



Research on China's Movie Censorship and Classification System-Based on the Current Status of Chinese and American Legislation

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Abstract. Based on the comparative perspective of the film and television classification and censorship system in China and the United States, this paper analyzes the characteristics and advantages of the legal system of the film industry in the United States and other typical countries, and draws reference to the advantageous part of the film censorship system based on the status quo and the problems of the film censorship system in China at the present time. On the basis of adhering to the censorship system, set the grading standard appropriately. And on this basis, it will gradually apply the new-period Chinese movie legal system which is mainly based on movie censorship and supplemented by grading.

Keywords: film censorship; film classification system; classification standards.

1 Introduction

The film industry is a key force in the realms of cultural expression and economic construction. As the Chinese film market continues to thrive, the demand for a robust and adaptive film censorship and classification system becomes increasingly evident. This paper explores the current state of China's film censorship and grading systems and conducts a comparative analysis with legislative practices in countries such as the United States, studying the characteristics and strengths of the legal systems in both Chinese and American film industries. Our aim is to distill the advantages and disadvantages of both systems, drawing on American experience to propose improvements for China's approach. The paper suggests that, while adhering to China's existing film censorship system, the appropriate introduction of grading standards could be considered, with the goal of establishing a new era of Chinese film legal systems that can ensure the legality and healthiness of film content while also stimulating the vitality and creativity of the film industry.

2 Overview of China's Current Film Censorship System

2.1 Background of China's Film Censorship System

Movies are an important form of art, data from the State Film Bureau shows that the box office of movies in 2023 was 54.915 billion yuan, of which domestic films box office was 46.005 billion yuan, accounting for 83.77%. China's film industry is bursting with vitality a movie can influence the audience's way of thinking and behavioral patterns in a subtle way. Therefore, it has become the consensus of social management to emphasize and strengthen the regulation of the movie industry and guarantee the legality and health of movie contents.

Film censorship is a mechanism by which the state audits and gates film content and technology to ensure that film content meets specific social and legal standards, to enhance the creative quality of films, and to further promote the development of the film industry. China's film censorship system began in the 1980s, "to establish a censorship rating system for film and television movies, and to make clear provisions for film and television works that are not suitable for primary and secondary school students to watch^[1]." The "Regulations on the Administration of Films" introduced in 2002 established China's film censorship system, and the screening, distribution, importation, and exportation of films need to be examined by the competent censorship bodies of China's television and film. The screening, distribution, importation and exportation of films are all subject to the scrutiny of the competent censorship organization of the administrative department.

2.2 The Main Body of China's Movie Censorship System and Laws and Regulations

The "Film Censorship Procedures" published by the State Film Bureau has detailed auditing standards for films, which contain "prohibitions" all over the place, but these situations are highly generalized descriptions, in which the specific auditing standards are still very vague. These gray areas have left a lot of room for the film industry in China to maneuver, thus bringing many problems.

At present, the main body of China's film censorship system is the provincial censorship agencies and the film censorship agencies of the State Administration of Radio, Film and Television. China's existing legal basis for censorship mainly includes laws, administrative regulations, departmental rules, regulations, etc., which tends to be generalized in content, and in general is subject to further development and improvement. Including: 2002 "Regulations on Film Administration" 2006 "Movie script (synopsis) for the record, film film management regulations" 2017 "Film Industry Promotion Law", as well as the possible future introduction of the "Cultural Industry Promotion Law" and "Radio and Television Law".

3 Overview of the Legal System of the United States Film Industry

The American film industry has an important position in the world cultural product market, and the grading system of the American film industry has obvious positive effects on stimulating the market vitality and exporting the national culture. At the same time, it has irreparable defects and problems. The following article will analyze the advantages and disadvantages of the American film industry in order to expect to put forward valuable suggestions and opinions on China's film review and classification system in terms of legal system and theory.

3.1 Development of the American Film Censorship Rating System

Movie censorship in the United States has evolved from censorship to classification. In the *Mutual Pictures* case, movies were ruled by the U.S. Supreme Court to be a form of "entertainment," and thus excluded from the federal constitutional protection of citizens' freedom of speech. 1930 saw the introduction of the Hays Code, which included twelve "principle" prohibitions, and any work that contradicted the principles was struck down by the Board of Review. "In 1930, the Hayes Code was introduced, which included twelve "principle-based" prohibitions, and any work that conflicted with the principles was struck down by the Censorship Board, thus drastically curtailing the vitality of the American film industry. 1952 saw a reversal of the situation in the case of *Burstyn v. Wilson*. In 1952, Justice Clark proposed to "remove the binding effect of the decision in *Mutual Film Corporation v. Industrial Commission of Ohio*, and to bring motion pictures within the constitutional protection of freedom of speech and freedom of the press". Thus, the movie classification system entered the historical arena of American movie censorship.

The specific content of the American film classification system is led by the Motion Picture Association of America, which organizes parents of different industries, skin colors, and religious beliefs to form a committee to review and evaluate films in terms of the number of times of gender and violence scenes, time span, and expressive effects, and finally form the current five-level classification standard. In descending order of age-appropriate viewership, the five ratings are: General, Counselor, Special Counselor, Restricted, and Special Restricted. The grading system is not mandatory, and it is up to the producer to decide whether or not to grade a movie, reflecting a high level of industry self-regulation.

3.2 The Current State of Film Censorship in the United States

Advantages of American Film Censorship. Provide creators with a broad creative space, promote cultural dissemination and enhance cultural impact

The current censorship system in the United States has very few restrictions on the subject matter and content of the filming, and film creators are free to adjust the proportion of restricted content in the film and the way of expression according to their

own creative ideas and target audience, and the capital invests a large amount of resources in order to seize the market for the purpose of obtaining profits, thus forming a complete industrial chain in the film industry, which is conducive to the full expression of the creators of their own ideas to minimize the restrictions on creative freedom. Restrictions on Creative Freedom. American values and culture have spread to every corner of the world with the prosperity of Hollywood movies. With fewer restrictions on creativity and full competition in the market, the market filters out movies that combine people's favorite ways of expression and favorite elements and themes.

Shortcomings of American Film Censorship. Lenient scope of review

Because of its less restrictive nature, some movies containing a lot of criminal images and explicit pornography may also pass the vetting stage. The content of these films not only jeopardizes the audience's intellectual and moral standards, but also tends to affect social security and cause social unrest, which is a destabilizing factor. For example, on July 20, 2012, a vicious shooting incident occurred at the Century 16 movie theater in Aurora, Colorado, United States, during the screening of the new film *Batman: The Dark Knight Rises*, resulting in at least 12 deaths and 59 injuries. Subsequently, many media outlets in the United States criticized the film for its overtly violent direction, which had a very negative impact on moviegoers and led directly to the tragedy.

Sending for trial is entirely voluntary and does not serve to protect children and adolescents

The restrictions implemented in the United States belong to the "voluntary film classification system [2]" that is, the United States film classification review is not mandatory to send to the trial, theoretically, even if there is no review of classification can also be released, which puts forward a high demand for industry self-regulation, for the film industry is not yet developed in terms of the region, if the shortcomings of this shortcoming is not improved, classification review will be For regions where the movie industry is not yet developed, if this shortcoming is not improved, classification and censorship will exist in name only and be replaced by a chaotic state of 'nothing is forbidden'.

In the era of film projection, offline classification can rely on the consciousness of guardians and the management of screening venues to avoid as far as possible the audience from watching films that are not suitable for their age group, but today, with the development of the Internet, it is difficult to manage the rampant dissemination of restrictive content in the network. The original purpose of the rating system is to protect children and teenagers from the influence of large-scale movies.

4 Comparison of the Legal System of China's Movie Industry from the Perspective of China and the United States

4.1 Comparison of Censorship between China and the United States

Differences in Censorship. Unlike the grading system in the United States, China has adopted a parallel model of multiple censorship, which covers the script, filming process, post-production and final release, and covers almost the entire movie industry chain.

Differences in the Subject of the Review. As mentioned earlier, the overall trend in the body of American film censorship is toward all-ages, as well as diverse membership. In China, film censorship is controlled by the public power of the government, with the Film Censorship Committee and Review Committee set up by the State Administration of Radio, Film and Television (SARFT) deciding whether or not to grant a license for the public exhibition of a film, and those who violate the law will be held legally liable for the violation of such a license. The old generation of censors lagged behind in their perception of new things and new elements in movies, which hindered the rapid development of the film industry in the new era. Despite the strong and appropriate controls and distribution of power, China's film censorship system in practice reveals flaws derived from the current management model, which is unable to stimulate all the cultural potential of the U.S. film industry as thoroughly as the U.S. film industry.

4.2 Comparison of the Standard of Review between China and the United States

Compared with the five-level grading standard of the United States, China's "Law of the People's Republic of China on the Promotion of the Movie Industry" and "Regulations on the Administration of Movies" clearly indicate the contents that should be prohibited or deleted from the movie, but except for the principle contents such as "opposing the basic principles determined by the Constitution", "jeopardizing national unity, sovereignty and territorial integrity", etc., some of the terms are still vague and uncertain. However, apart from the principle contents such as "opposing the basic principles determined by the Constitution" and "jeopardizing the unity, sovereignty and territorial integrity of the country", the terms of some provisions are still vague and uncertain, without strict criteria for determination, and lack of support for their application in practice. For example, with regard to the provision on "disrupting social order and undermining social stability", how should we define "disrupting social order"? Such criteria are not yet clear.

5 Suggestions for Improving China's Film Censorship System

The improvement of China's film censorship system is based on adhering to the existing film censorship in China, drawing on the experience of the United States, making adjustments to the details, and gradually introducing the film classification system as an auxiliary system to the film censorship system. This will enable a better balance between the restrictions of the movie censorship system on the creative freedom of the creators in the upstream of the industry and the protection of the underage audience in the downstream of the industry, which is also in line with the principle of appropriateness of administrative law.

5.1 Film Industry Censorship

Film censorship system is the main access system of China's film industry legal system, a film work is not passed by the film censorship is not allowed to be publicly screened in Chinese society, the author of the current film censorship system has the following three suggestions.

Appropriate Adjustment of the Main Body of the Film Censorship System to Promote the Diversification of its Composition. From the list of members of China's Film Censorship Board, we can see that most of the members have governmental backgrounds, and the Board, as the direct subject of its work, is always in a passive state^[3]. As the direct subject of the committee's work, the committee is always in a passive state. In terms of reviewing the content of films, it is inevitable that the committee will have an administrative style, and the style preferences of the members of the committee, who have been fixed for a long time, are becoming more and more stable in the process of evaluating the films. A wide range of people from different fields participating in the reviewing activities and ensuring a certain degree of mobility can objectively greatly reduce the above problems. We can learn from the advanced experience of many foreign countries, and on the basis of guaranteeing the officiality and authority of the Film Censorship Board and retaining members of the Board with government backgrounds, we can invite members from all walks of life to participate in the Board, and endeavor to broaden the channels of advice and ensure that members from all fields have the right to voice their opinions on the cause of cinema.

Further Refinement of Film Censorship Standards. The current Chinese film censorship system is based on the standards of the Regulations on Film Administration issued by the State Council on December 25, 2001, which strictly define the content of films. However, in actual movie censorship, there are still many "invisible rules", including policy updates and the personal preferences of the censors, resulting in the lack of a consistent standard for the content of movie censorship. For example, the Film Promotion Law prohibits the teaching of criminal methods, so does a martial arts movie count as teaching the criminal method of intentional injury? If there are no

strict and detailed regulations on censorship standards, then it will greatly restrict the creativity of filmmakers and hinder the normal development of the film industry.

Foreign films have a very specific division of censorship standards, in the appearance of violent and bloody scenes of the camera, the picture to what extent, the wounds occupy the proportion of all the shots will be prohibited, although in the actual shooting situation, these standards may not be fully in line with the classification of the lens language, but the detailed censorship standards to avoid the director of the ambiguous rules of the speculation of the mentality, to save more manpower and material resources. Clear and specific censorship standards can not only safeguard the freedom of creators and increase the predictability of their creative process, but also allow creators to give free play to their imagination and explore the artistic value of Chinese movies within the space allowed by legal regulations. More importantly, it can maximize the stability of the censorship system.

Appropriate Relaxation of Film Censorship Subjects. Taking the multicultural customs of the Chinese nation as an example, many customs cannot be approved and presented to the public because they involve such feudal superstitions as praying for blessings, ghosts and monsters. For example, in Northeast China, "Dashen Jumping" is a grand and mysterious activity, which has changed from a primitive religious ritual of "jumping to the gods for all sacrifices and prayers" to an activity for people who lack medical care in remote areas, and the documentary "Dashen Jumping" directed by Yu Guangyi has been rejected many times because of the feudal superstitious colors involved. However, the purpose of the work is not to publicize feudal superstition perse, but only to show us through this medium the survival of different ethnic groups in China in the last era.

In contrast, many poorly made movies and films often contain objectionable content in order to attract attention or satisfy the dark side of people's hearts. [4]These types of movies should be blocked from movie censorship.

Therefore, the author believes that the subject matter of film censorship should be appropriately relaxed, with the exception of films involving religion, politics, ethnicity, national security and other sensitive elements that may be related to national stability and national unity, etc., which will be examined by the Censorship Committee, passed or rectified to meet the requirements, and then handed over to the Classification Committee for classification and discussion. If there are no such sensitive elements, the film will only be graded or adjusted by the Classification Committee, and will only be allowed to enter theaters after it has received a permit to broadcast the film and a clear screening grade.

5.2 Construction of a Movie Classification System based on Movie Censorship

The purpose of building a movie classification system based on movie censorship is twofold: first, to connect with the international market, enhance the international competitiveness of China's movies, and have more opportunities to go abroad to spread Chinese movie culture to the world. Secondly, to further untie the subject mat-

ter of China's movie industry and enrich the types of movies in the movie market. As mentioned earlier, the Movie Law of the People's Republic of China, as the basic law of China's movie industry management system, has already made principled provisions for China's movie censorship system. Therefore, the key to completing the transformation from a single censorship system to a combined censorship and classification system lies in the reasonable structure of the movie classification system.

Recognizing the Subject of Film Classification. At present, in countries or regions around the world where a film classification system is in force, the main bodies that carry out film classification can be broadly divided into two categories: firstly, specialized state organs controlled by absolute administrative power; and secondly, autonomous organizations within the industry. ^[5]The former is represented by Hong Kong, where the work of film classification is led by a special department under the government, while the latter is represented by the United States, where industry associations organize committees to classify films. The latter is not suitable for our national conditions. The reason for this is that on one hand, China's industry associations are not completely independent of the public authorities, which makes it difficult for them to play the role of regulating the industry itself; on the other hand, China's market economic system requires the government to carry out macro-control of the movie market in order to maintain a good market order. Therefore, the author believes that the work of grading movies can be left to the censorship unit, or a movie grading committee can be set up under the State Film Bureau to grade movies that have passed the censorship.

Setting Standards for Movie Classification. In the proposal mentioned earlier, members of the CPPCC have suggested that China should draw on the internationally accepted approach of classifying films into ordinary, generally restricted and strictly restricted. However, the simple division of films into three levels in a one-size-fits-all model often results in the problem of insufficiently standardized and operable grading standards. For example, the film classification system implemented in Hong Kong only classified films into three levels before the revision, and the contents of its Level II films were between all-age and adult, which was too broad and not conducive to the smooth implementation of film classification and the audience's reasonable choice of films. Therefore, in 1995, the Film Censorship Ordinance was amended to subdivide Class II into IIA (unsuitable for children) and IIB (unsuitable for adolescents and children) in order to more effectively protect minors.

In addition, on the issue of age settings, developed countries in the film industry, led by the United States, are accustomed to using 16-18 years of age as the last level of the film classification boundary. However, directly copying the age setting of western countries will easily cause the problem of unsuitable content. On the one hand, China's culture is relatively conservative, and the public is less tolerant of elements such as "sex", "violence" and "horror scenes". On the one hand, China's culture is relatively conservative, and the public's tolerance for elements such as "sex", "violence" and "horror scenes" is low. On the other hand, the age of physiological development and sexual maturity of individuals in China is generally later than in Western

countries, and this is the reason why China has set the age of marriage at 22 for men and 20 for women. Therefore, we can appropriately push back the age limit when setting the classification standard. Singapore's movie classification system provides a good model for this purpose, as it sets the age limit at 21 years after taking into full consideration the differences between Eastern and Western cultures and the growth and development of individuals.

To sum up, when China formulates the criteria for movie classification, it is necessary to consider the division of tiers, so as to achieve the appropriate division of movie audiences and the reasonable distribution of movie works, and at the same time, it is also necessary to make full reference to domestic culture, traditions, moral concepts and other comprehensive factors in the setting of age boundaries, so as to make them more in line with the purpose of China's grading and placement of movie works.

6 Conclusion

In summary, discussions on film censorship and grading are not merely academic; they are a crucial component of cultural governance and creative freedom. The Chinese film industry has a unique historical background and market potential, making it necessary to establish a censorship and grading system that balances artistic expression with social norms and legal requirements. By improving the censorship institutions, clarifying classification standards, and adopting a grading classification system, we can absorb international best practices while considering China's special national conditions, establishing a more mature and effective regulatory framework. Ultimately, these measures aim to balance creative freedom with the protection of minors, enhance the international competitiveness of Chinese films, and promote the healthy development of the film industry. This paper hopes to provide theoretical support and practical guidance for the reform of China's film legal system.

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