

THE CURIOUS CASE OF CHINESE FILM CENSORSHIP: AN ANALYSIS OF THE  
FILM ADMINISTRATION REGULATIONS

by

SHUO XU

A THESIS

Presented to the School of Journalism and Communication  
and the Graduate School of the University of Oregon  
in partial fulfillment of the requirements  
for the degree of  
Master of Arts

December 2017

THESIS APPROVAL PAGE

Student: Shuo Xu

Title: The Curious Case of Chinese Film Censorship: An Analysis of Film Administration Regulations

This thesis has been accepted and approved in partial fulfillment of the requirements for the Master of Arts degree in the School of Journalism and Communication by:

Gabriela Martínez	Chairperson
Chris Chávez	Member
Daniel Steinhart	Member

and

Sara D. Hodges	Interim Vice Provost and Dean of the Graduate School
----------------	--

Original approval signatures are on file with the University of Oregon Graduate School.

Degree awarded December 2017

© 2017 Shuo Xu

## THESIS ABSTRACT

Shuo Xu

Master of Arts

School of Journalism and Communication

December 2017

Title: The Curious Case of Chinese Film Censorship: An Analysis of Film Administration Regulations

The commercialization and global transformation of the Chinese film industry demonstrates that this industry has been experiencing drastic changes within the new social and economic environment of China in which film has become a commodity generating high revenues. However, the Chinese government still exerts control over the industry which is perceived as an ideological tool. They believe that the films display and contain beliefs and values of certain social groups as well as external constraints of politics, economy, culture, and ideology. This study will look at how such films are banned by the Chinese film censorship system through analyzing their essential cinematic elements, including narrative, filming, editing, sound, color, and sponsor and publisher. The study will also analyze how the combination of government control and market forces influence the Chinese film industry and its production.

## CURRICULUM VITAE

NAME OF AUTHOR: Shuo Xu

### GRADUATE AND UNDERGRADUATE SCHOOLS ATTENDED:

University of Oregon, Eugene, Oregon, USA  
Hunan Agricultural University, Changsha, Hunan, China

### DEGREES AWARDED:

Master of Arts, Media Studies, 2017, University of Oregon  
Master of Arts, Journalism, 2017, University of Oregon  
Bachelor of Arts, Finance, 2010, Hunan Agricultural University

### AREAS OF SPECIAL INTEREST:

Asian Studies  
Chinese Media and Journalism  
Chinese Media Censorship

### PROFESSIONAL EXPERIENCE:

Report Intern, Tiger Eye Foundation, Anas Aremeyaw Anas, Summer 2017

Executive Assistant, Center for Equity Promotion, University of Oregon,  
Fall 2014 – present

Graduate Employee, School of Journalism and Communication, University of  
Oregon, Spring 2015 – Fall 2017

### GRANTS, AWARDS, AND HONORS:

Charles and Eiko Politz Scholarship, School of Journalism and  
Communication, 2015

## ACKNOWLEDGMENTS

I wish to express sincere appreciation to my advisor Prof. Gabriela Martínez for working closely with me on this thesis and spending hours reading and discussing the many drafts and iterations. It was thanks to her inspirations so that the idea for this thesis was born. I also would like to thank Prof. Chris Chávez and Prof. Daniel Steinhart for their inputs and encouragement during this process. In addition to this, I wish to thank Sharmista Chaudhury and Sara Sacks for being a great support system and letting me bounce ideas off them. Also, I would like to thank my boyfriend, TJ Li, for his patience while I grumbled endlessly about writer's block and pestered him for help with formatting my pages.

Lastly, great thanks to my beloved parents and granny. We made it!

## TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION.....	01
II. REVIEW OF LITERATURE.....	03
III. METHODOLOGY.....	10
IV. ANALYSIS – THE LAWS AND REGULATIONS.....	13
A. The Word Choices.....	13
B. The Laws.....	14
C. The Regulations.....	16
a. General Provisions and Guarantee.....	16
b. Control over Production.....	21
c. Control over Distribution and Screening.....	26
d. Control over Import and Export.....	29
e. Film Examination.....	31
V. DISCUSSION.....	34
A. Overall System.....	34
B. Structure of Administrative Departments.....	34
C. Licensing System.....	37
D. Content and Ideology Examination.....	42
E. Disadvantage of Chinese Film Censorship System.....	50
VI. CONCLUSION.....	53
REFERENCES CITED.....	55

# CHAPTER I

## INTRODUCTION

China and Western countries have fundamentally different political and economic systems, and it is not surprising that their media systems also differ widely. Historically, Western media systems, including those in Western Europe and North America, have been based on market-oriented private ownership. But in China, media are either owned or controlled by the central government. Under a single-party system, the content of media productions in China is inevitably influenced by China's Communist Party; in addition, the party also uses state-owned media to educate its citizens and garner political support (Kennedy, 2009).

Media systems are connected to a power structure—whether political and/or economic—, for the most part serving the interests of such structure; this is a fact regardless of ideological (capitalism, communism) or geographic location (China, Europe, U.S.). However, they, the media systems, perform their roles very differently. While Western media may serve power—the government or corporations that intertwined with private and government interests, they also have to protect their own market (Lee, 2008). By being legally protected and relatively autonomous from state intervention, the Western media cover, serve, and criticize the power structures that are marked by a plurality of interests. Media quite often challenges the government's or administration's policies (Lee, 2008). On the opposite side, in China, state policy is national interest. In this environment only one “correct” and officially sanctioned policy interpretation is allowed to prevail. Factional fights and policy disputes are often rancorous; they are



managed behind the scenes and never surface in mainstream or the official media.

Since its first attempt at filmmaking with *The Battle of Dingjunshan* (1905), the Chinese film industry has accumulated a history of more than one hundred years. During these years, the industry has developed from a cluster of family businesses to a market of competing studios and theaters, has survived war devastation and government interference, and has enriched cinematic arts with ingenious narratives and visual inventions. Despite being launched later than its European and American counterparts, Chinese film industry has become a significant player in the international film arena by regularly receiving top awards at various international film festivals and stepping into the international film market.

However, Chinese filmmakers have the great challenge to pass censorship. China's film censorship authority is not in the habit of explaining its decisions, and Chinese filmmakers have to guess as to what is acceptable content, themes, and style.

This thesis examines the Chinese film censorship system by centering on the policies and regulations, and the internal structure of the censorship apparatus. The thesis will analyze why and how particular films are affected by censorship decisions.

The questions posed in this thesis are:

RQ1. How does the Chinese film censorship system function?

1 a. Who makes the censorship decisions?

1 b. What is the censorship process?

RQ2: How does the Chinese film censorship system affect filmmakers?

## CHAPTER II

### REVIEW OF LITERATURE

Motion pictures were introduced in China in 1896; and the first Chinese film, a recording of the Beijing Opera, *The Battle of Dingjunshan*, “定军山,” was made in 1905, with the film industry being centered on Shanghai in the first decades (Geiselman, 2006). During the 1920s, the Chinese companies imported many U.S. film technicians to help training the Chinese technicians in Shanghai, an early filmmaking center; d American influence continued to be felt there for the next two decades (Carter, 2010). In 1931, China’s first sound movie, *The Songstress, Red Peony*, was produced by the Star Studio, the largest film production studio of Shanghai. By 1937, China had nearly 300 movie theaters in Shanghai and a few other big cities (Zha, 1997). During that time, China’s own film industry was in the infant stage, its cinematic market was dominated by foreign films.

After Japan’s invasion of China and the occupation of Shanghai, the film industry in the city was severely curtailed, with filmmakers moving to Hong Kong, Chongqing and other places, starting a “Solitary Island” period in Shanghai, referring to the city’s foreign concessions, with the remaining filmmakers working there (Zhang, 2009). *Princess Iron Fan* (1941), the first Chinese animated feature film, was released at the end of this period. It influenced wartime Japanese animation and later Osamu Tezuka (Du & Yan, 2012). After being completely engulfed by the occupation in 1941, and until the end of the war in 1945, the film industry in the cities was under the control of the Japanese government.

The establishment of the People's Republic of China, in 1949, brought about the mass production of motion pictures because film was seen as a great propaganda tool for the new government. In 1951, the Communist Party of China attempted to tighten control over mass media and introduced policy banning the films made before 1949. The culture management department of the Chinese Communist Party gradually started setting up a rigorous film censorship system. Its characteristic is that film scripts, sample films and completed films all need to pass first, self-censorship; second, province censorship; and third, municipal censorship where the Party committees check and then the film bureau's check. All film production houses became state owned corporations after 1952 (Zhang, 2012). They started producing films focusing on peasants and workers. This, along with many other dramatic social and economic changes, saw films produced between 1949 and 1966 become part of an ideological agenda and a battle to take over people's minds, rather than an artistic representation of people's desires (Zhang & Xiao, 1998), which is very similar to the Soviet Bloc, and other socialist countries.

During China's Cultural Revolution (1966 – 1976), the political movements made film censorship a sacrifice to the politics. The fate of films completely depended on the government leader's will (Gu, 2010). When the Cultural Revolution ended, the Ministry of Culture restarted the same film censorship system used before the Cultural Revolution (Zhang, 2012).

By the 1980's, film productions moved away from the disastrous consequences of the Cultural Revolution and started to focus on new ideas, subjects and issues. Chinese people from all over the world including scientists, intellectuals, urban youth and many others all started making an appearance on big screen (Zhang & Xiao, 1998). Films, such

as *Evening Rain* (1980), *Legend of Tianyun Mountain* (1980) and *Hibiscus Town* (1986), depicted the emotional traumas left by the Cultural Revolution period (Li, 2004). The mid 1980's also brought about the uprising of economic reform that impacted people's lives greatly. This led to the cultural reflection movement where a lot of the country's leading intellectuals suggested that China's traditional beliefs and morals were stopping Chinese people from reaching modernization. Thus, filmmakers in China started participating in the questioning and re-examination of traditional Chinese culture that triggered them to produce films concerning with the free development of humanity in a very profound way; for example, the government sponsored the films *Good Women* by Huang Jianzhong in 1985 and *A Girl from Hunan* by Xie Fei in 1986 (Liu, 2014). Both of these two films are about young girls' struggle between traditional arrange-marriage and free love. *Good Women* is a story about an 18-year-old girl's struggle. In the end, the girl elopes with her love from the arranged engagement with an 8-year-old boy. She also becomes the first girl who successful break the tradition of arranged marriage of her village. *A Girl from Hunan* is about a 12-year-old girl's "marriage" with her 2-year-old husband. The story is woeful and more complicated that includes the girl is willingly seduced by a farmhand at her age of 16 and becomes pregnant. After failing to abort the baby, the girl's mother-in-law later begins the process of marrying off the baby to yet another teenage girl.

In the meantime, there was another series of changes that affected the Chinese film industry. In the 1980's, a government run company, the Chinese Film Distribution and Release Company, was in charge of marketing and distribution for films (Zhang, 2012). Before 1980, the company used to pay the production companies a fixed amount

of money to buy the distribution rights. In 1980, the culture department of China published a new way to calculate the price of films, and linked the distribution fee with the amount of film copies sold (Zhang, 2012). Because the amount of copies sold more or less reflected the popularity of a film, thus the film distribution fee was tightly linked with the performance of the market. Another change made by the culture department was a profit index for producers requiring the increase in profit of next year because of the financial difficulty of the film industry. It pushed producers to produce more commercial films rather than high quality cultural films (Shi, 1986). The head of the Film Department Shi said, “We didn’t realize that we should regard social effect as the highest and only standard for art. Putting too much emphasis on the financial difficulty forced us to pass some low-quality films. We were afraid of increasing financial pressure for producers” (1986).

In January 1986, the Department of Radio, Television, and Film Bureau of the State Council Ministry of Culture merged to form the Radio, Film, and Television Bureau (SARFT, 2007), which means the Chinese film industry was transferred from the Ministry of Culture to the newly formed Ministry of Radio, Film, and Television to bring it under “stricter control and management” and to “strengthen supervision over production” (Li, 2004).

In April 1989, the Radio, Film, and Television Department announced a Notice of Censoring and Grading Some Films, which decided to apply the grading system beginning from May 1st, 1989. Though the Notice addressed to start “grading some films,” it did not mean that the censorship standard was going to change (Zhang, 2012). Yet again, the Notice did offer the legal basis to shoot some materials that was considered

unfit for children. Nonetheless, this grading system did not last very long (Zhang, 2012). Around the same time in 1989, the vice president of the Film Department of China once said, “We used to censor the films only from political angles, so we couldn’t cut or edit a film just because of its low aesthetic value. However, too many low aesthetic value films have deeply influenced Chinese film’s reputation, even caused doubt on the socialism nature of the films. So, starting from this year, we will censor the aesthetic quality of films and won’t pass low quality films” (Chen, 1989, p. 10). Chen’s statement shows that before 1989, the authorities were not censoring the content of films but only the ideologies.

In the 1990s, China experienced blooming in its film industry. At the same time the government allowed the showing of foreign movies from 1995 (Li, 2004). Many of China’s films won awards at international film festivals, such as *Ju Dou* (1990) and *To Live* (1994) by Zhang Yimou, *Farewell My Concubine* (1993) by Chen Kaige, *Blush* (1994) by Li Shaohong, and *Red Firecracker Green Firecracker* (1993) by He Ping. However, these films encountered more and more criticism, in particular for their stylized form and neglect of audience response and absence of representation of the spiritual bewilderment of the people during the transformation of Chinese society (Zhang & Xiao, 1998). In the meantime, a group of spirited young filmmakers began throwing away the fashionable cinematic veneer and facing the realities. They favored personal expression and “realistic” films that captured the culture in a more truthful manner compared with the previous filmmakers. They aimed to tackle a wide spectrum of social experiences and issues that were reality for many throughout the country. These included but were not limited to: mental illness, disability, prostitution, the gap between poor and rich, etc

(Harvard Film Archive. (n.d.)). They were Zhang Yuan's *East Palace West Palace* (1996), Wang Xiaoshuai's *Beijing Bicycle* (2000), Jia Zhangke's *Unknown Pleasure* (2002), Jiang Wen's *Devils on the Doorstep* (1999), etc. Their serious attitudes toward the art of film and life were to create youthful vigor in China's film industry for the start of the new millennium. (Li, 2004)

In March 1998, the Radio, Film, and Television Bureau reorganized as the State Administration of Radio, Film, and Television, known as the SARFT (SARFT, 2007). SARFT consisted of two bureaus responsible for reviewing films before and after they are produced. These bureaus were the Film Censoring Committee and the Film Reviewing Committee. These two entities represent the Chinese government's control over the film industry, first, through forbidding the topic or content of un-produced films, or, second, through cutting and editing finished films; in this manner, SARFT makes all the films that are screened in China meet the country's ideological criteria (Liu, 2012).

In the 21st century, SARFT continues to censor all the films that are screened in China. However, following the international commercial success of films such as *Crouching Tiger, Hidden Dragon* (2000) by Ang Lee and *Hero* (2002) by Zhang Yimou, the number of co-productions in Chinese-language films has increased and there has been a movement of Chinese-language film into a domain of large scale international influence. Nowadays, China is the home of the largest film studio in the world, the Hengdian World Studios. In 2015, the gross box office in China was over CN¥44 billion (about \$6.78 billion USD), with domestic films having a share of 61.6%. The country is predicted to have the largest number of screens in the world in 2016 and the largest market by 2019 (Flor Cruz, 2014).

Most of the literature has covered the history of Chinese film industry along with the changes of film censorship system. This study will analyze the censorship by dissecting the active laws and regulations. Even with all these developments in the film industry, China has managed to exercise massive control over the content featured in these films. The censorship documents and related standards and regulations provide a unique perspective from which to understand how films have been conceptualized by the government. Given the limited scope of this study, I am not able to detail all of these cultural events and contexts. Instead I highlight several Chinese film administrative regulations in which the appearance and disappearance of those policies have directly affected the film industry. I aim to discuss the framework of the Chinese film censorship system, recent changes of the system, and to explore how this censorship system reflects a government's fear of films in many different ways by using examples to give a closer look at the details and problems of the active censorship system.



### CHAPTER III

#### METHODOLOGY

This study attempts to understand the Chinese film censorship system in light of the overall political, economic, and cultural atmosphere in China. The principal method I will be using is documentary analysis.

According to Scott (1990), the assessment of the quality of documents hinges on four criteria, including authenticity, credibility, representativeness and meaning. Scott also discusses measurement of the samples for representativeness. Measurement is the “process of coding and classifying source material.” Scott (1990) makes it clear also that measurement is not always quantitative. Since so many objects that contain text may be regarded as documents, Scott says documents can be seen as “physically embodied texts.” These can be classified as personal and public documents. Authenticity is a key factor in that the document is what it purports to be. Credibility is subject to a critical scrutiny of the document, including finding any author prejudices that may have led to being for or against certain societal aspects, and thus influencing the writing of the document. The representativeness of the document is also key in analyzing the society as a whole, as the document may be generalizable. A way to overcome any problems with representativeness is a wide sampling of documents. The final question of meaning draws the most attention, because it is the most complex of the criteria. Literal meaning may be difficult to decipher in historical documents. Therefore, interpretive meaning and textual analysis become paramount in document analysis. This study conducts a documentary analysis of the Chinese film censorship system by using both primary and secondary

sources. I will describe each document's origins and history, who issues it, and when and how often it is circulated (Lindlof, 1995). My primary sources are government documents, such as the Film Administration Regulations (SARFT, 2001) and the Scripts/Outline Record, Film Administration Provisions (SARFT, 2006), and others. These government documents are key to understanding the standards and function of the Chinese film censorship system. Other primary sources are press reports, which shed light on the praxis of censorship in relation to media and film production. My secondary sources are academic publications focusing on media and film in China, which will help me to contextualize and further elaborate my own findings with regards to the censorship system for the film industry in China.

Textual analysis seeks to understand the ways in which certain forms of representation take place, the assumptions behind them and the kinds of sense-making about the world that they reveal. The attempt here is to understand how these texts tell their stories, how they represent the world, and how they make sense of it (McGee, 2003). This study will also analyze the politics and mechanics of censorship to understand the Chinese film censorship process through several censored films.

The commercialization and global transformation of the Chinese film industry demonstrates that this industry has been experiencing drastic changes within the new social and economic environment of China in which film has become a commodity generating high revenues. However, the Chinese government still exerts control over the industry which is perceived as an ideological tool. They believe that the films display and contain beliefs and values of certain social groups as well as external constraints of politics, economy, culture, and ideology. And, ironically, the films censored in China

often gain great fame outside of China becoming worldwide blockbusters. This study will look at how those films are banned by the Chinese film censorship system through analyzing their essential cinematic elements, including narrative, filming, editing, sound, color, and sponsor and publisher. The study will also analyze how the combination of government control and market forces influence the Chinese film industry and its production.

## CHAPTER IV

### ANALYSIS – THE LAWS AND REGULATIONS

#### **A. The Word Choices**

Because of the differences between English and Chinese in terms of linguistics. I would like to define certain words that are used in Chinese film practices, laws, and regulations before doing a deeper analysis on the Chinese film censorship system.

In China, the word that is used in practices for the English word censor is “shen cha” (审查). Unlike the word “censor” in English, “shen cha” does not contain any negative connotation. “Shen cha” means review, examine, and oversight. But censor means “An official who examines material that is about to be released, such as books, movies, news, and art, and suppresses any parts that are considered obscene, politically unacceptable, or a threat to security” (English Oxford Dictionary), which is exactly what Chinese officials are doing, but they will only use “shen cha” as defined lack the negative and suppressive elements that English attaches to “censor.” What the comparison shows is that to the Chinese, “censorship” is a process, not a result, and that censorship is embarked upon without the inherent purpose of suppressing. In the analysis of the laws and regulations below, I will use the word of “examine” every time I translate the Chinese word “shen cha.” Because it is closer to what Chinese official mean even when “censor” with the negative connotation is what Chinese officials actually do.

The verb “ban” in English sounds like a severe or even outrageous word. According to Oxford English Dictionary, “ban” means officially or legally prohibit. But being banned in China is not as bad as it sounds and means in English. The Chinese word for

“ban” is “cha feng” (查封), which implies a temporary and/or regional prohibition. For example, if a film director does something that is considered against the censorship system, it means he/she is prohibited from doing any film-related business for five years within Chinese territory (Article 64, The Film Administration Regulations). And if a film is banned, there could still be a chance that the film will be shown in some certain area and/or the ban order will be released completely someday.

China is a big country with 31 provincial level divisions plus two Special Administrative Regions—Hong Kong and Macau, and Taiwan. The laws and regulations I am going to discuss about are effective to those 31 provincial level divisions, which is usually referred to as mainland China. The Constitution of China declares that the country is ruled “under the leadership” of the Communist Party of China (Constitution of the People’s Republic of China). Hence, the State I will be mentioning and using for translation in this study only refers to mainland China, and the people’s government refers to the party government.

## **B. The Laws**

China’s Constitution grants Chinese people the right to express themselves, but it is far from an absolute right. And the pertinent constitutional provisions have little more than symbolic value. The Article 35 of the Constitution reads: “Citizens of the Peoples’s Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration” (Constitution of the People’s Republic of China). According to Calkins’s analysis (1998), the first nebulous word to consider is “freedom.” She said, “What is significant is that ‘freedom’ is used instead of the word ‘right’ in

China's constitution. Rights are more legally enforceable than freedoms, as freedom would probably be considered a type of right" (p. 262).

From Calkins's understanding, China's restrictions on cinematic speech might be explained through a specific reading of the use of words in Article 35. It states that the freedoms listed apply to citizens. And Chinese government would not consider film studios to be citizens for purposes of enjoying the freedom of speech. As a corollary, anyone making a film for a studio would not necessarily enjoy this freedom. On the other hand, Article 35 specifically lists the "freedom of speech, of the press, of assembly, of association, of procession and of demonstration" might indicate that freedom of expression in other forms is not protected. For example, freedom of artistic creation, film making, is probably not included.

The other one, Article 22 reads: "The State promotes the development of literature and art, the press, broadcasting and television undertakings, publishing and distribution services, libraries, museums, cultural centers and other cultural undertakings, that serve the people and socialism, and sponsors mass cultural activities" (Constitution of the People's Republic of China). It seems to bode well for the cooperation between the government and the "art" or "cultural undertaking" of filmmaking, state promotion of the activity is strictly conditional. "The escape valve for the government is the clause 'that serve the people and socialism.' This phrase provides a catch-all excuse to censor or ban a film, because any content, style, or method the government finds objectionable can be deemed not in the service of the people and socialism" (Calkins, 1998, p. 264).

Under China's Constitution, what serves the Party and the government's interests is presumed to serve the individual's (Nathan, 1985). Hence, the Constitution assumes a

harmony of interest between the nation and citizens, and neither encourages nor even recognizes the possibility of conflict between the two (Calkins, 1998).

### **C. The Regulations**

The main film censorship regulation in force now is the Film Administration Regulations. It adopted at the 50th Executive Meeting of the State Council on December 12, 2001 and hereby issued on December 25, 2001. It was signed by the former Premier Zhu Rongji, and became effective on February 1, 2002.

**Article 68** The Film Administration Regulations shall become effective as of February 1, 2002. The Regulations on Administration of Films promulgated by the State Council on June 19, 1996 shall be simultaneously repealed.

The overall Film Administration Regulations contains eight chapters with 66 articles in total. It covers the entire process of film making from establishment of a film production to the film distribution and screening, which means the censorship touches every part of film industry. These eight chapters are Chapter I-General Provisions from Article 1 through Article 7, Chapter II-Film Production from Article 8 through Article 23, Chapter III-Film Examination from Article 24 through Article 29, Chapter IV-Film Import and Export from Article 30 through Article 35, Chapter V-Film Distribution and Screening from Article 36 through Article 45, Chapter VI-The Guarantee for Film Undertaking from Article 46 through Article 53, Chapter VII-Penalty Provisions from Article 54 through Article 66, and Chapter VIII-Supplementary Provisions from Article 67 through Article 68.

#### **a. General Provisions and Guarantee**

Chapter I is **General Provisions**, which includes seven articles. It sets up the tone

and basis of the Film Administration Regulations. Chapter VI is **The Guarantee for Film Undertaking** with eight articles. It is about what would the Chinese government do to protect and promote the development of film industry.

The very first article of Chapter I emphasizes the purpose of establishing this document. It is for the people and the building of socialist material and spiritual civilizations. Yet again, Article 3 mentions the entire process of film making shall adhere to the tenets of serving the people and serving socialism; and, it shall comply with the Constitution of People's Republic of China and relevant laws and regulations. It, however, does not point out which of those relevant laws and regulations are. In Article 46 of Chapter VI, it reaffirms that the film administration system is established to accommodate the socialist market economy.

**Article 1** These Regulations are enacted in order to strengthen the administration of the movie industry, promote the movie industry, meet the people's needs in their cultural lives, and promote the building of a socialist material and spiritual civilization.

**Article 3** Production, import, export, distribution and screening of films shall abide by the Constitution and relevant laws and regulations, and shall adhere to the tenets of serving the people and serving socialism.

**Article 46** The State shall establish and continue to improve a film administration system that is suited to the socialist market economy, so as to develop the film industry.

Article 2 stresses the administrable range for the film industry within the territory of the People's Republic of China, which is not exactly correct because later in the Regulations, there are limitations for foreign producers and overseas filming cases too. I will discuss more on this in the following sections.

**Article 2** These Regulations shall apply to such activities as the production, import, export, distribution and screening of films within the territory of the People's Republic of China, including feature films, documentaries, science and education movies, cartoons, and special topic films.



Article 4 further addresses the State Administration of Radio, Film, and Television, known as the SARFT (SARFT, 2007) that is in charge of the film industry nationwide. The authority of SARFT is mentioned over and over again in the Regulations, such as Article 8, Article 32, Article 41, and Article 67. However, the SARFT is not the one and the only one administrative department for the film industry. There are many other sub-level and sub-sub-level film administration departments who have the control over the film making process. I will also discuss this more in the discussion section.

**Article 4** The SARFT shall be in charge of the film industry nationwide.

The film administrative departments under the local people's government at the county level or above ("Film Administration Department") shall be responsible for the administration of films within its own jurisdiction in accordance with these Regulations.

In Article 47, the SARFT makes promises for booming the development of Chinese film industry.

**Article 47** The State safeguards the freedom of film creation, values the education for film professionals and theoretical research in cinematography, prospers the creation of films, and enhances the quality of films.

Yet again, Article 7 talks about the rewarding system, but vaguely.

**Article 7** The State shall reward the units and individuals that have made notable contributions to the development of the film industry.

More detailed rules and regulations on rewarding system are addressed in Chapter VI. Article 48 states about the special fund and incentives for developing the film industry. It also implies that the State is not paying for the special fund but the units are. But the details such as who those units are and how those units pay are not mentioned in the Regulations at all. Nonetheless, in Penalty Provisions chapter, Article 65 makes it very clear about the consequence of failing to pay for the fund in time.

**Article 48** The State establishes a special fund for the development of the film

industry and adopts other preferential measures in support of its development.

The units paying money to the special fund for the development of the film industry shall, in accordance with the relevant provisions of the State, fulfill their obligations in this regard.

**Article 65** Any unit that fails to fulfill its obligations of paying money to the special fund for the development of the film industry as required shall be ordered by the film administration department of the people's government at or above the provincial level to provide such money within a specified time period, along with a daily surcharge to the amount of 0.05% of any unpaid money, accruing from the date when the unit is required, but fails, to pay for the fund.

About how to use the fund, how to adopt the incentives, and how to safeguard the film-related infrastructure in order to guarantee the film undertaking, Article 49, 50, 51, 52, and 53 explain.

**Article 49** The special fund for the development of the film industry shall be used to support and finance the following projects: (1) production of major films that are advocated and confirmed by the State, and solicitation of excellent scripts; (2) technical renovation and transformation of major film-making bases; (3) updating the facilities for film screening and movie theaters; (4) development of the film industry in areas inhabited by ethnic minorities, in outlying and poverty-stricken areas and in rural areas; and (5) others that may need financial support.

**Article 50** The State encourages and supports the production, distribution and screening of science and educational films, documentaries, animations and children films.

**Article 51** The State adopts a preferential policy for distribution and screening of films in areas inhabited by ethnic minorities, in outlying and poverty-stricken areas and in rural areas.

The State gives support to the units and individuals engaged in the distribution and/or screening of 16mm films\* in rural areas. Specific measures therefore are to be formulated by the SARFT and the State Council Ministry of Culture jointly with the State Council Ministry of Finance.

**Article 40** Any unit or individual applying for distribution or screening the 16mm films in rural areas may directly go through the formalities for registration with the local administrative department for industry and commerce and report for the record to the film administration department of the local people's government at the county level; then may engage in the distribution or screening of 16mm films in rural areas throughout the country.

(\*16 mm refers to the width of the film. It is a historically popular and economical gauge of film, with other common film gauges including 8 and 35 mm. It is generally used for non-theatrical, such as industrial and educational, or for low budget motion pictures.)

**Article 52** Construction planning mapped out by local people's governments at or above the county level for their respective administrative areas shall include plans for the construction of theaters and facilities for film screening.

The renovation or demolition of theaters or film screening facilities shall be reported to the film administration departments of local people's governments at or above the county level for examination and approval. The above-mentioned departments shall, in accordance with the relevant provisions of the State, decide whether to grant approval or not.

**Article 41** The State allows enterprises, institutions and other public organizations and individuals to invest in the construction and renovation of movie theaters.

The State allows the construction and renovation of theaters in the form of joint ventures or Chinese-foreign cooperation. Specific measures are formulated, in accordance with relevant provisions by SARFT, State Council Ministry of Culture, and State Council Ministry of Foreign Trade and Economic Cooperation.

Later, Article 62 of Penalty Provisions chapter explains the result of any unauthorized action mentioned in Article 52.

**Article 62** If any unit, without approval, renovates or demolishes a theater or a screening facility, it shall be ordered by the film administration department of the local people's government at or above the county level to put the facilities back to the original state within a specified time and shall be given a warning. The responsible executive officers and the persons who are directly responsible for the violations shall be given disciplinary sanctions according to the law.

**Article 45** Film screening units shall maintain public order and a sanitary environment in theaters to ensure audiences' safety and health.

**Article 53** With regard to acts interfering with, interrupting or disrupting the production, distribution or screening of films, the film administration departments of local people's governments at or above the county level and the other administration departments shall take prompt measures to halt such acts, then investigate and punish those acts in accordance with the law.

Mass media organizations must not publicize illegal films.

The last sentence of Article 53 is very abrupt. In the end of “The Guarantee for Film Undertaking” chapter, after promising all kinds of supportive measures for promoting the development of the film industry, this last sentence suddenly brings us back to the reality--there are so-called “illegal” films, the films that are not acceptable to Chinese official and have not been issued the “Film Release License,” under the censorship system.

In the following, I am going to move forward to analyze the rest of the Regulations with film examples to explain how does the Chinese film censorship function.

#### **b. Control over Production**

Article 5 of Chapter I-General Provisions points out that Chinese film industry employs the licensing system. And it applies to every step of the film making process, including production, import, export, distribution, and screening, etc. Otherwise, according to Article 6, the private owned film-related organizations shall do self-discipline, which means they need to know what they are doing and make sure they are not doing anything against the Regulations by self-checking before and during going through the official licensing system.

**Article 5** The State institutes a licensing system with respect to the production, import, export, distribution, and screening of films. Units or individuals may not, without permission, engage in the activities of production, import, distribution or screening of films, or import, export, distribution or screening of films for which the license has not been obtained.

The licenses or documents of approval issued in accordance with these Regulations may not be leased, lent, sold, or transferred in any form.

**Article 6** National film industry social organizations shall, in accordance with their articles of association, exercise self-disciplinary administration under the guidance of the SARFT.

The second chapter of the Film Administration Regulations is **Production of Films**. It is about the requirements of establishing a production business, including how do start and apply, the conditions of cooperating with foreign individuals and/or departments, and the regulations for post-production.

**Article 8** The establishment of a film production unit shall meet the following requirements: (1) having a name and articles of association for the film production unit; (2) the competent authority and unit shall be recognized by the SARFT; (3) having a well-defined scope of business; (4) having appropriate organization and professional staff for the needs of its scope of business; (5) having corresponding funds, premises, and equipment for the needs of its scope of business; (6) meeting other requirements of the laws and administrative regulations.

In addition to the requirements set forth in the preceding paragraph, the establishment of a film production unit shall also comply with the formulation of the SARFT regarding the aggregate, overall arrangement, and structure of film production units.

However, I could not find any related documents of “the aggregate, overall arrangement, and structure of film production units” either on SAPPFT’s new or previous (SARFT’s) website. It responds “Sorry. No result found.”

According to Article 9, before going to SARFT for examination, the applicants of establishing a film production unit has to get approval from the film administration department of their local provincial government.

**Article 9** The application for establishing a film production unit shall, upon the examination and approval of the film administration department of the local people’s government of a province, an autonomous region or a municipality directly under the Central Government, be submitted to SARFT for examination and approval.

The following particulars shall be stated clearly in the application: (1) name, address, and nature of economic condition of the film production unit to be established; (2) name, address and nature of the film production unit’s controlling unit and its administrative agency; (3) name and address of the film production unit’s legal representative, and the documents certifying its qualifications; and (4) source and amount of funds for the film production unit to be established.

Next, when SARFT receives the application, a decision of approval or disapproval has to be made within 90 days. Then here comes the first and second licenses that the film production unit needs to start making the film immediately upon approval. And, the Regulations clears the rights and liabilities of the approved film production unit.

**Article 10** SARFT shall, within 90 days of receipt of the application for the establishment of a film production unit, make a decision on approval or disapproval for the application and shall notify the applicant. If the application is approved, a “**Film Production License**” shall be issued by the SARFT to the applicant, who shall go through the registration formalities and obtain the **business license** in accordance with the law in the department of the State Administration for Industry and Commerce with the “Film Production License”; if the application is not approved, the reasons for such shall be provided.

**Article 11** A film production unit shall, with its entire legal representative property, enjoy civil rights and assume civil liabilities according to law.

Otherwise, applying for approval also applies to the modification or termination of a film production unit. The process of it is not simpler than establishing the unit.

**Article 12** When a film production unit is to be modified or terminated, it shall issue a report to SARFT for approval, and shall go through the formalities for registering such changes at the original administrative department for industry and commerce in accordance with law.

Once a film production unit is legally established, the businesses it can do is limited as claimed in Article 13. It implies the unit must carefully obey other regulations that associated with its business also.

**Article 13** A film production unit may engage in the following activities: (1) producing films; (2) making duplicates of the films it produces, in accordance with the relevant provisions of the State; (3) distributing the films and the duplicates it produces with the distributing permission for public screening in accordance with the relevant provisions of the State throughout the country; (4) exporting the films and the duplicates it produces that have been permitted for public screening in accordance with the relevant provisions of the State.

What if a unit or other organization randomly wants to do film production, but does

not want to officially become a film production unit? It is allowed and even welcomed by the Chinese government according to its Regulations.

**Article 16** A unit other than a film production unit that intends to independently engage in the business of film production shall report to the SARFT for approval, and shall undertake the corresponding formalities for registration with the administrative department for industry and commerce.

A unit, other than a film production unit, approved to produce films shall obtain a one-time “Film Production License (Single Film)” in advance from the administrative department of SARFT, and shall enjoy rights and bear obligations with reference to a film production unit. The specific measures shall be decided by the administrative department of SARFT.

**Article 17** The State encourages enterprises, institutions and other public organizations, and individuals to participate in the making of films by providing funds or making investment. The specific measures shall be decided by the administrative department of SARFT.

As mentioned in the beginning of this document, the Regulations’ administrable range is for the films industry within the territory of the People’s Republic of China. So far as analyzed, all the criteria are about regulating local Chinese people and organizations. However, from Article 18 to Article 21 of Chapter II, the Regulations start to state the rules and limitations for foreign producers and overseas filming cases. These are four of nine articles about cooperating with foreign film makers in the overall Regulations. Predictably, it is even more complicated; and the penalty provision is stricter.

**Article 18** A film production unit may, upon approval of SARFT, produce films in collaboration with foreign film producers. No other units or individuals are allowed to make films in collaboration with film producers from abroad.

A film production unit and the unit holding a “Film Production License (Single Film)” may, upon approval of SARFT, engage in producing films overseas.

No foreign organization or individual are allowed to engage in the activity of producing movies inside the territory of the People’s Republic of China

independently.

**Article 60** Where an organization or individual from abroad independently engages in filmmaking activities in the territory of the People’s Republic of China, SARFT must command these organizations and/or individuals stop the illegal act, confiscate the illegally made film(s) and the instruments and equipment specially used for the illegal act, and concurrently impose a fine of no less than CN¥300,000 (about \$45,000 USD) but no more than CN¥500,000 (about \$74,000 USD) to those foreign film producer(s).

**Article 19** To make a film in collaboration with a foreign producer, the Chinese side shall in advance apply to SARFT for project initiation. After consulting other departments and examination, SARFT shall issue the applicant a one-time “Sino-Foreign Film Production Cooperation License.” After having procured the “Sino-Foreign Film Production Cooperation License,” the applicant shall conclude a contract for the film production cooperation with the foreign partner in accordance with the provisions of SARFT.

**Article 20** When it is necessary to import equipment, materials, movie film, or props for making films in cooperation with foreign producers, the Chinese side shall, by presenting the document of approval issued by SARFT, go through the formalities of import or temporary import with Customs.

**Article 21** When making films within the territory of the People’s Republic of China in cooperation with Chinese producers or in other ways, film producers from abroad shall abide by the laws and regulations of the People’s Republic of China and respect the customs and habits of the Chinese nation.

Regarding post-production, the Regulations have control over it too. The SARFT prefers to have filmmakers doing their post-production in China; however, if they have to go abroad due to special technical requirements, they can only do it upon approval. Also, SARFT requires application with other customs documents if a local post-production unit gets a commission to process overseas film production. Of course, the Regulations stipulates that post-production unit shall not be processing the films that without having been examined and issued a “**Film Release License**” by SARFT.

**Article 22** The development and post-production of a film shall be completed within the territory of the People’s Republic of China. When due to special



technical requirements that the completion must take place abroad, a separate application to such an effect shall be submitted to SARFT for approval and the work shall be done in compliance with the requirements specified in the document of approval.

**Article 23** No film-developing unit may develop or process a film made by a unit that has not procured the “Film Production License” or the “Film Production License (Single Film),” nor develop or process the copy of a film for which without the “Film Release License.”

A unit for movie developing and printing that is entrusted to process an overseas movie or movie copy, shall be approved by the administrative department of SARFT in advance, and shall go through the relevant import formalities in accordance with the law in the customs with the approval documents. The processed movie copies must be totally transported outside of the PRC territory.

### **c. Control over Distribution and Screening**

Chapter V talks about the censorship system for film distribution and screening. It has many similarities with Chapter II-Film Production in terms of establishing a unit for the business and the licensing system. On the other hand, SARFT also sets up different clauses for film distribution and screening units. For example, the time of examination process for establishing a distribution or a screening unit is 60 days, which is 30 days shorter than examining the application for setting up a production unit.

**Article 36** The establishment of a film distribution or screening unit shall meet the following requirements: (1) having a name and articles of association of its own; (2) having a well-defined scope of business; (3) having appropriate organization and professional staff for the needs of its scope of business; (4) having corresponding funds, premises, and equipment for the needs of its scope of business; (5) meeting other requirements of the laws and administrative regulations.

**Article 37** For the purpose of establishing a film distribution unit, an application shall be submitted to the film administration department of the local people’s government of a province, an autonomous region or a municipality directly under the Central Government; for the purpose of establishing an inter-provincial, inter-autonomous-regional or inter-municipal film distribution unit, an application shall be submitted to SARFT. The film administration department of the local people’s government or SARFT shall, within 60 days from the date of receipt of the

application, decide whether to approve the application or not and inform the applicant of its decision. If the application is approved, a permit called “**Film Distribution License**” shall be issued, and the applicant shall, by presenting the license, register with the administrative, department for industry and commerce and shall, according to law, procure a **business license**; if the application is not approved, the reasons for such shall be provided.

**Article 38** For the purpose of establishing a film screening unit, an application shall be submitted to the film administration department of the local people’s government of a county or of a city divided into districts. The above-mentioned departments shall, within 60 days from the date of receipt of the application, decide whether to approve the application or not and inform the applicant of its decision. If the application is approved, a permit called “**Film Screening License**” shall be issued, and the applicant shall, by presenting the license, register with the administrative, department for industry and commerce and shall, according to law, procure a **business license**; if the application is not approved, the reasons for such shall be provided.

Changing the scope of business or changing the name, address, or legal representative of a film distribution unit and/or screening unit need to go through more complicated procedure than doing the changes for a film production unit according to Article 39. One highlight is for such a change, the film distribution/screening unit shall report for the record to the original film administration department.

**Article 39** When a film distribution or screening unit intends to change its scope of business, to merge with other film distribution or screening unit(s), or to establish a new film distribution or screening unit(s) because of a merger or separation, it shall, in accordance with the provisions of Article 37 or 38 of this Regulations, go through the formalities for examination and approval, and shall go through the formalities for registration with the administrative department for industry and commerce accordingly.

When a film distribution or screening unit intends to change its name, address, legal representative or principal(s), or to terminate its business of film distribution or screening, the unit shall go to the original administrative department for industry and commerce with which it was registered to have the changes registered or to have its registration cancelled, and shall report for the record to the original film administration department that conducted the examination and granted approval.

Moreover, such a license is also needed if a film is to be used for the production of audio or video products.

**Article 43** When a film is to be used for making audio and video products, the provisions of the State on the administration of audio and video products shall be abided by.

No units or individuals may use archival films to directly or covertly engage in profit-making distribution or screening.

SARFT provides that foreign films must not constitute more than one-third of the total screening time on Chinese screens each year. This articulated proportion meant to cut back on the number of imported films that had been “invading” Chinese theaters.

**Article 44** Screening of films shall be undertaken in compliance with State regulations regarding the time proportions specified for domestic films and imported foreign films.

The amount of time for which a screening work unit screens Chinese-made films in a year should not be less than two-thirds of the total amount of the screening time in that year.

The detailed penalty provisions are provided in the Regulations.

**Article 59** Any unit or individual that commits one of the acts listed below shall be ordered by the film administration department to stop the illegal act, and the films used for the illegal business operation and the illegal earnings shall be confiscated. If the illegal earnings are more than CN¥50,000 (about \$7,400 USD), the responsible shall be concurrently fined more than five times but less than 10 times the amount of the illegal earnings; if there are no illegal earnings or the illegal earnings are less than CN¥50,000, the responsible shall be concurrently fined more than CN¥100,000 (about \$14,800 USD), but less than CN¥300,000 (about \$44,400 USD). If the circumstances are serious, the responsible shall be ordered to suspend business for rectification, or the permit shall be revoked by the original authority that issued it:

- (1) without approval, making films in collaboration with organizations or individuals from abroad, or, without authorization, going abroad to make films;
- (2) without authorization, having of a film developed abroad, or having the post-production of a film completed abroad, or failing to have the film developed or the post-production completed in compliance with the requirements stated in the document of approval;
- (3) developing or processing a film made by a unit that has not procured the “Film Production License” or “Film Production License (Single Film),” or developing or processing copies of a film for which without the “Film Release License”;
- (4) without approval, accepting a commission to develop or process the copies of a film sent from abroad, or failing to have the developed or processed the copies of a film completely shipped out of the territory of PRC;
- (5) directly or covertly engaging in profit-making distribution or screening activities

archival films; or (6) failing to screen films in compliance with the specified time ratio, or refusing to implement the decision made by SARFT of stopping the distribution or screening of a film.

#### **d. Control over Import and Export**

Chapter IV is about the censorship rules for film import and export. SARFT puts its hands on import and export on every film that needs to be going out and going in the Chinese territory.

**Article 31** When a film is to be imported for public screening, it shall be submitted to the Film Censorship Authority for examination prior to its import.

For a film that is submitted to the Film Censorship Authority for examination, the designated film importer shall, by presenting the document of approval for temporary import issued by SARFT, go through the formalities for its temporary import with the Customs. For a temporarily imported film that has passed the examination and for which the “Film Release License” and document of approval for import have been issued, the film importer shall go through the formalities for its import with the Customs by presenting the document of approval.

**Article 34** When a film production unit intends to export a film it made, it shall, by presenting the “Film Release License,” go through the formalities for export with the Customs.

To export a film made by Chinese and foreign collaboration, the Chinese side shall, by presenting the “Film Release License,” go through the formalities for export with the Customs. To export source materials of such a film, the Chinese side shall, by presenting the document of approval issued by SARFT, go through the formalities for export with the Customs.

When any films or source materials are created with the assistance of the Chinese side are to exit from the Chinese territory, the Chinese side shall, by presenting the document of approval issued by SARFT, go through the formalities for exit with the Customs.

One exception of import film without going through the examination process is importing the special subject film for scientific research and/or educational reference purpose.

**Article 32** When a special subject film is to be imported for the purpose of scientific research or for educational reference, the importer shall make a report to the relevant administration department of the State Council for examination and approval, and, by presenting the document of approval, go through the formalities

for import with the Customs, and shall, within 30 days from the date of importing the film, report to SARFT. However, no feature films allowed be imported in the name of scientific research or education.

To import archival films, the China Film Archive may directly go through the formalities for the import of such films with the Customs. It shall report the archival films it imported to SARFT on a quarterly basis.

No units or individuals other than those specified in this Article may import films that have not undergone and passed the examination by SARFT.

And, only state-owned departments can run the film import business according to Article

30. Film contraband considered as the crime of smuggling.

**Article 30** The film import business shall be operated by film importers designated by SARFT. No units or individuals may operate the film import business without such designation.

**Article 57** Anyone who smuggles films shall, in accordance with the provisions of the Criminal Law regarding the crime of smuggling, be investigated for criminal responsibility. If the offence is not serious enough for criminal punishment, the person shall be given an administrative penalty by the Customs according to the law.

Because Chinese film industry suffered less from piracy than did foreign film companies, the Regulations intends to tighten its control over piracy. In this chapter, Article 33 requires film importers to obtain a license from the owners of film copyrights and to use the films within the licensed scope. This is one of two times that the Regulations mentioned about copyright.

**Article 33** A film importer shall, after having obtained the license for use from the copyright owner of a film, make use of the film within the scope of the license. No units or individuals may make use of any imported films without obtaining such licenses.

It is a notable fact that any films that are going to compete and/or show in any international film festivals need to get approval by SARFT. It also comes with penalty

provisions if any units or individuals go against this policy. The examples will be analyzed in the discussion section.

**Article 35** To conduct an exhibition of Chinese and foreign films or an international film festival, or to send films for a film exhibition or film festival held out of Chinese territory, such actions shall be reported to SARFT for approval.

Films sent to the film exhibition or film festival as described in the preceding paragraph shall be submitted to SARFT for examination and approval. After having obtained the approval for the film to be sent to the film exhibition or film festival held outside the Chinese territory, the participants shall go through the formalities for temporary export with the Customs by presenting the document of approval issued by SARFT. After having obtained the approval for the film to be imported for an exhibition of Chinese and foreign films or an international film festival held within the Chinese territory, the host shall, by presenting the document of approval issued by SARFT, go through the formalities for temporary import with the Customs.

**Article 61** Any unit that, without approval, conducts an exhibition of Chinese and foreign films or international film festivals, or provides films for such an exhibition or festival held abroad shall be ordered by SARFT to discontinue the illegal act. The films illegally provided and the illegal gains shall be confiscated; if the illegal gains are more than CN¥20,000 (about \$3,000 USD), the unit shall be concurrently fined more than five times but less than 10 times the amount of the illegal gains; if there are no illegal gains or the illegal gains are less than CN¥20,000, it shall be concurrently fined not less than CN¥20,000 but not more than CN¥100,000 (about \$15,000).

**Article 64** When a unit violates the provisions of this Regulations and its permit license is therefore revoked as an administrative penalty, its legal representative or responsible person shall, within five years from the date of the revocation of the license, not be allowed to serve as a legal representative or responsible of a film production, import, export, distribution, or screening unit.

When an individual violates the provisions of this Regulations by, without approval, engaging in the production, import or distribution of films, or holding an exhibition of Chinese and foreign films or an international film festival, or providing films for film exhibition or festival held abroad, they are banned to engage in any film-related business in five years.

#### **e. Film Examination**

The most important chapter of core censorship regulations is Chapter III-Film

Examination. It has six articles, the second shortest chapter in the Regulations. It contains the censorship procedure for the entire film making process from examining the script to the complete film. It is integrated but sweeping. I am going to analyze it with examples in the discussion section.

**Article 24** The State institutes a system of film censorship.

No film that has not passed censorship by the Film Censorship Authority of SARFT (“Film Censorship Authority”) may be distributed, screened, imported or exported.

The import of a film on a special subject for the purpose of scientific research or educational reference, and the import of the archival film by the China Film Archive shall be dealt with in accordance with the provisions of Article 32 of this Regulations.

**Article 25** Films shall be banned from containing the following contents:

(1) being against the fundamental principles laid down in the Constitution; (2) jeopardizing the unification, sovereignty and territorial integrity of the State; (3) divulging State secrets, jeopardizing the security of the State, or impairing the prestige and interests of the State; (4) inciting hatred and discrimination among ethnic minorities, harming their unity, or violating their customs and habits; (5) propagating cults and superstition; (6) disrupting public order and undermining social stability; (7) propagating obscenity, gambling or violence, or abetting to commit crimes; (8) insulting or slandering others, or infringing upon the legitimate rights and interests of others; (9) jeopardizing social ethics or fine national cultural traditions; and (10) other contents banned by laws, administrative regulations and provisions of the State.

The technical quality of films shall conform to the standards of the State.

The even longer penalty provision specifically prices the illegal acts.

**Article 56** Anyone who makes films that contain the contents prohibited by Article 25 of this Regulations, or develops or processes, imports, distributes or screens films which they clearly know or should know that they contain the contents prohibited by Article 25 of this Regulations, shall, in accordance with the relevant provisions of the criminal law, be investigated for criminal liability. If the offence is not serious enough for criminal punishment, the film administration department shall order to suspend the business for rectification, and shall have the films used for the illegal business operation and the illegal gains confiscated. If the illegal gains are more than CN¥50,000 (about \$7,400 USD), the person shall be concurrently fined not less than five times but not more than 10 times the

amount of the illegal gains; if there are no illegal gains or the illegal gains are less than CN¥50,000, the person shall be concurrently fined not less than CN¥200,000 (about \$30,000 USD) but not more than CN¥500,000 (about \$74,000 USD). If the circumstances are serious, the issued licenses shall, in addition, be revoked by the original authority departments.

**Article 26** A film production unit shall, in accordance with the provisions of Article 25 of this Regulations, be responsible for censoring the script of a film before the shooting and the film itself after the shooting.

After having censored the script it plans to use for a film in accordance with the provisions of the preceding paragraph, the film production unit shall submit the script to the Film Censorship Authority for the record; and the authority may censor the script and shall, upon finding any contents as prohibited by the provisions of Article 25, promptly notify the film production unit that not start shooting the film. Specific measures are to be formulated by SARFT.

**Article 27** A film production unit shall, upon completion of making the film, submit the film to the Film Censorship Authority for examination.

A film importer shall, after going through the formalities for the temporary import of a film, submit the film to the Film Censorship Authority for examination. Rates of the film censorship fees shall be fixed by the pricing department of the State Council jointly with SARFT.

**Article 28** The Film Censorship Authority shall, within 30 days from the date of receipt of a film for examination, inform the production the decision with written notice. If the film passes the censorship, SARFT shall issue a “Film Release License” for the film.

A film production unit or film importer shall have the serial number of its “Film Release License” printed on the first scene of the film’s copy. If a film fails to pass the examination and is re-submitted for re-examination after revising, the time limit for re-examination shall be calculated anew according to the provisions of the first paragraph of this Article.

**Article 29** If a film production unit or film importer refuses to accept the examination decision of a film, it may, within 30 days from the date of receipt of the decision, apply to the Film Censorship Authority of SARFT for a re-examination; if the film passes the re-examination, SARFT shall issue a “Film Release License” for the film.



## CHAPTER V

### DISCUSSION

#### **A. Overall System**

The Film Administration Regulations aim to give the government oversight of filmmaking through the stages of script approval, production, editing, and distribution. It is designed to bolster the government's control over filmmaking, not to promote experimentation and creativity.

The Regulations makes it very clear that Chinese government institutes the licensing system (Article 5) and examination system (Article 24) for the film industry; in addition, for those three licenses, including "Film Production License," "Film Distribution License," and "Film Screening License," it exercises the annual examination system.

**Article 67** The State exercises an annual examination system for the "Film Production License," "Film Distribution License," and "Film Screening License." The annual examination system operation is to be formulated by SARFT.

#### **B. Structure of Administrative Departments**

However, the awkward writing and unclear criteria make the Regulations extremely hard to read and understand even for native Chinese speakers. The relevant clauses are dogmatic rather than practical; it is also wide-ranging, especially Article 25, so that many different themes and subject matters can fall under its rules. It looks orderly and organized at the first glance, but it is actually not logical enough once you look into it. As I mentioned before, the SARFT is not the one and the only one administration department for the film industry. There are many other administrative departments of the

State Council and different levels of local governments are involved in the censorship system and possess control over the film making process, which makes the process of making a film extremely complicated.

Those censors are:

State Administration of Radio, Film, and Television of the People's Republic of China (SARFT),

Film Censorship Authority,

State Council Ministry of Culture,

State Council Ministry of Finance,

State Administration for Industry and Commerce,

State Council Ministry of Foreign Trade and Economic Cooperation,

The film administrative departments of the local people's government at the county level or above,

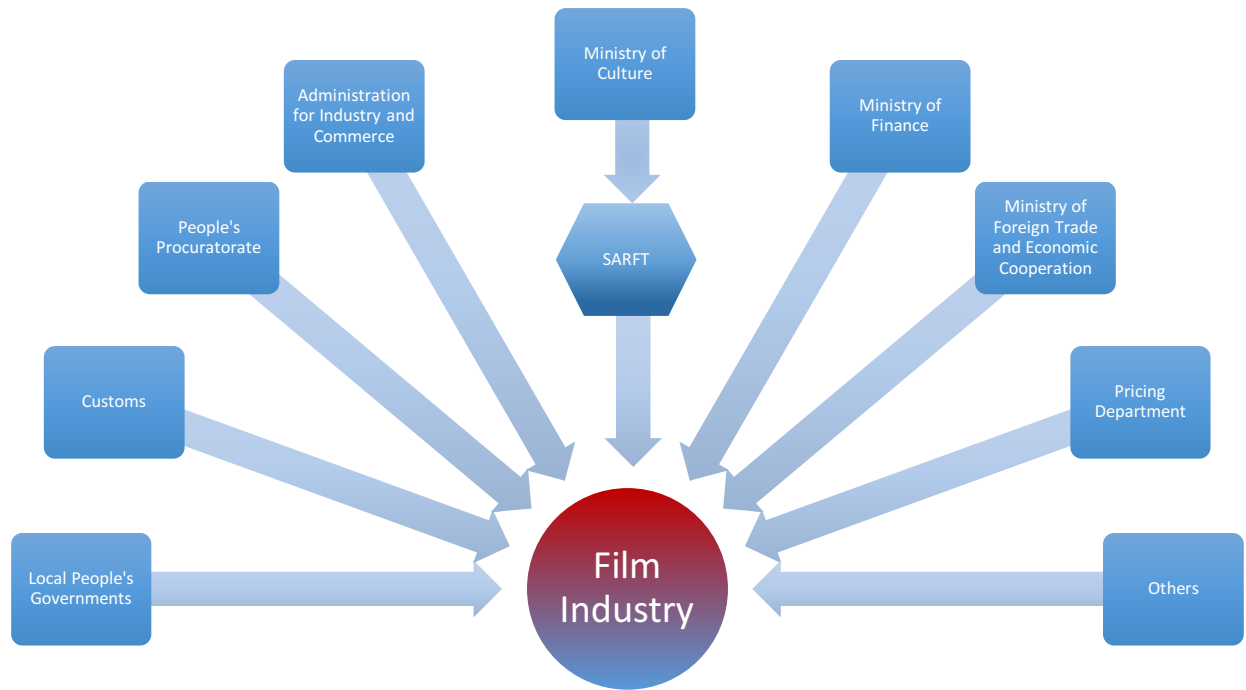
The film administrative departments of the local people's government at the province level,

The Customs,

The People's Procuratorate,

Pricing Department of the State Council,

And other departments that the Regulations could not name one by one, so mentioned as "relevant administration department of the State Council" (Article 19, Article 32).



In 1986 the State Council Ministry of Culture, Film Council and the Department of Radio and Television merged to form the Film and Television Bureau. In June 1998 Film and Television Bureau reorganized as the State Administration of Radio, Film and Television (SARFT). In March 2013, the State Council announced plans to merge State Administration of Radio, Film, and Television with the General Administration of Press and Publication (GAPP) to form a new bureau named the State Administration of Press and Publication, Radio, Film, and Television (SAPPRFT), which eliminates the duplication of activities across government agencies and reduces bureaucracy, buck-passing and the potential for corruption. This is the first restructuring of ministries, commissions and departments directly under state control in the film sector since 1998 when SARFT was formed (Cremin, 2013).

Because of the Film Administration Regulations became and stayed effective

before and after the General Administration of Press and Publication (GAPP) was merged with the State Administration of Radio, Film, and Television (SARFT) to form the State Administration of Press, Publication, Radio, Film and Television (SAPPRFT), hence the SARFT mentioned in the Regulations is all referred to SAPPRFT now.

### **C. Licensing System**

All kinds of licenses are needed for the filmmaking process. They are:

“Film Production License” (Article 10, Article 59), along with the business license of the production unit;

“Film Production License (Single Film)” (Article 16, Article 59);

“Sino-Foreign Film Production Cooperation License” (Article 19, Article 59), along with a contract for the film production cooperation;

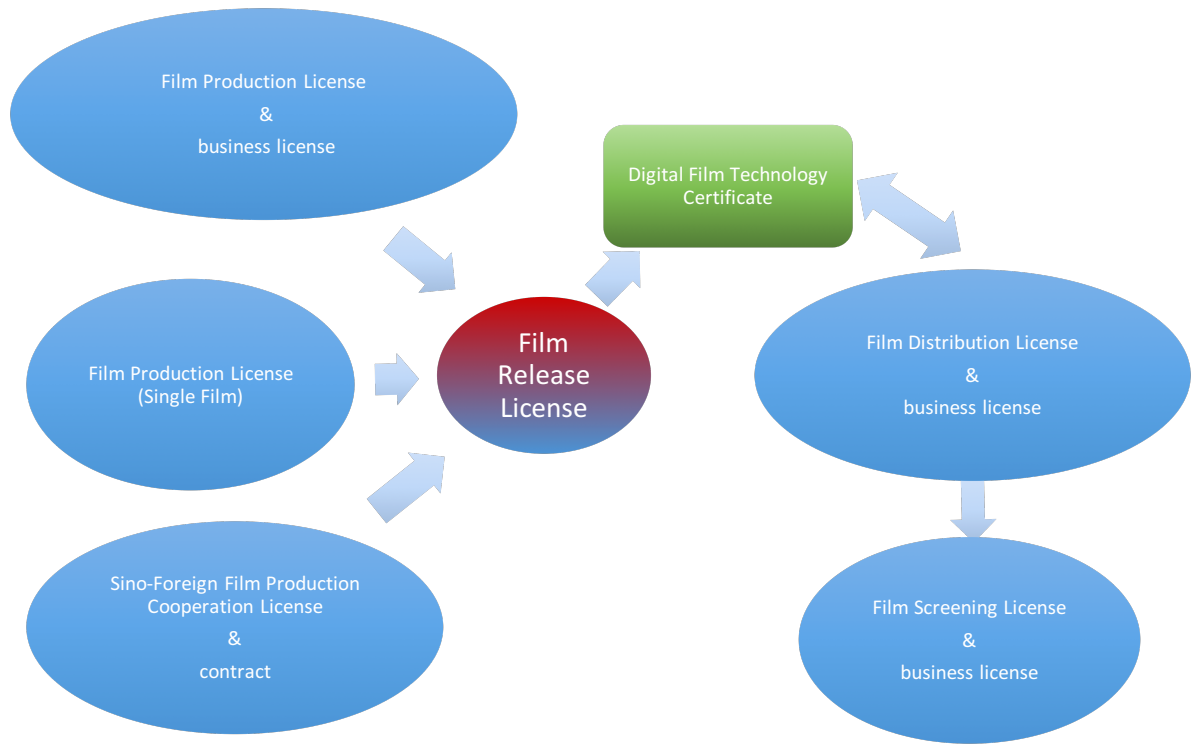
“Film Release License” (Article 23, Article 28, Article 29, Article 31, Article 34, Article 42, Article 58, Article 59);

“Film Distribution License” (Article 37), along with the business license of the distribution unit;

“Film Screening License” (Article 38), along with the business license of the screening unit.

Also, in the Film Administration Regulations, even though it mentions twice about guarantying the film’s quality (Article 14, Article 25), it does not say there is another “license” regarding to the film quality that film production units need in order to get the “Film Release License (Final)” for distribution and screening. In the last section of another official document called Instruction for Submitting Films for Examination, Films Final Review, it states, “After receiving the “Film Release License,” please submit the

following materials to SARFT for the final review. For those films that qualified, shall be issued the “Film Release License” with the serial number and a “Digital Film Technology Certificate.” Theoretically speaking, this final review is only examining the technical quality, such as image and sound quality, of the films.



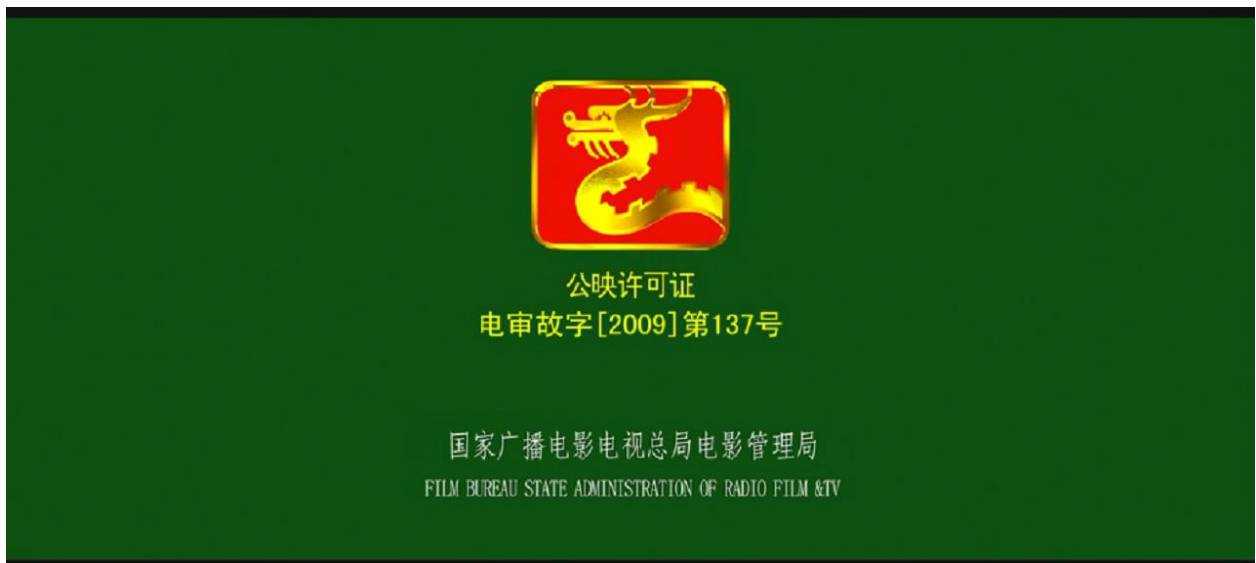
The chart above shows the process of making a film from scratch. The “Film Release License” is the central one. According to Article 28, “If the film passes the censorship, SARFT shall issue a ‘Film Release License’ for the film. A film production unit or film importer shall have the serial number of its “Film Release License” printed on the first scene of the film’s copy.” We see that getting the “Film Release License” is the key in the film industry in China.

**Article 58** If anyone exports, distributes, or screens the films without the “Film Release License,” the film administration department shall order to stop the illegal

acts and confiscate the films that used for the illegal business operation and the illegal earnings. If the illegal earnings are more than CN¥50,000 (about \$7,400 USD), the responsible person shall be concurrently fined more than 10 times but less than 15 times the amount of the illegal earnings; if the illegal earnings are less than CN¥50,000, the person shall be concurrently fined more than CN¥200,000 (about \$30,000 USD) but less than CN¥500,000 (about \$74,000 USD). If the circumstances are serious, the responsible person shall be ordered to suspend the business for rectification or shall be revoked the license by SARFT.

**Article 63** Any unit that violates the provisions of this Regulations and whose permit is therefore revoked shall, in accordance with the relevant provisions of the State, have the changes registered or have its registration cancelled with the administration department for industry and commerce; if it fails to do so within the time allotted, the administration department for industry and commerce shall revoke its business license.

In China, people call the first scene mentioned in Article 28 “Dragon Mark.” Every film you see in the movie theater starts from showing this “Dragon Mark.” It is a six-second video clip, a golden photographic film flies in turning into a golden dragon and becomes a classic Chinese style seal showing up on a dark green canvas. Below the dragon seal, it shows “Release License” and the serial number of the license. And both simplified Chinese and English names of SARFT appear in the lower place.



However, as it is stated in Article 42, getting approved by SARFT and obtaining the “Film Release License” do not mean the film is safe. There are still possibilities that SARFT may take the license back. The censorship policies are inconsistent.

**Article 42** Films may be distributed and screened only after the “Film Release License” has been legally issued by SARFT.

For a film which has obtained the “Film Release License,” SARFT may, under special circumstances, decide to suspend or stop its distribution or screening until revisions will have been made. When the copyright owner refuses to revise the film according to the decision, SARFT shall make the decision to call off its distribution or screening.

Film distribution and screening units shall implement the call off decision made by SARFT.

One example is Ye Lou’s film, *Mystery* (2012), after receiving the “Film Release License,” SARFT suddenly informed the producer that the film needed more editing 41 days before its premiere. The editing requirements include: 1. Quit being a Sino-foreign cooperation film; 2. Shortening the sex scenes between the main characters, and a scene in which the actor-in-lead kills a waste picker with a hammer. According to the city of Beijing’s film administration department’s modification suggestions, the film could only show two hits with the hammer in the crime scene (it used to be 13 hits in the original version). Ye Lou, the director, published this notice issued by the film administration department on his Weibo (a popular Chinese social media called “Chinese Twitter” or microblog) and declared that he refused to obey the decision. In his Weibo, he showed the granted “Film Release License” with the serial number, and asked the relevant officials, SARFT and Beijing’s film administration department, to be respectful to their own original releasing decision. (导演娄烨, 2012).

According to Lou's Weibo posts (2012), being informed with the banned decision 41 days before releasing means the producers have to violate all the signed national and international distribution contracts; because, even the director himself agreed to make the revisions, the re-editing process required a large amount of money and time. And editing those few scenes might disturb the whole story. For example, if the waste picker got killed by only two hits, it might make the actor-in-lead look like a skillful murderer. And it would change the whole story and the meaning of this film would become ridiculous and negative. Lou felt frustrated and helpless, so he kept posting the process of negotiating with the officials. He said he wanted to make the censorship process transparent himself, like he suggested in a film industry meeting called *1113 Meeting* nine years ago. According to a Weibo update Lou posted on September 15, 2012, "the French production partner have officially informed Centre National de la Cinématographie (CNC), their Chinese partner unilaterally called off the cooperation; and, SARFT put forward a plan: hope to do some revision, but does not have to follow the requirements made by the city of Beijing's film administration department (about keeping two hits only). Specific revising scheme can be discussed with SARFT."

September 25, 2012, Lou's last update titled "After 17 days of disclosing the censorship process: We all take responsibilities for the existing fallacious censorship system" says, "1. For actually solving the problem to make the film screened as scheduled, both SARFT and producers agreed to make some compromise. 2. SARFT agreed on not following the "only two hits" decision; the director agreed on having a three-minute-23-grid fade out at the end of actor-in-lead's 13 hits. Moreover, Director Lou gave up his director's credit on the release version."



From this example, we see that the process of Chinese film censorship system is very unpredictable even with the Regulations and other documents available online for public. All kinds of rules intend to protect the freedom of creativity and guarantee the healthy development of film industry; however, they are more likely to enforce the rules selectively. In other words, the restrictions are more likely to be harsher for disfavored films and directors.

Speaking of favored and disfavored directors and films, the Director Ye Lou can be seen as a representative of disfavored ones. So far in his entire filmmaking career, he has produced nine movies, and six of them are banned in China. Lou, himself as a director, got banned from engaging in any film-related activities for five years after taking his well-known film, *Summer Palace* (2006), to France at the Cannes Film Festival without SARFT's approval (Article 64). (“*娄烨违规参赛戛纳电影节*,” 2006) *Mystery* (2012) is Lou's first officially coming-back work after the five-year banned punishment.

#### **D. Content and Ideology Examination**

In the beginning of the Film Administration Regulations, SARFT claims the necessity of practicing the film censorship system (Article 1, Article 3). It is aimed to improve the quality of the film, to grow the prosperity of film creation, to meet Chinese people's spiritual and cultural needs, and to promote the healthy development of the film industry. It is very classic cliché that would show up in the opening of all the Chinese official documents. They say they are doing this for protection other than control.

The Regulations introduces a film censorship scheme: ban certain content, regulate the import, export, distribution and screening of films through licensing and registration,

protect freedom in film production, promote the development of the film industry by funding, and impose penalties on the ones breaching the Regulations.

According to the Regulations, Article 6, the filmmaking-related organizations shall do self-discipline before and during the official censorship system. Again, Article 26 addresses that the film producers are responsible for censoring the film from reviewing the script to the complete draft.

However, the official censorship process is very unpredictable and totally depends on the committee's will. Sometimes, even though the directors work closely with government censors throughout the production process, banned decision can still be made. The film *A Touch of Sin* (2013, by Zhangke Jia) failed to get the "Film Release License" even after the director had been working carefully through the filmmaking process within the censorship system (Ryan, 2014).

The whole film examination process can be confusing to those who are not familiar with it because of the awkward writing and unclear criteria. But the administration officials from time to time offer the guidelines and explanations that would take some of the mysteries out of their judgments. On the other hand, the censorship system intends to be gradually relaxed to some extent also. The script review process was changed in 2004. The Interim Provisions for Film Review required the production units to submit a 1000-word script outline, including the title, genre, and summary of the story, before start shooting the film. Before then, SARFT commanded a complete script from the production units. And the script had to be the same if it passed the examination. In 2006, the formal version Movie Script (Outline) for the Record, the Provisions of the Film Administration replaced the Interim one and became effective. The provision on the

simplified script requirement stays the same.

Based on Article 25 of the Regulations (2002), there are certain contents that are not allowed to show in the films.

**Article 25** (1) being against the fundamental principles laid down in the Constitution; (2) jeopardizing the unification, sovereignty and territorial integrity of the State; (3) divulging State secrets, jeopardizing the security of the State, or impairing the prestige and interests of the State; (4) inciting hatred and discrimination among ethnic minorities, harming their unity, or violating their customs and habits; (5) propagating cults and superstition; (6) disrupting public order and undermining social stability; (7) propagating obscenity, gambling or violence, or abetting to commit crimes; (8) insulting or slandering others, or infringing upon the legitimate rights and interests of others; (9) jeopardizing social ethics or fine national cultural traditions; and (10) other contents banned by laws, administrative regulations and provisions of the State.

In addition, the Movie Script (Outline) for the Record, the Provisions of the Film

Administration (2006) reaffirms the regulations above and also provides more details in its Article 14 of Chapter III-Film Examination. It states:

Films containing any of the following content must be cut or modified: (1) distorting Chinese civilization and history, seriously departing from historical truth; distorting the history of other countries, disrespecting other civilizations and customs; disparaging the image of revolutionary leaders, heroes and important historical figures; tampering with Chinese or foreign classics and distorting the image of the important figures portrayed therein; (2) disparaging the image of the people's army, armed police, public security organ or judiciary; (3) showing obscene and vulgar content, exposing scenes of promiscuity, rape, prostitution, sexual acts, perversion, homosexuality, masturbation and private body parts including the male or female genitalia; containing dirty and vulgar dialogues, songs, background music and sound effects; (4) Showing contents of murder, violence, terror, ghosts and the supernatural; distorting value judgment between truth and lies, good and evil, beauty and ugliness, righteous and unrighteous; showing deliberate expressions of remorselessness in committing crimes; showing specific details of criminal behaviors; exposing special investigation methods; showing content which evokes excitement from murder, bloodiness, violence, drug abuse and gambling; showing scenes of mistreating prisoners, torturing criminals or suspects; containing excessively horror scenes, dialogues, background music and sound effects; (5) propagating passive or negative outlook on life, world view and value system; deliberately exaggerating the ignorance of ethnic groups or the dark side of society; (6) advertising religious extremism,

stirring up ambivalence and conflicts between different religions or sects, and between believers and non-believers, causing disharmony in the community; (7) advocating harm to the ecological environment, animal cruelty, killing or consuming nationally protected animals; (8) showing excessive drinking, smoking and other bad habits; (9) opposing the spirit of law.

From both of the content examination provisions, we see that Chinese officials, more specifically speaking, SARFT does not typically tell filmmakers what they should do; instead, they warn filmmakers as to what they cannot do. And disapproval of a film script does not necessarily call off the project. The producers and writers can always rework on the script until it passes the examination.

By reviewing the script, the film censorship authority gets the idea of what the film will be about and decides if the script and/or the story meets government' ideology and standards to the next stage. Just as a green light to take the project to the next shooting step, script approval does not guarantee a project can go forward without subsequent governmental requirements and interference (Calkins, 1998).

The banned film *A Touch of Sin* (2013, by Zhangke Jia) revolves around four real controversial stories that happened in current China. The film sets the stories up in vastly different geographical and social milieus across China: a villager locked in struggle with corrupt officials and businessmen; a migrant who ended up hunting the local wealthy in his hometown; a sauna receptionist who was assaulted and later accidentally killed a client who was a government officer by acting in self-defense; and an unhappy migrant factory worker who committed suicide under high levels of stress—all of whom crack under the pressure of injustice and indifference.

In an interview, Jia said the film had been basically approved by censorship authority months ago but was still awaiting a final okay. “The official side is a little anxious. [They think] maybe the audience won't be able to take it. Maybe there will be

negative reactions.” (Geng, 2014) Apparently, the stories that are told in *A Touch of Sin* are about the true contradictions in real life, between individual and society, socialist ideals and the realities of survival, which does not meet the intention that the authority has for the film industry--meet Chinese people’s spiritual and cultural needs and serve socialism (Article 1, Article 3). Hence, even though the director, Jia, has been working carefully through the filmmaking process within the censorship system, and there is nothing on the screen going against the related provisions (Article 25 of the Regulations, Article 14 of the Movie Script (Outline) for the Record, the Provisions of the Film Administration (2006)); the content, however, and the theme behind the content of *A Touch of Sin* still made the censorship authorities hesitate. And they could not catch on to such maneuvers at the script approval stage because films--the motion pictures--are more expressive.

Chinese media is used to reflect all aspects of the excitement and liveliness of Chinese motherland. The notion of films must not present “the ugly side” of the system and society derives from all kinds of official documents. That is why contemporary themes, more specifically pointed social commentary, are disfavored by the censorship authority. To avoid being on hold by SARFT, producers now tend to produce more films with an ancient China background and fewer films reflect current social issues (Calkins, 1998).

Furthermore, practically speaking, Chinese film administration departments sometimes apply a double standard to different films. A ruling on one film may have no consequence for a similar film, depending on a myriad of other factors, like timing, persons involved and the current international climate (Calkins, 1998). For example, in

2007, there are up to 12 films relevant to the Nanking Massacre (Yu, 2007), of which used to be a very grave and sensitive topic for the Chinese government; and, not to speak of the films inevitably contained violence and terror. However, all of those films still passed the censorship process. Because 2007 was the 70<sup>th</sup> memorial anniversary of Nanking Massacre.

However, despite of the film topics, while comparing the content of three well-known films, Yimou Zhang's *The Flowers of War* (2007) and Ang Lee's *Lust, Caution* (2007), and Kaige Chen's *Farewell My Concubine* (1993), we see how do the SARFT's provisions of ideology examination practice depend on a myriad of other factors.

*The Flowers of War* tells a story about 12 prostitutes volunteered to martyr themselves to save schoolgirls from Japanese soldiers. The film praised prostitutes for their courage and justice, they saved those schoolgirls who had looked down on them as “dirty women.” It is a relatively sensitive story, and it includes many elements that SARFT dislikes: violence, terror, portrayal of prostitution, sexual acts, rape scenes. But the film got released by SARFT without any re-edits. There are reasons that protected the film from being censored. Firstly, the distribution timing was perfect. The year of 2007 was the 70<sup>th</sup> memorial anniversary of Nanking Massacre. Chinese people needed the art work like this film to look back and honor the history. Secondly, the film showed the mainstream ideology—Chinese people fighting against Japanese invaders. Even the “dirty women” were willing to sacrifice and save the young promising generation. Thirdly, the sex scenes and the violent war scenes in the film were considered necessary to reveal Japanese soldiers' cruel brutality.

The movie, *Lust, and Caution*, is about a young female college student, Jiazhi

Wang (acted by Wei Tang), working with her activists group comes up with a plan to assassinate a high-ranking government officer, Mr. Yee (acted by Tony Leung), who works with the arch-collaborator, Jingwei Wang. Finally, at the last moment, Jiazhi Wang realizes that she was in love with Mr. Yee, so she warns him and he escapes from the assassination. That night, on Mr. Yee's order, the group of students, including Wang Jiazhi, are executed. *Lust, and Caution* includes violence, terror and sexual scenes too. There are five sex scenes in the film. Two are between Jiazhi Wang and a fellow student activist for training her to act as a married woman, and three are between her and Mr. Yee. The sex with Mr. Yee, however, is a progressive discovery of mature lust and deep attraction (Hemelryk, 2010). And these explicit erotic scenes attracted the film censorship authority and powerful individuals' attention. It was criticized by SARFT because of the ideology it expressed. When facing the enemy of Chinese government, Jiazhi Wang did not show her anger, and did not fight against the evil. Instead, she showed mercy to the enemy and cried even when she was about to be killed by the evil. These scenes deviated from national principles of morality and patriotism. Based on the excuses above, the actress Wei Tang's was undermined in China by restrictions placed on public appearances and any other promotional activities; and the distributed version in mainland China were severely edited out the sex scenes.

One more example of the film censorship authority making exceptions for allusions to sex in film is *Farewell My Concubine* (1993, by Kaige Chen) which implies a homosexual relationship between the two actors-in-lead. They have been through torturous training in the Beijing Opera Troupe in their childhood together. Due to the common knowledge that homosexual practices did exist in opera troupes, the film's

treatment of homosexuality was considered acceptable in its historical context, even though gays are not accepted in mainstream Chinese society (Article 14, the Movie Script (Outline) for the Record, the Provisions of the Film Administration). Another critical scene was the actor performed for the Japanese invaders in order to save his friend. According to Lau (1995), “because Beijing Opera embodies Chinese nationalism, performing for the enemy carries major implications of national betrayal. In this way, the film emphasized the self-interest of two individuals over national affairs, much as Deng Xiaoping emphasized lifestyle improvement at the individual level over concern for national politics” (p. 16). Hence, although the censors held up the release license for the film until some minor editing had eliminated certain scenes, the film was not banned, and the screening version keeps the performing for Japanese invaders scene and leaves no question as to the boys’ relationship (Guthmann, 1997).

Other examples show that the censorship standards vary from time to time depending on different factors are:

*The Departed* (2006, by Martin Scorsese), in which American gangsters attempt to sell weapon technology to Chinese villains, and suggest Chinese government may use nuclear weapons fry over Taiwan. Those contents were seen against Article 25 (2)(3)(4)(6) of the Regulations.

*Avatar* (2009, by James Cameron) 2D version was banned, but 3D version got limitedly released in several big cities China. According to Obias (2016), *Avatar* got banned in China due to two reasons. One was that it has taken in too much money and has seized market share from domestic films. The other reason was the themes of revolt in *Avatar* may lead audiences to think about forced removal, which was the severe social



issue in 2009 in China. And 3D version did not cut into the box office of the other 2D films in release.

*Ghostbusters* (2016, by Paul Feig) was banned because there were ghosts and other supernatural beings appearing in the film, which violated the Article 25 (5)—“Prohibit any content that promote cults and superstition.” However, the censorship had tended to be relaxed on this criterion before.

*X-Men: Days of Future Past* (2014, by Bryan Singer), had to cut out the plots related to time travel for screening in China. Because it is “disrespectful portrayal of history” (SARFT, 2011). In 2011, when time travel was becoming very popular as a theme in films and TV shows throughout the country, SARFT made a statement that said that time travel theme and the exaggerated performance style are questionable. Many stories are totally made-up and are made to strain for an effect of novelty. The producers and writers are treating the serious history in a frivolous way, which should by no means be encouraged anymore.

### **E. Disadvantage of Chinese Film Censorship System**

Chinese film censorship authority’s ability to renege on its own original decision (Article 42) indicates the first disadvantage of the censorship system: opaque process and lacking public oversight. The administrative procedure should be transparent, but the film censorship process is not. The director and the public know nothing about the censorship process, and films are often prohibited or requested for re-editing without giving a reason. When the film is banned for screening, all the investments, money, time, energy and publicity are wasted, and the producers still do not know how to avoid losses the next

time. In his Weibo (2014), Zhangke Jia said, “Because of SARFT’s delaying tactic, some pirated online version of *A Touch of Sin* has started showing up, which resulted in the completely box office loss in mainland China. I, and my own company, would like to take the responsibility and make up the economic loss for my production partners.”

Obviously, Jia was coerced into the situation by the muddy censorship system.

In theory, the censorship system using the same standards to measure all the films means that all the films shown must be suitable for all audiences, which also causes less-control and over-control problems. Less-control means of those that include many violent and sexual scenes films are released; over-control means that some films that are aim to adult audiences are forced to cut out necessary and reasonable sexual scenes. In practice, young children are frequently found in Chinese theaters watching the films that contain improper plots. For example, there was a huge controversy in China last year over the film *Mr. Six* (2016, by Hu Guan) because the actor-in-lead shows a lot of foul language and violence as a salty-mouthed aging gangster. And the films like *Lost in Beijing* (Li, 2007), which contains much meaningful themes and characters, is defined as obscene film, and was forbidden by Chinese government, which means that no adult could watch the film either.

On the other hand, the strict film censorship system has prevented a new generation of Chinese directors to grow and develop. Many great works have to be made as underground films to avoid being edited by SARFT. Underground films are the films that do not go through SARFT’s film examination process because they have their own way to distribute the films to the overseas market, at film festivals, and/or shown to the public without the licenses. This trend and the rapidly developing of internet and technology

also has made Chinese film censorship authority “yield” to the underground films. In 2003, the meeting held for the film censorship department and underground film directors indicated that this topic has been opening up of the film censorship system (Jing, 2010). Additionally, one thing remarkable it that without a Film Release License issued by SARFT, any Chinese film cannot be submitted for competing the Best Foreign Language Film Award at the Academy Awards in Hollywood, U.S.A.

## CHAPTER VI

### CONCLUSION

Based on all of the analysis above, we see that SARFT (now SAPPRFT) is a government department with the power to control nationwide books, newspapers, magazines, films, television programs, amusement park, video games, and even pageants, etc. No country has devoted more time and care to the art of propaganda than China, where the emperor Qin Shi Huang governed, in the third century B.C.E., with a policy he called “Keep the Masses Ignorant and They Will Follow.”

Chinese media are expected to “sing as one voice,” and the Department would help them do so by issuing a vast and evolving list of words that must and must not appear in the media. Media workers have little choice but to heed those instructions to such a degree that, even as China became more diverse and clamorous, the world of the news was an oasis of calm — a realm of breathtaking sameness (Osnos, 2014). Chinese authority needs the media to play its function to disclose the facts to the public and, in a sense, help the government detect evils.

In his book, *Age of Ambition: Chasing Fortune, Truth, and Faith in the New China*, Osnos wrote,

“The Department wasn’t reading stories before publication; on the contrary, it was up to producers themselves to guess how far they could go and compute the risk of wandering past an ill-defined limit. That was a specific kind of pressure, which China scholar Perry Link once compared to living beneath an “anaconda coiled in an overhead chandelier.” “Normally, the great snake doesn’t move,” he wrote. “It doesn’t have to. It feels no need to be clear about its prohibitions. Its silent constant message is ‘You yourself decide,’ after which, more often than not, everyone in its shadows makes his or her large and small adjustments — all quite ‘naturally.’” (p. 127)

All kinds of official documents that relate to Chinese films, specifically the Film Administration Regulations, promise that setting up rules would ensure film quality and not ideology and in tandem boost the film development. However, there are only two short sentences in the entire Regulations mentioning the quality (Article 14, Article 25); and the confusing and complicated “examination system” makes the film development difficult.

**Article 14** Film production units shall establish and keep improving management system in order to guarantee the quality of films.

The entire censorship is a rule of man, not the rule of law. It continues to function as a process of negotiations. The authorities are unlikely to simply pull the plug on a film, but will instead stall until a new agreement can be reached as to the form the film should take.

Moreover, film censorship authorities have wide-range of powers beyond the detailed censorship criteria that would make the rules seem to deep shifting. And the truth remains that no matter who you are, if you want to play in China, you are going to have to play by Chinese rules (Cain, 2011).

Again, Chinese rule is the rule of man, not the rule of law. If you can find your way to work the angles within the Chinese system, the theory went, allow the most powerful group to endure, you could do real, even profitable, art.

## REFERENCES CITED

- Brzeski, P. & Coonan, C. (2014). Inside Johnny Depp's "Transcendence" Trip to China. (n.d.). Retrieved December 5, 2016, from <http://www.hollywoodreporter.com/news/inside-johnny-depps-transcendence-trip-693223>
- Cain, R. (2011, November 30). How to be Censored in China: A Brief Filmmaking Guide. Retrieved June 2, 2017, from <http://www.indiewire.com/2011/11/how-to-be-censored-in-china-a-brief-filmmaking-guide-50870/>
- Calkins, M. (1998). Censorship in Chinese Cinema. *Hastings Comm. & Ent. L.J.* 239 1998-1999, 21, 239-338.
- Carter, D. (2010). *East Asian Cinema*. Kamera Books.
- Chen, H.S. (1989). 关于娱乐片主体论及其他 [About entertainment film mainstay theory and other]. *Film Yearbook*, 10.
- Cheshire, G. (1994). Chinese Checkers (filmmakers banned by Chinese authorities), *Film Comment*, July 1, 1994, 65.
- Cieply, M., Barnes, B. (2003). To Get Movies into China, Hollywood Gives Censors a Preview. *The New York Times*. Retrieved January 15, 2013.
- Collins, R. (1987). Editorial. *Media, Culture and Society*, 9, 131–136.
- Cui, L. (1996). Facing the Challenge from Hollywood. *Beijing Rev.* Feb., 1996, 15.
- Dean, W. (2014, January 29). What makes a good story? - American Press Institute. Retrieved March 7, 2016, from <https://www.americanpressinstitute.org/journalism-essentials/makes-good-story/>

- Donald, S. H. (2000). *Public Secrets, Public Spaces: Cinema and Civility in China*. Roman & Littlefield Publishers, Inc. Latham, Boulder, New York, Oxford.
- Du & Yan D. (2012). "A Wartime Romance: Princess Iron Fan and the Chinese Connection in Early Japanese Animation," in *On the Move: The Trans/national Animated Film in 1940s-1970s China*. University of Wisconsin-Madison. 15–60.
- Edwards, R. (n.d.). New law, slowing sales take shine off China's box office. Retrieved December 6, 2016, from <http://www.atimes.com/article/new-law-slowing-sales-take-shine-off-chinas-box-office/>
- FlorCruz, M. (2014). Beijing Becomes A Top Spot On International Hollywood Promotional Tours. Retrieved December 5, 2016, from <http://www.ibtimes.com/beijing-becomes-top-spot-international-hollywood-promotional-tours-1566444>
- Fu, H. L. & Cullen, R. (1996). *Media Law in the PRC*. Asian Law & Practice.
- Geng, O. (2014, March 14). Jia Zhangke Explains Why Censors Are Scared of His Award-Winning Film. Retrieved May 26, 2017, from <https://blogs.wsj.com/chinarealtime/2014/03/14/jia-zhangke-explains-why-censors-are-scared-of-his-award-winning-film/>
- Gillham, B. (2010). *Case Study Research Methods*. London: Bloomsbury Publishing PLC. Retrieved from <http://ebookcentral.proquest.com/lib/uoregon/detail.action?docID=564247>
- Guo, S. (2013). 出版总署副署长：没有一个国家的机构名称有14个字\_资讯频道\_凤凰网. (n.d.). Retrieved December 9, 2016, from

- [http://news.ifeng.com/mainland/special/2013lianghui/content-3/detail\\_2013\\_03/11/22945324\\_0.shtml](http://news.ifeng.com/mainland/special/2013lianghui/content-3/detail_2013_03/11/22945324_0.shtml)
- Guthmann, E. (1997). Clear-Eyed Visions of a Better China—Chen Kaige Angers Beijing Again with Tragic Temptress Moon, S.F. Chron.
- Hancock, M. (1985). The Nexus of Culture and Politics:A Study of Film in U.S.-China Relations, Fletcher F., 325.
- Harvard Film Archive. (n.d.). Retrieved December 5, 2016, from <http://hcl.harvard.edu/hfa/films/2001janfeb/urban.html>
- Jing, Y.F. (2010). 资本逻辑和市场逻辑的逐步确立—谈 2000 年以来的中国电影 [The gradually foundation of capital logic and market logic: Chinese films after 2000]. *Movie Literature*. 2010(3), 8-9.
- Kennedy, J.J. (2009). Maintaining popular support for the Chinese Communist Party: The influence of education and the state-controlled media. *Political Studies*, 57, 517–536.
- Kristof, N. (1993). China Bans One of Its Own Films; Cannes Festival Gave It Top Prize. *The New York Times*. Retrieved July 5, 2010.
- Lau, J. (1995). “Farewell My Concubine,” History, Melodrama, and Ideology in Contemporary Pan-Chinese Cinema. *Film Quarterly*.
- Lee, C. C., Chan, J. M., Pan, Z., & So, C. Y. K. (2000). National prisms of a global media event. In J. Curran & M. Gurevitch (Eds.), *Mass media and society*, 3rd ed., 295–309.
- Lee, M. (2007). “Departed” Banned From China Theaters. *The Associated Press*.



- Li, X. (2004). Film Industry in China – china.org.cn. (n.d.). Retrieved December 7, 2016, from <http://www.china.org.cn/english/features/film/84966.htm>
- Lindlof, T. (1995). *Qualitative Communication Research Methods*. London: SAGE Publications.
- Liu, H. (2012). 行政法视野下的电影审查制度 [Film censorship system under the view of administrative law]. *Labor Guarantees the World*, 2012(4), 64-65.
- Liu, Y. (2014). 黄健中 对人性的关注始终如一\_东南快报数字报. (n.d.). Retrieved April 25, 2017, from [http://digi.dnkb.com.cn/dnkb/html/201407/09/content\\_330606.htm](http://digi.dnkb.com.cn/dnkb/html/201407/09/content_330606.htm)
- Ma, J. (1994). Filmmakers Call for Law to Regulate Censorship. *South China Morning Post*, 9.
- Martin Geiselmann (2006). *Chinese Film History – A Short Introduction*. The University of Vienna.
- McKee, A. (2003). *Textual Analysis A Beginner's Guide*. London: SAGE Publications.
- McQuail, Denis. (2000). *McQuail's Mass Communication Theory*. (4th ed.). Sage Publications.
- Min, E., Joo, J., and Kwak, H. Ju. (2003). *Korean Film: Historical, Resistance, and Democratic Imagination*. Westport, Connecticut, London.
- Nathan, A. (1986). *Chinese Democracy*. University of California Press.
- Obias, R. (2016, July 14). 10 Movies That Were Banned in China. Retrieved June 7, 2017, from <http://mentalfloss.com/article/83136/10-movies-were-banned-china>
- Osno, E. (2014). *Age of Ambition: Chasing Fortune, Truth, and Faith in the New China*. Macmillan.

- Peng, B.D., & Huang, Y. (2009). 中国大陆电影审查制度反思 [Reflection of China mainland film censorship system]. *Reform & Opening Up*, 2009(12), 251-252.
- Regulations on Administration of Films. (n.d.). Retrieved December 10, 2016, from <http://www.asianlii.org/cn/legis/cen/laws/roaof382/>
- Ryan, F. (2017, May 24). At Cannes, Jia Zhangke Calls for Relaxation of Chinese Film Law. Retrieved June 2, 2017, from <http://chinafilm insider.com/cannes-jia-zhangke-calls-relaxation-chinese-film-law/>
- SARFT. (2001). 电影管理条例 [Film Management Regulations]. Retrieved on March, 29th, 2017, from <http://www.sarft.gov.cn/articles/2007/02/16/20070913144431120333.html>
- SARFT. (2006). 电影剧本（梗概）备案、电影片管理规定 [Scripts/Outline Record, Film Administrative Provisions]. Retrieved on May, 17th, 2017, from [http://www.gov.cn/flfg/2006-06/06/content\\_301444.htm](http://www.gov.cn/flfg/2006-06/06/content_301444.htm)
- Scott, J. (1990). *A Matter of Record*. London: SAGE Publications.
- Shi, F.Y. (1986). 我对端正电影创作指导思想的认识 [My thoughts about the guiding ideology to correct film production]. *Film Yearbook*, 11.
- Stephanie Hemelryk, D. (2010). Tang Wei: Sex, the City and the Scapegoat in Lust, Caution. *Theory, Culture & Society*, 27(4), 46–68.  
<https://doi.org/10.1177/0263276410372238>
- The National People's Congress of the People's Republic of China. (n.d.). Retrieved December 9, 2016, from [http://www.npc.gov.cn/englishnpc/Constitution/node\\_2825.htm](http://www.npc.gov.cn/englishnpc/Constitution/node_2825.htm)
- Top 1996 Film Events Announced in China, *Xinhua English Newswire*, Jan. 9, 1997.

- Tyler, P. (1996). The Medium and the Massage: China's Film Wars. *International Herald Tribune*.
- Yu, D.S. (2007). 揭秘中国电影审查制[Uncover the secrets of Chinese film censorship system]. *Press Assemble*. 2007(5), 64-65.
- Zha, J. (1997). China's Popular Culture in the 1990s. William J. A. (Eds.), *China Briefing: The Contradictions of Change*.
- Zhang, S.G. (2012). 权力与市场的博弈：1980年代中后期中国大陆的电影审查 [The game of power and market: Film censorship of China mainland in the late 1980s]. *Journalistic University*, 2012(4), 47-56.
- Zhang Y. (2009). Industry and Ideology: A Centennial Review of Chinese Cinema. *World Literature Today*, 77.
- Zhang, Y. & Xiao, Z. (1998). *Encyclopedia of Chinese film*. London: Routledge.
- 贾樟柯. (2014, March 1). Went to SARFT negotiate for A Touch of Sin yesterday... [Weibo post]. Retrieved from <http://m.weibo.cn/1662717013/3683343092375967>
- 导演娄烨. (2012, September 7). Making the censorship process transparent [Weibo post]. Retrieved from <http://m.weibo.cn/2680297253/3487671676142754>
- 导演娄烨. (2012, September 8). To the city of Beijing's film administration department... [Weibo post]. Retrieved from <http://m.weibo.cn/2680297253/3488104645942306>
- 导演娄烨. (2012, September 15). The film's censoring update of week one [Weibo post]. Retrieved from <http://m.weibo.cn/2680297253/3490592363448732>

导演姜焯. (2012, September 25). After 17 days of disclosing the censorship process: We all take responsibilities for the existing fallacious censorship system [Weibo post].

Retrieved from <http://m.weibo.cn/2680297253/3494241743076922>

姜焯违规参赛戛纳电影节 五年内不准拍片(图)\_影音娱乐\_新浪网. (n.d.). Retrieved

June 1, 2017, from <http://ent.sina.com.cn/m/c/2006-09-04/09151229884.html>

广电总局严批穿越剧不尊重历史 禁止四大名著翻拍\_新闻\_华语速递\_ieasy.tv 轻松网. (n.d.). Retrieved June 3, 2017, from

<http://www.ieasy.tv/news/detail/2009.html>