzentmihaly, 1990). Flow has nine core characteristics, among which “challenge-skill balance” is the key premise. When the difficulty of the activity matches the ability of the participant, the individual is likely to enter an immersive state and stimulate the intrinsic motivation for continuous participation (Csikszentmihalyi, 1975).

In the field of art, the flow experience is related to the creative practice of performers. When dancers master skills proficiently and reach the state of “unity of form and spirit”, they often have a state of selfless dedication and smooth performance (Wu Sisi, 2018), which enhances their artistic expression and self-identity. The strong flow state experienced by performers in public performances can enhance their artistic confidence and willingness to continue learning (Kim Gyu-eun & Kim Min-seong, 2020). In recent years, the application of the flow theory in dance teaching has become mature. For example, splitting complex dance segments into gradient practice units and setting up phased movement feedback help learners establish a positive cycle of “skill improvement — flow experience — participation motivation”.

The introduction of the flow theory into the living inheritance of traditional music and dance ICH has a unique adaptability. The living inheritance of ICH emphasizes the subjectivity and creativity of participants. The intrinsic motivation and long-term investment promoted by the flow experience can respond to problems such as “weakened cultural identity” and “insufficient participation”. Taking “Mangshi Dance” as an example, its movement system and interactive form naturally correspond to the flow elements: the movement gradient constructs the basis of “challenge-skill balance”, the fixed ritual scene provides “clear goals”, and the harmony of “Kongqi” echoes together to form the “immediate feedback” mechanism. When participants achieve physical and mental coordination in the festival scene, they may enter a cultural immersion state of “integration of action and consciousness” and “disappearance of self-awareness”, which strengthens the sense of national cultural identity and forms a virtuous chain of “experience — identity — inheritance”.

In the application of cultural research, the flow theory provides an observation framework from three dimensions: the activity design dimension, which adjusts the matching degree between the challenge difficulty and the participants’ skills to avoid boredom or anxiety; the environment creation dimension, which enhances the sense of presence through the reconstruction of ritual scenes and multi-sensory interaction; the feedback mechanism dimension, which uses immediate evaluation and collective interaction to consolidate positive experiences and strengthen the “sense of control”. This framework breaks through the limitation of traditional ICH research that focuses on static protection and pays attention to the dynamic coupling relationship between participants’ psychological experience and cultural practice.

3. Cultural Connotation and Current Status of the Living Inheritance of “Mangshi Dance” in the Manchu Banjin Festival

3.1 Cultural Origin of the Manchu Banjin Festival and the Historical Development of “Mangshi Dance”

The Manchu Banjin Festival originated from the historical event on the 13th day of the tenth lunar month in 1635, when Huang Taiji issued an imperial edict to change the ethnic name to “Manzhou”. It has evolved into a modern named festival, inheriting the core connotation of Manchu festival culture (Dai Huaiming, 2011) and serving as an important carrier for condensing national identity. During the Banjin Festival, Manchu people trace their national historical memory through various activities, and “Mangshi Dance”, as a symbolic cultural symbol, occupies a core position.

The movements of Mangshi Dance have distinct morphological characteristics and scene adaptability. “Liubian Jilue” clearly records its core posture of “raising one sleeve to the forehead, putting the other sleeve behind the back, and circling to make gestures” (Yang Bin, 2014, Volume 2, p.45). “Raising one sleeve to the forehead” symbolizes respect for the heavenly gods, “putting the other sleeve behind the back” simulates the posture of holding a bow and arrow during hunting, and “circling to make gestures” restores the flying trajectory of falcons, carrying the cultural genes of the Manchu people’s advocating martial arts and nature. The performance form is “singing accompanied by dancing”, but there are differences in scene details: in folk occasions, there is group harmony where “one person sings in the middle, and everyone joins in with the two words ‘Kongqi’” (Yang Bin, 2014, Volume 2, p. 46), and the two-person interaction of “two people dancing face to face, while others clap their hands and sing" (Yang Bin et al., 2014, p.89). Moreover, the two-person interaction distinguishes between "Male Mangshi Dance" (vigorous, including postures of hunting and fighting) and "Female Mangshi Dance" (gentle, integrating daily life scenes such as weaving nets and splashing water); the movements in the court scene are more standardized and solemn, conforming to the etiquette standards of court banquets. "Qingshi Gao·Zhi 69·Yue 1" records that it is "a grand ceremony for Manchu banquets, with extremely grand etiquette" and is limited to "the five senior ministers to perform" (Compilers of Qingshi Gao, 1928, Volume 94, p.21).

The cultural connotation of Mangshi Dance shows different value orientations in folk and court scenes. At the folk level, it is a carrier of regional culture and festival etiquette. "Liubian Jilue" confirms that it is a medium for the spread of Manchu regional culture in Northeast China. "Ningguta Jilue" mentions that it is held on New Year's Day or during festive occasions, carrying the functions of folk social interaction and festival etiquette; at the court level, it is a symbol of ritual hierarchy and cultural solemnity, reflecting the in-depth integration of "ritual" and "music" of the Manchu people.

The historical development of "Mangshi Dance" presents a dual context of the court and the folk. It originally originated from the hunting and sacrificial activities of the Manchu ancestors. Its core movements imitate the flying of falcons, reflecting the cultural characteristics of advocating martial arts and hunting (Yang Bin, 2014, Volume 2, p.45). After the Manchu people entered the Central Plains, it was incorporated into the ritual system at the court level, forming a strict performance routine; at the folk level, it retained a free and unrestrained style, with impromptu performances at festivals, weddings, and other occasions, and a stronger sense of group participation (Wang Shuyao, 2021). This differentiation enables "Mangshi Dance" to not only carry the exquisite aesthetics of noble culture but also continue the simple emotions of folk life.

From the perspective of the evolution of cultural functions, "Mangshi Dance" has experienced a transformation from practical rituals to artistic expression. In the early stage, it was used for praying before hunting or celebrating after wars, with clear practical purposes; with the change of social forms, its entertainment and aesthetic nature gradually increased, allowing people to feel the Manchu ancestors' love and awe for nature and life (Wang Yuejiao, 2024). In the context of the Banjin Festival, the dance is not only an embodied interpretation of national history but also a vivid witness to the cultural identity of contemporary Manchu people.

The inheritance method of the dance has undergone important changes. Traditionally, it relied on oral and physical teaching by family elders, emphasizing the simultaneous transmission of "body charm" and "mental method"; in modern times, it is spread through institutionalized channels such as teaching in professional colleges and training in cultural centers. Regardless of the form of change, "Mangshi Dance" has always maintained three core characteristics: the symbolism of movements, the collectiveness of participation, and the comprehensiveness of functions, which enable it to maintain cultural authenticity in the process of modernization.

The current living inheritance of "Mangshi Dance" is faced with both opportunities and challenges. On the one hand, the awareness of ICH protection has increased, and the frequency of the dance being displayed in folk activities has increased; on the other hand, the fast-paced life has weakened the younger generation's mastery of traditional dances and made their understanding of the cultural implications of core movements vague. How to innovate the inheritance mechanism to make the dance not only maintain its historical heritage but also conform to contemporary aesthetics is an urgent issue to be solved.

3.2 Artistic Characteristics and Cultural Value of "Mangshi Dance"

As a typical representative of traditional Manchu music and dance, the artistic characteristics of "Mangshi Dance" are concentrated in three aspects: movement system, performance form, and aesthetic implication. In terms of movement composition, the basic posture is "raising one sleeve to the forehead, putting the other sleeve behind the back, and circling to make gestures". The circular movement of "circling to make gestures" not only imitates the natural form of falcons circling but also implies the Manchu concept of "heaven is round and earth is square". Specific movements are related to the production and life practices of the Manchu ancestors. For example, "Single Galloping Horse" restores the dynamic state of hunting, and "Threading the Needle" and "Splashing Water" show the fishing and hunting culture (Jiang Li, 1998). The dance includes a complete structure of "Nine Sections and Eighteen Styles", and each section corresponds to a specific scene or narrative, forming a performance system with both stylization and improvisation.

In terms of performance organization, "Mangshi Dance" shows distinct group characteristics, with the core being the movement response and emotional resonance between dancers. The movements of the male and female Mangshi Dances form a contrast and complementarity, and a rich visual level is constructed through the arrangement of "duet dance" and "round dance". During the performance, the drumbeat rhythm and "Kongqi" harmony form a multi-sensory collaborative feedback system. Dancers adjust the intensity of their movements according to the drumbeat, and the audience interacts with the performers in real-time through the "Kongqi" chant, which naturally conforms to the elements of "clear goals" and "immediate feedback" in the flow theory. As a South Korean scholar's study shows, "the positive feedback from the audience and cooperation with peers have enhanced the performers' motivation and pleasure, thereby improving their immersive experience" (Kim Gyu-eun & Kim Min-seong, 2020), which also explains its lasting participation vitality in traditional festivals.

In terms of cultural value, "Mangshi Dance" carries three core functions. Firstly, it is the living preservation of historical memory. The dance movements vividly reproduce the historical scenes of the Manchu people's battles and hunting, enabling the abstract national narrative to be inherited in a concrete way through body language. Secondly, it is a tool for strengthening ethnic identity. The collective dance constitutes a practical carrier of the "imagined community", and participants perceive a sense of ethnic belonging in the process of physical coordination. Thirdly, it is a medium for aesthetic education. The rhythmic beauty of the dance's "rhythm of bending, stretching, advancing, retreating, looking down and looking up" (Jiang Li, 1998) cultivates the public's perception of aesthetic categories such as "strength", "harmony", and "rhythm" through physical practice.

From the perspective of the flow theory, there is a deep connection between the artistic characteristics and cultural value of "Mangshi Dance". The gradient difficulty of the movement system naturally forms a "challenge-skill balance" structure, and the clear ritual scene helps to form an immersive state of "integration of action and consciousness", making the dance an effective carrier for inducing cultural flow and transforming cultural inheritance from a passive "task" to an active "experience".

In contemporary inheritance, the artistic characteristics of "Mangshi Dance" are faced with two transformation challenges. On the one hand, the fast-paced modern life has led to the younger generation's weakened understanding of traditional movement symbols, making it difficult for them to understand the cultural metaphors of the movements; on the other hand, the cultural context has shifted from ethnic internal celebrations to cross-cultural performances, requiring the aesthetic expression to be more universal. The key to addressing these challenges is to strike a balance between "change" and "constancy", keeping the core movement vocabulary and cultural spirit unchanged while allowing changes in the performance form and accompanying music, so as to avoid the loss of cultural essence due to excessive innovation.

3.3 Practice and Challenges of the Contemporary Living Inheritance of "Mangshi Dance"

The current practice of the living inheritance of the Manchu "Mangshi Dance" shows a diversified trend, with educational inheritance, festival performances, and community inheritance as the three core paths, while also facing many challenges. At the level of educational inheritance, some universities and primary and secondary schools have set up ICH courses and invited inheritors to enter the campus, combining the teaching of dance skills with national cultural education. The textbook construction of "Donghai Mangshi Dance" includes movement teaching and the infiltration of Manchu history and culture. For example, when teaching the "hunting style", the hunting life is explained simultaneously, and when practicing the "Kongqi" harmony, its cultural significance is introduced (An Xiaochun, 2007), forming an organic unity of "physical practice — cultural cognition".

Festival performances are the core way for "Mangshi Dance" to spread to the public, which not only continues the historical functions but also integrates modern elements. In terms of historical continuity, the current Banjin Festival still retains ritual functions such as "dancing alternately at grand banquets" and "Kongqi harmony". For example, in the Banjin Festival celebration in Sujiatun District, Shenyang, participants complete the entire process of "starting style — dancing style — celebrating style" around the bonfire; in terms of modern innovation, some performances enhance the ornamental value through stage technology. For example, the Dandong Song and Dance Troupe performed "Mangshi Kongqi" at the 2022 Northeast Manchu Banjin Festival (Shenyang Branch Venue), using LED screens to restore the regional scene of "Liutiao Border" and integrating the vividness of folk dances with the visual impact of modern stages. In the creation of contemporary plays, "Donghai Mangshi Dance" has broken through the scope of folk dances and integrated the exquisite aesthetics of court dances. For example, the dance drama "Pearl Lake" by the Liaoning Song and Dance Troupe retains the core movement symbols and endows them with new narrative tension (Li Ting, 2020).

As a continuation of the traditional way, community inheritance still plays an important role in Manchu-inhabited areas. Taking the Ningguta area in Mudanjiang as an example, the local Manchu community has established a folk dance team and carries out regular inheritance activities every month to maintain the natural connection between the dance and Manchu living customs. However, the urbanization process has brought difficulties to community inheritance. "There are very few people who can truly understand the detailed dance scores" (Chen Mengxi, 2012), and the passing away of elderly artists has led to the risk of loss of some unpopular sections; the younger generation's participation in inheritance activities has continued to decline due to working outside and shifting interests.

From the perspective of the flow theory, the current inheritance practice has shortcomings in stimulating participants' immersive experience, with the core problems lying in the dimensions of "challenge-skill balance" and "immediate feedback". The "challenge-skill balance" mechanism is not perfect. The teaching in professional colleges focuses on technical difficulty (such as directly teaching the "Nine Sections and Eighteen Styles"), which causes anxiety among learners. The randomness of community inheritance makes participants with basic skills feel bored, and neither can trigger the flow state; the "immediate feedback" system is weakened. Modern teaching simplifies the traditional interactive chain of "drumbeat - movement - Kongqi", making it difficult for learners to obtain immediate feedback and thus form a sense of control. However, "a complete feedback system is crucial for maintaining the participants' immersive state" (Cho Young-joo, 2010), and this deficiency directly leads to the decline of participation motivation.

In addition, contemporary inheritance also faces three universal challenges. Firstly, the change of cultural context leads to the cognitive gap of movement symbols, making it difficult for the younger generation to understand the cultural metaphors of core movements. Secondly, the fault of the inheritance group is prominent. Professional dancers tend to turn to other ethnic dances, believing that "the movements of Mangshi Dance are simple and have weak stage expressiveness" (Chen Mengxi, 2012), and folk inheritance is faced with the risk of "lack" due to the passing away of elderly artists. Thirdly, the impact of modern entertainment methods. The fast-paced life and fragmented entertainment have reduced the younger generation's patience for traditional dances. To address these challenges, it is necessary to construct solutions from the dual perspectives of "flow stimulation" and "cultural adaptation".

4. Practical Mechanism of the Living Inheritance of "Mangshi Dance" from the Perspective of the Flow Theory

4.1 Manifestations and Action Mechanism of Flow Experience in the Inheritance of "Mangshi Dance"

In the practice of the living inheritance of "Mangshi Dance", the flow experience promotes participants' continuous investment and cultural identity through manifestations and multi-dimensional action mechanisms that are compatible with the cultural characteristics of the dance, and its core logic is in deep correspondence with the flow elements in 2.2.

In terms of manifestations, the collectiveness and ritual nature of "Mangshi Dance" provide a natural soil for the generation of flow. At the movement practice level, the gradient structure of the dance from the basic "raising the sleeve to the forehead" and "putting the sleeve behind the back" to the complete dance segment of "Nine Sections and Eighteen Styles" is highly consistent with the "challenge-skill balance". After beginners master the basic skills, they gradually learn complex content, avoiding "boredom" or "anxiety"; at the interactive feedback level, the "Kongqi" harmony and drumbeat rhythm form a real-time response system. Dancers adjust the intensity of their movements according to the drumbeat, and participants shout "Kongqi" in unison to form a sound wave resonance, which conforms to the element of "immediate feedback"; at the scene adaptation level, the fixed process of "sacrificial opening - dance performance - collective dance" in the Banjin Festival provides "clear goals", and with the wearing of traditional costumes and the setting of hunting scenes, it helps to achieve "focus on the current task" and "integration of action and consciousness".

In terms of the action mechanism, the flow experience strengthens the inheritance effect through three paths: cognitive focus, emotional activation, and meaning construction. In the cognitive focus mechanism, the ritual scene defines the temporal and spatial boundaries, and the movement requirements require a high degree of concentration. Individuals need to pay attention to the movement range, rhythm coordination, and harmony response at the same time, reducing the interference of distracting thoughts and focusing cognitive resources on dance practice. This process is the practical embodiment of the elements of "focus on the current task" and "integration of action and consciousness". Studies on similar ethnic dances have shown that this state of concentration can significantly reduce the cognitive load of learners (Zhong Xueke, 2023); in the emotional activation mechanism, the "Kongqi" harmony and body movements produce a multi-sensory synergy effect, stimulating the secretion of pleasure substances such as endorphins. Individuals have a sense of belonging in the collective sound wave and neat movements, entering a state of "disappearance of self-awareness" and "distortion of time perception". South Korean dance psychology research describes this state as "the peak moment when consciousness and body are perfectly combined" (Cho Young-joo & Lee Kang-heon, 2010), which corresponds to the element of "the activity itself becomes the goal"; in the meaning construction mechanism, the dance movement symbols carry historical memory. Through physical practice, dancers "feel" the life of their ancestors, transform the abstract national history into a perceivable personal experience, and strengthen cultural identity. The ritual norms of the court Mangshi Dance recorded in "Qingshi Gao·Zhi 69·Yue 1" indicate that this physical practice has been an important carrier of Manchu identity since ancient times, and the "sense of control" in the flow further consolidates the meaning cognition.

From the perspective of inheritance subjects, different groups have different paths to experience flow. The flow of professional dancers mainly comes from the "challenge-skill balance" and "sense of control", and they focus on the accurate completion of high-difficulty movements; the “immediate feedback” and “disappearance of self-awareness” have a more significant effect on ordinary participants, who can quickly integrate through collective response; the adaptation of “clear goals” and “the activity itself becomes the goal” is important for the youth group, and dance practice needs to be designed as a “movement breakthrough” game. The flow experience also has the characteristic of “self-propagation”, which can trigger the phenomenon of collective flow and expand the coverage and influence of inheritance.

In contemporary inheritance, the generation of flow experience is faced with modern challenges, such as fragmented attention, reduced tolerance for slow feedback mechanisms, and the disappearance of cultural context. To address these challenges, it is necessary to carry out targeted reconstruction based on the flow elements, such as adapting to fragmented time, strengthening “immediate feedback”, and establishing a dynamic movement library. The in-depth value of the flow experience lies in transforming cultural inheritance from “passive indoctrination” to “active exploration”, providing a psychological basis for the creative transformation of Manchu culture. In the future, the application of virtual reality technology can be explored to strengthen the flow elements.

4.2 Design of Practical Paths for the Living Inheritance of “Mangshi Dance” Based on the Flow Theory

Combining the core logic of the flow elements and the practical problems in the inheritance of “Mangshi Dance”, practical paths are designed from three dimensions: ritual scene reconstruction, movement system optimization, and interactive mechanism strengthening, taking into account the needs of different groups and technical adaptability.

4.2.1 Ritual Scene Reconstruction: Laying the Foundation for “Clear Goals” and “Focus on the Current Task”

In modern inheritance, scene reconstruction needs to maintain cultural authenticity and enhance the sense of immersion and substitution. Firstly, restore the cultural context. With reference to the in-depth connection between “Donghai Mangshi Dance” and fishing and hunting culture (An Xiaochun, 2007), arrange Manchu traditional life elements in the festival performance venue, and use lighting projection technology to present natural images to help learners understand the cultural logic of the movements; secondly, set up a ritualized admission process. Participants wear Manchu traditional costumes and learn simple Manchu greetings, and are guided into the “ritual state” through behavioral norms and cultural symbols; thirdly, clearly divide the task areas of the scene. Divide the “Mangshi Dance” activities in the Banjin Festival into “learning area”, “performance area”, and “interactive area”, with clear task goals in each area, allowing participants to choose according to their needs and avoiding participation anxiety.

4.2.2 Movement System Optimization: Achieving “Challenge-Skill Balance”

Reconstruct the movement system based on the “gradient” principle and build a “three-level progressive module”. The basic movement level focuses on symbolic postures, and each movement is accompanied by a short video explanation (including movement decomposition and cultural implication), with the goal of “mastering the standard of a single movement”; the combined segment level compiles daily life movements into independent small units, with simple drumbeat rhythms, and the goal of “achieving smooth connection of 2-3 movements”; the complete dance segment level restores the traditional structure of “Nine Sections and Eighteen Styles”, retains the complete complexity for the professional inheritance group, and simplifies the number of sections for the public participants. At the same time, develop a “gamified progressive plan” for teenagers, transforming the three-level modules into “beginner - advanced - master” breakthrough tasks, and unlocking the corresponding “cultural medals” after completing each module, strengthening the “sense of control” through immediate rewards.

4.2.3 Interactive Mechanism Strengthening: Activating “Immediate Feedback” and “Disappearance of Self-Awareness”

Restore and innovate the “drumbeat - Kongqi” interactive model, and strengthen collective interaction. Construct a “dual feedback system” in the collective teaching scene: one is the traditional drumbeat feedback, where the instructor conveys movement instructions through drumbeats, and uses “three drumbeats” as positive feedback; the other is the “Kongqi” harmony feedback, where all participants shout “Kongqi” in unison after completing the movements to form a sound wave resonance. Develop an “intelligent interactive assistance system” for distance learning: use motion capture technology to evaluate the completion of movements in real-time, and provide immediate evaluation through vibration or voice feedback; build an online “cloud chorus” function to simulate the offline interactive experience. Attach importance to the “elderly leading the young” group interaction model in community inheritance. Elderly artists guide beginners through “one-on-one demonstration + immediate correction” and explain the cultural connotation at the same time, realizing dual feedback of “technical guidance + cultural transmission”.

4.2.4 Group Adaptation and Technical Collaboration: Expanding the Coverage of Flow Experience

Design differentiated plans for different groups in combination with the flow elements. For cultural researchers, organize “in-depth experience workshops” and set up “movement analysis + literature comparison” tasks; for office workers, develop “10-minute micro-practice” courses; for non-Manchu groups, design “cultural pre-experience”. Adhere to the principle of “serving culture” in the application of technology, use augmented reality technology to superimpose historical scene animations, and monitor the degree of immersion through wearable devices, but the core returns to physical practice, maintaining the simultaneous transmission of movement practice and mental method understanding.

The implementation of the path requires multi-party collaboration. Educational institutions compile “flow-oriented” teaching materials, community organizations regularly hold “festival interactive performances”, and cultural departments strengthen the training of inheritors’ “flow guidance ability”, transforming the inheritance of “Mangshi Dance” into an immersive experience that stimulates cultural consciousness, and realizing a virtuous cycle of “body memory - emotional resonance - cultural identity”.

5. Conclusions

This study explores the living inheritance mechanism of the Manchu “Mangshi Dance” in the Banjin Festival from the perspective of the flow theory, and draws the core conclusions: the ritual and interactive characteristics of “Mangshi Dance” are inherently compatible with the conditions for generating flow experience; the gradient design of the movement system, the collective response feedback mechanism, and the immersive creation of cultural scenes constitute the key elements for inducing flow experience; the essence of current inheritance problems is the lack or imbalance of the conditions for generating flow; by reconstructing ritual scenes, optimizing movement design, and strengthening interactive mechanisms, participants’ immersive experience can be effectively activated, and the inheritance effect can be improved.

Future research and practice can be deepened and expanded from three aspects: first, strengthen interdisciplinary integration research, combine dance anthropology, cognitive psychology, and digital technology, and explore the application of virtual reality and other technologies in the restoration of cultural scenes; second, establish a dynamic evaluation mechanism, regularly track the effect of flow experience generation, and adjust inheritance strategies; third, promote the “flow-inheritance” mechanism model to the protection practice of other ethnic festival music and dance, verify its universality through comparative research, and improve the theoretical system of the living inheritance of ICH.

In the future, the Banjin Festival activities can integrate the practical paths of this study to make the theoretical results serve the contemporary inheritance. In the long run, the living inheritance of ICH should go beyond skill preservation and construct a virtuous cycle of “cultural experience - psychological identity - active inheritance”, integrating traditional music and dance into modern life and making it a living carrier of national cultural identity. This requires in-depth academic research and multi-departmental collaborative promotion to create conditions for the sustainable development of ICH.

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Audit Practice and Fraud Control in Private Tertiary Institutions in Cameroon: A Systematic Review

Kengne Fotsing Prosper[1], Prof. Molem Christopher Sama[2] & Prof. Ebai John Egbe[3]

[1] Department of Accounting, University of Calabar, Nigeria

[2] Faculty of Economic and Management Sciences, University of Barnenda, Northwest Region, Cameroon

[3] Department of Accounting, University Institute of the Gulf Guinea Douala, Cameroon

Correspondence: Prof. Ebai John Egbe, Department of Accounting, University Institute of the Gulf Guinea Douala, Cameroon.

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Abstract

The study examined Audit practice and fraud control in private tertiary institutions in Cameroon: a systematic review. Audits are concerned with improving the quality of the private sector administration by assisting and encouraging agencies to achieve better practices in areas such as asset management, accounts processing, audit committees, the use of accrual information and debt management. Organization wishing to conduct its business in an orderly and efficient manner and to produce reliable financial accounting information to the entire stakeholders need some measures of control to minimize the effect of endemic business failure. Audit should conform to the structure of the organization and be related to decision centers accountability for performance. Audit is a review of any part of an organization operating procedures and methods for the purpose of evaluating efficiency and effectiveness. It is concluded that, auditing is aimed at prevention of mistakes, shortcomings and misdeeds in the private administration. It is a management function which seeks to ensure that operations are working according to plan.

Keywords: audit practice, fraud control, private tertiary institutions, audits

1. Introduction

Any organization wishing to conduct its business in an orderly and efficient manner and to produce reliable financial accounting information to the entire stakeholders needs some measures of control to minimize the effect of endemic business failure. Audit should conform to the structure of the organization and be related to decision centers accountability for performance. This means that every position (or manager) should be provided with the necessary information and data by the organization to evaluate the degree of success in achievement of objective (Awoyemi, 2019). Audit plays an effective role in controlling corruption in the private sector, if this is done efficiently and effectively. It is an integral aspect of private sector accounting. According to Adams (2012), its objectives are both primary and secondary in nature. In an organization, internal audit is one of the basic functions of management, it is a management function which seeks to ensure that operations are working according to plan. It is important in any business because the business is set up to maximize profit and increase initial capital (Howard, 2012).

Audit controls the business organization because the different stakeholders in the business have different interests and to protect their interest, they device a means of ensuring that those interests are not tempered with when such controls are implemented within the organization's system. According to Anderson (2016), audit is a system to control financial and otherwise establish by the management in order to carry on the business of the enterprise in an orderly and efficient manner, adherence to management policies, safeguard the assets and secure as far as possible the completeness and accuracy of the records, the individual components of an internal control system. The role of internal audit in improving the performance of the organization can best be described by considering its needs. An organization that cannot deliver its goods and services on time and in correct quality or quantity demanded, needs efficient manpower with adequate knowledge of internal control system to correct abnormalities.

2. The Concept of Auditing

Arens and Loebbecke (2018) defined auditing as a process by which a competent, independent person accumulates and evaluates evidence about quantifiable information related to specific economic entity for the purpose of determining and reporting on the degree of correspondence between the quantifiable information and established criteria. According to Adam (2012), he described Auditing as a process carried out by suitably qualified Auditors during which the accounting records and the financial statements of an enterprise are subjected to examination by Independent Auditors with the main purpose of expressing an opinion in accordance with his terms of appointment. Millichanp (2012) puts it thus, “An Independent Investigation into an organization, its records and financial statements by an auditor who forms an opinion based on his assessment on the accuracy and correctness of the financial statements.” Millichanp (2012) went further to say that the primary aim of an audit is to enable the auditor say whether audited account presents or shows a “true and fair view or not.” Millichanp (2012) divided the objectives of auditing into primary and secondary. He noted that the primary objective was to present an opinion of the truth and fairness of financial statement so that any person reading and using them can have belief in them while the secondary objectives are:

i. To detect errors and fraud.

ii. To prevent errors and fraud by the deterrent and moral effect of the audit.

iii. To provide spin-off effects, this has to do with assisting the client with accounting systems, taxation, financial, risk management and other problems.

Accounting to Arens and Loebbecke (2018), to carry out an audit, the following criteria are necessary; there must be quantifiable information and established criteria, quantifiable information such as total cost of construction. There must be an economic entity, which is also a legal entity in most cases such as corporations. There must be accumulation and evaluation of evidence. John (2012) defined evidence as information and explanations gathered by the auditor in the course of forming an opinion on an enterprise financial statement. Arens and Loebbecke (2018) see evidence as any information used by the auditor to determine whether the quantifiable information being audited is stated in accordance with the established Criteria. Also, in addition to the above criteria is that the auditor must be competent and should exercise independence in carrying out his work and finally, the audit report, which entails the communication of the findings of the audit work. Auditing in private is internal because it is expected to be independent of the executive and to serve as an outwardly imposed system of check on the decisions and actions of management (Oshisami, 2014).

According to Oshisami (2014), private accountability is as old as the existence of human beings in social forms. He is of the opinion that private accountability goes beyond the stewardship role functions. This is so because in private there is the added dimension of complexity, which is one of the most significant aspects of management in private complexity, not irrationality in assessing whether one use of allocation of resources yields more benefits than another. There are live patterns of private accountability, which falls within this complexity. These are political, legal, financial, private complaints institutions and private opinion. Oshisami (2014) opined that the traditional stewardship, which is the main objective, involves ensuring legal compliance with applicable laws and regulations are well known. However, other accountability objectives applied are less well known. First it can be discerned from the objectives that they relate to operational requisites, which can be discussed under two operational requisites:

(1) Managerial responsibility for efficiency and economy of operation i.e., efficiency and accountability

According to Oshisami (2014), this implies that managers and the executive have a duty to use the resources placed at their disposal in the most efficient and economical manner. This raises questions such as are the goods and services really needed? Are costs incurred or expenditures made reasonable? Are resources properly used and finally does the system avoid waste and use of costly procedures.

(2) Managerial Responsibility for Effectiveness

According to Oshisami (2014), this relates to the role, which the accounting function should play in assisting management to achieve programme or activity objectives. Oshisami (2014) posited that private accountability as an internal control device must satisfy four necessary elements.

(i) There must be timely, honest, accurate, complete adequate and relevant information on the decisions and actions of the individuals.

(ii) There must be some individuals or organizations, other than those who take the decisions and actions, who are able, willing and can be authorized to examine it and initiate appropriate action based on it.

(iii) There must be an arrangement which enables recourse on the basis of such information either to correct deficiencies highlighted and improve performance and/or reward effective performance or to penalize fraud abuse or illegal acts.

(iv) There must be a system which makes all those three interact by passing the information from one to the other.

According to Johnson (2019), audit in the private sector must be carried out with company backed legislation. Oshisami (2014) observed that three (3) groups of legislation are desirable and urgent in reducing the margin which exists and impedes the efficient use of audit as the most potent control mechanism in the financial administrative process. He posited thus: The first group should be concerned with the legal financial responsibilities of private officers in terms of probity and managerial accountability and efficiency, according to him this group will include laws regulating the character and instances on professional competence and integrity together with sanctions in events of failure with those the sole aim of preventing corruption in private sector and inefficiency among private office holders. The second group of legislations would set up rules and regulations in accounting budgeting, project and programme management with the goal of enhancing improved management competency.

The third group will seek to improve the audit practice in the private sector as it will include laws expanding the scope of private sector audit, laws giving Auditors general broad powers of investigation to expose corruption. Naiyeju (2014) stated that "The efficacy of private sector audits should continuously be re-emphasized in order to promote the culture of transparency and accountability in private governance. In this respect, enforcement of the various financial and accounting regulations must be religiously made, performance audits and value for money audits must not only be regularly done but should be a pre-condition for the disbursement of the approved funds". Olabode (2014) noted that if financial reporting is to serve the basic purposes of preventing corruption and enhancing efficiency and probity, it must be such that gives confidence to the users of the information and the task of ensuring credible financial reporting that will aid efficient management in the private sector has on the relevant regulatory bodies.

Wynne (2011) further stated that another major setback is that the head of each internal audit unit is required to report to the Accountant General each quarter on the work they have undertaken and their main findings, this eventually limits their scope as it is the permanent secretary in their ministries that endorses their annual plan.

3. The Need for Auditing

According to Millichamp (2012), auditing is necessary because the financial statement of the organization may contain errors, not disclose frauds, the inadvertently misleading, be deliberately misleading, fail to disclose relevant information as fail to conform to regulations. Adams (2012) noted that auditing is essential so as to ascertain whether the financial statements present a true and fair view of the state of financial affairs of the organization during the period under review and set at the end date. He further noted that it's secondary purpose of the detection and prevention of fraud or errors. Arens and Loebbecke (2018) stated that auditing is needed so as to prevent information risk, which is risk that arises as result of the possibility of the fact that the information taken thereon concerning the business decision was inaccurate due to the misleading financial statements. John (2012) stated that the reasons for Auditing include the following:

(i) To provide an assurance to the owner of an enterprise that financial statements presented to them are reliable.

(ii) To provide similar assurance to the other users of the financial investors and even employees.

4. Types of Auditing

John (2012) stated that there are four types of audit namely, continuous, interim, final and joint.

(i) **Continuous audit**

John (2012) said that a continuous audit is one where the auditor's staff is occupied continuous on the accounts the whole year round or where the auditor attends at Intervals, fixed or otherwise, during the currency of the financial year and performs an interim audit.

(ii) **Interim audit**

John (2012) posited that an Interim audit is a preliminary audit usually carried out by the auditor during the financial year so as to facilitate on the completion of the year.

(iii) **Final audit**

In the words of John (2012), a final or completed audit is done after the books of the year have been closed and the Auditor attends and carries out his job until the audit is completed.

(iv) **Joint audit**

John (2012) said that where two or more auditors (Auditing firms) are responsible for an audit engagement and jointly produced an audit report to the client, the audit is called "Joint audit". Millichamp (2012) posited that there are four types of Audit namely: Statutory, Private, Internal and others.

(a) **Statutory audits:** These are audits carried because law requires them.

(b) **Private audits:** A private audit is conducted into a firm's affairs by independent auditors because the owners desire it, not because the law requires it.

(c) **Internal audits:** An internal audit is one conducted by an employee of a business or an outside contractor into any aspects of its affairs.

(d) **Others:** These are specific aspects of an enterprise management and environment matters.

According to Arens and Loebbecke (2018) auditing are of three (3) types namely, operational, compliance, audit of financial statements.

(i) **Operational audit**

According to Arens and Loebbecke (2018), operational Audit is a review of any part of an organization operating procedures and methods for the purpose of evaluating efficiency and effectiveness. At the completion of an Operational audit, recommendations of management for improving operations are normally expected.

(ii) **Compliance audit**

According to Arens and Loebbecke (2018), the purpose of compliance audit is to determine whether the auditor is following specific procedures or rules set down by some higher authority.

(iii) **Audit of financial statement**

Arens and Loebbecke (2018) said that this audit is conducted to determine whether the overall financial statements, i.e., the quantifiable information being verified are stated in accordance with specified criteria.

5. Audit Planning, Control and Recording

John (2012) stated that in order to ensure that the audit is carried out effectively and efficiently, the work must be planned, controlled and recorded at each stage of its progress.

5.1 Audit Planning

John (2012) noted that the form and nature of planning required for an audit will be effected by the size and complexity of the enterprise, the commercial environments in which it operates, the method of processing transactions and the reporting requirements to which it is subject. According to Millichamp (2012) an audit should be planned in advanced because:

- The Intended means of achieving the audit objectives must be established.

- The audit can be controlled and directed.

- Attention can be focused on critical and high-risk areas.

- The work can then be completed economically and to time scale requirements.

- According to Adams (2012), in planning the audit, the auditor should give careful consideration to the enterprises current activities and current requirements. This will lead to a clear definition of audit objectives.

5.2 Audit Control

According to the auditing guideline on planning controlling and recording released in 1980 by the Auditing Standard Committee. The standards state that "Management structures vary between firms of Auditors, and this Auditors Guideline should be interpreted in the context of the particular structure within each firm". According to Adams (2012), the most important element of control of an audit are the direction and supervision of the audit staff and the review of the work they have done. John (2012) stated that the degree of supervision required depends on the complexity of the Audit.

5.3 Audit Recording

According to Adams (2012), recording entails amassing papers during the course of the Audit. The more papers collected by the auditor, the better the audit.

John (2012) stipulates the following reasons for preparing audit papers.

(i) The reporting partner needs to satisfy himself that work auditor delegated by him has been properly performed. He can generally only do this by having available to him detailed working papers prepared by the audit staff who performed the work.

(ii) Working papers provide, for future reference, details of problem encountered, together with evidence of work performed and conclusions drawn there from arriving at the audit opinion.

(iii) The preparation of working papers encourages the auditors to adopt a methodical approach to his work.

Due care is needed in recording, accounting to Arens and Loebbecke (2018), a misstatement in the financial statement if material would affect the decision of a reasonable user of the statement hence, the need for paper recording. According to Munter and Ratcliffe (2011), quoting from the American Institute of certified private Accountants, Statements of Auditing standard number one titled “Codification of Auditing Standards and Procedures”. He noted that one of the objectives is that financial records are reliable to permit the preparation of financial statements.

6. Internal Audit

According to John (2012), internal audit is an independent appraisal function within an organization for the review of systems of control and the quality of performance as a service to the organization. Millichamp (2012) further emphasized “it objectively examines, evaluates and reports on the adequacy of internal control as a contribution to the proper economic, efficient and effective use of resources”. According to John (2012), the essential elements of internal audit are:

(i) The internal audit should have the independence, which permits the performance of duties objectively.

(ii) The internal audit should be adequately and appropriately staffed in terms of numbers, grades and experience, having regard to its responsibilities and objectives. The internal auditor should be properly trained to fulfill all his responsibilities.

(iii) The internal auditor should seek to foster constructive working relationships and mutual understanding with management, with external auditors, and with any review agencies, and where appropriate with the audit committee.

(iv) The internal auditor should exercise due care in fulfilling his responsibilities.

(v) The internal auditor should ascertain the organizations systems and systems controls as a basis for evaluating.

(vi) The internal auditor should adequately plan, control and record his work.

(vii) The internal auditor should obtain sufficient, relevant and reliable evidence on which to base reasonable conclusions and recommendations.

(viii) The internal auditor should ensure that findings, conclusions and recommendations arising from each internal audit assignment are communicated promptly.

According to Millichamp (2012), before placing any reliance on the work of an internal auditor, the chief auditor must assess the internal auditor and his work in the following areas:

(a) Independence: The internal auditor must be independent and able to communicate his work with the auditor.

(b) The scope and objectives of the audit work.

(c) Due professional care: This entails that the internal auditor should consider whether the work of the auditor generally appears to be properly planned, controlled, recorded and previewed.

(d) Technical competence: The internal auditor should ascertain whether persons having adequate training and proficiency as auditors perform the work of the internal audit.

(e) Reporting standards: The auditor should consider the quality of reports issued by internal audit and ascertain whether management considers, responds to and where applicable acts upon such reports and whether this is evidenced.

(f) The chief auditor should consider whether the internal auditor has staff and computer facilities for the purpose of discharging his function.

7. Internal Control

Internal control is concerned with all controls operating in every area of activity. The auditing standard defines an Internal Control as “the whole system of controls, financial or otherwise, established by the management order to carry on the business of the enterprise an orderly and efficient manner, ensure adherence to management policies, safeguard the assets and secure as far as possible, the completeness and accuracy of the records”. The internal components of internal control systems are known as controls or internal control. It is imperative that the responsibility of developing an internal control system is saddled with the management of the organization.

The following are the objectives of setting an internal control system.

(1) To enable management to carry on the business of the enterprise.

(2) To ensure adherence to management policies throughout the enterprise.

(3) To safeguard the assets.

(4) To secure the accuracy and completeness and reliability of records (Adams, 2012).

7.1 Types of Internal Control

(a) Organizational control: This entails a plan of the organization, definitions and allocation of responsibilities and lines of reporting, clear specification of delegation of authorities and responsibility.

(b) Separation of duties especially functions of authorization, execution, custody and recording.

(c) Authorization and approval of all transactions by appropriate officers with specified authority limits.

(d) Physical control relates to the custody of assets, especially those, which are valuable, portable exchangeable, or desirable access should be restricted to authorized personnel, and such authority should be evidenced.

(e) Accounting and arithmetical control: This deals with the checking on various transactions to ensure that they are authorized, all included, and are accurately recorded and processed. Checks should include reconciliation, control accounts, trial balances and sequential control of documents.

(f) Personnel control: Each personnel should have capabilities equal to their responsibilities. Personnel policies should include adequate selection, training, welfare, remuneration, promotion and allocation of duties.

(g) Supervision: Responsible officials should do this. The management by exception principle should be applied.

(h) Management control: This entails the overall supervisory control, review of management accounts, review of budget variances, internal audit and special review. Management by objective principle should be applied (Millichamp, 2012).

7.2 Audit of Financial Control and Administration

Audit or Financial control and Administration also known as FCA audits are concerned with improving the quality of the private sector administration by assisting and encouraging agencies to achieve better practices in areas such as asset management, accounts processing, audit committees, the use of accrual information and debt management. These audits are intended to assist private sector managers in meeting their responsibilities and to inform the executives about aspects of private administration which are not likely to be covered by the financial statement and performance audit products basically because they are not likely to be significant or material or have too narrow a focus, in a single entity context. On the other hand, they can have service wide ramifications, which are of considerable interest.

FCA audits were introduced as a result or a review by the ANAO of the scope and target of its audit activities. The review was done in the context of the changing private sector environment, particularly with the increasing devolution of authority, adoption of strategies for the management of risk, changes in financial reporting and enhanced accountability.

7.3 Objectives of Financial Control and Administration Audits

Specifically, the objectives of FCA audits arc to:

(i) Provides independent assurance to the legislatives, the executive boards, auditee management and to the private on aspects of private administration and control and of private funds.

(ii) Identify, develop and report better practice.

The primary Activities covered in the FCA audits includes: The audit output and management of assets.

(a) The audit output

The tangible outputs at the end of a FCA audits are the privatization of a report and a better practice guide. The approach provides a benchmark against which company agencies, service-wide, are able to compare their respective performances and to implement improvements, where considered necessary. Such an indicative benchmark is also useful in later audits to ascertain, what if any action should have been taken in individual entries. Less than adequate performance could be reported in such audits in the normal way. Such follow-up alleviates the legislative concern exposed about the generic nature of the FCA audits.

(b) Management of assets

Managers responsible for assets within their agencies should take advantage of the information and suggested practices as stated below.

(i) Compare and assess their asset management practices by going beyond physical security and proper maintenance to an assessment or their impacts on programme output and outcomes.

(ii) Review asset policy and procedure manuals to ensure that they address all aspects of the asset life cycle (Tetro-technology).

(iii) Review arrangements for establishing accountability for the use of assets at a program level.

(iv) Have regard to the non-financial monitor asset management information required to effectively monitor and control assets from a lifestyle perspective.

8. Private Sector Audit in Cameroon

Cameroonians expect good governance and accountability from company in return for tax they pay, this has therefore necessitated till need for Auditing in private sector. Auditing in the private sector has moved a further step beyond supervisory and control. It has oriented its activities towards the evolution of administrative management of the easily. It has therefore undergone fundamental changes by being increasingly concerned with matters of economy, efficiency and effectiveness and the evaluation of Company programme results. This is often termed; "Value for Money' Audit". Value for Money Audit, therefore, encompasses the review of the three E's - Economy. Efficiency and effectiveness of these three economies and efficiency can be regarded as two sides of the same coin; Audit of economy looks at the problem from input side. It examines whether it would be possible to achieve the same output with a smaller input of resources. Efficiency audit perceives, the problem from output side, that is, whether it would be possible to achieve higher output with given limited input of resources (Uchendu, 2010).

Prior to 1997, there were no readily applicable standards for value for money audit in Nigeria. The standards have been developed taking into account, the alms of company activities, the specific circumstances of society and the norms prevalent in the relevant sector of the economy at home and abroad. Chapter two (2) of the Auditing standards can be found on the efforts of the private sector auditing institutions to set durable standards on the issues of economy, efficiency and effectiveness. Normative activity or private sector audit is based consciously on the principles of propriety or even normality. The normal day-to-day behaviour of private servants is regulated by the laws and other written codes of behaviour/conditions of service. Serious offences such as theft/misuse of private funds, gross abuse of authority are regulated by the criminal codes and thus adequate base exists for dealing with them.

It is therefore the duty of the Audit Institutions to suggest ways to reduce the opportunities for making improper decisions. It is their duty to scrutinize improper decisions and, in the process, establish new norms of behaviour for the prevention of improper decisions in future. This was aimed at not only beclouding the real substance of the auditor's report on the misdeeds of the minister but also putting the auditor into ridicule and shame. If accountability and transparency should be enthroned in the operation of private sector activities, then the decadent and abhorrent company factor should be jettisoned for a better way of life. The above cynical approach should be generally described, and the new attitude will be seeing corruptive payments as counterproductive even in terms of materialistic pragmatism and liable to boomerang apart from the fact that they are unethical.

Private sector Audit has been defined by Uchendu (2010) as the comparison of the reality of private administration (planning, implementation and control) to norms in order to induce corrections of shortcomings, effect improvements in managing and accounting for company's activities (programmes, projects and services). Generally, auditing of the private sector activities is aimed at prevention of mistakes, shortcomings and misdeeds in the private administration (current phase audit). There are more specific effects of prevention. The very existence of the audit institution and the probability that it can one day scrutinize some administrative action prevents some gross abuse by those authorities and is instrumental in deterring the misapplication of funds. This implied fear would contribute to the willingness of private servants, to act in compliance with regulations and to use their discretion in an objective and reasonable way resulting in spending private funds carefully, judiciously and prudently.

Above underscores the need for audit organizations to have recourse to the auditing standards. The comprehensive nature of auditing carried out in accordance with objectives; the scope of work to be undertaken and the reporting requirements Uchendu (2010) maintains that the audit organization has responsibility for ensuring that:

(a) The audit is conducted by personnel who collectively have necessary skills.

(b) Independence is maintained.

(c) Applicable standards are followed in planning and conducting audits and reporting results.

(d) The organization has appropriate internal quality control system in place.

(e) The organization undergoes external quality control review.

9. Due Process in Private Sector Accounting

"Due process" means normal process, logical approach, official approach and/or optimum ways of doing something (Nwankwo, 2014). Private sector accounting could be defined as a process of recording, communicating, summarizing and interpreting company financial statement in aggregate and in details, reflecting all levels of transactions involving the receipt, custody and disbursement of private funds (Adams, 2012). Due process according to Nwankwo (2014) as he relates it to private sector accounting is an effort to group the significance, nature, tasks evolution that must be appreciated and considered in optimizing the accounting function in the private sector, it involves appreciating the various issues and development that will enhance the accounting function and profession in the private sector. Currently, as the scope of company operations has grown, budgets have acquired new and deserving prominence as instruments of private policy. Economic planning is essential in strengthening the role of the state as a producer, while the budget has become the main tool for distribution and stabilization. The implication of this is that there is a growing massive interaction between company and the community, hence the need for private sector accounting.

The Global fiscal stress experienced during the past two decades and a half has induced a greater awareness of the need for doing more with a fewer resources. This in turn, had unleashed substantial efforts to:

(i) expand the range of techniques of control;

(ii) improve the overall administrative context within which controls are operated; and

(iii) bring about appropriate institutional changes and improvements.

According to Nwankwo (2014), the recognition of this factor and the acute fiscal problems brought about simultaneous developments in the above three areas. A brief description of these developments, including their features limitations and related issues, is highlighted as follows.

First, the expenditure control framework, whether exercised by the executive legislature or independent audit agencies has four (4) basic elements — policy control, process controls (covering release of funds, monitoring, contract monitoring): Payment control and efficiency control (including ex-post evaluation by the audit agencies, where applicable).

Second, a major objective of controls is to reconcile the often divergent needs of the policy maker at the macroeconomic level with those of the programme manager in spending agencies. For too often, both by tradition and as a result of the prominence of macroeconomic goals, the needs of macro managers are emphasized at the expense of the needs of micro or programme managers. Now, however, there is greater and explicit recognition or the needs of the microeconomic level as well as an acceptance of the needs to deliver services within the framework of specified resources. In this context, accountability is larger in scope and includes, in addition to the rendition of accounts of monies collected and spent and the results achieved. As such, macroeconomic goals while having an undeniably prominent role in the policy framework, would have less viability if they were to be achieved at the expense of delivery of services.

Third, controls are, to very large extent, influenced by developments in private sector management as a whole. The experience of several countries shows that recent efforts had aimed at introducing a new managerial outlook into company, Nigeria not an exception especially under the new dispensation. This outlook emphasizes results over processes, flexibility over conformity, and judgment over compliance with routine innovations so that they could become productive and well performing. The efforts of Australia and New Zealand in "strengthening" their private sector, or Canada in it is "Initiative for private service 2000" (popularly known as PS 2000), of the United Kingdom in the "Next steps and citizens charter". "Fundamental Review of Running cost" and "Better, Accounting for the Taxpayer's money" of the United States and of Italy in its "reorganization proposals" Initiated in 1993 all represent facets of this new outlook.

The new managerial outlook includes specification of standards and measures of performance, emphasis on output controls, greater competition in the private sector, and more focus on discipline and economy in resource use.

According to Nwankwo (2014) control techniques are not intended to be applied in a mechanistic fashion but to meet specific objectives, including the following:

(i) Economy, efficiency and programme effectiveness in the use of budgeted resources.

(ii) Resources use that will promote economic stabilization.

To the extent that some issues have not been adequately addressed during the budget formation stage, or to the extent that there have been major economic developments that indicate changes in the course of policies adopted, they will need to be suitably addressed by ex-post control.

(a) Adequate accountability in the delivery of services — not merely for the resources used, but for overall performance, including courtesy in the delivery of services.

(b) In all the above objectives, the framework of controls should permit transparency in the implementation of company policies.

Control ranges from the release of funds to the closing of annual transactions and related accounts. These controls have undergone, or are undergoing changes in the ways described below:

10. Fraud

Defining fraud is as difficult as identifying it. No definite and invariable rule can be laid down as a general proposition in defining fraud as it includes surprise, trick, cunning and unfair ways by which another is cheated. Fraud is a legal term that refers to the intentional misrepresentation of the truth in order to manipulate or deceive a company or individual. Fraud is to create a misjudgement or maintain an existing misjudgement to induce somebody to make a contract. It involves enriching oneself intentionally by reducing the value/worth of an asset in secret. When companies undergo severe financial problems and end up in bankruptcy, fraud by senior management may be involved.

However, this is not the case if the group has the same interest in mind. Then fraud may not be prevented. Conversely, the group is influence by the dominant decision maker who ends up deciding everything. Fraud assumes so many different degrees and forms that courts are compelled to context themselves with only few general rules for its discovery and defeat. It is better not to define the term lest men should find ways of committing frauds which might evade such definitions. Fraud is an act or course of deception, deliberately practiced to gain unlawful or unfair advantage; such deception directed to the detriment of another. Accounting fraud is an act of knowingly falsifying accounting records, such as sales or cost records, in order to boost the net income or sales figures; accounting fraud is illegal and subjects the company and the executives involved to civil lawsuits. Company officials may resort to accounting fraud to reverse loss or to ensure that they meet earning expectations from shareholders or the public.

According to Nwankwo (2014), the following are the objectives of financial statement fraud: Increasing the market value of the business, making financial statements consistent with budgets and obtaining unfair earnings by presenting falsely the value of the business. When business frauds are analyzed, it is ascertained that three components come together when committing the crime. These are pressure, opportunity, and justification that constitute the fraud triangle. Components of the fraud triangle are similar to the fuel, spark, and oxygen which together cause fire. When the three come together, inevitably fire breaks out. Pressure factors could be gathered into three groups: pressures with financial content, pressures stemming from bad habits and pressures related with job. Opportunity factors are the second component of the fraud triangle. They directly involve top management and owners of the business in particular.

Providing the opportunity to commit fraud is one of the most important factors arising from frauds. Since the business could greatly influence opportunity factor, this point should receive particular attention for fraud prevention. The third component of the fraud triangle is fraudster's developing defence mechanisms in order to justify his/her action. Some efforts of the fraudsters to justify themselves and the excuse they made up are: (a) I had borrowed the money, I would pay back, (b) This is in return for my efforts for the business (c) Nobody has suffered as a result of this and (d) I have taken the money for a good purpose. In order to overcome these justifying excuses, business should explain ethic rules to employees, inform them that fraudsters would definitely be penalized, establish moral code in the organization, and provide training on them. Over time, the importance of initial detection of fraud has increased because the number of fraudulent events has increased (Arens & Loebbecke, 2018).

11. Conclusion

Audit is a review of any part of an organization operating procedures and methods for the purpose of evaluating efficiency and effectiveness. It is concluded that, auditing is aimed at prevention of mistakes, shortcomings and misdeeds in the private administration. Any organization wishing to conduct its business in an orderly and efficient manner and to produce reliable financial accounting information to the entire stakeholders needs some measures of control to minimize the effect of endemic business failure. Audit should conform to the structure of the organization and be related to decision centers accountability for performance. This means that every position (or manager) should be provided with the necessary information and data by the organization to evaluate the degree of success in achievement of objective. Audit plays an effective role in controlling corruption in the private sector, if this is done efficiently and effectively.

It is an integral aspect of private sector accounting. It is a management function which seeks to ensure that operations are working according to plan. It is important in any business because the business is set up to maximize profit and increase initial capital. It is a system to control finance and otherwise establish by the management in order to carry on the business of the enterprise in an orderly and efficient manner, adherence to management policies, safeguard the assets and secure as far as possible the completeness and accuracy of the records, the individual components of an internal control system. The role of internal audit in improving the performance of the organization can best be described by considering its needs.

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Social Mirror and Identity Performance: An Art-Sociological Interpretation of the Donor Portraits in Dunhuang

Beiru Tang[1]
[1] School of Fine Arts, Southwest University, Chongqing 400715, China
Correspondence: Beiru Tang, School of Fine Arts, Southwest University, Chongqing 400715, China.

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Abstract

From the perspective of art sociology, the study of Dunhuang donor portraits reveals a dichotomy between two paradigms: the "Art-Society" paradigm, which uncovers their nature as a mirror of social structure, and the "Art-Sociology" paradigm, which focuses on the performative practice of image-making in the display of secular identity. This paper employs these two paradigms to interpret two aspects of Dunhuang donor portraits. First, at the level of social mirroring, the system of Dunhuang donor portraits is essentially a visual projection of the social structure of Dunhuang during the late Tang and Five Dynasties period; their sequence, spatial arrangement, and symbolic system multidimensionally reflect the local power structure dominated by powerful families. Second, at the level of identity performance, using Goffman's Dramaturgical Theory to deconstruct the performativity of patronage acts reveals that these powerful families used Buddhist worship as a "Front Stage," transforming religious space into a field for displaying secular authority. Adopting this dual perspective, and building upon the first two levels of Panofsky's iconological method, this study delves into the third level—iconological interpretation—to analyze the logic by which Dunhuang's powerful families constructed power through patronage acts.

Keywords: Dunhuang donor portraits, art sociology, Dramaturgical Theory, futou

1. Introduction

The formation of Chinese art history follows an evolutionary mechanism characterized by "renewal at the center and intense transformation at the periphery." Dunhuang frescoes are an outstanding representative of this peripheral transformation, their artistic origins traceable to the core Central Plains regions (Zhu, Q. S., 2025). During this prolonged process of "intense transformation," donors gradually emerged as a distinct artistic group: motivated by specific religious beliefs, they contributed financial resources, materials, or labor to the creation of sacred images, the excavation of caves, and the construction of religious sites, thereby promoting the spread of doctrine. Their identity is essentially that of devout religious practitioners.

Within this cultural context, writings on Dunhuang donors align closely with the "descriptive writing" and "interpretive writing" modes proposed by David Carrier in *Ekphrasis and Interpretation: Two Models of Art History Writing* (Carreir, D., 1987). Furthermore, the donor group can be seen as a typical case for art-social history research—a theory positing that art history should encompass two dimensions: one concerning the artist and their work, and the other involving the art patron and their economic, political, and religious context (Lv, P., 2007). Correspondingly, two research paradigms have emerged in constructing a reading system for Dunhuang donor images: the "art-society" paradigm and the "art-sociology" paradigm (Lu, W. C., 2016). The former typically focuses on the levels of pre-iconographical description and iconographical analysis, while the latter delves deeper into the cultural context, employing iconological methods to interpret the symbolic structures and meaning systems behind the images (Panofsky, E., 1972). It is important to note that these two paradigms are not mutually exclusive but constitute different stages in the reading process: researchers often begin with pre-iconographical description and iconographical analysis, involving the initial identification and recording of formal elements such as figure posture, costume, composition, color, line, and objects. Only after sufficient formal analysis can one advance to the stage of iconological interpretation—exploring the themes, narratives, and cultural connotations carried by the visual elements, and discerning the symbolic meaning of donor identity, religious symbols, and scenes by comparing texts, historical records, and contemporaneous images.

This paper takes the crown symbols presented by the representative Guiyijun donor group in Dunhuang as a specific case study, attempting to reconstruct the image reading process of the aforementioned two stages. Although numerous researchers have made significant contributions to pre-iconographical and iconographical analysis, senior scholars have left some research space. Advancing iconological interpretation from an art-sociological perspective may provide a clearer direction for uncovering deeper cultural meanings.

2. Literature Review

2.1 Recent Research on Dunhuang and Its Donors

Recent Dunhuang studies globally show a predominance of Chinese scholars, but with differing foci between domestic and international researchers. Foreign scholarship primarily concentrates on Buddhist elements within the Dunhuang caves, particularly textual studies of Buddhist manuscripts, such as Tibetan and Mongolian Buddhist texts and secular documents. Examples include Van Schaik, S.'s *The Tibetan Dunhuang manuscripts in China* (Van Schaik, S., 2002), Dotson, B.'s *The Dunhuang Region during Tibetan Rule (787-848): A Study of the Secular Manuscripts Discovered at Dunhuang* (Dotson, B., 2014), Hendrischke, B.'s *Dunhuang Manuscript Culture: End of the First Millennium* (Hendrischke, B., 2022), and Alekseev, K.'s *The Dunhuang History of the Cycle of Birth and Death in the Mongolian Manuscript Kanjur* (Alekseev, K., 2025). In contrast, domestic Chinese research largely falls into the categories of textual criticism/image-narrative interpretation and can be further divided into two directions. The first part consists of foundational research, mainly dedicated to identifying the specific identities of donors in cave frescoes, such as Chen Juxia et al.'s *A Study on the Khotanese Donor Figures in Mogao Cave 4 at Dunhuang* (Chen, J. X. & Li, S. N., 2021) and *A Study on the Donor Figures of the Couple of Yannai* (Chen, J. X. & Ma, Z. M., 2021), and Ren Huaisheng's *The Identification of the Male Donors in Mogao Cave 409 and 237* (Ren, H. S., 2019). The second part involves deeper excavation based on such textual research, using visual materials like donor images as entry points to evidence and interpret broader historical and cultural themes such as ancient political relations, ethnic characteristics, artistic exchange, religious beliefs, and institutions. Prominent representatives include a series of relevant papers by Professor Sha Wutian, such as *Female Donors in Uighur Costumes in the Dunhuang Caves of the Five Dynasties and the Song Dynasty & the Ethnic Characteristics of Cao Family's Administration over the Return-to-Allegiance Army Regime* (Sha, W. T., 2013), *Role Reversal and Historical Memory: Artistic Significance of the Wall Painting of Zhang Qian Exploring the Western Regions on a Diplomatic Mission in Mogao Cave 323* (Sha, W. T. & Wang, P. X., 2014), *On the Buddhism Sponsorship and Political Propaganda* (Sha, W. T., 2020), *Influence of Chang'an and Borrowing of Local Patron Deities: Re-interpretation of the Motivation and Thought of the Selection of Khotan Auspicious Images in Dunhuang Caves* (Sha, W. T., 2022), among others. Additionally, there is Cui Yan's *The fish bags in Dunhuang murals and the reflected ceremonial costume system: Centered around the inscriptions and portraits of the donors* (Cui, Y., 2024). In summary, building upon and deepening the academic path represented by Professor Sha Wutian and Researcher Cui Yan, this research focuses on the materiality and cultural functions of donor images and inscriptions in Dunhuang caves. It adopts an interdisciplinary perspective, comprehensively applying analytical methods from iconology, history, and socio-cultural history to deeply interpret the multiple historical connotations—such as ritual, belief, and political concepts—carried by these visual materials, aiming for a more holistic understanding of social and cultural change in the medieval Dunhuang region.

2.2 The Two Paradigms of Art Sociology

Since the latter half of the 19th century, influenced by Marxist theory, social art history gradually developed into an important direction within art historiography. This school originated from the Marxist discourse on the relationship between economic base and superstructure, viewing art as an expression of ideology within the superstructure. Marx and Engels jointly pointed out in *The German Ideology*: "Art is not something produced by great genius in an almost incomprehensible way, but is merely another form of economic production." (Marx, K. & Engels, F., 1998) Entering the 20th century, the discipline of art history, through the efforts of several generations of scholars, gradually established a relatively complete theoretical system, research methods, and academic framework. Simultaneously, sociological thought began to penetrate the humanities, promoting an important turn in art historical research. In this context, the Hungarian art historian Arnold Hauser published *Social history of art* (Hauser, A., 2005) in English in 1951, eliciting widespread and profound response in English-speaking academia. He openly proposed that art must be understood within its social context, its style, themes, and functions all closely related to the economic base, class structure, and ideology. Furthermore, Hauser introduced a dialogic mode into Marxist theory, reconstructing the sociology of art and constructing a sociological angle suitable for art history (Ludz, P. C., 1979).

Amidst the advances in the sociology of art by numerous 20th-century scholars, two paradigms gradually formed: the “art-society” paradigm represented by Georg Lukács and Lucien Goldmann, and the “art-sociology” paradigm represented by Howard S. Becker (see Table 1). The former investigates the relationship between art and society, its fundamental purpose being to judge the value of the artwork, with the focus remaining on the art itself. “Art-society” is dominated by reflection theory: it holds that artworks reflect social reality (especially class structure and social totality), and that great works can more comprehensively and truthfully reflect the “social whole” of their time. It can be said: “Lukács’s social philosophy is almost the inevitable result of formal aesthetics, which in turn feeds on a general interest in the social cultural order” (Gilbert, A. S. & Magerski, C., 2020). This paradigm also carries philosophical and transcendentalist colors; its methodology is not empirical but involves strong philosophical speculation and a priori presuppositions, such as Lukács’s concept of “totality”: he claimed the validity of dialectical materialism owed to its more comprehensive framework, which considered the historical dimension of social life: “Only the dialectical attitude can achieve a synthesis (of history and sociology: M.G.) by understanding past as a necessary and valid stage and a path towards the common action of men of the same class in the present in order to realize an authentic and universal community in the future” (Glucksmann, M., 1969). The latter, however, uses sociological methods to study artistic phenomena, its fundamental purpose being to develop sociological theory itself, with the focus on sociology. In Becker’s view, the works of Lukács and others are “thick with philosophy, devoted to discussing classic aesthetic questions, and focused on judging artistic value” (Becker, H., 2008). He views art as collective activity, studying not only elite art but also folk art and the work of ordinary artisans; and believes that the organizational ways of art worlds are comparable to other social fields (like political movements), aiming to extract universal sociological theories from art research.

Table 1. Comparative Analysis of the “Art-Society” and “Art-Sociology” Paradigms

Dimension of Comparison	**The “Art-Society” Paradigm**	**The “Art-Sociology” Paradigm**
Representative Scholars	Georg Lukács, Lucien Goldmann	Howard S. Becker
Central Concern	To investigate the relationship between art and society	To employ sociological methods to study artistic phenomena
Focus of Study	The artwork itself	Sociology
Fundamental Tenet	Guided by reflection theory	Views art as collective action
Methodology	Philosophical speculation and a priori presuppositions	Empirical science and positivist research
Intellectual Background	Rooted in the Marxist tradition of continental Europe	Influenced by the Chicago School’s pragmatism, symbolic interactionism, and the sociology of occupations.
Disciplinary Orientation	Functions more as an extension of philosophy, aesthetics, and literary criticism	Promoted a shift towards an empirical science

From an academic background perspective, the “art-society” paradigm is rooted in the Marxist theoretical tradition of continental Europe. From the post-WWII period until the 1970s, this kind of macro-theory, deeply influenced by Hegelian philosophy and Marxism, aimed at critiquing modernity and seeking human liberation, dominated American academia. It functioned more as an extension of philosophy, aesthetics, and literary criticism than as a strict social science. The “art-sociology” paradigm emerged in American sociology during the mid-to-late 20th century, deeply influenced by the Chicago School’s pragmatism, symbolic interactionism, and the sociology of occupations. Becker and others were dissatisfied with the “philosophical atmosphere” of the traditional paradigm, considering it not genuine sociology. They promoted a shift in the sociology of art towards an empirical science, making it a formal branch of sociology concerned with specific, observable social facts and organizational forms.

2.3 The Structure of Goffman’s Dramaturgy

In his book *The Presentation of Self in Everyday Life*, Erving Goffman proposed a dramaturgical interpretation of interpersonal and social life, analogizing social interaction to stage performance. He argued that individuals, like actors in daily life, engage in a series of “performances” to convey certain impressions, thereby maintaining social order and interactive relationships. Goffman used the term "performance" to refer to all the activities of an individual before specific observers that influence them; further proposing the concept of "Front Stage", which is "that part of the individual's performance which regularly functions in a general and fixed fashion to define the situation for those who observe the performance," described as "the expressive equipment of a standard kind intentionally or unwittingly employed by the individual during his performance (Goffman, E., 1956)." In existing research, dramaturgy is mostly used to analyze social phenomena, e.g., Amelia, L.'s *Analisis Self-Presenting Dalam Teori Dramaturgi Erving Goffman Pada Tampilan Instagram Mahasiswa* (Amelia, L., Amin, S., 2022), Pettit, M.'s *The con man as model organism: the methodological roots of Erving Goffman's dramaturgical self* (Pettit, M., 2011). However, there is a relative lack of systematic research applying this theory to the analysis of fine artworks.

2.4 Research Gap

Dunhuang frescoes research remains a vital field in global cave mural studies. With the increasingly in-depth participation of scholars worldwide and the diversification of research methods, some methodological gaps have gradually appeared and warrant deeper exploration. This study aims to utilize the framework of modern Western sociological theory to analyze the crown symbols from the Guiyijun period in Dunhuang frescoes, attempting to move from the surface level of the image gradually to its underlying social and political context, revealing how those latent "Back Stage" social structural factors are manifested through "Front Stage" symbols. The feasibility of this analysis undoubtedly relies on the solid and outstanding scholarly achievements of previous scholars in descriptive work, including the systematic collection of mural images and the identification of donor identities.

Within the purview of art sociology, current research on Dunhuang donor portraits has roughly formed two paradigmatic paths: the "art-society" paradigm and the "art-sociology" paradigm. However, existing studies have not yet systematically applied Goffman's Dramaturgical Theory—particularly its core concepts of "Front Stage" performance and impression management—to analyze the mechanisms of identity construction and power performance by powerful families in Dunhuang donor portraits, nor have they fully explained how these families transformed religious space into a field for displaying secular authority. Therefore, by combining Goffman's Dramaturgical Theory with iconological interpretation, one can deeply explore how Dunhuang's powerful families constructed their power logic through patronage acts.

2.5 Conceptual Definitions

Guiyijun: The Guiyijun was a local regime force centered in Dunhuang from the fifth year of the Dazhong era of Emperor Xuanzong of Tang (851 AD) until the third year of the Jingyou era of Emperor Renzong of Song (1036 AD), founded by Zhang Yichao. The Tang court established the Guiyijun Jiedushi in 851, appointing Zhang Yichao as Jiedushi. The regime underwent transitions between the Zhang and Cao families. Zhang Chengfeng changed the state name to "Western Han Jinshan Kingdom" in 909 AD. Cao Yijin restored the Guiyijun in 914 AD. The Cao family maintained relations with surrounding regimes through marriage alliances, upholding the orthodox calendar of the Central Plains. The large-scale excavation of merit caves at Mogao that began during Zhang Yichao's time almost coincided with the duration of the Guiyijun regime. This allows researchers to glimpse the formation, development, and expression of Dunhuang local royal consciousness during the Guiyijun period through the merit caves of successive Guiyijun rulers and their close associates (Rong, X. J., 2001).

Futou: The futou was an important form of headwear for ancient Chinese men, originating in the late Northern and Southern Dynasties, standardizing in the Sui Dynasty, and used continuously from the Tang to the Ming Dynasty, spanning over a thousand years. There is academic consensus on its basic form and types: a three-foot black gauze scarf cut into four flaps, first wrapped around the head, then tying the four flaps to secure it—two flaps tied at the back of the skull, two tied forward (Zhang, C. & Gong, T. S., 2023). Based on the wrapping method, it can be categorized into soft-wrapped and hard-wrapped types. The futou was popular among all social strata, inside and outside the court, due to its convenience and variability, becoming the regular dress for officials and commoners alike. The evolution of its form reflects the interplay and fusion of the hierarchical nature and practicality of official dress.

3. Two Paradigms for Interpreting Dunhuang Donor Murals from the Perspective of Art Sociology

In the theoretical spectrum of art sociology, the reflection theory paradigm and the production theory paradigm constitute dual paths for understanding Dunhuang donor portraits. The "Art-Society" approach, centered on Lukács's theory of "totality" from *History and Class Consciousness* and Lucien Goldmann's "genetic structuralism," emphasizes that artworks are the objectified presentation of the mental structures of social groups. What Lukács referred to as "form being the social sedimentation of content" is concretized in Dunhuang portraits as a visualized social topology—during the Guiyijun period, powerful families, through the vertical ordering of donor processions (e.g., the "ruler-minister-clan" three-tier structure of the Cao family in Mogao Cave 98), transformed what Peter Berger termed the "social pyramid" into a solidified power chart within the cave. The core question traditional art sociology, represented by Lukács and Goldmann, sought to answer is: What is the relationship between art and society? Their exploration of this relationship is essentially based on "reflection theory" or its variants (Lu, W. C., 2016). Methodologically opposed to this is the "Art-Sociology" paradigm established by Becker in *Art Worlds*. This theory deconstructs art as a "networked product of collective action," emphasizing the collaborative game of multiple actors such as painters, donors, and material suppliers. For Lukács and Goldmann, the interesting question is how art and society are related, whereas for Becker, the interesting question is how art is manufactured in society (Becker, H., 2008). From this perspective, the "identity performance" of Dunhuang donor portraits exhibits the typical mechanisms of Goffman's Dramaturgical Theory: the Buddhist worship scene serves as a ritualized "Front Stage", adhering to Buddhist performative norms; while transgressive visual symbols within the portraits become "Back Stage" evidence exposing secular ambitions. This duality confirms that when powerful families perform within the religious field, their "context of meaning" consistently points towards the augmentation of secular power.

The methodological tension between these two paradigms reveals the dialectical nature of Dunhuang donor portraits: they are both a static reflection of social structure (Lukács-Goldmann paradigm) and a dynamic process of power production (Becker paradigm) (see Table 2).

Table 2. Corresponding Explanation of Key Relationship.

Theoretical Paradigm	**The "Art-Society" Paradigm**	**The "Art-Sociology" Paradigm**
Representative Scholars	Georg Lukács, Lucien Goldmann	Howard S. Becker
Research Focus	The relationship between art and social structure	The collective collaboration in artistic production
Corresponding Stage	Social mirror (structural visualization)	Identity performance (Dramaturgical Theory)

4. The "Art-Society" Paradigm and the Surface Reflection of the Social Mirror in Dunhuang Donor Portraits

4.1 The Limitations of Formal Reflection Theory

In the "Art-Society" paradigm constructed by Lukács and Goldmann, art is seen as the formal crystallization of social structure. Lukács proposed the principle of "totality," emphasizing that the internal form of an artwork condenses the essence of social relations at a specific historical stage: artistic form is a particular reflection of the overall social structure (Lukacs, G., 1969); Goldmann posited a homology between artistic form and the mental structure of social groups: there is a homologous relationship between economic structure, group consciousness, and literary creation (Goldmann, L., 2013). However, it must be clearly stated that this paradigm's interpretation of the social mirror remains at the level of formal correspondence—such as surface-level correlations where the portrait sequence reflects social hierarchy, and costume symbols map identity differences. It struggles to reveal the dynamic mechanisms of power operation and the logic of cultural symbol reproduction, just as Bourdieu criticized "reducing the social to a visible topology": "To reduce the social world to a visible topology is to forget that it is also the site of symbolic struggles over cognition. (Bourdieu, P. & Richard, N., 1992)"

4.2 The Guiyijun Case: The Hierarchical Mirror in Costume Symbols

During the late Tang Guiyijun period (848-1036), Dunhuang became a de facto independent regime. Powerful families, with the Jiedushi at the core, accumulated vast wealth by controlling the trade routes of the Hexi Corridor. Cave excavation and image creation became central means for them to demonstrate ruling legitimacy. As various social strata deepened their Buddhist faith, warriors facing the fear of fleeting life and unpredictable fate in war placed their existence and career advancement upon illusory Buddhist beliefs (Chen, S. Y. & Zhao, S. J., 2016). Furthermore, emperors or commanding generals often attributed military victory to Buddhism, which could also serve as a tool for controlling troops, making the Guiyijun Jiedushi a significant category among Dunhuang donor identities. The following uses details of headwear in donor portraits to illustrate the hierarchical mirroring of costume symbols:

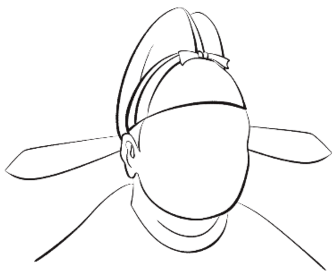


Figure 1. Cave 156, Donor Portrait of Zhang Yichao. (Source: Self-drawn)

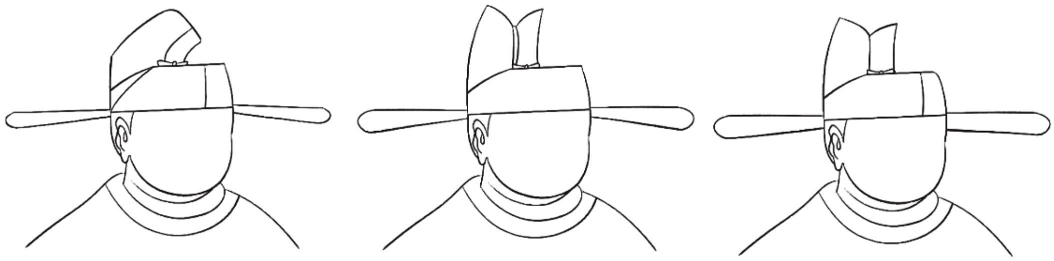
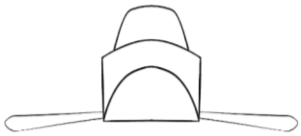
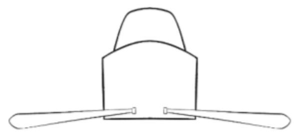
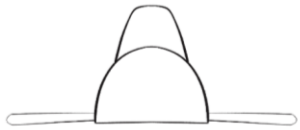
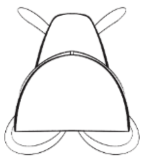
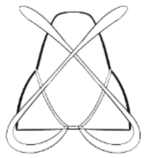
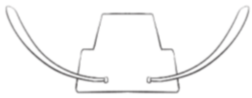
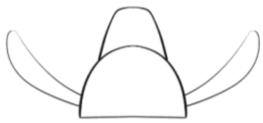
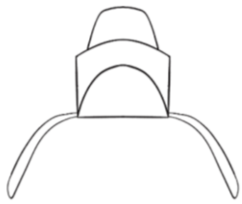
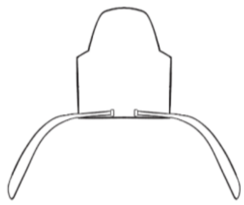


Figure 2. Cave 98/244/428, Donor Portrait of Cao Yijin. (Source: Self-drawn)

Figure 3. Portrait of Emperor Zhenzong of the Song Dynasty (Source: Self-drawn)

The “futou” worn by the Jiedushi can be seen as a costume symbol with visual political implications. As a commissioned provisional official, the Jiedushi was originally a temporary post appointed by the court, lacking an inherent rank. However, in the donor portrait of Zhang Yichao on the south wall of the corridor in Dunhuang Cave 156, the futou he wears is more elevated than the common “flat-top small style,” with a distinct depression in the middle (see Figure 1), belonging to the “style of various military princes” format (Cui, Y., 2020). According to *the Old Tang Book· Records of Carriages and Dress*, this form of futou was “bestowed internally upon noble ministers of the celestial court,” carrying clear identity and power symbolism. Therefore, Zhang Yichao’s use of such a futou was essentially a symbolic appropriation of Tang central authority by local power—achieving a “legitimacy graft” for his rule through the language of dress. By the Five Dynasties period, futou forms diversified, appearing in styles such as straight flaps, crossed flaps, upward-flaring flaps, and curled-upward tips (see Table 3). Among these, the straight-flap futou (also called flat-flap or extended-flap), with its two flaps extending straight outward, gradually became common dress for both ruler and officials. This form appears not only in Zhang Yichao’s portrait but also widely in Cao family portraits. For example: the donor portrait of Cao Yijin on the south wall of the corridor in Dunhuang Cave 98 wears a futou; the surviving portrait of Cao Yijin in Cave 244, wearing a brown round-collar robe, under-collar, and holding a handled censer, also sports extended-flap futou; his donor portrait on the south wall of the corridor in Cave 428 likewise wears extended-flap futou and a red round-collar robe (see Figure 2). Compared to other forms, the extended-flap futou carried stronger political symbolic meaning. Its widespread use during the Five Dynasties directly influenced the official dress system of the Song Dynasty, becoming the formal shape of the Song official hat. In extant Song Dynasty emperor portraits (see Figure 3), all are depicted wearing extremely long and thin extended-flap futou, further reinforcing the continuity and authority of this garment as a symbol of power and ritual.

Table 3. The Form of Futou in the Five Dynasties

Form	Front	Back
Square-top Futou with straight, extending flaps		
Round-top Futou with straight, extending flaps		
Futou with crossed flaps		
Square-top Futou with upward-flaring flaps		
Round-top Futou with curled-upward tips		
Square-top Futou with curled-upward tips		

Corresponding to this is the “subordination of headgear” among attendants. Compared to the Jiedushi, officials, and male donors from scholar families, attendant donor figures in cave frescoes often occupy subordinate positions: they typically follow higher-status donors, serving functions such as holding objects or forming part of the ceremonial guard. The futou forms of attendant donor figures differ from those depicted in portraits of the Guiyijun Jiedushi, officials, and scholar-family male donors; the extended-flap or upturned-flap futou of official dress are absent, replaced by new variations, such as the Upward-Flaring Flaps (see Figure 4) and the futou without flaps (see Figure 5). The headgear styles in attendant donor images of the Five Dynasties period were diverse. Beyond various modifications based on the futou, there were also many hats derived from ethnic minority costume traditions, indicating the social practice of “using non-Han youths as servants” at the time (Cui, Y., 2020), a practice related to the Guiyijun being a Han-led local regime.

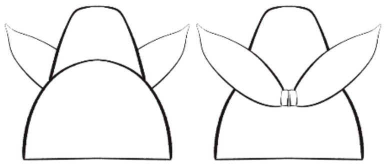


Figure 4. Futou With Upward-Flaring Flaps (Source: Self-drawn)

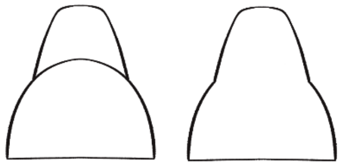


Figure 5. Futou Without Flaps (Source: Self-drawn)

The above analysis shows that, from the perspective of art sociology, Lukács's "totality" and Goldmann's "homologous structure" theories together form the core framework of the "art-society" paradigm—artistic form is seen as the static crystallization of social structure, i.e., the surface-level mirroring where portrait sequences map social hierarchy and costume symbols correspond to identity differences. However, this formal reflection theory has inherent limitations: while it can explain the differential order of dress between the Jiedushi and attendants in Dunhuang donor portraits from the Guiyijun period, it cannot penetrate the appearance of this visual topology to reveal the dynamic nature of power operation. When the "art-society" paradigm reduces differences in dress to a static hierarchical mirror, it is powerless to analyze the collusive mechanisms of symbolic production. This poverty of explanatory power precisely demonstrates that only by turning to the "art-sociology" paradigm's investigation of dynamic collaboration and identity performance can one deconstruct the power struggle boiling beneath the kasaya.

5. The "Art-Sociology" Paradigm and the Internal Construction of Identity Performance in Dunhuang Donor Portraits

5.1 The Broadening of Endogenous Structure

This chapter aims to achieve a paradigmatic shift in research methodology, moving from the "Art-Society" approach, which focuses on the reflection of macro-social structures, to the "Art-Sociology" approach, which concerns the collective collaboration within artistic production. The rationale for this shift stems from the special nature of Dunhuang donor portraits themselves: they are not isolated creations driven purely by aesthetics, but rather "collective activities" involving multiple actors within a specific social field.

Becker, in his groundbreaking work *Art Worlds*, fundamentally overturned the traditional art-sociological paradigm centered on the genius artist. He emphasized that "art is not created by individual genius but is a collective product accomplished through the conventionalized cooperation of a group of people." The core of this "Art-Sociology" paradigm lies in deconstructing the collaborative network behind artistic production. This network includes not only painters and donors but also material suppliers, religious ritual specialists, cave excavators, and even later maintainers. Each participant plays a specific role within this "art world," collectively contributing to the final form and meaning generation of the work. Compared to the "Art-Society" paradigm discussed in Chapter II—whose limitation is capturing only the surface mirroring relationship between artistic form and social hierarchy (e.g., costume symbols corresponding to identity differences)—Becker's theory targets the internal generative mechanism of identity performance. In the Dunhuang context, when powerful families sought to construct their authority through donor portraits, the power symbols in these images (such as specific crowns, garments, or sequencing) were essentially not direct reflections of social structure but rather "conventionalized products" achieved through negotiation, compromise, and cooperation among multiple actors.

This theoretical framework also resonates with Pierre Bourdieu's "field theory." Bourdieu, in *The Field of Cultural Production*, emphasized that the production of artworks depends not only on the artist's individual "habitus" but is also strongly regulated by the institutionalized "logic of the field" (Bourdieu, P., 1993). In the context of Dunhuang's powerful families, the identity performance in donor portraits was realized precisely through multiple negotiations involving religious ritual, social hierarchy, and material resources. In other words, their power symbols do not simply mirror an external social structure but are endogenously produced through multi-party collaboration and institutionalized convention. In the cross-cultural context of art history, similar models of "collective production" have been widely discussed: Michael Baxandall, in *Painting and Experience in Fifteenth-Century Italy*, pointed out that Renaissance artistic practice was deeply embedded in social, economic, and religious contractual relationships, and the interaction between artist and patron constituted a key mechanism for image generation (Baxandall, M., 1972). This perspective also provides a reference for understanding the "collectivity" of Dunhuang donor portraits.

Therefore, Becker's "Art-Sociology" paradigm not only reveals the production logic of donor portraits but also promotes a shift in research perspective from "surface mirroring" to "internal mechanisms." If "Art-Society" primarily concerns how images reflect pre-existing hierarchical orders and identity symbols, then "Art-Sociology" further reveals the pluralistic negotiations and institutionalized logic involved in the production process of these symbols. This broadening of "endogenous structure" marks a move in art historical research from a static "theory of representation" to a dynamic "theory of generation."

5.2 The "Field" Power Displayed by the Guiyijun in the Caves

The relationship between the Guiyijun regime and the local Buddhist monastic community can be deeply interpreted from the perspective of Becker's *Art Worlds* theory, viewing it as an "Art-Social" production network built upon collective action and negotiated cooperation. Take the example of Cao Yuanzhong and his wife, the Lady of Liang State (née Zhai), organizing the repair of the Northern Colossus at Mogao: "The Maitreya Northern Colossus, established long ago, had its lower two layers of timber damaged and broken," having fallen into disrepair over the years. The personnel for the repair came mainly from 12 monastic temples in Dunhuang, each contributing 20 monks; additionally, there were 56 carpenters and 10 plasterers, totaling 306 people working over 12 days (Wutian, S. & Xiao, Y., 2022). This project was far from a simple religious act or technical repair; it was a highly organized social collaboration and political authority performance, reflecting the close institutional cooperation and mutual construction of power between the Guiyijun regime and the Buddhist monasteries.

First, in terms of personnel composition, this repair brought together 20 monks from each of 12 monastic temples, plus 56 carpenters and 10 plasterers, totaling 306 people working collaboratively over 12 days. While 300 people may not seem large, the Cao-family Guiyijun territory consisted of merely "two prefectures and six towns," with a total population likely around forty thousand at most (Zheng, B. L., 2004), including the elderly, weak, sick, and disabled who lacked labor capacity. This scale indicates that the Guiyijun regime possessed strong social mobilization and resource coordination capabilities. The monastic community, in turn, was not a religious force detached from secular politics but institutional actors deeply embedded in the local power structure. As Becker stated, artistic production relies on a "cooperative network" composed of multiple roles, including both the artists directly executing the creation (painters, sculptors, carpenters) and the sponsors providing legitimacy, funding, and organization (donors), as well as the institutional sustainers (the monastic group). Here, the monks not only provided religious sanctification but also practically played roles in labor allocation, technical supervision, and ritual assurance, becoming indispensable "conventional cooperators" in Dunhuang artistic production.

Secondly, such projects also had strong political symbolic functions. Cao Yuanzhong, as the Guiyijun Jiedushi, initiating cave repairs during a "fasting month summer retreat" with his wife, itself demonstrates the close integration between the regime leadership and Buddhist rituals. The act of repair was both a public declaration of religious faith and a reaffirmation of political authority—by maintaining Mogao, a Buddhist sacred site, the Guiyijun rulers strengthened their legitimacy and moral prestige as "defenders of the Dharma." The monastic group's response to the regime's call, sending significant manpower to participate in the construction, can be seen as an expression of political identification and social cooperation, i.e., artistic production is the result of interaction and negotiation among multiple forces within the field (Huhn, T., 1996). In this process, the Buddhist space (Mogao Grottoes) and religious act (repairing for merit) became the "Front Stage" for the Guiyijun regime's performance, used to consolidate its ruling legitimacy; while the monks, by providing professional and sanctity support, became key groups sustaining the operation of this "art world." This repair event clearly shows that Buddhist artistic production during the Guiyijun period was far from an individualized religious act but a highly structured collective practice, reflecting close institutional ties and resource reciprocity between the regime and the monasteries.

5.3 The Dramaturgical Framework: The Power Backstage of the Buddhist Worship Frontstage

Starting from the perspective of Becker's "Art-Sociology" and introducing the concepts of "Front Stage" and "Back Stage" from Erving Goffman's Dramaturgical Theory, we can provide a more dynamic and structural analysis of the crown symbols of the Jiedushi and attendants in Dunhuang caves during the Guiyijun period.

"Front Stage" performance and authority construction: The Jiedushi's futou as a legitimacy symbol. The futou worn by the Jiedushi in donor portraits—particularly the "style of various military princes" in Cave 156's Zhang Yichao portrait and the "extended-flap futou" in the Cao family caves—constitutes a highly ritualized "Front Stage" setting. According to Becker's theory, such symbols are not autonomous artistic choices but "conventionalized cooperation" adopted collectively by the various actors in the art world (including the Jiedushi himself, painters, costume consultants, etc.) after understanding political-ritual conventions. In the "Front Stage" performance, such futou are intentionally designed as visual statements of political legitimacy. Goffman called such performances "given expressions," i.e., deliberately conveyed normative images. They invoke the Tang central bestowal system ("bestowed internally upon noble ministers of the celestial court"), symbolically grafting the identity of the local Jiedushi onto central authority, thereby conveying the image of "legitimate ruler" to the audience (including Dunhuang populace, neighboring regimes, and future worshippers). Particularly noteworthy is that the extended-flap futou gradually evolved into a symbol used by both ruler and officials during the Five Dynasties and was integrated into the official dress system of the Song Dynasty. This indicates that such visual strategies were not merely individual acts but the result of collective cognition and cultural negotiation of an era—a typical example of a "conventionalized product" within the art world.

Symbolic negotiation and power logic in the Back Stage: Compared with the "Front Stage", in the "Back Stage," more complex symbolic manipulation and power negotiations are hidden. Dunhuang painters likely had to balance the Jiedushi's wishes, religious rituals, available models, and practical technical conditions. For instance, choosing the "style of various military princes" or "extended-flap futou" required painters not only to know their ritual significance but also to possess the technical skill to depict these forms, and may even have involved negotiations over symbolic meaning with monks or literati. Between his rise to power in 914 and 924, a decade falling within the Later Liang period of the Five Dynasties, Cao Yijin built his merit cave, Cave 98, at Mogao. During this time, Cao Yijin sent tribute missions to the Central Plains twice, attested by documents P.4638V and P.2945. The first was unsuccessful, but the second succeeded; however, Cao Yijin was not formally invested as Jiedushi, meaning the legitimacy of the Cao regime was not officially recognized. Under these circumstances, Cao Yijin perhaps adopted another method to demonstrate the existence of his regime's legitimacy: the construction of Merit Cave 98. This monumentally significant building served to mark the beginning of the Cao-family Guiyijun regime. Such "given-off expressions" constitute what Goffman called "unmeant gestures" of the performance, revealing the essence of local magnates using Buddhist space to perform secular power. During the decade when Cao Yijin's regime lacked official recognition, it was precisely this monumental Buddhist construction that demonstrated the regime's legitimacy and also signaled the start of the Cao-family Guiyijun. This was a strategy for maintaining regime stability in the absence of official acknowledgment (Shao, Q. J., 2017).

5.4 Deconstructing Dunhuang Donor Portraits Through the Connotations of Dramaturgy

5.4.1 Symbolic Manipulation and Role Upgrade

Powerful families used transgressive visual symbols to break through ritual frameworks, reconstructing the religious "donor" role into that of a spokesperson for secular authority, achieving a symbolic upgrade of identity claims. In the main chamber murals of Dunhuang Cave 98, a group of aristocratic donor figures wearing mianliu crowns and ceremonial robes can be seen, their attire referencing the royal ceremonial dress system of the Tang or even Zhou dynasties (Sha, W. T., 2005). This attire far exceeded the standards appropriate for ordinary officials or local military figures, possessing clear symbolic transgression. Within the highly regulated context of ritual culture, the mianliu crown was originally exclusive to the Son of Heaven. Its appearance in a Buddhist cave illustrates the strategic manipulation of Buddhist image resources by the Guiyijun aristocratic families: utilizing the donor position within Buddhist art, they reshaped the image structure originally presented as "benefactor" into a representative portrait of secular power, thereby achieving an imagistic "upgrade" of identity. Furthermore, research points out that one male figure among the donors on the south wall of Cave 98 has attire and gestures closer to a "court attendee" than a "Buddha worshipper," hinting at a covert transformation of secular court ritual into Buddhist patronage ceremony (Rong, X. J., 2015). Through such image strategies, the Cao family of the Guiyijun or their allied nobility intentionally translated the role of "religious devotee" into "spokesperson for the local order" or "protector of Buddhism," thereby crafting an image of secular authority under the guise of religious legitimacy.

5.4.2 The Primacy of Subjective Experience

The power symbols in the portraits are essentially the externalization of the collective self-perception of the Guiyijun elite—their transgressive visual practices are not merely an objective social mirror but a concrete declaration of the subjective will of local magnates who "saw themselves as feudal kings." The images in Dunhuang Cave 98 do not passively record social hierarchical relationships but actively express the subjective experience and political self-awareness of the local elite. Cao Yijin and his successors controlled the Guiyijun for a long period, maintaining local stability amidst changes in the Central Plains regimes. This experience fostered a consciousness structure of "seeing themselves as feudal kings."

During the phase when the Cao family held the Guiyijun in the Five Dynasties and early Song, two arrangement patterns for donor figures appeared in surviving paintings from Dunhuang: "person-to-person opposition" and "person-to-Buddha opposition." Among these, "person-to-Buddha opposition" is a compositional form that breaks traditional visual conventions; the donors depicted in this layout usually have special status. These images indicate that they did not attempt to "efface" their identity within the Buddhist space but, under the cover of Buddhist authority, sought to flaunt the legitimacy and glory of their own power structure. In this sense, the cave is not merely a container for religious worship but a visual platform for the collective cognitive structure of the local elite. The images become a medium for their self-narration; their image practice is not "reflecting society" but "creating meaning"—that is, redefining their role within the borderland politico-religious landscape.

5.4.3 The Mechanism for Bridging the Performance Gap

To bridge the inherent tension between the donor's "devout worship" and "power declaration," the painters of Cave 98 employed a series of subtle visual rhetorical strategies. The core involved systematically enveloping and absorbing secular symbols with Buddhist motifs, thereby reconstructing acts perceived as "transgressive" into the natural expression of "Dharma-protecting" merit. A key example is the canopy above the inscription cartouches of the donor portraits in the corridor and on the east wall: in the corridor and east wall sections of Cave 98, canopy images are painted above the cartouches of some donor portraits. Beyond its practical function of providing shade, the canopy, following its eastward transmission with Buddhism and integration with Chinese culture, was gradually incorporated into the Buddhist visual expression system. Originally mostly seen symbolizing the power and status of secular emperors and generals, it thus appeared in Buddhist images, becoming an important visual element highlighting their sacredness and lofty status (Shao, Q. J., 2017). Through this visual transformation, power transgression no longer appears abrupt but manifests as the externalization of dignified merit. Additionally, through compositional design, the painters created "orientation" or "reliance" relationships of subordination between the donors and deities like Bodhisattvas and Guardian Kings, visually establishing an order of "the secular subordinated to the Buddha-Dharma." All these together constitute a typical "front-backstage" functional distribution: the murals present a devout religious statement on the "front stage," while simultaneously and quietly accomplishing a political declaration of power "backstage."

6. Conclusion

This paper, through the dual perspectives of art sociology, has revealed the dialectical logic of power reproduction in Dunhuang donor portraits. The "Art-Society" paradigm, represented by Lukács and Goldmann, while capable of deconstructing the "hierarchical mirror" of futou-headgear in Mogao donor portraits, can only capture the "static topology" of Guiyijun social structure, unable to explain the deeper transgressive motives within the murals. The introduction of Becker's "Art-Sociology" paradigm shifts the research towards the "dynamic social network"—when painters adorned inscription cartouches with canopies and monks tacitly allowed dragon robes into the Buddha cave, power symbols became the "conventionalized products" of multi-party compromise within the art world, confirming Becker's core proposition that "all art is collective action." Thus, Dunhuang donor portraits transcend being a simple "social mirror," becoming the "visual genealogy where powerful families stored power."

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Glossary of Chinese Characters

Futou 幞頭

Guiyijun 歸義軍

Mogao Cave 莫高窟

Jingyou era 景祐年

Emperor Renzong of Song 宋仁宗

Jiedushi 節度使

Mianliu 冕流

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Approaches and Practices of Product Innovation in Rongchang Grass Cloth Through the Intervention of Modern Design Language

Pei Xi[1]

[1] Modern International Art and Design Academy, Chongqing Technology and Business University, China

Correspondence: Pei Xi, Modern International Art and Design Academy, Chongqing Technology and Business University, China.

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Abstract

In the context of cultural confidence and consumption upgrading, the revitalization of intangible cultural heritage urgently needs to transition from productive protection to innovative development. This paper takes Rongchang Grass Cloth from Chongqing as its research subject, focusing on the core issue of how modern design language can systematically intervene in its product innovation. Through practice-oriented research methods and case analysis, this study identifies and proposes five core approaches through which modern design language intervenes in the product innovation of Rongchang Grass Cloth: symbol translation, material reconstruction, structural innovation, functional crossover, and narrative empowerment. The aim of this paper is to construct an effective design innovation methodology system, contributing to the theoretical framework for the contemporary transformation of Rongchang Grass Cloth and other similar intangible cultural heritage projects, ultimately promoting its creative return from cultural heritage to contemporary life aesthetics.

Keywords: Rongchang Grass Cloth, product innovation, design translation, intangible cultural heritage revitalization

1. Introduction

Rongchang Grass Cloth, renowned for its exceptional quality described as “light as cicada wings, smooth as a mirror, thin as paper, and fine as silk,” is hailed as the “living fossil of Chinese textiles.” Its long-standing reliance on traditional techniques such as hand-spinning yarn and splitting hemp fibers results in low production efficiency and limited novelty in product forms. However, these techniques embody profound localized knowledge and physical practices. Current research and preservation models for Rongchang Grass Cloth predominantly focus on documenting and conserving its craftsmanship, with limited market acceptance. Against this backdrop, the intervention of modern design language is regarded as a crucial pathway to revitalize traditional craftsmanship. Existing academic research primarily concentrates on cultural value discussions or fragmented case studies, lacking systematic induction and theoretical analysis of design intervention methods. Therefore, this paper aims to address the specific ways in which modern design language intervenes in the product innovation of Rongchang Grass Cloth and how these methods operate and yield results in practice. It seeks to construct a clear design innovation methodology system to bridge the gap between theory and practice, providing operable and replicable design tools for the revitalization of intangible cultural heritage.

2. The Translation Logic of Modern Design, Modern Design Language, and Rongchang Grass Cloth

Modern design language is a comprehensive expression system encompassing form, material, structure, function, and context. Its core principles include human-centered functional considerations, openness to new materials and technologies, a commitment to sustainable design ethics, and a deep pursuit of emotional resonance with users. Applying this language to Rongchang Grass Cloth essentially entails a profound process of “design translation.” The logical starting point of this translation lies in the deep deconstruction of the essence of Rongchang Grass Cloth, which is not merely fabric but a composite cultural carrier.

Design translation is not a simple appropriation of elements or a stylistic mix-and-match but emphasizes a creative transformation based on profound understanding. This process requires designers to be proficient in both the traditional techniques and cultural connotations of Rongchang Grass Cloth and modern aesthetics and lifestyles, ultimately achieving accurate meaning transmission and poetic innovation.

As a complex cultural text, Rongchang Grass Cloth can be symbolically constructed from the following aspects:

Material Essence: Ramie fibers impart natural texture, breathability, coarseness, and wrinkle-prone characteristics.

Technical Core: The unique knots and irregularities formed during hand-spinning and weaving processes serve as tangible carriers of handmade value and warmth.

Cultural Symbols: Rongchang Grass Cloth embodies the memory of agrarian civilization and the simplicity and Zen spirit in Eastern aesthetics, representing the materialization of Eastern aesthetic philosophy.

The task of modern design, as proposed in this paper, is to extract these elements from their original historical context, treat them as “vocabulary” that can be recombined and imbued with new meanings, and then employ modern design grammar—such as minimalist forms, sustainable design ethics, and cross-disciplinary application thinking—to organize this vocabulary and create new products that meet contemporary aesthetic and functional demands.

3. Five Approaches of Modern Design Language Intervening in the Product Innovation of Rongchang Grass Cloth

Based on the analysis and induction of extensive design practices, this paper proposes five core innovation approaches, which together form a multidimensional and three-dimensional design language innovation system.

Symbol Translation: This approach focuses on the refinement and sublimation of visual culture, achieving a transition from formal resemblance to spiritual resemblance. Shifting from cultural imagery to design morphemes emphasizes the purification and re-creation of Grass Cloth culture at the visual level. Designers no longer directly replicate traditional patterns but extract the most core visual symbols, such as warp and weft threads, and transform them into recognizable, decorative, structural, or symbolic modern design elements through abstraction, geometrization, reconstruction, and deconstruction. For example, the Chinese designer brand “Invisible Visible” draws inspiration from the warp-and-weft structure of Grass Cloth in its jewelry design, using extremely fine metal wires to mimic the imagery of interwoven threads, constructing lightweight and bony accessories.

Material Reconstruction: This approach challenges the conventional perception of Grass Cloth as a “flexible fabric,” treating it as a raw and malleable “material” for physical reconstruction. Through techniques such as compositing, reshaping, deconstruction, and integration of new materials, its physical state, visual texture, and mechanical properties are actively altered, significantly expanding its expressive boundaries. For instance, Chinese designer Cai Fan’s “Light of Grass Cloth” lamp series is a paradigm of this approach. By compositing Grass Cloth with epoxy resin and utilizing the solidifying property of the resin, the soft Grass Cloth is shaped into various organic forms. When illuminated, light scatters through the ramie fiber texture, creating a warm, hazy, and unique lighting effect, where the simplicity of Grass Cloth and the modernity of the resin form a remarkable chemical reaction. Additionally, creating permanent folds through high-temperature molding or laminating multiple layers of Grass Cloth to enhance its stiffness are successful explorations in material reconstruction.

Structural Innovation: Breaking through traditional two-dimensional flat pattern-making to three-dimensional cutting, modular design, 3D technology, and AI technology, this approach strives to transcend the two-dimensional nature of Grass Cloth. Through innovative structural design, it endows Grass Cloth with an architectural sense of volume and sculpture in three-dimensional space. Three-dimensional cutting, modular splicing, and parametric design are its main tools. For example, local Chongqing fashion designer Shi Ruizi extensively employs three-dimensional cutting techniques in her high-end Rongchang Grass Cloth fashion collection. By avoiding traditional flat cutting and engaging in three-dimensional creation on mannequins, the Grass Cloth garments exhibit fluid and spatially dynamic folds and contours completely transforming the stereotype of Grass Cloth as “soft and droopy” and endowing it with the sculptural power of high fashion.

Functional Crossover: This approach involves deliberately integrating Grass Cloth into non-traditional fields, leveraging scenario substitution to stimulate new functional attributes, cultural meanings, and aesthetic connotations. It also requires designers to deeply understand the functional requirements of different product categories and identify ingenious integration points with Grass Cloth. For example, applying Grass Cloth to the consumer electronics field, such as manufacturing the casing of Bluetooth speakers. The natural acoustic permeability of Grass Cloth becomes a functional advantage, while its warm texture mitigates the coldness of electronic products. Similarly, using Grass Cloth to make laptop bags, notebook covers, or flower vessels in tea spaces are typical practices of successfully crossing from the “apparel” field to the “digital,” “stationery,” and “lifestyle aesthetics” fields, finding new application outlets for core craftsmanship.

Narrative Empowerment: In the era of the experience economy, transforming physical products into emotional tokens can imbue products with a “soul,” turning them from silent objects into storytelling entities. The value of a product lies not only in its physical function but also in the stories and emotions it carries. Through design means, the intangible narratives behind Grass Cloth—such as the production process, artisan stories, and regional culture—are integrated into the product, enhancing its emotional value and cultural appeal. Implementing a “One Cloth, One Certificate” system, where each high-end Grass Cloth product is equipped with a digital identity documenting the weaver’s name, photograph, production duration, and specific techniques employed, allows consumers to scan a QR code to learn the story behind the item, thereby establishing an emotional connection with distant artisans. Furthermore, developing series of cultural and creative products inspired by local cultural IPs like the “Eight Views of Rongchang” and narrating local landscape stories through packaging and display are effective practices of narrative empowerment. In such cases, consumers purchase not merely an object but a fragment of Rongchang’s cultural heritage and imagination.

4. Synergy, Challenges, and Development of Product Innovation Approaches

Design innovation approaches are not isolated but synergistically interact to shape successful innovative products. During the design intervention process, it is essential to avoid the risk of over-design, where excessive technical virtuosity may undermine the inherent simplicity and beauty of Grass Cloth materials. Preventing the superficial consumption of cultural symbols in the wave of commercialization and ensuring the preservation of core craftsmanship spirit present ongoing challenges. Simultaneously, balancing mass production with the uniqueness of handmade products is crucial.

The future development path of Rongchang Grass Cloth design will involve greater integration with digital twins, virtual fashion, parametric generative design, and other technologies, opening up digital dimensions for Grass Cloth innovation. Combining biodesign to develop naturally decomposable Grass Cloth bio-composite materials will maximize its ecological value. Additionally, establishing an integrated innovation community involving academic institutions, designers, artisans, and consumers will make the innovation process itself a living and sustainable cultural practice.

5. Conclusion

Through the analysis of Rongchang Grass Cloth in contemporary design practice, this paper systematically proposes five approaches through which modern design language intervenes in its product innovation: symbol translation, material reconstruction, structural innovation, functional crossover, and narrative empowerment. These five approaches constitute a rich and interconnected design innovation methodology, providing designers with specific paths and directions for breakthrough innovation from different dimensions. Practice demonstrates that modern design is no longer merely a decoration for traditional craftsmanship but an activator of its intrinsic vitality. Through professional symbol translation logic, it transforms Rongchang Grass Cloth into a living cultural resource capable of participating in contemporary life, conveying aesthetic values, and evoking emotional resonance. The methodological system constructed in this paper provides reference and practical paradigms for the sustainable development of Rongchang Grass Cloth. Ultimately, the highest level of intangible cultural heritage revitalization is to seamlessly and quietly reintegrate it into the torrent of contemporary life, with modern design serving as the key bridge to achieve this return.

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