



MADE IN HOLLYWOOD, CENSORED BY BEIJING

The U.S. Film Industry and Chinese Government Influence



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MADE IN HOLLYWOOD, CENSORED BY BEIJING



EXECUTIVE SUMMARY

Made in Hollywood, Censored by Beijing describes the ways in which the Chinese government and its ruling Chinese Communist Party successfully influence Hollywood films, warns how this type of influence has increasingly become normalized in Hollywood, and explains the implications of this influence on freedom of expression and on the types of stories that global audiences are exposed to on the big screen. Hollywood is one of the world's most significant storytelling centers, a cinematic powerhouse whose movies are watched by millions across the globe. And yet the choices it makes, about which stories to tell and how to tell them, are increasingly influenced by an autocratic government with the world's most comprehensive system of state-imposed censorship.

The free expression implications of this fact are significant, and far-reaching. By influencing which stories Hollywood tells, the Chinese government can soften the edges or erase depictions of its human rights abuses; it can dampen movies' call for change or encouragement of resistance in the face of oppression; and it can discourage or silence filmmakers interested in making movies that question or critique the Chinese government.

Hollywood's choices have global implications. If prominent Hollywood studios or filmmakers fear to push back against such influence, there is less chance that others around the world will dare to do so. It also reduces the opportunities for independent or exiled Chinese filmmakers looking for a new home for their talents, and undercuts any argument from Chinese filmmakers that the country's censorship

system is inconsistent with international norms of artistic freedom.

There are countless stories to be told about China, and those that are non-controversial from Beijing's perspective are no less valid. But there are also stories to be told about the ongoing crimes against humanity in Xinjiang, the ongoing struggle of Tibetans to maintain their language and culture in the face of both societal changes and government policy, the prodemocracy movement in Hong Kong, and honest, everyday stories about how government policies intersect with people's lives in the world's most populous nation. Yet the space for filmmakers to tell such stories is shrinking—at least, unless they are willing to forego access to the world's largest box office.

Stories can affect change. They can galvanize people. And they can speak truth to power. But not when they are censored, sanitized, or hijacked for a specific political purpose. And certainly not if they never get told in the first place.

It is this concern that has motivated PEN America to undertake this research, to publish this report, and to sound an alarm over the censorious influence that Beijing is able to wield over Hollywood—influence that we expect will only deepen in the future. It is our hope that filmmakers and studios will take seriously the implications of how they respond to both overt and indirect influence from the Chinese government, and choose to stand firmly in defense of creative freedom.

HOW (AND WHY) BEIJING CENSORS CHINESE AND FOREIGN-MADE FILMS

Within mainland China, the Chinese government retains strict control over its filmmaking industry. Government officials decide which movies are approved and which are scrapped, which scenes must be cut, which plotlines must be abandoned, what dialogue must be altered, and which filmmakers or actors are *persona non grata*.

Beijing has taken an increasingly muscular approach to film censorship. This includes a major bureaucratic shakeup: in 2018, regulatory authority for cinema was shifted from the now-abolished State Administration of Press, Publication, Radio, Film and Television (SAPPRFT) to the Publicity Department of the Chinese Communist Party, better known as the Central Propaganda Department. The regulatory shift centralizes the CCP's control over cinema and makes plain that the censors are dictating film policy.

These government censors are interested not only in silencing critical messages and voices, but in using film as a vehicle for political propaganda. As such, they utilize the censorship process to push films to become more actively propagandistic, portraying a sanitized vision of China and its ruling party.

CCP officials have increasingly aimed to apply this system of censorship to Hollywood, realizing ever-greater influence over the decision-making process for filmmakers and studio officials there. These efforts form part of a broader soft power strategy to shift the global cultural conversation towards more favorable coverage of not just China as a country, but its government in particular. Beijing recognizes that

Hollywood—still the world's most significant center for storytelling through film—shapes the opinions and ideas of the world, and it seeks to ensure that power is used in ways consistent with its own interests.

Beijing is able to exert this influence because of several powerful points of leverage. Firstly, the sheer size of China's theatergoing market—imminently poised to become the largest in the world—means that a film's financial success or failure may hinge on whether the movie does well in China. China has at points outstripped the United States as the world's largest box office market, and reportedly will fully overtake the U.S. in 2021¹—though the coronavirus pandemic has brought substantial uncertainty to both markets.

Secondly, Beijing's system of strict governmental control over which movies it imports, a system that includes rigorous censorship requirements, grants it the power to determine which Hollywood movies are even allowed access to the Chinese market. Chinese officials wield this market power as a tool to pressure Hollywood studios to cooperate with censors: play ball, and you will be rewarded with entry into the nation's cinemas, and possibly receive additional preferential treatment in the form of coveted release dates or preferential advertising arrangements. Refuse, and your movie's financial success will be deeply impacted.

Studios that invest millions in their movies have substantial economic incentives to comply with requests from Chinese censors, particularly if such studios have additional business interests in China. Hollywood companies are, in the words of one scholar interviewed for this report, “increasingly savvy and increasingly paranoid,” so that “instituting self-censorship is the way to go.”

1. Uptin Saiidi, “China's box office is expected to surpass the US in 2020. That's good news for Hollywood,” *CNBC*, November 5, 2019.

HOW THIS INFLUENCE PLAYS OUT

As a result of these pressures, it is no longer surprising when studios accede to censors' demands by creating a censored, Chinese-release version for the country's audiences. In order to make their films marketable in China, U.S. filmmakers may avoid certain topics or create "alternate scenes" for content involving sex, LGBTQI+ issues, crime, violence, or portrayals of China that Beijing sees as negative. In attempts to compensate for potentially risky scenes or appease censors, filmmakers may set some scenes in China or include popular Chinese actors in order to portray an image that Beijing will judge favorably.

But Hollywood's posture of cooperation with CCP censors is increasingly advancing into something more: proactive anticipation of the censor's objections, and corresponding self-censorship. To reduce the chances that reviewers will delay or reject their film, studios have developed informal feedback loops—with fixers, distribution partners, consultants, and even with the censors themselves—to ensure they stay within the lines that Beijing has drawn. U.S. filmmakers may avoid certain topics or content involving sex, LGBTQI+ issues, crime, violence, or portrayals of China that Beijing sees as negative.

For some movies, studios have gone even farther: editing the content of a film's global release in order to ensure it has a better shot at being shown in China, adding scenes to the movie specifically designed to appeal to Chinese authorities, and even inviting Chinese officials on set during production. Beijing's broad prohibitions—like its semi-enforced ban on ghost stories or time travel stories—have percolated down to Hollywood executives, influencing their decisions and shaping which movies get green-lit.

HOW HOLLYWOOD MOVIES ENTER THE CHINESE MARKET

Hollywood's recognition of the financial power of the Chinese market has led studios to explore different avenues for accessing this market. Perhaps the most important is China's long-standing 34-movie quota for revenue-sharing arrangements—which offer studios more financial return than other models. Studios stand to make significant money by obtaining a coveted quota spot for their blockbuster movies, heightening the pressure on them to comply with any censorious demand. In addition, studios are increasingly exploring the joint production model: whereby a foreign studio partners with a Chinese studio, under the watchful regulatory eye of Beijing, to produce a film. While collaboration between filmmakers of different cultures should be applauded, a joint production model under China's regulatory system essentially invites government censors to act as production partners, deepening the expectation that governmental interference with filmmakers' creative freedoms is just another part of the studio process. As examples like Paramount's *Transformer: Age of Extinction* and *Looper* demonstrate, Beijing is all-too-willing to take the opportunity to embed its political messaging in joint productions, in ways both subtle and not-so-subtle.

In addition, the influx of financing for Hollywood films from Chinese companies, both private and government-owned, grant Beijing additional points of leverage, given that such companies often have close links to the CCP and the government and operate under a system in which pleasing the Party is a prerequisite to corporate success. Such companies appear to operate as go-betweens, extracting concessions from both the government and from their Hollywood partners—with Hollywood's concessions

often coming in the form of film content that the CCP will view favorably. China is not the only country where financing from corporations connected to the government may raise alarm bells for freedom of expression, but it is certainly the most significant one, because no other nation's box office is so integral to Hollywood's financial fortunes.

CENSORIOUS INFLUENCE AND THE PORTRAYALS OF DIVERSE CHARACTERS

The increase in CCP influence over Hollywood has occurred at the same time that many Hollywood decision-makers are wrestling with how to thoughtfully depict diverse characters, tell a wide array of stories, and stretch beyond a conventional lens trained on majority populations and American perspectives. Hollywood is, rightly, increasingly conscious about avoiding offensive or two-dimensional stereotypes and instead achieving richer, more varied portrayals of characters of all national and ethnic backgrounds.² The importance of diverse and three-dimensional portrayals of Asian characters, is especially acute right now, amidst the backdrop of anti-Asian hate crimes and anti-Chinese sentiment during the coronavirus pandemic.³

But the goals of more and better representation of Asian characters in films are not served by greater capitulation to Beijing. The Chinese government doesn't favor three-dimensional portrayals of a wide range of Chinese characters in American movies. It champions a narrower view of Chinese characters as filial, valiant, and patriotic, reinforcing national ideals. And it would inevitably reject thoughtful or sympathetic depictions of individuals who in any way diverge from its preferred narratives. Certainly, no story of a Uyghur individual forced into a 'reedu-

cation camp' or a young democracy activist in Hong Kong would ever meet with its approval.

It is entirely reasonable, and wise, for Hollywood executives to ask themselves "How will this scene play with Chinese audiences?" or, "Will this movie's theme and plot resonate with Chinese movie-goers?" Indeed, Hollywood's increasing attention to the global influence of the stories it tells, and growing sensitivity to how it depicts individuals and cultures are to be applauded. PEN America's concern is that what Hollywood executives are far more often asking themselves is: How will the Chinese government react to this film's content? When that question drives creative decision-making, the result is the potential for censorship and undue *governmental* influence in the arts.

Of course, many Hollywood decisions land in a gray zone. The distinction between putting off the Chinese people and offending Beijing is hazy, particularly given the CCP's active, propagandistic role in shaping their populace's political beliefs, and this can make for legitimately difficult decisions on the part of filmmakers. This unclear distinction also further enables self-censorship, making it easier for filmmakers to claim—even to themselves—that artistic changes are being made to better tailor a film to potential audiences than in order to please official censors.

LOOKING TOWARD SOLUTIONS—AND RECOMMENDATIONS

As an industry, Hollywood has a laudable history of fighting to safeguard its creative independence in the face of interference from its own government, pushing back against censorship. Yet, we fear, it has not demonstrated the same fortitude against the censorious influence that we detail in this report.

² Sarah Matusek, "Hollywood finally gets the message - diversity is good for business," Christian Science Monitor, April 1, 2019.

³ "Reports of Anti-Asian Assaults, Harassment and Hate Crimes Rise as Coronavirus Spreads," Anti-Defamation League, June 18, 2020.

We are not naïve that economic considerations place substantial pressures on studios to accede to censors' requests. Yet there is still room for Hollywood studios to push back—especially if they offer a unified response. To this end, PEN America gears its recommendations around two core calls for action: **a public commitment from studios that Chinese censorship will not affect the content of a movie's worldwide release, and an industry-wide commitment to publicly disclose censorship requests made by any government.** Given the outsized role that the “Big Five” major studios—Disney, Paramount, Sony, Universal, and Warner Brothers—play in Hollywood, we call upon them particularly to take up a leadership role in adopting these recommendations.

We additionally call upon the Motion Picture Association (MPA), the trade group representing Hollywood's largest studios, to similarly lead on this issue, including through issuing a public position paper on the issue of censorious Chinese influence on Hollywood, publishing an annual report on the industry's engagement with China, and initiating dialogue on this issue with other film industry trade groups across the globe.

We believe the MPA, along with other Hollywood trade groups and professional organizations, can play an invaluable role in developing a unified and transparent Hollywood response. Given this, PEN America additionally recommends that all such organizations

advance efforts to educate their membership about this issue, and identify the ethical and professional dilemmas it poses.

Additionally, PEN America calls for a deepened commitment to the inclusion and promotion of substantive Asian and Asian-American characters, not only because there is a need for such enhanced representation on its own merits, but because the absence of such characters allows Beijing further room to insist on its own pre-approved portrayals of Chinese characters. We additionally call on Hollywood to engage in acts of solidarity with Chinese filmmakers who have been censored or driven out for their filmmaking.

Ultimately, we believe that a unified Hollywood response is necessary, both for moral and practical reasons, to push back against undue influence from the Chinese government—and from any government seeking such influence, including our own.

PEN America believes that it is past time for more public awareness and discussion of this issue. Hollywood decision-makers must wake up to the fact that, unless they mount a vigorous defense for their own artistic freedom now, they will find these freedoms ever-more-circumscribed in the future, by a government that sees all forms of storytelling as subsidiary to their specific political agenda.

INTRODUCTION

This report examines the ways in which Beijing's censors have affected and influenced Hollywood and the global filmmaking industry. Stories shape the way people think, and the stories told by Hollywood reach billions. As an anti-censorship organization dedicated to the celebration of open cultural and artistic expression, PEN America has sought to understand how one of the world's most censorious regimes is extending its influence over the global locus for filmmaking here in the United States, shaping what is perhaps the world's most influential artistic and cultural medium.

PEN America defends and celebrates freedom of expression in the United States and globally. Our work has included a decades-long advocacy engagement on China, where dozens of members of our sister PEN organization—the Independent Chinese PEN Center—have been imprisoned or persecuted by Beijing.¹ The most influential of those colleagues was Nobel Peace Prize Laureate Liu Xiaobo, who was serving an 11-year prison sentence for his writings when he died of liver cancer.² Our work has involved advocacy campaigns, detailed research reports, literary exchanges, and other efforts aimed at pushing back against Beijing's censorship policies and its criminalization of dissent.

Over the last decade or more, as Beijing has expanded its global role as a world power, leading trade partner, sovereign investor, and cultural influence, these domestic patterns of censorship and control have extended beyond China's borders. Beijing's rising global influence has meant that the ruling Chinese Communist Party's (CCP) approach to censorship is making itself felt by publishers, authors, scholars, writers, journalists, and others who address topics of interest to China, regardless of their citizenship or where they are based. In 2015, PEN America documented Chinese publishers' censorship

of Chinese-language translations of foreign authors in our report *Censorship and Conscience: Foreign Authors and the Challenge of Chinese Censorship*. In 2016, we analyzed the CCP's efforts to affect foreign media's coverage of the country in *Darkened Screen: Constraints on Foreign Journalists in China*, and its enforced disappearance of five publishers (including two with foreign citizenship) connected to a Hong Kong bookstore in *Writing on the Wall: Disappeared Booksellers and Free Expression in Hong Kong*. In 2018, our research on social media censorship in *China for Forbidden Feeds: Government Controls on Social Media in China* included an analysis of how Beijing's digital censorship affected users of Chinese digital platforms even when they were outside the country.

We have seen this exportation of censorious pressure elsewhere, so much so that there is a long—and growing longer—list of examples from the last few years alone: the major academic publisher Cambridge University Press attempting to pull titles from access by Chinese audience due to fear of CCP retaliation;³ the consistent degradation of press freedoms and civil liberties in Hong Kong;⁴ New Zealand publishers finding their books censored by Chinese printers;⁵ academics and students across the globe facing intimidation when they speak out on issues the CCP considers sensitive;⁶ and global brands forced to apologize simply for printing the words “Taiwan” or “the Dalai Lama.”⁷

Increasingly, Beijing's economic clout has allowed it to insist that others comply with its censorship strictures—or has led others to voluntarily internalize these strictures, even without being asked—as a prerequisite to doing business with or in the country. While individual compromises may seem minor or worthwhile in exchange for the opportunity to

engage with China's population, the collective global implications of playing by Beijing's rules need to be recognized and understood before acquiescence to Chinese censorship becomes a new normal in countries that have prided themselves for their staunch free speech protections.

Hollywood is an important bellwether. The Chinese government, under Xi Jinping especially, has heavily emphasized its desire to ensure that Hollywood filmmakers—to use their preferred phrase—“tell China's story well.”⁸ Within the pages of this report, we detail how Hollywood decision-makers and other filmmaking professionals are increasingly making decisions about their films—the content, casting, plot, dialogue, and settings—based on an effort to avoid antagonizing Chinese officials who control whether their films gain access to the booming Chinese market.

As U.S. film studios compete for the opportunity to access Chinese audiences, many are making difficult and troubling compromises on free expression: changing the content of films intended for international—including American—audiences; engaging in self-censorship; agreeing to provide a censored version of a movie for screening in China; and in some instances directly inviting Chinese government censors onto their film sets to advise them on how to avoid tripping the censors' wires. These concessions to the power of the Chinese market have happened mostly quietly, with little attention and, often, little debate. Steadily, a new set of mores has taken hold in Hollywood, one in which appeasing Chinese government investors and gatekeepers has simply become a way of doing business.⁹

THE STAKES FOR THE FILM INDUSTRY AND FOR ARTISTIC EXPRESSION IN FILMMAKING

Filmmaking is a business. While storytelling, creativity, artistry, and self-expression are essential to entertainment, studios exist to sell films and make a profit. But in so doing, Hollywood exercises outsized influence over global society and culture through the power of its creations. Stories shape the way people think, and the stories told by Hollywood reach billions. If the hand of a foreign government is dictating the parameters of what can be told or shown, and if filmmakers are incorporating a made-in-Beijing set of prerequisites as they conceive and produce films, at the very least these dictates should be understood and debated, so that the commercial, artistic, and expressive trade-offs are understood.

It is worth acknowledging that the United States government has benefitted from, encouraged, and at times even directed Hollywood filmmaking as an exercise in soft power, including through the promotion of films that offer a “patriotic” message specifically to Americans. The Hollywood-Pentagon relationship, especially—on view in such blockbusters as *Contact* (South Side Amusement Company, 1997) and *Hulk* (Universal Pictures, 2003)—continues today, with the U.S. Department of Defense offering conditional access to military facilities and experts to Hollywood films that it believes will reflect well on the country's armed forces.¹⁰ But this governmental influence does not bring to bear a heavy-handed system of institutionalized censorship, as Beijing's does.

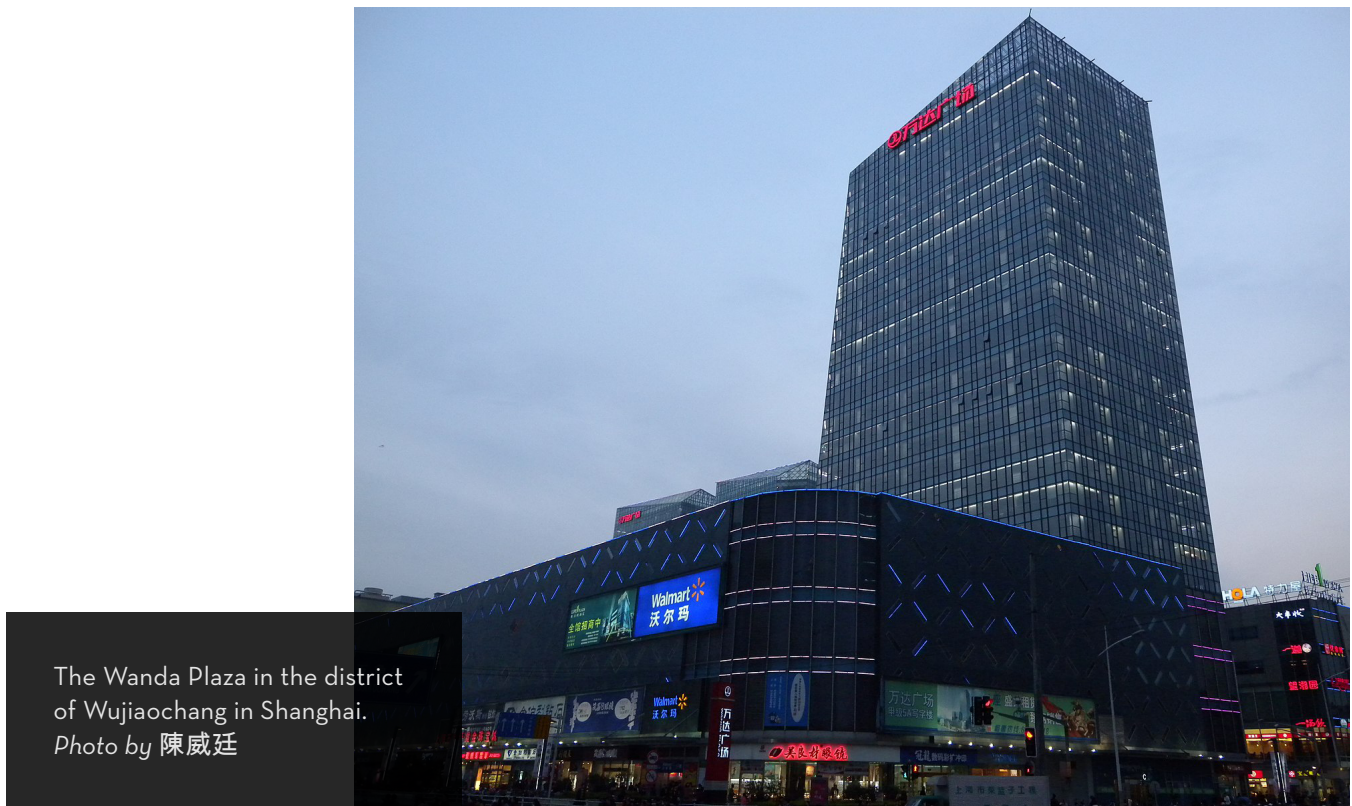
At least more recently, in fact, Hollywood movies have not hesitated to criticize America's political leaders, to the point where some Americans have argued that filmmakers and film stars are unpatriotic. Major studio movies like *Vice* (Gary Sanchez Productions, Plan B Entertainment, & Annapurna Pictures, 2018), *The Hurt Locker* (Voltage Pictures et al., 2008), and *The Report* (VICE Studios et al., 2019) send up the political powers that be at the highest echelons of American government. Today, Hollywood enjoys a reputation as a place uncowed by Washington, and one that is often gleefully willing to speak truth to American political power. This reputation contrasts strangely but silently with Hollywood's increasing acceptance of the need to conform to Beijing's film dictates.

Additionally, if Hollywood—the center of global filmmaking—is unwilling to stand up to the censorship demands of a foreign government, there is little chance that filmmakers elsewhere will take such risks. In effect, Hollywood's approach to acceding to Chinese dictates is setting a standard for the rest of the world. Perhaps most importantly, we have developed this report on Beijing's influence over Hollywood because we believe this influence cannot be ethically decoupled from the Chinese government's practices of suppressing freedom of expression at home. Beijing enforces one of the world's most restrictive censorship systems, in which films and other creative endeavors are subject to a strict process of pre-publication review by the State. China's media is similarly under state control, with little-to-no space for editorial independence. Vast categories of protected expression are criminalized, with peaceful dissidents serving years-long jail terms for their critical speech.

Independent civil society does not exist within mainland China, and the country's Great Firewall represents the world's most advanced and expansive system of digital censorship. In the areas of Tibet and Xinjiang, the repression of civil rights is breathtakingly severe; in Xinjiang especially, it is no exaggeration to say that millions of Uyghurs and other ethnic minorities are in detention camps or jail because the government has essentially criminalized their cultural and religious expression in the region. Yet, China's own government-controlled domestic press either refuses to cover this systemic violation of human rights, or instead propagandistically and falsely reframes it as an exercise in "vocational education."¹¹ Beijing's imposition of near-total barriers to access for Western reporters in those regions, meanwhile, helps ensure that this narrative is unchallenged.¹²

In short, the Chinese government works tirelessly to ensure that the only stories told within China are ones that it specifically approves. Beijing's influence over Hollywood is part of this work, creating a climate of self-censorship that renders filmmakers unwilling or unable to criticize the decisions of a government that regulates the lives of over 1.4 billion people and that increasingly dominates the global conversation. There are stories about China that deserve to be told, but the space to tell such stories is rapidly diminishing in Hollywood. The implications of such self-censorship are tremendous.

Today, Chinese censors are playing a role in determining the content or message of movies that are released worldwide: this represents the risk that only movies that please one of the world's most censorious regimes find their way to movie screens across the globe.



The Wanda Plaza in the district of Wujiaochang in Shanghai.
Photo by 陳威廷

THE IMPORTANCE OF SUNLIGHT

In attempting to depict the ways that Chinese censorship manifests itself in Hollywood, we are describing a phenomenon that takes place largely behind closed doors: meetings or conversations between Hollywood decision-makers in which the public is not present and for which there is no public record. Information about Beijing's influence over Hollywood films has been released to the public in small pieces, through leaked emails, anonymous studio employees, and even observant moviegoers who notice small details. Many of our interviewees for this report would speak to us only on background or off-the-record and many declined to speak at all. And perhaps most crucially, many of the decisions that Chinese censors are unduly influencing are decisions that may occur silently, or even subconsciously, in the mind of a single Hollywood decision-maker.

Perhaps the greatest issue with the CCP's censorious effect on Hollywood is how it has instantiated

self-censorship from filmmakers aiming to anticipate and preempt Beijing's objections. This is, of course, exactly how censorship succeeds—others internalize it to the point where the censor actually has to do very little. Over time, writers and creators don't even conceive of ideas, stories, or characters that would flout the rules, because there is no point in doing so. The orthodoxies press down imperceptibly, and the parameters of the imagination are permanently circumscribed.

This all means, however, that censorship is most notable not for its presence, but for the absence it creates: the absence of films, stories, characters, and plotlines that would have existed—or existed in a different form—were it not for the power of the censor. We hope that this report will help empower filmmakers to be conscientious about the choices they make and to resist limitations on their artistic freedom.

REPORT METHODOLOGY

For this report, PEN America conducted both desk research and interview-based research, with the goal of investigating the extent to which the CCP's censorship and propaganda strictures have manifested themselves in Hollywood as either self-censorship or as cooperation with Chinese censors. We draw on public reporting and expert analysis, supplemented by our own interviews, in examining many of the most significant publicly identified examples of such censorship, but this report does not claim to provide an exhaustive list of such examples. In fact, as this report will make evident, an exhaustive list would be impossible.

PEN America uses the term “Hollywood” to refer both to the collective totality of major American film studios that comprise the core of the modern American filmmaking industry as well as to the industry more broadly, in the same way that terms like “Silicon Valley” or “Wall Street” are used as shorthand to refer to the epicenters of the American technology or finance sectors. Furthermore, we focus our investigation on the filmmaking world, not the related but distinct world of television programming. We use the term “Beijing” to refer to the institutions of the Chinese government and the Chinese Communist Party.

PEN America supplemented its desk research through conversations with Hollywood professionals: movie producers, scriptwriters, and financiers, about both their personal experiences with the subject as well as their understanding as professionals as to how Beijing's censorship has affected Hollywood. PEN America conducted two rounds of such interviews, first in the fall of 2019, and later in the spring of 2020. The goal of such interviews was twofold: first, to peel back the curtain on how such self-censorship manifests itself in Hollywood; and secondly, to better understand Hollywood professionals' perception of this phenomenon.

The Walt Disney Studio, Sony Pictures, Universal Pictures, Warner Brothers, Paramount Pictures, and the Motion Picture Association declined to comment for this report or did not respond to requests for comment.

The great majority of those we spoke with chose to speak to us either off-the-record, on background, or through other terms that guaranteed their anonymity. Even then, interviewees were often reticent to discuss information on specific projects that they had worked on, often couching their conversation in generalities. Given these sensitivities, we do not include citation information for quotes from such interviewees in the report endnotes.

Indeed, one of the most striking things about PEN America's research was how reticent Hollywood professionals were to speak either specifically or publicly on this issue. The reasons given for such reticence were several, but they all revolved around fear of a negative reaction—from Beijing, from their employer, or from Hollywood at large. As one Hollywood producer said to PEN America, “All of us are fearful of being named in an article even generally discussing China in Hollywood.” Another Hollywood producer put it just as bluntly: “It's hard for people to speak on the record if they want to keep their jobs.”

This lack of willingness to go on the record helps illustrate some of the difficulties of documenting the extent of self-censorship that exists in Hollywood as a result of Beijing's pressures. When so many creative decisions are being made in small groups of colleagues, or even in the mind of a single person, it is incredibly difficult to document to what extent these decisions are influenced by censorship. This difficulty is compounded by the fact that few people see the advantages to going public with such information. But the information we have—what we do know—still paints a worrying picture of censorship and self-censorship directed by Beijing, alongside influence that the CCP wields with brazenly political intent.

PART I: HOW (AND WHY) BEIJING IS ABLE TO INFLUENCE HOLLYWOOD



Cyclists and pedestrians under a wall of billboard posters featuring Chinese films and Western films with Chinese titles in 1988. Photo by Dr. Nan Tu

Beijing has substantial leverage over Hollywood decision-makers, for several reasons. Firstly, the sheer size of its theater-going market makes China an economic juggernaut for the film world, so that Hollywood studios increasingly see access to China as a prerequisite for their movies' financial success. Hollywood needs China, but as China's economy grows and the tastes of its theatergoers change, the country is increasingly less reliant on Hollywood for blockbuster films.

Secondly, China's comprehensive censorship system means that government officials hold all the keys to such market access, and the rules of this system give censors unfettered discretion to demand

changes to a specific movie as a prerequisite to this access. Thirdly, Beijing has sent a clear message to the filmmaking world, that filmmakers who criticize China will be punished, but that those who play ball with its censorship strictures will be rewarded. The Chinese Communist Party, in fact, holds major sway over whether a Hollywood movie will be profitable or not—and studio executives know it.

The result is a system in which Beijing bureaucrats can demand changes to Hollywood movies—or expect Hollywood insiders to anticipate and make these changes, unprompted—without any significant hue or cry over such censorship.

THE IMPORTANCE OF THE CHINESE FILM MARKET



The reason that Hollywood studios are so eager to secure entry into the Chinese market is obvious—its size. China is imminently poised to become the world's biggest movie market.

In the first quarter of 2018, China surpassed the United States in quarterly theatrical box office revenue for the first time.¹³ By 2023, the Chinese box office revenue was predicted, in one pre-pandemic estimate, to reach \$15.5 billion.¹⁴ This number stands well above the U.S. box office total for 2019, which comes in at approximately \$11.4 billion.¹⁵

This year, 2020, the Chinese cinema market is expected to overtake that of the United States, making China the largest market in the world.¹⁶ And while coronavirus has thrown all economic predictions to the wind, China may in fact become an even more important film market for Hollywood studios, since the country is now further ahead in fighting the spread of the coronavirus. There are ample indications that Chinese moviegoers are ready to return to

the theater; for example, when Beijing announced in mid-May the gradual reopening of cinemas, a hashtag celebrating the move was viewed more than 340 million times on China's Twitter-like platform Weibo.¹⁷

The numbers reveal how badly Hollywood needs access to China's film market. But Beijing bureaucrats and Chinese theaters need Hollywood less and less. The United States used to hold a much more forceful position in the Chinese box office, with its splashy, slickly produced blockbusters outshining domestic films. But in the past several years, the technical quality of Chinese films has continually improved, placing these films on increasingly stronger footing to compete with foreign blockbusters. Chinese audiences clamoring for big-screen spectacles have increasingly found these needs met by domestic studios. For example, after the Hollywood blockbuster *Transformers: Age of Extinction* (Hasbro & Di Bonaventura Pictures, 2014) grossed \$320 million in China in 2014, Beijing soon answered back with *Monster Hunt* (Edko Films

Limited et al., 2015), a joint production with Hong Kong and a blockbuster that grossed \$382 million in 2015 in China.¹⁸

The growth of China's domestic film industry—in its technical capacity, its ability to deliver spectacle, and in its popularity among domestic theatergoers—has further shifted the balance between Hollywood filmmakers and Beijing regulators. Moreover, growing geopolitical tensions between the United States and China over the last two years is accelerating the trend. As anti-American sentiment rises among both the Chinese government and the Chinese people, American films and the studios that make them are finding China a less hospitable place.¹⁹

The box office numbers illustrate this reality: Before 2018, Hollywood dominated the top 10 list of highest-grossing films shown in China. But today, of the top 25 all-time highest box office winners in China, only seven are Hollywood films and only one of those, *Avengers: Endgame* (\$614 million), is in the top 10. The remainder of the list is exclusively held by Chinese and Hong Kong films.²⁰

The shift has meant that Hollywood executives, producers, and writers are increasingly writing, casting,

shooting, and producing with an explicit eye toward what will work in China in order to maintain their foothold in that lucrative and growing market.

In recent years, major studio releases such as *Avengers: Endgame* (Marvel Studios, 2019),²¹ *Spider-Man: Far from Home* (Columbia Pictures, Marvel Studios, & Pascal Pictures, 2019),²² and *Fast & Furious Presents: Hobbs & Shaw* (Seven Bucks Production & Chris Morgan Productions, 2019)²³ have made more money in China than in the United States. “The size of the Chinese movie-going audience is so huge,” one Hollywood executive told PEN America, “that if you happen to be the one that catches their fancy you can make \$100 million in pure profit.”

As the Chinese box office market continues to outpace America's, and as the relationship between Hollywood and Beijing becomes even more lopsided, the pressures on Hollywood studios to accede to CCP censorship will only increase. The phenomenon of self-censorship will presumably only worsen. That is why it is so important to have this conversation now, before acquiescence to Beijing's censorship becomes even further normalized for Hollywood filmmakers.

1997: THE HIGH-WATER MARK FOR STUDIO MOVIES CRITICIZING CHINA

To gain a better appreciation for the type of Beijing-critical Hollywood films that major Hollywood studios are capable of making, films that Hollywood insiders consistently told PEN America could simply not be made today, one has only to look at one specific year: 1997.

That year, Hollywood filmmakers released three movies that each touched Beijing's political third rails. *Kundun* (Touchstone Pictures & StudioCanal, 1997), produced by Walt Disney's Touchstone Pictures and directed by Martin Scorsese, and *Seven Years in Tibet* (Mandalay Entertainment, 1997), starring Brad Pitt, both delved deeply into China's 1950 invasion of Tibet. *Red Corner* (Metro-Goldwyn-Mayer & Avnet/Kerner Productions, 1997), produced by Metro-Goldwyn Mayer and starring Richard Gere—already painted an unflattering picture of China's police state and its judicial system.

None of these offending 1997 films—major Hollywood productions—were released in China. Going further, Beijing went on the offensive. Firstly, they reportedly put the films' stars and directors on a blacklist. Whether this blacklist formally exists is a subject of continuing dispute, but even the perception that it exists has haunted some of the people involved in these 1997 projects. The production companies for each of the films were also barred from doing business in China for the next five years.²⁴ Thus, Hollywood studios were put on notice that Beijing could retaliate based on portrayals perceived as negative and that such reprisals could target not just directors, actors, and studios but also parent companies with substantial additional interests in Beijing.

"That was the first time that people woke up to the fact that the weakest link in your chain will hurt the strongest link if you're dealing with China," said Stanley Rosen, professor of political science and international relations at the University of Southern California, speaking to PEN America. "China will focus on everything that has a China component in it. Don't think that if you're doing something that's not intended for China, that's an indie film meant for a small market, that China won't notice and that it won't hurt your blockbuster film. It will."²⁵

The balance of power between Beijing and Hollywood at that time was heavily weighted in Hollywood's favor, so that these hardball tactics were easier to shrug off. "The size of the China market in those days was the same size as the market in Peru. Very small," explained Rosen.²⁶ In other words, not sizable enough to significantly impact studios' bottom lines. And yet, it taught the studios a powerful lesson about how aggressively the CCP would wield its powers against Hollywood depictions that struck against its interests.

Hollywood heavy hitters were quick to retreat. In October 1998, Disney Chief Executive Officer Michael Eisner met with Premier Zhu Rongji in Beijing, to talk about the company's expansion plans in China, and about *Kundun*. "The bad news is that the film was made; the good news is that nobody watched it," Eisner said. "Here I want to apologize, and in the future we should prevent this sort of thing, which insults our friends, from happening."²⁷

Several Hollywood professionals made reference to 1997 as a sort of high-water mark for Hollywood studios' willingness to make films that engaged in direct, high-profile criticism of Beijing. At points, these professionals would refer to *Seven Years in Tibet* as a sort of archetype—a movie where the plot and themes squarely take issue with Chinese governmental policy; in short, a movie that would arouse the ire of Beijing and that no Chinese censor would ever allow without the imposition of edits that would completely transform the film's message. Explaining why one of their movies was expected to be approved for showing within China, one studio executive PEN America spoke with ended their sentence by saying, "after all, we're not making *Seven Years in Tibet*." In our conversations with these professionals, it was taken as a given that such a movie would be almost impossible to make today, at least by any major studio.

CHINA'S FILM CENSORSHIP SYSTEM

China's ruling Chinese Communist Party has long imposed a censorship system over all forms of media and entertainment, including books, television, film, radio, news media, and social media. Beijing operates the world's largest, most comprehensive, and most sophisticated system of state censorship.²⁸ It does so with an avowedly political intent. Many of the regulations were developed under the justification of promoting the national interest: to support "social stability," for example, or to stop the spread of "malicious rumors."²⁹ However, these restrictions often explicitly protect and benefit the interests of the Party and the country's political leadership.

As part of this systematic censorship, the Chinese government imposes a strict pre-publication review system for all films, and retains the right to ban any film that does not comply from being shown in theaters—or even from streaming online—within the country. This institutionalized system of censorship applies both to domestic and foreign films.³⁰

In 2016, China's National People's Congress passed the Film Industry Promotion Law, the first national law on film in China.³¹ The Law formalized many of the government's long-standing regulatory policies, including many of their policies around censorship. Article 16 of the law—which came into effect in March 2017—sets out a fairly comprehensive list of the content that Beijing bans from its film screens.

- (1) violations of the basic principles of the Constitution, incitement of resistance to or undermining of implementation of the Constitution, laws, or administrative regulations;
- (2) endangerment of the national unity, sovereignty or territorial integrity; leaking state secrets; endangering national security; harming national dignity, honor or interests; advocating terrorism or extremism;

- (3) belittling exceptional ethnic cultural traditions, incitement of ethnic hatred or ethnic discrimination, violations of ethnic customs, distortion of ethnic history or ethnic historical figures, injuring ethnic sentiments or undermining ethnic unity;
- (4) inciting the undermining of national religious policy, advocating cults or superstitions;
- (5) endangerment of social morality, disturbing social order, undermining social stability; promoting pornography, gambling, drug use, violence, or terror; instigation of crimes or imparting criminal methods;
- (6) violations of the lawful rights and interests of minors or harming the physical and psychological health of minors;
- (7) insults of defamation of others, or spreading others' private information and infringement of others' lawful rights and interests;
- (8) other content prohibited by laws or administrative regulations.

Many of these prohibited categories, such as "harming national interests," "endangering national security," and "disturbing social order" are terms employed by Chinese authorities as political weapons against critics, dissidents, and others who are perceived to threaten the ruling Chinese Communist Party's political goals. These terms have their analogs in the nation's criminal codes, which are used to punish speech and other acts of peaceful advocacy.³²

For example, the rhetoric of "endangering national unity" is commonly employed against ethnic minorities who dare to advocate for their people's collective rights. Examples include Inner Mongolian historian Lhamjab Borjigin, under house arrest for "sabotaging national unity" for compiling the oral his-

tories of Inner Mongolian people's experiences under the Cultural Revolution;³³ Tibetan language-rights advocate Tashi Wangchuk, serving a five-year sentence for "inciting separatism" after participating in a *New York Times* article about his peaceful advocacy;³⁴ and Uyghur academic Ilham Tohti, serving life imprisonment for "separatism" after dedicating his career to peacefully promoting Uyghur rights.³⁵ These are only a few examples of such cases.

Similarly, allegations of disrupting the public order or subverting state power have been levied as criminal charges against some of China's most prominent human rights defenders, from human rights lawyer Xu Zhiyong to Nobel Peace Prize winner Liu Xiaobo.³⁶ These criminal charges commonly result in years-long imprisonment terms. Meanwhile, in the name of such terms as "social morality," Beijing has implemented a wide-ranging ban on LGBTQ+ portrayals.³⁷

In all, these vague and overbroad prohibitions are inherently threatening to international guarantees of freedom of expression, and thus incompatible with Beijing's obligations under international law. Furthermore, Beijing's usage of these broad categories as weapons against its critics reveal how it has weaponized these vague and innocuous sounding terms, and how these categories of banned content connect directly to the government's criminalization of dissent.

Regulators will episodically publish updated guidelines that further codify—and often expand—the list of prohibited subjects or themes.³⁸ But commentators commonly note that no published list covers all of the "no-go" areas for the CCP, that the rules constantly shift, and that no filmmaker can ever entirely be certain what is prohibited and what is allowed.³⁹ The strategic ambiguity leads to constant speculation as to why any specific film is accepted or rejected.

The overarching goal of this censorship is to prevent stories or messages that the censors deem a threat to the supremacy of the CCP and to Beijing's sovereignty and sense of nationalism. But Beijing's censorship has an affirmative as well as a negative dimension. In addition to knowing what redlines cannot be crossed, filmmakers are encouraged and rewarded for promoting storylines that reinforce preferred government narratives. Censors push filmmakers to assume an actively propagandistic role on behalf of the Party, a tactic which censors euphemistically refer to as "telling China's story well."⁴⁰

The 2016 Film Industry Promotion Law makes this propagandistic element of Beijing's approach to film explicit, albeit couched in the type of bureaucratic jargon that the CCP euphemistically employs.⁴¹ Article 36 of the Law declares that among the types of films the Chinese state supports are "major films that transmit the glorious Chinese culture or promote core socialist values."⁴² Again, this Law merely represents a legislative formulation of what was already CCP policy.

Beijing's film censorship is dynamic: the rules can shift in response to the government's priorities of the day, and censorship can worsen or lighten up depending on a multitude of factors. Sam Voutas, an Australian actor and filmmaker who has made several films in China, described film censorship to PEN America as a "pendulum," elaborating that "historically speaking, there's a tightening, followed by a loosening, followed by another tightening."⁴³ This dynamism means that Chinese leaders are easily able to lift its restrictions—if and when they want to.

THE INSTITUTIONAL DESIGN OF FILM CENSORSHIP



The main entrance of the Majestic Theatre in Shanghai. Photo by Legolas1024

Responsibility for film censorship has shifted over the years. Prior to 2013, it was the SARFT, or State Administration of Radio, Film and Television. In 2013, the SARFT was merged into a new, larger, bureaucratic organization, the State Administration of Press, Publications, Radio, Film and Television or SAPPRFT.⁴⁴ or both the SART and the SAPPRFT, the regulators doing the actual censorship sat with the subsidiary Film Bureau, a rotating group of technocrats whose job was to read over scripts or watch finished films seeking theatrical release in China.⁴⁵ While the Film Bureau was the main film censor, other ministries—such as the Ministry of Culture—often played a supplementary role in the film approval process, leading to overlapping regulatory requirements that Hollywood producers would have to deal with in order to obtain approval for their movie in China.⁴⁶

There are also the constellation of state-owned enterprises (SOEs) that operate simultaneously as regulators and as business partners for foreign studios looking to bring their films to Chinese screens.

Of these, the most important body is the China Film Group Corporation, or CFGC.⁴⁷ The China Film Group is a governmental body that acts simultaneously as regulator and state-owned enterprise. It is the country's most significant film distributor, being one-half of the “duopoly”—alongside another state-owned enterprise, Huaxia Film Distribution—that has all-but-exclusive control over the Chinese distribution market.⁴⁸ But it also finances, produces, and distributes films, as well as owning many Chinese theaters. China Film Group Corporation, through its subsidiary China Film Co-Production Corporation, also oversees and manages all co-productions between foreign and Chinese studios.⁴⁹

SOEs like China Film Group Corporation—bodies tasked with acting simultaneously as regulator and as business partner—have a strange set of sometimes-contradictory goals. As enterprises, they aim to make money. But the specific political goals of the Party, including the goal of using censorship and creative propaganda as a tool of governmental

power, are hard-baked into their corporate model. As such, there is no point where an executive from the Corporation is operating purely as a businessperson without a political agenda; the censor's hat is always firmly affixed.

The regulatory flowchart for Chinese film censorship often shifts. But a major change occurred in 2018, when the SAPPRFT was disbanded and the Central Propaganda Department took over as the central authority for film censorship. This latest major regulatory shake-up is a tremendously important development, and a negative one for freedom of expression in China.

2018: THE PROPAGANDISTS TAKE OVER THE SHOP

In 2018, China's leaders implemented a massive regulatory shake-up, one geared at further centralizing power into the hands of President Xi and the ruling Chinese Communist Party. The SAPPRFT was eliminated, and regulatory oversight over all media was given to the Central Propaganda Department (CPD).⁵⁰ The CPD is not technically a government body, but instead the public relations/propaganda division of the ruling Chinese Communist Party. Its head, Huang Kunming, is considered a close ally of President Xi Jinping, and reports to him directly.⁵¹

The massive regulatory change was announced by the CCP's Central Committee in March 2018, as the "Plan for Deepening the Reform of Party and State Institutions." Much of the regulatory shift centered around centralizing control of journalism and media in the hands of the Party. Chinese media organizations—such as China Central Television and China Radio International—were now directly under the control of the CCP's propaganda wing.⁵²

The 2018 Directive also handed over the SAPPRFT's former responsibilities directly to the CPD, which

now directly oversees the film and television industries—including the importation and review of foreign films as well as the regulatory process for foreign/Chinese joint productions.⁵³ To further formalize the shift, the CPD was given oversight over the China Film Administration.⁵⁴

It is important to understand that in China, the Party both oversees and outranks the government: the top official in any Chinese province, for example, is not the governor but the Party Secretary. (Imagine if the chairperson of the Ohio Republican Party supervised the Ohio governor). By moving control of film to a more powerful, more conservative body that is more sensitive to what it perceives as slights against China, the Party is tightening the reins on creative control.⁵⁵

The 2018 announcement made clear that the CPD had a new, more muscular, mandate to bring film in conformance with Party ideology. The Central Committee emphasized that film, specifically, played a "special and crucial" role in "spreading propaganda."⁵⁶ Also, unlike the censors of the Film Bureau who often had experience with filmmaking, these new censors are trained mostly in Communist Party doctrine—a very different lens. The overall result of the change, as both outside analysts and industry insiders who spoke to PEN America affirmed, is a tighter level of political and ideological control over the film censorship process.

AN OPAQUE AND HIDDEN SYSTEM

Censorship strictures have traditionally been communicated to filmmakers or studios not in writing, but in phone calls or face-to-face meetings between Chinese officials and the filmmakers or their studio.

This emphasis on spoken—not written—interaction has two major implications. Firstly, it gives these pronouncements the appearance of a negotiation.

Filmmakers, being told that their script requires rewrites or that certain scenes must go, technically have some space to push back—although that space is constrained by the unequal power dynamic. Yet it also means that filmmakers are, by design, forced to become complicit in their own censorship. After all, they are not just passively obeying a set of written orders passed down from on high, but instead actively agreeing to implement a censor’s polite “request.”

High-profile filmmakers like Zhang Yimou, who is widely identified as one of China’s top artistic talents and who is socially connected to top CCP officials—may be able to use their clout to win additional creative leeway.⁵⁷ But for the average filmmaker, there are few cards to play against a censor who is backed up by an entire bureaucratic system.

The emphasis on verbal communication also helps ensure that Beijing’s censorship remains opaque for outside viewers. There is little written record for filmmakers trying to gauge where the redlines are specifically drawn. With suggestions on specific films generally delivered verbally, there is often no paper trail, which helps protect the technocrats if the political winds shift and the item they let go in a film one week is banned the next. And filmmakers or studios cannot as easily share guidance with colleagues in the film industry.

Absent written parameters, film professionals are reliant on rumor and innuendo to determine where the actual boundaries of censorship lie. This lack of regulatory transparency is a feature, not a bug. When people do not know where the lines of censorship lie, they will be extra cautious in self-censoring for fear of crossing an invisible line.

Additionally, no decision is ever truly final; censors can approve a film at one point in the process, only to reverse themselves later. “One of the peculiarities of China’s censorship system,” explains USC Professor Rosen, is that “a senior official can intervene at the last minute, or at any time, and veto a decision that had previously been made to show a film at a film festival or exhibit a film in Chinese theaters.”⁵⁸

As an example of how this particularity has affected foreign films, Rosen pointed to Quentin Tarantino’s *Django Unchained* (A Band Apart & Columbia Pictures, 2012), which Chinese censors had originally approved for release, only to pull the movie from cinemas after it had begun showing. There was never any publicly given reason for the sudden reversal, but it is widely assumed that leading film officials simply “overruled” their subordinate censors’ decision at the last minute.⁵⁹

All of this ambiguity leaves filmmakers uncertain as to what content is permitted and what is prohibited, a sentiment that has spread to Hollywood. “Where you are getting your info from seems to be constantly shifting,” recalled one Hollywood producer, speaking to PEN America. “There’s no document, no checklist. You’ll hear through the grapevine, or someone hears from a contact . . . it’s so mercurial and constantly shifting, [that] you can’t be too deliberate because you don’t know what the issue is. It’s all fairly informal . . . we’re all traveling in the same circles and exchanging information.”

“It is tough to figure out how to self-censor” to the minimum extent to please Beijing’s regulators, another Hollywood producer, who has worked in China, expressed to PEN America. “You just don’t know what is right and what is wrong.” This kind of ambiguity is exactly what Beijing wants.

ADDITIONAL LEVERS OF REGULATORY POWER

Beijing's system of centralized state control over the industry gives its regulators powers that many other national film boards do not have, powers that it wields to deliberate political effect.

One of the powers that Chinese film regulators have—something that is not the case in the United States—is that they are not only able to determine *if* a movie is released and with what content, but *when* and *how* the movie is released.⁶⁰ Chinese government actors determine the opening date for the movie, how much advertising distributors and marketers are allowed to purchase, and on how many screens the movie will play. This power, which extends to both domestic and foreign films, means that even when governmental officials allow a movie to be screened, they can still make or break a movie's chances at the box office by assigning a favorable or unfavorable release date, removing it from the screens early, or forcing its release to coincide with another similar Hollywood movie that presents stiff competition.

Chinese regulators can also choose whether the foreign movie's Chinese debut occurs in close proximity to its worldwide release. For Hollywood studios, a simultaneous release across the globe can help drive global buzz. The opposite—a Chinese premiere weeks after the movie has already been released in other countries—dampens Chinese theatergoers' enthusiasm for the movie and gives time for China's shrinking but still extant black-market pirated movie sector to step in and siphon away profits. In short, Beijing's ability to dictate a movie's release date grants it significant leverage.

In fact, under the Chinese box office system, government officials offer both a carrot and a stick to Hollywood studios. Beijing can not only penalize studios—by denying them quota spots if they do not

make requested cuts—but they can also offer perks to help boost the earnings of movies they approve.

Studios that maintain a cooperative relationship with the Chinese government for their films may obtain coveted release dates, such as weekends coinciding with major Chinese holidays, an advantage that imported films rarely receive, and one that translates into tangibly higher returns.⁶¹

In fact, one Hollywood producer told PEN America that Hollywood studios are increasingly considering formally producing films jointly with Chinese studios, a process which comes with a heavy side of government-imposed regulation from Beijing, in part because the process offers them more—and better—potential release dates.

In other words, regulators can not only punish studios that fail to play ball with censors, but also actively reward studios who proactively submit to such censorship.

BLACKLISTING AND FEAR OF RETALIATION

Hollywood's largest companies are multinational corporations. Most are subsidiaries of sprawling conglomerates whose business interests span the globe, and who stand to lose billions if the Chinese government—the gatekeeper to the world's most populous nation and its second-largest economy—chooses to punish them.

Studio parent companies have a slate of Chinese business interests. Disney, for example, has a 47 percent stake in the Shanghai Disneyland Park, which opened in 2016 and which cost over \$5.5 billion to build.⁶² Universal Studios, meanwhile, is planning to open the Universal Beijing Resort next year—complete with two theme parks, six hotels, a waterpark, and an entertainment complex—with construction reportedly continuing even during the coronavirus pandemic.⁶³

The price tag for the resort complex is \$6.5 billion, and will be co-owned by Universal and Beijing Shouhuan Cultural Tourism Investment, a coalition of Chinese state-owned companies.⁶⁴

All of these business pressures combine so that, in the words of University of California Los Angeles Professor Michael Berry, Hollywood studios “would be silly not to address the censors. The Hollywood companies are increasingly savvy and increasingly paranoid. Instituting self-censorship is the way to go, especially as the big mainstream blockbusters need China . . . Hollywood has internalized these self-censorship mechanisms.”⁶⁵

Berry, speaking to PEN America, elaborated that “lots of these broadcast and media companies have their hands in many different pies, so why jeopardize big business ventures for 90 seconds” of content that could just as easily be cut?” This attitude is particularly the case for the major studios, Berry added, who “know the rules and are already playing by them.”⁶⁶

These business interests, along with the incentives for studios to play nice with Chinese regulators, may help explain why some studios even self-censor movies that are unlikely to ever make it into Chinese theaters—movies like *Red Dawn* (Contrafilm, 2012) or *Top Gun: Maverick* (Skydance Media et al., 2020), vehicles for a distinctly American nationalist vision.

The fear that angering China on one project can hurt business interests elsewhere is not limited to studios; it is shared by producers, writers, and other Hollywood professionals. And this anxiety over possible punishment is the handmaiden of self-censorship. “If you come up with a project that is actively critical” of China, one Hollywood producer who has worked with larger studios said to PEN America, the fear is that “you or your company will actively be blacklisted, and they will interfere with your current or future project. So not only will you bear the brunt [of your decision],

but also your company, and future companies that you work for. And that’s absolutely in the back of our minds.”

Yet another producer, who has worked on several projects with Chinese backing, put it more succinctly: “Most people do not burn China, because there’s an expectation of ‘I’ll never work again.’”

One specific thread of this concern is the fear that Beijing could retaliate against specific people by blacklisting them, refusing them future entry into China, and/or declaring them persona non grata for Chinese production partners or CPD censors evaluating movies in which they appear so that they become radioactive to any studio. There is no public record of a formal blacklist, but CPP institutions occasionally reference its existence as a formal document, and it is widely believed to exist.⁶⁷

High-profile examples of presumed-blacklisted members of the film world include actress Sharon Stone,⁶⁸ actress/singer Selena Gomez,⁶⁹ actor Harrison Ford,⁷⁰ and Richard Gere.⁷¹ In these cases, the blacklist has been avowedly political, reportedly occurring after the actors participated in films critical of China or simply in events that the CCP frowned upon, such as a photo opportunity with the exiled Dalai Lama.⁷²

Most publicly, Richard Gere has alleged that he has since paid a significant professional price for his long-standing activism on Tibet, saying in one 2017 interview that “There are definitely movies that I can’t be in because the Chinese will say, ‘Not with him’. . . . I recently had an episode where someone said they could not finance a film with me because it would upset the Chinese.”⁷³

And while each of these actors has sufficient fame and fortune to weather the blacklist to varying extents, that is not the case for all working Hollywood professionals, with some concluding that being blacklisted would represent a professional death knell.

This blacklisting varies greatly in severity and length—sometimes its decades, but more often it's a visa denial or a stern verbal warning to a producer or executive, for example, not to work with a certain actor or screenwriter because he or she is “not friendly” to China. And it's not static. Brad Pitt, widely believed to have been blacklisted for starring in *Seven Years in Tibet* (Mandalay Entertainment, 1997), joined his then-wife Angelina Jolie on a promotional tour in China for Disney's *Maleficent* (Walt Disney Pictures & Roth Films, 2014) in 2014, and in 2016 visited to promote his movie *Allied* (Huahua Media, GK Films, & ImageMovers, 2016) which was released there.⁷⁴

Even so, Beijing seems to encourage the perception that it engages in routine blacklisting and punishment of film professionals who contravene the Party's will. To entrench this fear among filmmakers, they will encourage “offenders” to admit their “mistakes” as a cautionary tale to others, in keeping with a long-standing axiom of Chinese governance, “Leniency for those who confess, severity for those who resist.”⁷⁵

As an example, the director of *Seven Years in Tibet*, Jean Jacques Annaud, was believed to be blacklisted for his involvement in the project. Over a decade later, in 2009, Annaud was tapped to direct the French-Chinese joint production *Wolf Totem* (China Film Co. et al., 2015). In a Sina Weibo (China's largest blogging platform) publicity page that Annaud apparently set up to chronicle his work on the movie, he released a letter essentially apologizing for his participation in *Seven Years in Tibet*. In his letter, Annaud “solemnly declared” that he “never participated in any Tibet-related organization or association . . . never supported Tibetan independence, and never had any private contact with the Dalai Lama, and moreover, becoming friends with him is out of the question.”⁷⁶ This apology letter is now inaccessible to the public, having subsequently been placed under restricted viewing by someone with access to Annaud's Weibo account, but PEN America has reproduced an archived copy of the letter along with our English translation below.⁷⁷

阿诺：西藏是中国领土的一部分
(2009-12-28 16:48:38) 转载▼

阿诺最新博文：有关《西藏七年》和《狼图腾》

十五年前，美国哥伦比亚电影制片公司决定投资将德国作家Heinrich Harrer的一本畅销自传体小说《西藏七年》拍成电影搬上银幕。我在该电影项目中担任导演。故事讲述的是一名德国登山运动员与一位孩子（现在的达赖喇嘛）的相遇，相识。没有想到的是这部电影播映后使我的中国朋友受到了某种民族情感上的伤害。这一直都是令我很痛心的事情。

在那个双方缺乏交流沟通的时期，由于缺乏对中国历史和文化的透彻了解，我无法预想到这部影片播映后在中国产生的不良影响，对此我深表歉意。其实，在这部影片中我最终的本意是想传达“和平”的意愿，但事与愿违，对此我深感遗憾。

还有一些误解我想在此澄清。我是一个文化活动的热衷者，经常被邀请参加犹太文化，伊斯兰教文化和基督教文化的纪念活动等。去年我还参加了在法国中部举行的佛教文化开幕式。我每次被邀都很荣兴，但这并不代表我信仰他们的宗教和文化。我是个无神论者，我自己一直坚定的信仰是：平等，独立和自由（这也许与我现实中的一些“中庸”举动相反）。

在此我必须郑重声明：我从来没有想过要加入任何宗教，并且我从来没有参加过任何跟西藏有关的组织和协会。事实上，我一直尊重国际公约的规定，承认西藏是属于中国领土的一部分。我从

来没有支持过西藏独立，也没有与达赖喇嘛有过私人的交往，更加谈不上是他的朋友。我希望得到大家的理解和对事实的尊重，因为我希望成为你们真正的朋友，可以放心敞开彼此心扉的朋友，因为我想人类的每一颗心灵都是惧怕孤独的。

我现在正在积极的筹备，准备把姜戎先生的《狼图腾》搬上银幕。我希望通过这个“人与自然”的美丽故事，传递一种人世间以及宇宙间万物生灵间相互的理解和尊重。向全世界的观众展现一幅有关现代中国的巨型和谐画面，用美丽的自然风光和丰富的物种情感，使更多的人更加热爱中国，更加热爱中国人民精神的博大精深。

真诚的：让 - 雅克 - 阿诺

Annaud's newest blog: On "Seven Years in Tibet" and "Wolf Totem"

Fifteen years ago, America's Columbia Pictures decided to invest in the German author Heinrich Harrer's best-selling autobiographical novel "Seven Years in Tibet" and turn it into a movie for the big screen. I was the director of this movie project. The movie told the story of a German mountain climber's encounter and acquaintance with a child (the current Dalai Lama). What I didn't anticipate is that after this film screened, my Chinese friends would feel that their national dignity/pride had been harmed in some way. This has been something that has pained me all along.

Due to a lack of thorough understanding of China's history and culture in that period when both sides lacked communication and exchange, I had no way to predict that this film would produce a negative impact after it screened. For this, I express my deep apologies. In fact, my ultimate intention had been to convey a wish for "peace," but the reality and my intentions were at odds. For this, I express my deep regret.

There are some other misunderstandings that I'd like to clarify. I am someone who is passionate about cultural activities, and am often invited to attend Jewish, Islamic and Christian cultural memorial activities, etc. Last year I even attended a Buddhist culture opening ceremony in central France. Every time I am invited, I'm always very honored and excited, but that doesn't mean that I believe in their religion or culture. I am an atheist. What I have always firmly believed in is: equality, independence and freedom. (This may be in contrast with some of my "moderate" activities in real life.)

On this matter, I must solemnly declare: I have never considered joining any religion. Furthermore, I have never participated in any organization or association related to Tibet. In fact, I have always respected the rules of international conventions that acknowledge that Tibet is a part of Chinese territory. I have never supported Tibetan independence, nor have I had personal contact with the Dalai Lama, let alone been his friend. I hope to obtain everyone's understanding and respect for these facts, because I hope to become your true friend – friends who can, without concern, open the doors of their hearts wide to each other – because I think every human heart is afraid of loneliness.

I am now actively preparing to bring Mr. Jiang Rong's "Wolf Totem" to the big screen. Through this beautiful story of "man and nature," I hope to transmit a kind of mutual understanding and respect between man and the world, between the universe, between all things and all living beings, and to reveal to viewers around the world a picture of modern China's vast harmony. Using the emotion aroused by the beautiful natural scenery and an abundance of species, [I hope to] make more people more ardently love China, and more ardently love the breadth and depth of the Chinese people's spirit.



Posters of Chinese and Hollywood films line a sidewalk in Shanghai. Photo by Kenneth Lu

Annaud would go on to downplay this apology in the Western press, insisting to one interviewer in 2015—the year *Wolf Totem* was released—that “no one important” had asked him to write the statement.⁷⁸ Annaud elaborated that “Tibet cannot survive without being either with China or with India. I think it’s irreversible and there are battles that cannot be won,” a fatalistic sentiment that may indicate Annaud’s own sense of his relationship to Beijing as a foreign filmmaker.⁷⁹

Annaud went on to finish *Wolf Totem* and, later, to produce the Chinese film *Genghis Khan* (Soovii, Beijing, 2018). Annaud himself, in subsequent Western

media appearances, has diplomatically played down reports that he was ever banned in China in the first place, calling it “mostly a rumor in my case.”⁸⁰

But even the *perception* that the apology was responsible for Annaud’s removal from the blacklist helps accomplish the Party’s goal of convincing other directors that active acquiescence to its censorship is nonnegotiable, hiding the fact that other Hollywood players, like Brad Pitt, apparently came off the blacklist without the need for any such public apology. In sum, Beijing’s tactic of intimidation derives its power not from the blacklist itself, but from the threat of the blacklist.

PART II: THE WAY THIS INFLUENCE PLAYS OUT

Beijing uses the substantial leverage it has over Hollywood to political effect: pushing Hollywood decision-makers to present a sanitized and positive image of China and its ruling party, and encouraging Hollywood films to promote messages that align with its political interests. Beijing's goal is not merely to prevent its own population from receiving messages that it deems hostile to its interests, although that is a major element of its censorship structure. Instead, the CCP wants to proactively influence Hollywood toward telling stories that flatter it and play to its political interests.

These efforts have borne fruit. In Hollywood today, there is widespread compliance with Beijing's censorship strictures. Such compliance, not infrequently, goes further, with studios actively cooperating with Beijing's propagandistic goals. Although many may not consciously view their actions in those terms, the effect is the same: some of Hollywood's biggest films today have been developed in keeping with the goals of the Chinese government's censorship regime. As a result, the Chinese Communist Party current enjoys significant control over what stories are seen by audiences across the globe.

BEYOND CENSORSHIP— CREATIVE PROPAGANDA AND SHAPING THE NARRATIVE ABOUT CHINA

From the CCP's point of view movies in China are meant not purely for entertainment but as a means to convey approved messages that reinforce a positive image for Beijing and CCP supremacy.⁸¹ Beijing has wielded its leverage over the lucrative Chinese film market as a form of what Harvard Professor Joseph Nye has referred to as "soft power" in an effort to promulgate favorable narratives about the country.⁸²

CCP leaders have not been shy about making these objectives explicit. In October 2011, for example, the CCP's Central Committee issued a communiqué declaring that there was "an urgency for China to strengthen its cultural soft power and global cultural influence."⁸³ More recently, President Xi and other prominent officials have been fond of employing the term "discourse power," a term that captures their focus on deliberately harnessing and promoting pro-government narratives.⁸⁴

In the filmmaking field, this means that Beijing's goal is not merely to censor content or themes that it finds threatening, but rather to also proactively work to shape film narratives so that they portray a specific vision of China: one that is thriving, harmonious, powerful, and—perhaps most importantly—unified under the unchallenged and benign leadership of the Party.

As one report described it, Beijing's soft power push across these different mediums has no less ambition than to "reshape the global information environment. . . . The aim is to influence public opinion overseas in order to nudge foreign governments into making policies favorable toward China's Communist Party."⁸⁵ And while China is certainly far from the only country to attempt to wield its cultural influence as an instrument of state, the Chinese Communist Party is distinctive for the degree of control it seeks to exert on all manner of global representations and depictions of itself as a rising global superpower.

"I think China has harnessed the power of creative propaganda," said another Hollywood producer who has worked in China to PEN America. "Since the realization of the power of pop culture, you have more creative propaganda films."

A significant tactic for China's soft power push is encapsulated in an axiom that the CCP invokes as strategy, "Borrowing a boat to go out on the ocean," or "借船出海." The phrase often refers to Beijing's strategy of covertly placing CCP messaging or content into foreign media outlets, globalizing its propaganda in order to influence foreign audiences.⁸⁶ It is this "boat-borrowing," for example, that was on display in 2015 when an investigative report revealed that the state-run China Radio International had secretly purchased at least 33 radio stations in 14 different countries across North America, Australia, and Europe, structuring their ownership in such a way that hid the fact that these stations were ultimately owned by the Chinese government.⁸⁷

But news media is not the only boat at sea. "Hollywood is the world's largest and most powerful boat," journalist Bethany Allen-Ebrahimian, who has tracked this issue for several years, explained to PEN America. "And China has most certainly borrowed it. Hollywood speaks with emotion, and emotion can reach people that news articles and Congressional reports never will."⁸⁸

This effort to shape and control all narratives about China leads the CCP to push for film content that actively portrays the country and its leadership in a specific light. The role of the CCP censor, therefore, is not only to demand cuts from foreign films, but instead to demand a far greater degree of influence, including over the film's message as a whole.

CENSORSHIP AND SELF-CENSORSHIP FOR MOVIES

It is no secret that international films, when screened before Chinese audiences, are often missing content—that certain scenes, lines of dialogue, or shots will have been removed at the censors' behest. This is the most obvious way that China's censors exercise their power: providing an ultimatum to studios that

certain content must be cut or edited from the master version of the film in order to be allowed at all before Chinese theatergoers.⁸⁹

As a result, some of Hollywood's most famous movies exist in an altered, censored China-release version. *Mission: Impossible III* (Cruise/Wagner Productions, 2006), for example, was released in China with several small scenes excised, such as a scene where protagonist Ethan Hunt kills a Chinese henchman⁹⁰ as well as a visual where the viewer can see a clothesline hanging from a Shanghai apartment airing tattered underwear.⁹¹ For James Bond's *Skyfall* (Sony Pictures, 2012), censors demanded a scene be cut where a Chinese security guard is killed, as well as references to sex work and police torture.⁹² In a previous James Bond movie, *Casino Royale* (Eon Productions et al., 2006), actress Judi Dench revealed that she had to re-dub one of her lines for the movie's Chinese release, changing "Christ, I miss the Cold War" to "God, I miss the old times."⁹³

Beijing's censors commonly demand that kisses between same-sex characters disappear, in movies like *Cloud Atlas* (Warner Brothers Pictures, 2013),⁹⁴ *Star Trek Beyond* (Paramount Pictures, 2016),⁹⁵ and *Alien: Covenant* (Twentieth Century Fox, 2017);⁹⁶ they also demanded the removal of several scenes about the sexuality of Queen lead singer Freddie Mercury from the biopic *Bohemian Rhapsody* (Twentieth Century Fox, 2018).⁹⁷

These examples are illustrative of a widespread pattern, whereby the censors insist on changes, and studios—as well as directors, actors, and others needed to implement the changes—accede.

This posture of cooperation with Beijing-requested cuts is now so unremarkable, that it makes the news when a member of the Hollywood elite publicly refuses to participate. This is what happened with *Once Upon a Time in Hollywood* (Columbia Pictures et al.,

2019). The movie, directed by Quentin Tarantino, was pulled from China's movie release schedule only a week before the film was slated to be released within the country, reportedly in response to the movie's insufficiently heroic depiction of Bruce Lee.⁹⁸ Tarantino, who reserved the right in his contract to approve the final cut of the movie, refused to recut the film to appease China's National Film Administration, nixing the movie's chances of a China release.⁹⁹ The news made entertainment headlines.¹⁰⁰ "When the story of a director refusing to participate is newsworthy, you know that this is a pervasive phenomenon," concluded screenwriter Howard Rodman, speaking to PEN America.¹⁰¹

As Tarantino's refusal demonstrates, directors, producers, and studios all have leverage to refuse to allow their films to be distributed in censored form. But, as public reporting indicates and as Hollywood insiders PEN America spoke with affirmed, studios often put considerations of market access and revenue ahead of the defense of creative freedom.

And of course, as an industry leader, Tarantino is an outlier in his ability both to insist on final approval rights and to resist studio pressure to conform. Many other directors—especially new or emerging directors—may feel they lack leverage when faced with an ultimatum from studio executives demanding a censored China cut for their film.

China is far from the only country to censor foreign films—other prominent offenders include Russia, Saudi Arabia, Singapore, and Turkey. In fact, both democracies and dictatorships, liberal and illiberal governments have film censorship. But, because of the size of its market, China is the only country that can effectively wield its economic clout in order to compel substantial cooperation from Hollywood studios. In place of amateur cuts done after the fact by bureaucrats, often without the consent or even knowledge of the movie's directors and producers,

the Chinese government can insist that Hollywood studios do their dirty work for them, producing edits and alterations that more effectively hide the fact that the movie had been censored.

STUDIOS ENGAGE IN INFORMAL DIALOGUE WITH CENSORS

The censor's review process introduces substantial uncertainty for Hollywood studios, who can sometimes be left waiting on tenterhooks to find out if their film will be permitted to be screened and promoted, whether it will receive a coveted quota spot, and when they can release the film within China. This uncertainty and financial risk, Hollywood insiders made clear to PEN America, is anathema to Hollywood studios, incentivizing them to take steps to ensure upfront that content does not set off Beijing's tripwires.¹⁰²

Timing is another factor that can spur Hollywood studios to preemptively avoid content that may veer toward Beijing's redlines. Regulators can take their time reviewing films, which results in a significant gap between a film's international release and the Chinese release. That mismatch in timing cuts into studios' profits, as buzz for the film wanes and studios have to revise and shift expensive marketing plans, sometimes at the last minute. Finally, Beijing's film board can insist on re-shoots to scenes as a prerequisite to the movie's approval—at significant financial cost to the studio.¹⁰³ As one Hollywood producer and screenwriter, David Franzoni, put it in a 2013 interview, "they have a lot of power so you want to try to be sure you have it all down the first time."¹⁰⁴

The result, writes Associate Professor Aynne Kokas of the Department of Media Studies at University of Virginia, in her 2017 book *Hollywood: Made in China*,¹⁰⁵ is that films that present iffy material to Beijing's censors may find themselves paying the "financial penalty" for "airing China's dirty laundry—both literally and figuratively on-screen."¹⁰⁶

To avoid this “penalty,” Hollywood studios engage in a series of informal negotiations, conversations, and discussions designed to ensure they stay within the lines of content that Beijing will find acceptable. First, they lean on American and Chinese consultants, fixers, and their own people on the ground for expert advice as to what content will make the cut and what will not. Secondly, they establish informal feedback channels with Chinese officials and executives from a range of both state agencies and government-connected companies, parsing their advice to determine which content may need to go and what type of content may need to be added or emphasized. Finally, there are opportunities for studios to appeal and negotiate on behalf of their films; opportunities that provide studios an opportunity to push back against censorship, but which also normalize the give-and-take between Hollywood studios and Beijing regulators seeking to advance their censorious and political agenda.¹⁰⁷

Conversations about Beijing’s censorship appear to be so mainstreamed into the studio process, that they are evaluated as a matter of standard practice when studios are evaluating their China-distribution business strategy for a film.¹⁰⁸ “Large studio films are big-budget productions,” said one producer who has worked with big studios. “There are consultants who listen to story pitches, early screenings . . . processes to raise any possible red flags.” For films where China may play a role, “you consult with Chinese experts and media consultants, you think about whether something is going to be perceived as criticism, you worry about inadvertently crossing some line.”

Film consultants based in China are a vital link in the communication chain between Hollywood and Beijing. Consultants often handle much of the actual communications with regulators, and report back to their Hollywood clients in conversations in which censorship is just one of the subjects of conversation.¹⁰⁹

PEN America spoke with film consultants who stressed that their conversations with film studios mainly deal with the cultural and professional differences between Beijing and Hollywood, of which institutionalized censorship is only one part. But it is nonetheless a crucial part.

Studios may have Chinese partners—such as marketing firms or distributors—that can similarly serve as cultural intermediaries between Hollywood and the censors. As this report notes elsewhere, Chinese financiers may play a mediating role between the Hollywood studio and Beijing. But they are not the only ones who can play this role. For example, Chinese marketing firms, Hollywood executives noted to PEN America, are an indispensable partner for studios launching their film within China.

This web of business connections fits well within the Chinese business culture of “guanxi” (personal connections) and with a system of censorship that often enforces itself through unwritten “understandings” rather than formal rules.¹¹⁰ But it leaves the average moviegoer—in Nebraska as well as Nanjing—in the dark as to what content may have been cut or altered as part of an informal deal between the Hollywood studio and the Beijing censor, as well as to how these dynamics impact larger decisions about which stories get told and which do not.

Even with these feedback loops, however, studios can still be caught flat-footed, with censors changing their minds or raising new concerns at the 11th hour. Given the massive benefits of “having it all down the first time,” it is no surprise that studios have begun more actively self-censoring, identifying and removing or rewriting content that could be flagged by Chinese censors even before they submit their films for review.

REWRITING GLOBAL FILMS FOR A CHINESE AUDIENCE

The 2014 hack of Sony executives' emails, believed by many to be an act of retaliation for Sony's producing Seth Rogen's send-up of North Korea in *The Interview* (Columbia Pictures et al., 2014),¹¹¹ offered a rare glimpse of how normal it had become for studio executives to debate what film content should be shed in order to win access to the Chinese market. The emails revealed that Sony executives had cut or trimmed several scenes—including a shot of aliens bringing down the Great Wall—from its 2015 movie *Pixels* (Columbia Pictures et al., 2015) after determining the shots weren't worth the risk that it could hurt their chances for a Chinese release.¹¹²

The offending scenes from *Pixels* were removed from the worldwide release of the movie, not simply for any China-specific version.¹¹³ In fact, in one leaked email, one Sony executive made it clear that it was better for them to alter the master version of the film in order to better hide the extent of their self-censorship, writing, "if we only change the China version, we set ourselves up for the press to call us out for this when bloggers invariably compare the versions and realize we changed the China setting just to pacify that market."¹¹⁴

The leaked emails also showed how executives also openly fretted that the 2013 film *Captain Phillips* (Columbia Pictures et al.), starring Tom Hanks as a ship captain captured by Somali pirates, was unlikely to be approved by China's censors: the U.S. military going to such heroic lengths to rescue a single person, Sony's president of worldwide distribution theorized, might clash with Beijing's rhetoric on the importance of the collective over any single individual.¹¹⁵

And during the production of *RoboCop* (Metro-Goldwyn-Mayer Pictures et al., 2014), one Sony executive who had seen a cut of the film proposed that the

studio minimize the relationship in the film between the American corporation Omnicorp and the Chinese government. Sony made the changes.¹¹⁶ During their conversations, Sony executives discussed the issue of censorship matter-of-factly, with one writing, "Censorship really hassling us on 'Robocop.'"¹¹⁷

Sony was also involved in one of the decade's best-known examples of a studio changing content to avoid antagonizing Beijing: *Red Dawn* (Contrafilm), a movie issued by the studio in 2012. The film, a remake of a Cold War movie about a Soviet invasion of America, told a fictional story about a group of American fighters resisting China's occupation of the United States. After filming had been completed, the moviemakers transformed the antagonists into North Korean soldiers, including by digitally altering the Chinese flags and insignias into North Korean ones.¹¹⁸

Red Dawn was originally produced by MGM Studios, but the studio went bankrupt in 2010, and Sony Pictures took over distribution of the film. The media outlet *Vulture* reports that Sony's prioritization of the "Chinese relationship" triggered the changes, quoting MGM insiders saying that while MGM "could do what [it] liked," Sony—as a multinational company—could not "afford to piss off the Chinese."¹¹⁹

According to *Vulture*, one of the MGM insiders recalled hearing that the Chinese-antagonist version of the film would have problems in China "through these pseudo-government Chinese intermediaries and organizations." The *Los Angeles Times* reported that Chinese diplomats arranged to raise the issue with makers of *Red Dawn* by using a film production company with offices in the United States and China as a go-between and mediator.¹²¹

To many public commentators, and for several of the Hollywood professionals that PEN America spoke to, *Red Dawn* is an example of a China-driven change that should not ring alarm bells. For action

films like *Red Dawn*, one Hollywood producer told PEN America, “There’s a sense in which these aren’t great works of art, where changing who the bad guy is would change the story’s meaning.” But it’s not so simple. The original cut for *Red Dawn* reportedly offered a backstory for why China had invaded the United States: a narrative about how China was in effect repossessing the country after the United States failed to pay off its national debt.¹²² That story was jettisoned for fear of angering Beijing.

But Sony is not the only studio that has been caught making changes to its film in order to better appeal to Chinese officials or to increase the chances of succeeding in China.

Other examples include Marvel Studios’ *Dr. Strange* (2016), which whitewashed a major Tibetan character for fear of jeopardizing the film’s chances in China. The writer of the blockbuster Marvel film, C. Robert Cargill, in a media appearance, cited Chinese censorship when defending the controversial decision to transform the protagonist’s mentor from a Tibetan character—from the fictional Himalayan city of Kamar-Taj—to a Celtic one. He said, “If you acknowledge that Tibet is a place and that [the character is] Tibetan, you risk alienating one billion people who think that that’s bullshit and risk the Chinese government going, ‘Hey, you know one of the biggest film-watching countries in the world? We’re not going to show your movie because you decided to get political.’”¹²³

A few days after this statement, Cargill took conspicuous pains to state that this statement was “MY JUSTIFICATION, not Marvel’s,” and that he was “not part of any casting discussions or decisions.”¹²⁴ Marvel itself was silent on the controversy.¹²⁵ But even if one accepts Cargill’s subsequent “MY JUSTIFICATION” statement at face value, his answer reflects that of a screenwriter taking the Chinese government’s attitude toward Tibet into account when determining how his story should be told. In fact, the sentiment

within Cargill’s answer is almost irrational in its deference to Beijing, questioning whether Tibet even exists as a specific place.

Some commentators and advocates have alleged that Swinton’s casting is better understood through the lens of Hollywood whitewashing than through Beijing censorship.¹²⁶ Here, however, it seems that the two issues intersect—that by citing the regulatory risk from Beijing censors, Hollywood decision-makers can justify the avoidance of portrayals of Asian characters whose Asian identity would require thoughtful and nuanced treatment.

Cargill’s reference to the risks of getting “political” is also notable. Is it more political to hew to a story as written with a Tibetan character, or to write that element out of existence? Both are political acts, yet in Cargill’s mind Beijing’s taboos evidently rule the day. And while it seems possible that the Old One could have been not from Tibet but from a neighboring area like Nepal or Bhutan, there’s no public indication that such a move was ever considered—implying the possibility that Hollywood decision-makers see any portrayal of Himalayan characters as potentially politically sensitive.

Another prominent—and recent—example of such censorship-driven content decisions is the mysterious disappearance of the Taiwanese flag in the 2019 trailer for the much-anticipated *Top Gun* sequel (Skydance Media et al., 2020). When the trailer for the movie was released, eagle-eyed viewers noted that Tom Cruise’s leather bomber jacket—iconically adorned with Navy Tour patches—had changed since its appearance in the original 1986 film. In place of the Japanese flag was simply a red triangle against a white background, and in place of the Taiwanese flag Cruise’s jacket now sports a random patch that looks similar to the flag at first glance.¹²⁷ Depictions of the Taiwanese flag are a prime target for censorship in China. Yet, given that the movie was at that point over a year from

being released, it seems that Paramount Studios did not wait for censors to view the final product before deciding that it would be better to convert the Taiwanese flag into a meaningless symbol.

When the *Maverick* trailer was released, viewers familiar with the original film and with the historical significance of the patches were quick to call Paramount out on the change to Cruise's wardrobe. Paramount—which had worked with Chinese media titan TenCent on the marketing and distribution for the film—made no comment.¹²⁸

Hollywood is not the only film industry that has felt—and at times acceded—to Beijing's pressure. Last year, producers of the German anthology film *Berlin, I Love You* (Rheingold Films and Walk on Water Films, 2019) removed a section of the film directed by Chinese dissident artist Ai Weiwei from the final cut. Two of the film's producers publicly confirmed that the segment was removed due to concerns over the artist's status as persona non grata in China.¹²⁹ In other words, this Beijing-imposed self-censorship in film is not unique to the United States.

Despite the documented and widely suspected examples of studios' active cooperation with censors, ultimately, Hollywood's self-censorship is impossible to observe or document, because it involves movies that never had the chance to get off the ground in the first place for fear that the film would never enter the Chinese market. Or as Michael Berry, director of the Center for Chinese Studies at UCLA, described it to PEN America: "The big story is not what's getting changed, but what is not ever even getting greenlit."¹³⁰

Besides cutting or changing content, studios have infrequently gone further, adding scenes to the movie only for Chinese audiences. *Iron Man III* (Marvel Studios, 2013) is the best-known example: Marvel Studios added scenes to the Chinese-version release, in which Chinese doctors frantically worked to save Iron

Man's life. The additions were so jarring, so different from the rest of the film, that many Chinese commentators dismissed them as graceless pandering.¹³¹

The creators of *Iron Man III* bent over backwards to maximize its chances of approval in China. Producers of the film, which received a substantial financial investment from Beijing-based film producer DMG and which was partially filmed in Beijing, also allowed Chinese regulators to visit the set and to "advise" on creative decisions, according to people who were briefed on the production and who spoke anonymously to the *New York Times*.¹³² Amazingly, the *Times* depicted this level of cooperation—which would have been unimaginable only two decades ago—as a "middle of the road" approach that "appear[ed] intended to limit Chinese meddling."

In return for this level of cooperation, the studio received some significant perks. Chinese film analyst Robert Cain concluded that "by working closely with the Chinese government," the studios had secured themselves a range of benefits, including an optimal release date, a much more permissive government attitude toward their film advertisements, and a "high degree of media access in China."¹³⁴ That last benefit included a promotional segment for the film on CCTV's annual Chinese New Year Gala, a highly visible placement that would not have been possible without the Party's active acquiescence.

PROHIBITIONS AGAINST SPECIFIC MOVIE IDEAS

Within Beijing's censorship system, there are several topics that are commonly understood to be untouchable: the contested territories of Tibet, Taiwan, Xinjiang, and the South China Sea; the spiritual practice of Falun Gong; top Chinese leaders; the democracy protests in Tiananmen Square in 1989 or in Hong Kong in 2019; and anything that casts doubt on the CCP's right to rule China.¹³⁵ This does

not mean that movies about these subjects don't exist. Instead, it means that filmmakers attempting to make such movies will need to have much closer "collaboration" with government censors than would otherwise be the case, so that the finished film will portray the CCP in a positive light. When it comes to such "sensitive" subjects, then, filmmakers are offered a stark choice: make a film that actively flatters the Party, or don't make the film at all.¹³⁶

But censors do not confine their gaze to these obvious areas. Instead, regulators may occasionally declare that entire genres, tropes, or categories of movie content are out of bounds.¹³⁷ Such prohibitions are not always enforced; instead, the censor can waive these rules if they determine that the movie's overall message serves Beijing's interests, or sometimes even if the economic benefits of approving a movie override the probation.¹³⁸

Many of these CCP's prohibitions against specific movie content will appear to be arbitrary or even incomprehensible to Hollywood insiders, who may not know or appreciate the fact that many of these prohibitions appear to have a specific social or political rationale that is often deeply tied to CCP's propagandistic efforts.¹³⁹

For example, time-travel stories have been known as a "no-go" in film for years. In 2011, the SARFT published a "guidance" document declaring that movie producers had been "treating serious history in a frivolous way," a declaration that put filmmakers on notice that film censors would be imposing a ban on depictions of time travel.¹⁴⁰ The guidance document offered little visibility on why the CCP felt so uncomfortable with time travel. One Hollywood producer PEN America spoke with hypothesized that Party officials were wary of the implication that China's own political history could be changed in such a fictional universe.

Another long-standing prohibition applies to ghost stories, with Chinese censors acting to block such movies from reaching Chinese screens. In 2008, Beijing's State Administration of Press, Publication, Radio, Film and Television promulgated content restriction guidelines for movies depicting "terror, ghosts, and the supernatural."¹⁴¹ The SAPPRFT doubled down on these restrictions in 2015 by extending them to television shows. It is these regulations that reportedly torpedoed the 2016 *Ghostbusters* (Columbia Pictures et al.) remake from being shown in China, and the 2006 *Pirates of the Caribbean: Dead Man's Chest* (Walt Disney Pictures & Jerry Bruckheimer Films) before that.¹⁴² Although the Central Propaganda Department now handles film censorship, these restrictions are widely understood to stand.

This fact appeared to be fairly well-known by Hollywood professionals with whom PEN America spoke. "In Hollywood, you could not make the Demi Moore film *Ghost* anymore," said one Hollywood writer, in reference to the fact that the movie presumably would run face-first into these restrictions in China. "That movie cannot get made."

While the most common explanation for the prohibition is a presumed hostility from CCP officials toward "superstition," others have argued that the true rationale is political, given the historical usage in Chinese literature and folk tales of "evil ghosts" as a metaphor for corrupt officials.¹⁴³ "Banning ghost stories sounds almost absurd and laughable to the West," explains artist Aowen Jin in a 2015 article on the subject, "and yet it carries the deep-rooted, historical fear that the government feels about its own people."¹⁴⁴ The political elements of this prohibition, of course, are often invisible to Hollywood executives evaluating whether or not to greenlight a ghost movie and weighing how Beijing's rules would affect such a movie's financial returns.

Yet, this rule can also be waived if the censors decide that a ghost movie suits them. One example is the *Harry Potter* series, the cinematic behemoth that utilizes both ghosts and the supernatural; censors simply could not ignore the Chinese public's interest in the global phenomenon.¹⁴⁵ Another good example is that of *Coco* (Walt Disney Pictures & Pixar Animation Studios), Pixar's 2017 Day of the Dead-themed ghost story. Commentators noted that the story seemed unlikely to receive a coveted quota spot, given that the story's theme centered on ghosts and the supernatural. Yet, the film did earn a quota slot and went on to gross approximately \$170 million in China—a greater sum than the studio's last 12 movies that showed in China combined.¹⁴⁶

Coco's approval kicked off a round of speculation as to the basis for waiving the usual ban on ghost stories, with the common wisdom being that the movie's focus on familial obligations outweighed its supernatural elements in the minds of Chinese regulators. “Just as Mexico has its Day of the Dead (Día de los Muertos), China has its Tomb-Sweeping

Day, a holiday for revering one's ancestors,” noted *Forbes*' Rob Cain.¹⁴⁷

Still, this balancing act means that Hollywood writers and other decision-makers may find themselves trying to counterbalance or soften the edges of supernatural stories in order to appease Chinese censors. “There are work-arounds,” noted one Hollywood producer to PEN America. “For example, you can make a ghost movie, if you make it clear at the end of the movie that it was just a dream.”

Beijing's willingness to ban entire tropes of fiction—ghost stories, time-travel stories—demonstrates the breadth of its film censorship, even if Beijing is inconsistent in its implementation of these bans in practice. It is not enough for filmmakers to avoid certain messages or plot points that may reflect poorly on Beijing; they also have to take into account what *genres* of storytelling the CCP is less likely to approve. And as Hollywood decision-makers internalize this censorship, it has a result on what stories they tell—and, correspondingly, what stories the world's theater-going audiences view.

CORONAVIRUS, CENSORSHIP, AND THE CONSEQUENCES OF “INCONSEQUENTIAL” CHANGES

In 2013, executives at Paramount Studios demanded that the dialogue in a scene in Brad Pitt's zombie movie *World War Z* (Skydance Productions et al.), where several characters are discussing the origins of the zombie outbreak, be changed so that the virus did not originate in China—the place that the movie's source material originally specified.¹⁴⁸ One Paramount executive, speaking anonymously to the media outlet *The Wrap*, acknowledged that the reason for the change had to do with the studio's desire to pass through the film's review process in China, saying “It's not a huge plot point . . . But it's safe to say [the studio's] going to want a release there.”¹⁴⁹

Paramount's efforts, it should be noted, were unsuccessful: *World War Z* never received a release date in China, leading some to speculate whether the movie's lead and co-producer, Brad Pitt, was still being punished for his 1997 acting in *Seven Years in Tibet*, or whether the denial had more to do with Beijing's

ban against supernatural elements in film.¹⁵⁰ Even so, the worldwide cut of the movie removes the material pointing to China as the virus's origin point.

The change may have seemed like a minor one at the time—who cares if a fictional virus originates in China or elsewhere, particularly if the virus's origin is peripheral to the movie's plot? But the source novel's author, Max Brooks, was actually trying to make a point—one that is all the more potent now, while, as of this report's release, the world continues to grapple with the fallout of the COVID-19 pandemic.

In a February 2020 editorial, Brooks, the author of the book *World War Z*, explained that he'd deliberately chosen China as the epicenter of his fictional virus within the book because "I needed an authoritarian regime with strong control over the press. Smothering public awareness would give my plague time to spread, first along the local population, then into other nations." In his editorial, Brooks also explained that his refusal to censor those chapters scuttled the opportunity to have his book published in China.¹⁵¹

In a subsequent 2020 interview about COVID-19, Brooks reiterated that he explicitly chose to set the origin of the fictional zombie virus in China because such viruses are especially likely to have an undetected early spread "in a country where there's no free press. Because if there were rumors in any country with a free press, you could validate it. You could even validate it from the local citizenry. But in a country like China, that censors the press and also censors its own citizens on social media, it creates a dark space ripe for conspiracy theories."¹⁵² This is well worth noting: while other autocratic actors especially restrict their media, no other country possesses the technological sophistication or the centralized model of power to engage in the comprehensive censorship of either its press or its social media the way that China does. And while no country—including those with a free press—has been immune from conspiracy theories around COVID-19, Brooks's comments make clear that he was attempting to include a specific political point with his choice.

Brooks elaborated that "I was modeling *World War Z* on the first SARS outbreak, in the early 2000s. Because it's not enough to have a large population and a rapid transportation network, so the virus can spread like wildfire. You also need a government that is willing to suppress the truth, which is what happened with the first SARS outbreak, where the World Health Organization knew there was something going on and China was doing its impression of Eddie Murphy in *Raw*, going 'hey, it wasn't me.' And then it got out. And suddenly it was around the world. So I was looking back, hoping against hope that China had learned its lesson. And clearly it has not."¹⁵³

Indeed, the COVID-19 outbreak demonstrated all too well the dangers of such a virus emerging in a country with no press freedom and where authorities could quickly clamp down on those trying to raise the alarm.

In promotion of its own heroic narrative around COVID-19, the CCP has undertaken a series of autocratic actions, including human rights violations: they have disappeared independent journalists covering the virus into the black hole of incommunicado detention,¹⁵⁴ expelled foreign reporters covering

the virus,¹⁵⁵ silenced critics and whistleblowers,¹⁵⁶ censored their citizens,¹⁵⁷ imposed political limits on the publication of academic research on the virus,¹⁵⁸ and arrested dissidents under the guise of “coronavirus prevention checks.”¹⁵⁹ Against this background, Hollywood’s willingness to acquiesce to China’s desire to be seen as “epidemic free” is no longer such a minor point.

Instead, the studio’s decision to remove the details on how the outbreak began in China contravened the original intent of the author of the source material, who acted with great deliberation in setting the virus’s origins in China. As governments around the world—including the Trump Administration here in the United States¹⁶⁰—act to suppress accurate information about the coronavirus for political rationales, Brooks’s argument seems more salient than ever—and yet such a warning signal was erased from the movie.

BEIJING’S INFLUENCE OVER CHINESE PORTRAYALS

Perhaps one of the most-discussed aspects of Hollywood’s new relationship with Beijing is that which Hollywood insiders commonly describe as “pandering”—deliberately orienting specific scenes, characters, sets, or themes in order to better appeal to Beijing. For example, one of the most visible ways that Hollywood studios have aimed to better appeal to the Chinese box office has been by ensuring that many of their flagship franchises—from the *Fast and the Furious* to the Marvel extended universe—have at least one Chinese character, scene, or subplot.¹⁶¹

In some ways, Hollywood’s effort to tell more international stories and include more Chinese actors and content represents a step forward, rather than a step back.¹⁶² When viewed through the prism of Hollywood’s history of portraying Asians and Asian-Americans through derogatory stereotypes—from decades of “yellow-face” portrayals to the whitewashing of Asian characters in more recent studio movies like *Avatar: The Last Airbender* (Nickelodeon Movies et al., 2010) and *Ghost in the Shell* (DreamWorks Pictures et al., 2017)¹⁶³—a move toward more accurate and substantive three-dimensional depictions of Asian characters as well as more diverse storytelling

that genuinely appeals to Asian audiences is welcome and overdue. This is especially the case during a time of rising sinophobia in the United States amidst the COVID-19 pandemic, and the President’s explicit sinophobic language around the virus.¹⁶⁴

Of course, it does not hurt that such appeals to Chinese theatergoers make substantial financial sense. “Having a subplot with a Chinese character, which also allows for the opportunity to expand that subplot in the version of the story told in China, is great for studios from a financial perspective,” screenwriter Howard Rodman noted. “So how much of the decision to cast Chinese actors in supporting roles is about being less colorblind, and how much is more calculated and opportunistic?”¹⁶⁵ The answer, most certainly, is both/and.

But the propagandistic intentions of Beijing make the calculus for Hollywood filmmakers even more complicated. After all, Chinese audiences are not the ones deciding whether or not a certain Hollywood movie even makes it into theaters. It is the Chinese government that holds that power. Hollywood studios, then, have not one but three motivations for such pandering: telling more authentically international stories, appealing to Chinese audiences, and staying on the good side of the Chinese government.



Movie posters at the entrance of a Megabox theater in Beijing. Photo by Mercureuma

In many cases—and certainly for any outsider looking in—it becomes almost impossible to tease out these motivations. And when these motivations are opaque, it becomes very easy for a Hollywood filmmaker to make content decisions that appeal to Beijing, but justify these decisions by saying to others, and perhaps even to themselves, that they were motivated by the desire to appeal to everyday Chinese theatergoers.¹⁶⁶

As noted in examples throughout this report, Hollywood studios have shifted set locations to China, added China-specific references to scripts, and gone out of their way to portray China as a “good actor” in films. Some have gone so far as to add positive portrayals of Chinese officialdom, often acting in the role of a savior of humanity. In just three of many examples, the films *2012*, Columbia Pictures’ 2009 disaster film by Roland Emmerich, the 2013 Warner Brothers’ film *Gravity*, by director Alfonso Cuarón, and *Arrival*, the 2016 alien invasion film from Paramount, all predicate their happy endings on Chinese forces coming to the rescue.¹⁶⁷ Further, it is now commonly accepted that there will be no Chinese villains in any Hollywood film in the years to come since China’s box office is too important.¹⁶⁸

Some of this pandering is so obvious that it is in fact poorly received by Chinese audiences. Chinese commentators, for example, have not been shy in derisively employing the term “hua ping,” or “flower vase,” to criticize Chinese actors cast in insignificant roles, a reflection of Hollywood’s presumptive desire to take shortcuts on its way to Chinese box office success.¹⁶⁹

One example of such a “hua ping” is the role of Chinese actress Zhang Jingchu in 2015’s *Mission: Impossible—Rogue Nation* (Skydance Productions et al.), a movie that received financial backing from the state-owned China Movie Channel as well as the Chinese conglomerate Alibaba. Zhang’s place in the movie was promoted as “major” and a “leading role” in the press prior to the movie’s release. Audiences were surprised, then, to find that in the movie, Zhang received less than 40 seconds of screen time.¹⁷⁰

In another example, Chinese social media posters commented with frustration at the 2017 action film *Kong: Skull Island* (Legendary Pictures & Tencent Pictures), which prominently featured Chinese actress Jing Tian in its Chinese marketing but which relegated Jing’s character to a minor role in the final cut.¹⁷¹ On the Chinese film review site *Douban*, one commentator complained that Jing looked like “a casual tourist” compared to the Western actors also playing scientists, while another wrote “when I saw Jing Tian, I felt very embarrassed as a Chinese person.”¹⁷²

Of course, as with public response to any movie, the sentiment was far from universal. One netizen commented on the movie, “Finally Jing Tian saves the world, long live China.”¹⁷³

As an organization pledged to celebrating and promoting a diversity of literary and artistic voices, PEN America believes strongly that cultural sensitivities are something to take seriously, that diverse stories need to be told, and that people of all nations deserve to see themselves in the media they con-

sume. Yet, China—like anywhere else in the world—is a place where people hold a multitude of opinions. The CCP has a well-documented history of insisting that “the people” are offended whenever the international community questions the Party’s priorities.¹⁷⁴ But the “Chinese people” are not monolithic, and government pronouncements should not be mistaken for a reliable proxy for public attitudes.

Several of the Hollywood insiders we spoke to emphasized their belief that Hollywood is improving in its ability to tell stories that genuinely appeal to Chinese audiences, rather than merely inserting a Chinese character or subplot. But as Hollywood ramps up its efforts to center Asian characters in their storytelling, Beijing may become more aggressive in their efforts to impose their political preferences on a movie’s narrative.¹⁷⁵ Take, for example, Beijing’s willingness to pounce on the political debate raised in connection with Disney’s *Mulan*.

Mulan (Walt Disney Pictures et al., 2020), starring Chinese-American actress Crystal Liu, set to be released in August 2020 in the United States, is the much anticipated live-action English language remake of the 1998 animated feature about a Chinese woman who disguises herself as a man to fight off invaders.¹⁷⁶ In August 2019, after principal filming on the movie had already been completed, Liu posted in support of Hong Kong police’s crackdown on prodemocracy protesters. It was an action that led to movie boycott calls in Hong Kong but which many mainland Chinese applauded.¹⁷⁷ Beijing was quick to use the controversy as an opportunity to transform *Mulan* into a loyalty litmus test, with a government-backed social media campaign against the Hong Kong protests, under the hashtag #SupportMulan. The #SupportMulan campaign swept both Chinese and Western social media channels.¹⁷⁸ One reporter, *Variety*’s Rebecca Davis, noted that a “typical example” of the campaign was a social media post that appended

“#SupportMulan” to an image comparing Hong Kong demonstrators to ISIS.¹⁷⁹

Many of the social media channels pushing the #SupportMulan hashtag, in fact, ended up getting shut down by Twitter and Facebook after being identified as “coordinated misinformation” regarding the protests.¹⁸⁰ Twitter, explaining its decision to shut down more than 200,000 accounts from China, put out a statement elaborating that the accounts were “deliberately and specifically attempting to sow political discord in Hong Kong, including undermining the legitimacy and political positions of the protest movement,” further concluding that the campaign represented a “coordinated state-backed” misinformation effort.¹⁸¹

Meanwhile, Disney was conspicuously silent during the entire controversy, speaking neither on behalf of Liu’s right to speak her mind nor in outrage on how their movie had been co-opted for a specific political agenda that denigrated peaceful protest.¹⁸² Disney’s lack of engagement presumably made sense from a business perspective, allowing them to refrain from alienating one or more potential audiences for the movie.¹⁸³ Even so, the studio’s public silence—in connection to a movie that centers around one woman’s courage to fly in the face of a restrictive society, no less—further enabled Beijing to utilize the studio’s movie as a tool of antidemocratic propaganda without pushback.

The #SupportMulan government-backed “movement” goes to show that even if Hollywood studios aim to make their movies as inoffensive as possible—with the definition of “inoffensive” being highly responsive to what Beijing declares as offensive—the CCP is more than willing to impose a political agenda on these films, leveraging even unanticipated controversies as opportunities to pursue their creative propaganda while pulling studios along for the ride. As Hollywood filmmakers strive to tell more thoughtful three-dimensional stories involving Chinese characters, the risk of such political interference only rises.

PART III: ENTERING THE CHINESE MARKET

Today, there are several ways for Hollywood studios to position their films for entrance into the Chinese market.¹⁸⁴ Each of these different avenues allow Beijing to bring additional pressure to bear, to influence Hollywood studios to cooperate with its censorship demands. As such, they are worth breaking out and discussing in more detail.

Firstly, and most importantly, there is the quota system. Since 2012—resulting from the U.S.-China Agreement on Film-Related Issues announced that February by then-Vice President Joe Biden alongside then-Vice President Xi Jinping¹⁸⁵—Beijing has offered an expanded 34-film quota for international films to be admitted into the country under a revenue sharing basis.¹⁸⁶ Today, the quota remains at 34, though Beijing selectively enforces it. For example, from 2016 to 2019, Beijing allowed in a few extra international movies to screen annually as a way of boosting domestic box office returns.¹⁸⁷ But this selective enforcement is unilateral, and foreign studios can never count on the number rising above 34.

This revenue-sharing basis (*fenzhang pian*, or 分账片) means that Hollywood studios whose films are accepted under the quota see greater returns at around 25 percent—still far lower than the 50 percent the studios make domestically, and the roughly 40 percent they make in many countries around the world.¹⁸⁸

But the alternative, a “flat-fee” or “buyout” model, normally offers even less. The buyout model allows foreign studios to essentially sell all the profits from the film’s Chinese release to the Chinese distributor, in exchange for a flat fee.¹⁸⁹ While the major studios fill almost all of the quota spots, it is independent film producers—unaffiliated with any studio—who take most of these buyout deals.

Both of these models—revenue-sharing or flat-fee—require that government regulators permit the film to be imported, so that Beijing’s censors have the final say as to whether the film will ever appear on Chinese movie screens. But the films that Hollywood studios submit for inclusion under the quota are higher-stakes affairs, and thus more likely to face both censorship from Beijing as well as self-censorship from Hollywood—as PEN America explores in depth in the following pages.

There is yet another model for entry into China that Hollywood studios are increasingly exploring: joint production, whereby a foreign studio partners with a Chinese studio, under the watchful guidance of Beijing, to produce a film.¹⁹⁰ This model of filmmaking essentially bakes in Beijing’s censorship and government influence from the very beginning of the process, making joint productions uniquely fraught from the standpoint of freedom of expression.

Finally, Beijing is able to bring not only direct pressure on Hollywood studios, but also indirect pressure—in the form of Chinese state-owned enterprises and government-connected businesses that finance or partner with Hollywood studios to produce movies. These Chinese partners, prioritizing their relationships with Beijing, often act as mediators between the censor and the studio, further embedding the expectation that CCP censorship is just another part of the studio process.

THE QUOTA

Beijing’s powerful tools for censoring Hollywood films include not only its ability to decide which content is permissible for Chinese audiences, and which actors or writers are *persona non grata* in China, but also its ability to determine which foreign films receive the best profit-sharing deals. The quota system—the

ability of Chinese regulators to decide which films receive one of the coveted 34 spots for foreign films imported under the U.S.-China film agreement of 2012—plays a key role in cementing Beijing’s ability to influence Hollywood films.

Major Hollywood studios only submit five or six of their dozens of annual releases for consideration in China, based on a very careful calculus. The submitted films are normally blockbusters with massive film and marketing budgets, movies in which the studio has sunk a major amount of financing and for which it expects the greatest returns. (Film quality tends to be of lesser significance: between 1994 and 2020, for example, only nine Best Picture Oscar winners screened within China).¹⁹¹ As such, Beijing’s ability to grant or deny a quota spot to these films can have tangible effects on a studio’s financial returns for the year.

“It’s not the content-based censorship that is the issue,” one Hollywood writer opined to PEN America. “It is the limit on American films released in China. That is the real censorship that is going on. That is the real limit on expression, right now.”

“The leverage that China has is that it offers only a limited number of slots for foreign movies,” affirmed a Hollywood producer. “Studios want to get those slots.”

A major Chinese tool to shape Hollywood’s film content is, thus, hidden in plain sight—immediately obvious to any studio, but largely unknown to the movie-going public in the United States. And everything else, most importantly the exact reasons why any specific film is rejected or accepted, is opaque, contributing to a climate of uncertainty and self-censorship. As one Hollywood producer put it: “Getting into the quota, you don’t have a lot of control over that process. But you can cut out anything that would jeopardize your chances of being on the list.”

There is a clear loser under the quota system: films that are produced and distributed independently

or by small studios. The “Big Six” Hollywood studios—Walt Disney, Paramount, Sony, Fox, Universal, and Warner Brothers—have easily boxed out smaller competitors for coveted space, to the point where these studios have almost exclusive dominance over the quota list.¹⁹² And since March 2019, when Disney bought out competing studio Fox, that list of major studios dominating the quota offerings has shrunk to the “Big Five.”¹⁹³

There are several economic and legal reasons for this. Large studios make the large blockbusters that audiences are more likely to want to see in theaters, meaning that the regulators—whose role as censor can conflict with their role as economic promoter—are more predisposed to greenlight them. Additionally, the U.S.-China Film Agreement of 2012 specified that 14 of the 34 films must be able to be shown in special formats, such as 3D or IMAX format.¹⁹⁴ Big studios, not independent filmmakers or smaller studios, are best-placed to produce such specialized formats for their films.¹⁹⁵

Moreover, big studio executives often have key ties to Washington that they can leverage to influence U.S.-China negotiations that relate to the film world,¹⁹⁶ as evidenced by the fact that the Motion Picture Association of America, the trade group that is seen as most closely connected to the top studios, has been so instrumental in shaping both the 2012 film agreement and a subsequent 2015 addendum to the agreement.¹⁹⁷

Regardless of the rationale, this advantage to the larger studios helps solidify their worldwide market dominance. “Fewer films benefit certain people, and we are dealing with a censorship system that benefits the big studios,” one Hollywood writer put it to PEN America. As long as these restrictions grant an advantage to larger studios over smaller American or international competitors, industry pressure on American policymakers to push their Chinese counterparts for changes will presumably be half-hearted.

The recent bureaucratic shift to the Central Propaganda Department may further weigh this issue toward the side of big studios, especially those that embed proactive compliance with censorship early into the filmmaking process, explains USC's Stanley Rosen: "Anybody making a small to medium budget film will have a difficult time getting into China [currently] . . . because Chinese distributors are reluctant to purchase small and medium budget films at film markets or film festivals since they have no way of knowing whether theaters will be willing or

even allowed to show them. No one [in China] wants to risk displeasing the Communist Party, so why show American films during a trade war? The films that are most likely to be shown will primarily be blockbusters that go through and clear the formal censorship process right at the beginning, or American films where there has been significant Chinese investment, so you know whether they're going to be shown or not shown. But with these small budget films, you don't know [if they will be approved] until you actually buy the film, so why take the chance?"¹⁹⁸



United States Trade Representative Ambassador Robert Lighthizer, senior staff, and cabinet members meet with Chinese Vice Premier Liu He and members of his delegation for the U.S.-China trade talks Wednesday, Jan. 30, 2019, in the Diplomatic Reception Room in the Eisenhower Executive Office Building at the White House. *Photo by Andrea Hanks*

FIXED-FEE OR BUYOUT FOREIGN FILMS

While the great majority of attention in the Hollywood-Beijing relationship is placed on quota films, there are other Hollywood films that are screened in China under a different economic model: the fixed-fee or buyout model.¹⁹⁹ Under this model, foreign studios essentially sell all the profits from the film's Chinese release to the Chinese distributor, in exchange for a flat fee. While the major studios fill almost all of the quota spots, it is independent film producers—unaffiliated with any studio—who take most of these buyout deals.

This channel—which brings in an estimated 30 to 40 films a year²⁰⁰—has long been seen as the poor cousin to the revenue-sharing arrangement that quota films enjoy. Yet, as the Chinese box office has grown, Beijing's distributors have started extending more favorable distribution deals to foreign filmmakers, offering new revenue-sharing arrangements. Relatedly, a small number of films are eligible for a “hybrid” model—they begin as fixed-fee films but qualify for revenue-sharing after the film reaches a certain (high) fixed total in box office profits.²⁰¹ These models may help loosen the grip of the quota system as a tool of censorship, by lessening the importance of receiving a quota spot. But films imported under buyout deals still must have their content approved by state censors before they can be screened. In addition, Beijing's film distribution industry is almost entirely owned by a duopoly of state-owned enterprises, the China Film Group Corporation and Huaxia,²⁰² so that there is little space for Chinese film distributors to push back against their own country's censorship strictures. Finally, Beijing can shut down this practice with a word, making reliance on buyout films a dangerous strategy for Hollywood studios.²⁰³

JOINT PRODUCTIONS

Avoiding the quota and the flat-fee model altogether, Hollywood studios have increasingly been taking advantage of another way to enter the Chinese market: joint productions. Joint productions are one-film partnerships between Chinese and foreign producers, formally recognized—and regulated—by the Chinese government.²⁰⁴

Joint productions, since they do not count as foreign films, come with a variety of benefits: not only are they exempt from quota limits, but producers make up to 43 percent of the profits from ticket sales (as opposed to only 25 percent of the profit from foreign films).²⁰⁵ Additionally, joint productions are exempted from the “black-out” periods when no foreign films can be shown, a practice that the government uses to promote the country's domestic film industry.²⁰⁶

Joint productions are not a novel practice. But as the Chinese theatergoing market has grown to its current juggernaut state, this form of cooperative filmmaking has taken off as a viable option for Hollywood studios in the past several years and has provided a vehicle for major Hollywood movies that have seen significant financial success.

But while PEN America applauds international collaboration between filmmakers, joint productions—as Beijing has deliberately arranged it—formalize a Hollywood studio's acquiescence to censorship for the duration of the project, conceding even more ground to Chinese censors.

JOINT PRODUCTIONS AND THE INSTITUTIONAL CENSORSHIP PROCESS

Joint productions must be approved through a regulatory process managed by the China Film Co-Production Corporation (CFCC), a division of the state-run China Film Group Corporation.²⁰⁷ The CFCC lays out many requirements that both the Chinese and the foreign producer must adhere to in order to obtain coveted joint production status.

Most of these requirements seem straightforward. For example, the CFCC requires that at least one-third of the financial investment for jointly produced movies comes from Chinese partners, that at least one scene is shot in China, and that at least one-third of the actors cast are Chinese.²⁰⁸

While these requirements may seem like typical protectionist measures, they must be evaluated against the context of the CCP's control over so many elements of China's filmmaking industry. Chinese filmmaking companies are virtually always state-owned or state-backed, such that the Party has a significant role in determining which Chinese actors get work and which do not. Similarly, by overseeing which scenes are shot in China and where, Chinese bureaucrats can influence the movie's setting and push filmmakers to depict a sanitized image of China.

Other requirements more explicitly enshrine Beijing's censorship as a prerequisite for any joint production. For example, many of the necessary regulatory requirements for a joint production are formalized in the *Provisions on the Administration of Sino-Foreign Cooperative Production of Films*, a set of regulations promulgated by SARFT in 2004.²⁰⁹ The Provisions put co-producers on notice that compliance with censorship strictures is a prerequisite for the film.

Article 6(a) of the Provisions obliges joint productions into “compliance with the Constitution, laws, regulations, and other relevant provisions of China,” a reference that incorporates the rules enshrining Beijing's state censorship system. Article 6(a) also obliges co-producers to, among other things, have “respect for the customs, religions, beliefs and habits of the ethnic groups of China,” “contribut[e] to the brilliant traditional culture of the Chinese people,” and “make contributions to . . . the social stability of China.” All of these values seem beneficial in a vacuum, but censorious officials can interpret these vague provisions in troubling ways.

The reference to China's social stability, in particular, takes on weighty undertones in that the same value is often used as a justification to silence dissidents or implement intrusive surveillance regimes.²¹⁰ Social stability has become a catch-all rationale for repressive Beijing policies, such as the CCP's justification for its systemic human rights abuses against Uyghurs and other ethnic minorities in Xinjiang.²¹¹

Article 16 of the Provisions mandates that “jointly produced films may only be distributed and screened publicly inside or outside China after they have passed examination” by the government. SARFT approval is required before filming begins, and again after the film is complete. And in public documents posted on its website, the SARFT is upfront in explaining that government regulators have the right to “conduct preliminary review of the screenplay and completed film.”²¹² These powers have now been delegated to the Central Propaganda Department.

This tight oversight means that, as one producer who often works with China put it: “You can't promise to shoot a movie about a housewife with her family and then secretly shoot a movie about Tibetan monks setting themselves on fire.” And such regulations offer censors a remarkable level of oversight. For example, the 2016 movie *Kung Fu Panda III*, a joint production

between China Film Group, DreamWorks Animation, and Oriental DreamWorks, had government censors “drop in to monitor the movie” on the set of Dreamwork Animation’s Chinese campus while it was being produced.²¹³

Ultimately, this editorial interference from Beijing casts a negative pall over Hollywood studios’ ability to tell truly compelling stories through joint productions. Michael Berry, director of the Center for Chinese Studies at UCLA, analogized to PEN America that studios’ efforts to balance the desires of both the censors and the international movie-going public during a joint production is like “inviting friends over for dinner, but one is a vegetarian, the other doesn’t eat spicy food, one doesn’t eat fish . . . you end up getting a bland meal.”²¹⁴

Finally, while there is technically nothing stopping the producers from offering a different version of a co-produced film to non-Chinese audiences, as the *New York Times* summarizes, there is an “unofficial expectation that the government’s approved version of the film will be seen both in China and elsewhere.”²¹⁵

HOW BEIJING USES JOINT PRODUCTIONS TO ADVANCE THEIR POLITICAL MESSAGE

The exhortation that joint productions should uplift the “traditional culture of the Chinese people” has become the basis for a de facto requirement that co-produced films advance particular political messages. Beijing’s ability to influence and control the narratives and messages of such joint productions can be readily observed, as the following examples help demonstrate.

Released in 2014, Paramount’s *Transformers: Age of Extinction* (Hasbro and Di Bonaventura Pictures) began as a joint production with Beijing’s state-owned China Movie Channel as well as the privately owned

Chinese company Jiaflix Enterprises, which bills itself as “the Netflix of China” and was founded by a group of Chinese and American businessmen.²¹⁶ Paramount would later exit out of the joint production model, but only after a sizable portion of the film had been completed, and while retaining substantial investment in the film from its Chinese partners.²¹⁷

Observers noted that the film, which takes place both in the United States and Hong Kong, paints American officials in unflattering tones while playing up the selflessness of Chinese characters, particularly in their willingness to defend Hong Kong from alien threat (this film was released the same year as the massive Hong Kong “Umbrella Movement” protests calling for greater democratic freedoms).²¹⁸

One reviewer concluded that the movie was “a splendidly patriotic film, if you happen to be Chinese.”²¹⁹ Another analyst noted that with the presence of so much of “China’s government propaganda catering to SARFT” the movie was “literally asking to be green-lit.”²²⁰ The movie, notably, made significant profit in the United States, but even more in China—to the tune of more than \$300 million.²²¹

In one interview coinciding with the premiere of the movie, the cofounder of Jiaflix, Marc Ganis, explained his corporation’s own relationship with Beijing, saying “Our partner is the government. It doesn’t hurt, in China, when your partner is the government . . . It’s not so much that you break down the wall [of regulation], it’s that you work cooperatively with the government. And you find ways to make things work so that you can do business properly, and also do it in a way that the Chinese government wants it to be done.”²²²

Looper (Endgame Entertainment et al., 2012), was a movie that seemed unlikely to ever be screened in China: The movie, which depicts Bruce Willis as a time-traveling assassin battling his former self, clearly ran afoul of a long-standing prohibition from Beijing

against time-travel movies. The movie also seemed to have no connection to China, with the plot's events being split between Kansas and Paris.

Yet when the Beijing-based media agency DMG Entertainment bought into the movie, reportedly financing 40 percent of the movie's \$60 million budget and enabling the studios to qualify the movie as a joint production, they insisted that the film be changed to move Willis's character from Paris to Shanghai. Moreover, the film added the Chinese actress Xu Qing as Willis' wife.²²³

In fact, the Western release is shorter than the Chinese one, with several Shanghai-located scenes shortened or removed.²²⁴ An anonymous source to the *Los Angeles Times*, who was reportedly involved in the movie's production, explained that the China-only footage had been removed from the Western cut after audiences complained it slowed down the pacing of the movie, but that "the Chinese didn't care about pacing, and they wanted the [China-set] scenes in."²²⁵ But in every version, the movie isn't subtle about the shift to Shanghai: at one point, one of the main characters advises the protagonist, "I'm from the future. You should go to China."²²⁶

The movie, after being rewritten to include this "China is the future" messaging, not only was approved as a co-production, but received a coveted holiday release date.²²⁷ Dan Mintz, CEO of DMG Entertainment, gave an interview that reflected on why the changes would make the movie more likely to pass the censors despite the time-travel plot: "It's talking about China in the future, and there's never been a film that's done that. Even China has never made one."²²⁸ While there are other films depicting China in the future,²²⁹ the comment evinces Mintz's awareness that the film's portrayal of a globally prominent Shanghai would be well received by the CCP. (The interviewer went on to note that Mintz was "a bit evasive" when pressed to discuss the

"awkward geopolitical implications" of these futuristic predictions).²³⁰

The Meg (Gravity Pictures et al., 2018) was a U.S.-China joint production, produced by a set of smaller U.S. and Chinese studios and distributed jointly by Warner Bros. and China Media Capital's Gravity Pictures.²³¹ The movie—featuring Hollywood actor Jason Statham alongside Chinese A-lister Li Bingbing—squares off humans against a prehistoric megalodon shark. A major commercial success, *The Meg* made more money in China than it did in the United States.²³² Though *The Meg* is loosely based on the 1997 novel *Meg: A Novel of Deep Terror*, by writer Steve Alten, the events of the book are set off the coast of Hawaii, while the movie takes place off the coast of China, and the confrontation between man and beast occurs along the coast of the country's beachfront Sanya city. Similarly, the book's Japanese scientists Masao and Terry Tanaka—both major characters—morph into the movie's Chinese scientists Minway and Suyin Zhang.

The casting and location aren't the only aspects of *The Meg* that appear to have been influenced by the movie's Chinese backers. *The Meg* was so favorable in its treatment of China that Chinese netizens even joked that the shark antagonist was "pro-China,"²³³ with one Chinese reviewer noting that the Western characters appeared to die more gruesome deaths than the Chinese ones. The writer concluded that "Like all films with Chinese participation, *The Meg* is afraid to discredit the mysterious Eastern power . . . This megalodon, which eats only foreigners and leaves a beach-full of Chinese people unscathed, is so thoughtful!"²³⁴

Potentially due to its joint production status, *The Meg* was originally slated to be released in China during the Chinese New Year period in February, a highly coveted release period when theater-going audiences tend to flock to the theaters given the

holiday.²³⁵ This date was, however, later pushed back, something that did not stop the film from being a major success in the Chinese box office.²³⁶

Abominable (DreamWorks Animation and Pearl Studio, 2019), a film about a young Chinese girl traveling with a yeti from Shanghai to the Himalayas, was a joint production between China's Pearl Studio and DreamWorks Animation. Eagle-eyed viewers were quick to note a scene in which the movie appeared to endorse Beijing's territorial claims to the South China Sea, showing the main characters traversing a long distance by moving through a map that contained the "nine-dash line," Beijing's claimed border that is sharply disputed by several of its regional neighbors.²³⁷ In 2016, Beijing's claim to the disputed border was in fact litigated and rejected by an international arbitration tribunal under the UN Convention on the Law of the Sea,²³⁸ but in this case movie magic prevailed over international law.

DreamWorks's use of the "nine-dash line" was in fact so controversial that China's neighbors vocally objected. Malaysia's government in fact demanded that the studio omit the scene from the version of the movie it would make available to Malaysian audiences. DreamWorks refused, leading to the movie being banned there.²³⁹ DreamWorks' refusal represents an uncomfortable example of a major Hollywood studio refusing censorship from one government, for the purpose of better adhering to the propagandistic expectations of another government—in essence, prioritizing the wishes of one country's censors over another's.

None of this is to say that joint productions cannot create films of artistic merit. "There are organic stories that can be told with joint productions, productions that truly tell a great story," as one Hollywood executive told PEN America. Nor is it to say that the decision to set a movie in China or to cast Chinese characters is itself somehow illegitimate. Especially at a time when tensions are spiking between the

United States and China, joint productions offer the opportunity for Chinese and Hollywood filmmakers to collaborate on projects that cross national and cultural boundaries.

But from a free expression-focused perspective, it cannot be dismissed that joint productions formally extend to the Chinese government the ability to deeply shape these films' messages, as well as to exercise effective veto power over the movie's content. The Chinese government is essentially offered a co-producer's chair of their own, to not only advance a specific political agenda through film but to shape the film's narrative to better mirror CCP propaganda. Such powers are anathema to the ideals of creative freedom and truthful storytelling.

CHINESE MOVIE FINANCING AND THE INDIRECT PRESSURES IT BRINGS

In the past several years, the financial landscape of Hollywood has been deeply shaped by a major influx of Chinese financing—what one observer deemed "the latest wave of attractive funding for Hollywood."²⁴⁰ For Hollywood studios pouring hundreds of millions into their movies, this financing is a godsend, and it is now common for both small and major studios alike to have Chinese partners or major investors.

This includes Hollywood stalwarts. Paramount Pictures, DreamWorks Animation SKG, and Walt Disney Co. all have Chinese partners. In September 2015, Warner Brothers announced a joint venture with the privately owned China Media Capital.²⁴¹ Two months later, in November, Chinese film distributor Bona Film Group Ltd committed \$235 million to helping produce a slate of movies from Twentieth Century Fox.²⁴² In 2016, Perfect World Pictures, a company well known for its lengthy serial dramas on Chinese television, put \$250 million into a slate of movies to be made



A streetcar ad for the Kung Fu Panda Adventure Ice World with the DreamWorks All-Stars exhibition. Photo by Fongs Gomyeal 260

by Universal Pictures, owned by Comcast Corp.²⁴³

Given Beijing's system of centralized state power, the CCP has the regulatory ability to sink or float any of these ongoing ventures.

This drumroll of deals between Hollywood studios and Chinese investors has continued even though Chinese investment began to slow in the latter half of the decade, in part due to a regulatory crackdown from Beijing on major Chinese investments in "risky" foreign ventures, as well as tensions arising from the U.S.-China trade war.²⁴⁴ Today, amidst the coronavirus pandemic such investment has dropped precipitously, amidst a sector-wide entertainment slowdown.²⁴⁵

Even so, today's ranks of investors in Hollywood movies include a massive slate of Chinese investors, both private and state-owned: Tencent Pictures, Huayi Brothers Media Company, Perfect World Pictures, Chinese Media Capital, Fosun International/Studio 8, Beijing Polybona Film Distribution Company, Gravity Pictures, Shanghai RuYi Entertainment, Alibaba Pictures, and others.

In some ways, this represents a simple business shift. Yet, these enterprises are controlled by China's business or political elite, many of whom are prominent members of the ruling Chinese Communist Party

or who have their own close connections to these leaders.²⁴⁶

Even if they are not formally state controlled, these enterprises depend upon good relations with the government, which has made public its expectation that entertainment media should serve the political interests of the Party.

In all, investors have strong incentives to make sure that their Hollywood partners and the Central Propaganda Department see eye-to-eye. These investors and business partners play a mediating role between the Hollywood studio and the Chinese government, encouraging Beijing officials to grant their movies perks such as favorable release dates, while also relaying Beijing's propagandistic requirements to their Hollywood counterparts. This mediating role is hardly ever documented, but widely assumed, operating in plain sight but behind closed doors.

Take, for example, the 2019 war film *Midway* (Summit Entertainment et al., 2019). *Midway*, a movie primarily produced and distributed by Lionsgate Studios but which received \$80 million in funding from the Chinese conglomerate Bona Film Group, deals with the World War II battle between American and Japanese forces.²⁴⁷ While the film's depiction centers around a militarily victorious America—during the height of the U.S.-China trade war—the movie also plays up China's role in World War II and criticizes China's longtime rival Japan for its wartime atrocities. As Hong Kong film critic Clarence Tsui noted, the movie's Chinese financial backing "certainly helps" explain why Chinese censors were so willing to permit an American war film to reach the country's big screens.²⁴⁸

Meanwhile, *China Daily*, the Chinese Communist Party's English-language paper, concluded that Bona's financial investment "brought China a bigger presence in *Midway*," through scenes that featured Chinese locals protecting American pilots.²⁴⁹

The mediating role of the Chinese funder may sometimes ease the way for Hollywood films to pass through the censorship process with a lighter touch. For example, the 2015 film *The Revenant* (Regency Enterprises et al.), which showed in China under a flat-fee arrangement, was partially funded by the Chinese company Guangdong Alpha Animation and Culture. The film's Chinese backing may have played a role in the fact that just 30 seconds of the film were supposedly cut from the Chinese release, with one journalist noting that the "connection certainly wouldn't have hurt the film's ability to pass unscathed" through the censorship process.²⁵⁰

But their financial stake also enables Chinese partners to act as proxies for Beijing's interests, pushing for changes even absent formal instruction from their CCP colleagues. "No one sends someone over [to the studio] and says, 'this is the censor.' That conversation would not go over well," recounts one Hollywood producer. "But a financier may express concern that [certain content] could damage the movie's release date and say, 'it might harm our chances at that.'"

Several Hollywood insiders noted to PEN America that they face various pressures influencing the final content of their movies, of which those levied by Chinese censors are just one. "It's hard to distinguish [censorship] with what happens all the time in studio politics, such as something that a specific studio president is concerned about and pressures someone to change," one Hollywood producer summed it up to PEN America.

Yet to dismiss these pressures as yet another example of "studio politics" is to forget the fact that Chinese partners operate under a system of centralized state control. They have their own relationships with Beijing to manage, and their success is entwined

with their ability to please their counterparts in the Central Propaganda Department and other regulatory or political institutions. This is studio politics beholden to a specific, censorious, agenda—one that threatens to further normalize state-sponsored censorship as simply "part of the process." It is also noteworthy that these connections are often invisible to the average non-Chinese moviegoer—certainly to the average American viewer.

China is not the only country where financing from corporations connected to the government should raise alarm bells for freedom of expression. In 2018, for example, Saudi Arabia's Crown Prince Mohammed bin Salman actively pursued investment opportunities in Hollywood, promising billions of dollars of investment, though many of those plans fell through after the world learned of the brutal murder of Saudi journalist Jamal Khashoggi.²⁵¹ Like China, Saudi Arabia engages in systemic film censorship, and has its own political interests that it maps onto its cultural offerings.²⁵²

Even so, no other foreign partner is as well-placed to push for movie changes as these Chinese firms, because no other nation's box office is as critical to Hollywood's success as China's.

Yet the fact that China is not alone in exercising this influence underscores, rather than undermines, the need for Hollywood players to honestly identify and examine the power that their financial backers have over their film's content. As one Hollywood producer lamented to PEN America, "We can always talk about censorship and morality. But if there wasn't a business to support it, we wouldn't be talking about these things. We're quick to point fingers. But American capitalism initiated the whole thing!"

PART IV: LOOKING TOWARD SOLUTIONS

As a result of all the pressures that Beijing is able to bring to bear, the CCP's influence over Hollywood films is significant. Hollywood's decision-makers are increasingly envisioning the desires of the CCP censor when deciding what film projects to greenlight, what content these films contain, who should work on the films, and what messages the films should implicitly or explicitly contain.

This level of governmental control and influence, over the world's most significant storytelling industry, is a problem. It is a problem not merely on a theoretical level, but one that has practical implications. China is a major world player, and its government makes decisions with global implications, every day.

There are stories to be told about China and its government, from stories about the ongoing crimes against humanity in Xinjiang and the continuing prodemocracy demonstrations in Hong Kong, to everyday stories about the lives of people in the world's most populous nation. But there are fewer and fewer spaces where Hollywood filmmakers can tell such stories—at least, not in a way that permits Beijing to play a substantial editorial role.

Stories affect change. They galvanize people. Occasionally, they even speak truth to power. But not when they are censored, sanitized, or hijacked for a specific political purpose.

Beijing's wild success in creating a climate of self-censorship in Hollywood affects the future of movies as a genre. It affects every theater-goer around the world. And, ultimately, it affects every person in China who wishes that someone would be willing to tell their story, regardless of the political consequences.

So what is to be done, particularly when the issue seems so intractable? The answer, PEN America be-

lieves, lies in encouraging a more honest, public, and transparent conversation about Hollywood's role and its responsibilities. Hollywood, as an industry, must take more obvious and proactive action against such censorship. To this end, this section concludes with several specific recommendations that we believe would help move the industry in the right direction.

HOLDING HOLLYWOOD TO A UNIFIED STANDARD ON FREE EXPRESSION

As an industry, Hollywood has been vocal on the need to safeguard their creative expression—at least in an American context. The Motion Picture Association (MPA, previously known by the longer acronym of MPAA), Hollywood's key trade group, represents the Big Five studios (Disney, Warner Bros., Universal, Columbia, and Paramount) alongside its most recent member, Netflix.²⁵³ The MPA is the body that rates films (such as "G", "PG," and "PG-13") to guide theaters and viewers on the appropriate audience age for viewing a film.²⁵⁴ The MPA also plays a major role in lobbying the U.S. government on laws and regulations related to film. The MPA's leadership commonly consists of former government or elected officials—such as previous MPA CEO, Senator Chris Dodd; or current MPA CEO, former U.S. diplomat Charles Rivkin.²⁵⁵

The MPA has a long history of intervening in judicial cases and legislative developments that threaten to diminish filmmaker's free speech within the United States.²⁵⁶

For example, the MPA was deeply involved in the Supreme Court case *Superior Films v. The Ohio Department of Education*, a 1954 case on film censorship.²⁵⁷ The MPA, in an amicus briefing to the court, argued that the actions of the Ohio Governmental

Film Office, which had imposed a strict prescreening film review process on studios, was “repugnant to the First Amendment.”²⁵⁸ The case helped cement the right of filmmakers across the country to utilize their free artistic expression.

The organization’s promotion of these freedoms within the United States continues today. For example, the MPA has publicly supported the passage of anti-SLAPP laws, a legal shield against bad-faith libel suits. In 2016, then-MPA head Chris Dodd explained in an op-ed that the group’s backing of these laws was grounded in its commitment to free expression:

“The First Amendment right to free speech undergirds all other rights, and here at the Motion Picture Association of America (MPAA)²⁵⁹ we value and protect this freedom because it’s at the heart of everything we do. We take pride in our role protecting the rights of filmmakers to tell their stories—and for audiences to hear and see them.”²⁶⁰

In contemporaneous remarks, given while accepting an award from Georgia’s First Amendment Foundation, Dodd elaborated that:

“When I assumed the role of CEO of the Motion Picture Association, I was able to continue my passion for advocating First Amendment Rights—the right of creators to tell stories without fear of retribution—the right to be heard. Being an advocate of the First Amendment in the audiovisual world does not mean you agree with what you are hearing or support what you are seeing. What it does mean is that you are willing to fight for the right of those voices to be heard and seen. And powerful stories need to be shared. Our best films and television shows often say what urgently needs to be said—even if what they have to say offends. As an art form, the movies—as well as top quality TV

programs—have the power to change people’s minds—and even people’s lives.

...

Whether it’s confronting tyrants abroad, speaking truth to power at home, or pushing the limits—and buttons—of our society’s tolerance and cultural understanding, motion pictures and television often dare to say the unspeakable. Which is why, since our founding in 1922, the MPAA has fought for the First Amendment rights of not only our moviemakers—and our moviegoers—but the audiences, as well.”²⁶¹

These are powerful words in defense of free expression. They are especially powerful, however, when contrasted with the MPA’s words on Chinese governmental censorship. In a 2013 statement, for example, the MPA declared that while it supported the “maximum creative rights for artists,” the “adjustment of some of our films for different world markets is a commercial reality, and we recognize China’s right to determine what content enters their country.”²⁶² Such a statement seems to green-light collaboration with Chinese censorship, and in comparison to the MPA’s forceful defense of free speech within the United States, this circumscribed defense of artists’ creative rights is striking.

To date, the MPA has not released any public guidance on how studios can or should push back against censorship by the Chinese government. The Association’s approach seems to prioritize market realities over an effort to defend the free expression of Hollywood’s storytellers and the audiences they serve, an unsurprising but uninspiring effort.

Ultimately, the MPA and other key Hollywood players should make the same commitment to resisting censorship from governments around the world as they historically have to resisting censorship from our own.

THE SIGNIFICANCE OF THE ISSUE

Amongst the Hollywood professionals PEN America spoke with, there were varying opinions on how seriously to take the issue of Chinese censorship as it affects Hollywood. For some professionals, CCP censorship felt like merely one of the many commercial considerations that studios must take into account when developing films. Some suggest that a focus on Chinese censorship is misplaced, influenced by political narratives, anti-Chinese attitudes, and even by moralistic grandstanding.

In perhaps the most forceful articulation of this idea, Mike Medavoy, the former chairman of TriStar Pictures, in one of the few on-the-record interviews that PEN America was able to obtain, put it this way: “Who are we to tell other people what they should and should not censor? We’re not the protectors of everybody in the world . . . I’m not sure that it’s our fight.”²⁶³

But others felt very differently. “I don’t think the issue is overhyped at all,” one producer described to PEN America. “It’s hugely concerning. Any time we talk about stories or ideas that touch on an issue for China, it comes up in the conversation. And nobody wants to touch it with a ten-foot pole.” One Hollywood writer put it more succinctly: “This is real. This is affecting not just what Chinese audiences see, but what Americans get to watch.”

But among all these opinions, the prevailing sense among those that PEN America spoke with is that the issue of Beijing’s censorious influence over Hollywood is not going to go away, both because censorship will not disappear within a CCP-led China and because Hollywood studios and professionals could not be reasonably expected to withdraw from the market in an effort to safeguard their creative freedom.

“I would not underestimate the number of American writers and producers for whom the prospect of getting Chinese money, or making a movie for the Chinese market, has been very tempting. It’s more than a decent-sized chunk,” said Howard Rodman. “We’re in the ceiling-painting business,” he concluded, referencing the days of patronage-funded art during the Renaissance. “When you’re in the painting business, you work for popes.”²⁶⁴

PEN America believes that wholesale withdrawal from the Chinese-film market is neither realistic nor desirable. Hollywood should not wholly forego its opportunity to offer its stories to Chinese theatergoers and nor would it be positive for the Chinese people to be denied all access to American filmmaking. There is still substantial space for Hollywood to offer important, provocative and resonant stories even within the restrictions set by Beijing.

The remaining dilemmas include these: How much compromise to Chinese censors is acceptable and where, if at all, should and will Hollywood draw the line? What influence is granted to Chinese censors to



Posters of Chinese and Hollywood films are posted against the facade of a movie ticket-buying office, Peace Cinema Sales Center (和平影都卖品部) in Shanghai. Photo by Molly Stevens

dictate how stories are told and how China's image is portrayed in films that air not just to Chinese audiences, but worldwide? What stories will go untold by Hollywood filmmakers determined to remain on Beijing's good side? How might the distorting influence of Chinese censorship affect global understandings of China and geopolitics more broadly? Is there a risk that in cooperating with Chinese censorship, Hollywood buttresses that repressive system and helps to export its norms globally?

The answer to these questions will affect the film-making industry for years if not decades to come, with consequences not just for Chinese filmgoing audiences, but for audiences around the world.

RECOMMENDATIONS

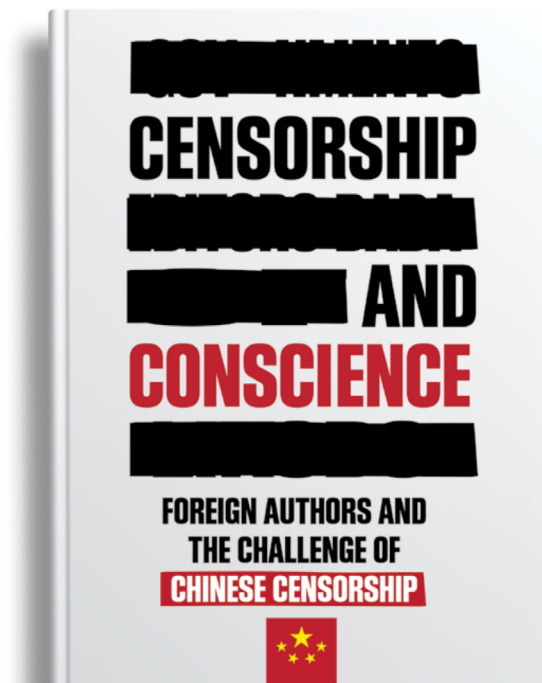
In our 2015 report *Censorship and Conscience*—on the issue of Chinese censorship of Chinese-language translations of foreign books—PEN America concluded that individual authors would have to decide for themselves the best place to draw their own ethical line. Even so, **PEN America crafted a series of recommendations designed to guide the author through this moral dilemma.** For authors deciding how to respond to a censorship demand from Beijing, we offered the following recommendations:

If the author must decide whether to accept certain alterations to his or her work in order to move forward with publication in mainland China, the author should resist censorship that

- fundamentally alters the overall arguments expressed in the book or the book's narrative and structure;
- fundamentally diminishes the book's literary merit; or
- deletes or distorts references to major historical, political, and human rights concerns, including but not limited to
 - the "Three Ts": Tiananmen, Tibet, and Taiwan;
 - ethnic and religious minorities;
 - portrayals of past or present Party leaders and history; and
 - discussion of political dissidents and human rights defenders.

If choosing to accept certain cuts or changes to the book, the author should

- insist that the Chinese edition include a prefatory note indicating that the book has been altered or abridged, and, if possible, include notes where each of the cuts or changes have been made in the text;



PEN free expression,
AMERICA literature.

PEN America Censorship and Conscience report. Cover graphic by Phil & Company

- ensure that the censored content is made available in some other form, such as posting the deleted sections online in English and Chinese, as well as pursuing an uncensored publication in Hong Kong or Taiwan if possible;
- draw attention to the censorship on the book's webpage, the publisher's internet sites and in publication-related publicity so that Chinese censorship does not continue in silence; and
- write about the experience. Consider composing an article, an op-ed, or a piece on one's own website describing the decision to agree to certain cuts or changes, to call further attention to China's censorship regime, and give more information to mainland Chinese readers regarding the changes made to the text.

PEN America recognizes that the calculus facing profit-making global filmmakers and studios differs from that confronting individual book authors. Moreover, the business relationships, investment ties, and ownership structures that have solidified Chinese influence in Hollywood dictate that many filmmakers come to this issue with a set of vested interests in place. As this report takes pains to explain, Beijing has structured its censorship model on forcing Hollywood studios to cooperate with its strictures, dangling the carrot of major box office returns alongside the stick of regulatory punishment for noncooperation. While there is space for studios to negotiate with Beijing regulators, such space is circumscribed.

And yet there is still room for Hollywood to adopt some principled strategies and practices to govern their interactions with the Chinese government.

Firstly, Hollywood decision-makers must develop a set of practices on how to respond to governmental requests to modify and censor content—practices that affirm and protect artistic freedom to the fullest possible extent. Secondly, Hollywood as a community must develop broader practices to counteract the more generalized and less explicit pressures that censorious governments can bring to bear, the types of pressures that encourage self-censorship and that shrink the space for honest and fearless storytelling.

Both sets of practices must revolve around transparency, more open and honest communication, and a clear-eyed acknowledgment of the nature of the problem.

To encourage Hollywood to develop these strategies, PEN America recommends the following steps:

1. Responding to overt and anticipated requests and demands for censorship by Beijing or its proxies

Hollywood studios must, foremost, stand firm that the censored, Chinese-version of the film not become the default version of the film offered to global audiences. Filmmakers cannot reduce their work to the lowest common denominator of only content that is deemed acceptable by one of the world's most censorious regimes. Thus, **PEN America recommends that all Hollywood studios pledge that, if they comply with anticipated or actual censorship from Beijing, either in response to a direct request from regulators or in an anticipatory effort to self-censor, that they do so only for the version of the film made available within mainland China, not for the film's global release.**

We appreciate that, by doing so, Hollywood studios will make their compliance with Chinese censorship even more visible, as viewers will be able to compare the Chinese release with the worldwide release and spot the differences. But the secret that Hollywood has been censoring itself to please Beijing is already out. If filmmakers are unwilling to resist one government's de facto censorship power over a film's worldwide release, then Hollywood will truly be abandoning its chance to draw a line in the sand in defense of freedom of expression, and against permitting the Chinese government to wield its censorship over audiences the world over.

Secondly, and relatedly, we believe that there is still room for Hollywood filmmakers to demonstrate their commitment to freedom of expression by openly and transparently acknowledging when, and how, a film's content has been changed in response to a censor's request.

The issue of Chinese governmental influence in Hollywood will remain under-examined and under-discussed as long as Hollywood decision-makers continue to discuss it only behind closed doors. Yet, while this outcome may sound ideal to some Hollywood executives, practices in other industries

demonstrate the value of transparency both as a good in and of itself and as a means of heading off bad press. Accordingly, **PEN America recommends that Hollywood studios commit to publicly sharing information on all censorship requests received by government regulators for their films.** Such information would go a long way toward making visible this semi-visible phenomenon, illuminating the contours of Beijing's censorship and giving film professionals and laypeople alike a better understanding of where the redlines truly lie—thus reducing the uncertainty that enables self-censorship.

Again, we are aware that Hollywood studios may hesitate to disclose the pressures they come under. If a substantial enough group of studios jointly committed to such transparency, however, it could greatly mitigate this concern. Most obviously, if all members of the Big Five jointly committed to such a disclosure program, it would immediately set the standard for Hollywood at large; furthermore, it would prevent Beijing from playing studios against one another by making an example of the first studio to take such a step.

Such a disclosure could take the form of an annual report—similar, in some ways, to the disclosures that technology platforms make in regards to government take-down requests and their responses.²⁶⁵ Additionally or conversely, it could come in the form of disclosures in the credits of movies themselves, similar to the “no animals were harmed” end credits disclosure that has demonstrated Hollywood's commitment against animal cruelty for the majority of films that involve animal actors.

Were Hollywood studios willing to make such a unified public commitment, it would be a powerful demonstration that Hollywood executives are interested in addressing the problem of government censorship in a thoughtful and conscientious way . . . rather than simply hoping the problem remains invisible to the average global moviegoer.

Studios may also be inspired to act (again, not unlike tech companies) in order to preempt government-mandated disclosures. Earlier this year, Rep. Mike Gallagher (R-Wisconsin) proposed a template for potential federal legislation on the issue, mooted the idea that the U.S. government should require Hollywood studios to disclose whether a film had been altered “to fit the demands of the Chinese Communist Party.”²⁶⁶

Such a disclosure would only reveal one aspect of Beijing's censorship, since it would presumably not apply to acts of anticipatory self-censorship from Hollywood studios, who consult with experts and advisors in order to make content decisions even before Beijing's censors officially come to the table.

Even so, the idea has some merit. Such “censored by” disclosures could impact, for example, companies' decisions to formally negotiate with the Central Propaganda Bureau, on whether to allow censors access to film production, and on whether to aggressively pursue joint production status for their films. It could also further empower Hollywood storytellers to push back against self-censorship within the filmmaking process, allowing them to point to these disclosures as a tangible demonstration of Hollywood's commitment to resist editorial interference from foreign governments.

However, PEN America believes that any such disclosure requirement, whether it be imposed by the companies themselves or by regulation, should be aimed at disclosing changes made at the demand of *any* government, not just China. Such a globalized disclosure requirement would not only be more useful and comprehensive, but it would better ensure that such a disclosure requirement was used to promote freedom of expression, not as a political tool.

The proposal is not without its risks, as it may push Hollywood studios to double down on anticipatory

self-censorship as a way of avoiding potential requests from Beijing that it would then need to disclose. Still, PEN America supports the concept of disclosures as a proactive step toward bringing the issue out into the open. Censorship thrives in murky conditions, and transparency is a necessary first step toward any industry response to it.

Gallagher’s proposal, it should be noted, is not the only legislative proposal on the issue of Chinese censorship of Hollywood. In late April of this year, Senator Ted Cruz (R-Texas) announced his intent to propose the “Stopping Censorship, Restoring Integrity, Protecting Talkies Act,” or SCRIPT Act.²⁶⁷ The SCRIPT Act would prohibit the U.S. Defense Department from cooperating with any film studio that edits or alters their movies for screening in China, and require studios seeking such cooperation to enter into a written agreement with the government not to comply with Chinese governmental censorship for the film.²⁶⁸

Currently, the bill’s attempt to target studios altering content even “in anticipation of” a governmental request is far too broad and extends much too far into the realm of creative choice for filmmaking professionals, failing to comport with the First Amendment and equating genuine efforts to appeal to a global audience with political censorship. Further, the bill places Department of Defense officials in the position of essentially evaluating the political messaging of American movies. As a result, the Act in its current form would do far more harm to free expression in Hollywood than good.

Even so, there may be room on this issue for thoughtful legislation that aims to shift the balance for studios weighing the liabilities and benefits of cooperation with Beijing’s censorship mandates—though, in order to comport with the First Amendment, such an act would need to be formulated to apply narrowly to a studio’s formal cooperation with official requests

from Beijing, which would then fail to address the broader issue of anticipatory self-censorship. Further, as with the Gallagher proposal, PEN America recommends that any future legislative proposal should aim to defend against government censorship broadly, without being specifically restricted to Beijing.

The Chinese Communist Party still wants to maintain a relationship with Hollywood, which remains the most potent force for global storytelling—a power that Beijing envies. Beijing needs Hollywood both to share talent and expertise with its own film industry, but also to ensure that a ruptured relationship between the two sides doesn’t lead to Hollywood producing movies that criticize the Party.

We believe that these two recommendations, a **public commitment that Chinese censorship will not affect a movie’s content offered to worldwide audiences**, alongside an **industry-wide commitment to public disclosures of governmental censorship requests from Beijing as well as all other governments**, would be a powerful step toward shoring up Hollywood’s commitment to freedom of expression in the face of this growing dynamic of censorship and propagandistic government influence.

We specifically call on the Big Five, as Hollywood’s largest studios and as industry stalwarts, to take the lead in implementing such recommendations. Relatedly, the MPA, as Hollywood’s key trade group representing primarily the large studios, has a major role to play, as it is the only body with the institutional buy-in and clout to coordinate the Big Five studios on this issue. As such, **PEN America directly calls upon the MPA to take action to implement our above recommendations.**

In recognition of the important role that the MPA can play in addressing this issue, we further recommend that the MPA demonstrate its recognition of the challenges that Beijing’s system of censorship and

market control over its film industry pose to freedom of expression and creativity, by **issuing a public position paper on the issue**. Such a position paper should be drafted only after extensive consultation not only with MPA's constituent members and other Hollywood professionals, but also with experts in the field of human rights and freedom of expression, Chinese filmmakers, and representatives of China's ethnic minority communities. For the latter categories, the MPA must also speak to dissident or exiled members of these communities, to better ensure that the position paper identifies the true costs of China's censorship. In a similar vein, we call upon the MPA to issue an annual report on the industry's engagement with China, including a substantive analysis of the relevant freedom of expression concerns thereof. This annual report should include information that allows Hollywood professionals a clear-eyed view of China's film censorship, including qualitative and quantitative data that illuminates the scope of such censorship.

Finally, we encourage the MPA to **initiate dialogue on the issue with other film industry trade groups across the globe**. The voice of the global filmmaking industry should be united in decrying systemic censorship and undue governmental influence in film, and now is a time when such a united voice is sorely needed. Such a statement—which could be geared toward resisting undue government influence more broadly, without needing to focus on Beijing—would be a powerful pronouncement for artistic freedom, worldwide.

2. Developing strategies to counteract and resist self-censorship and propagandistic pressures from governmental actors

There is an urgent need for an honest public discussion about Beijing's censorship strictures. Here, professional institutions and forums for the filmmaking industry also have a role to play: **PEN America recommends that every such institution**—such as the Writers

Guild of America, the Directors Guild of America, the American Film Market, and others—**advance their efforts to bring public attention to this phenomenon and to create opportunities for Hollywood insiders to discuss the issue honestly and transparently**. This latter effort may require the creation of private or small-group forums, listservs, cross-studio working groups, or other spaces for the sharing of information and the creation of best practices.

PEN America also calls on such institutions to **commit to educating their membership about this issue and the ethical and professional dilemmas it poses**. Such education may better prepare Hollywood professionals to resist censorship pressures, to better negotiate against censorship demands, or at least to know their options. For these same reasons, **PEN America recommends that film schools educate their students on this issue**.

For an issue that is so notoriously opaque and often invisible to theatergoing audiences, the role of Western journalists in exposing individual examples of Hollywood's censorship and self-censorship has been vital. **Trade journalists and journalists in the entertainment world** are particularly well-placed to carry this torch and should push to cover this issue more aggressively. They can do so, in part, by creating and publicizing open solicitations for information about instances of such censorship—solicitations that offer opportunities for Hollywood whistleblowers to remain anonymous or to identify themselves only to their own level of comfort.

Finally, we encourage Hollywood, as a community, to commit to the inclusion and promotion of substantive, three-dimensional Asian and Asian-American characters. There is already a pre-existing and obvious need for such enhanced representation within the world of film. Additionally, and more narrowly for this report's purposes, the dearth of such three-dimensional Asian characters in Hollywood only grants

further space for Beijing to insist upon stereotypes and uncritical portrayals of Chinese characters.

Secondly, we call upon the Hollywood community to engage in acts of solidarity with Chinese filmmakers who have been censored or who have chosen to resist censorship—often at great personal cost. The film community should, firstly, speak out on behalf of Chinese filmmakers whose voices are suppressed. Further, filmmakers should seek out additional opportunities to tell stories that Beijing may not want to have told. Such opportunities may include working with smaller or independent films that are not afraid to criticize the CCP, or working with Chinese filmmakers outside the country who have more space to tell uncensored stories.

The overall goal—the ultimate required result—is the formation of a more unified Hollywood response to censorious pressure from the Chinese government. To that end, both public attention and private discussion on this issue is necessary.

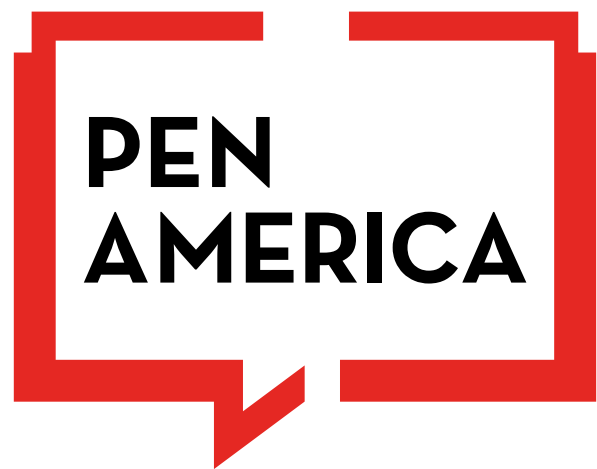
Hollywood possesses a hundred-plus-year legacy of serving as one of the world's storytelling centers. For this reason, there is a moral imperative for its

decision-makers to stand for freedom of expression, and to resist the gradual encroachment of any government that attempts to dictate what (or how) these stories can and cannot be told. The industry's credibility, moral standing, and clout all depend upon a frank reckoning with the implications of the growing Chinese market alongside Beijing's determination to dictate the terms of global filmmaking on matters it considers of concern. The industry should pull back the curtain, own up to the dilemmas it faces, and reckon candidly with these pressures in ways that allow policymakers, free expression advocates, and filmgoers to reach informed judgments.

Such action is needed now. The trends are moving in one direction—China's box office is expanding while its need for Hollywood films is lessening. But this only illustrates that now, right now, is the time for Hollywood to have an open and frank conversation about how to safeguard its creative independence in the face of governmental censorship and propagandistic influence. If Hollywood studios do not push back against this influence with a unified voice today, it will only get harder in the future.

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