



From “Customary” to “Illegal”: Yao Ethnic Marriages on the Sino-Vietnamese Border

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Abstract

This article examines changing governing practices in the context of the Sino-Vietnamese border in the Guangxi Autonomous Region of China. The groups inhabiting the mountainous ranges of this ethnically diverse part of Southeast Asia evaded the reach of the state until the 1970s, when China and Vietnam started tightening control over the land border after the border war. With an increasingly rigid and clearly delimited Sino-Vietnamese borderland, binary forms of classification began to replace earlier fluid identifications, and the room for diverse social and cultural expressions became restricted. It is within this context that the ethnic marriage practices straddling the borders of China and its southern neighboring states discussed in this article took place. Cross-border ethnic Yao marriages have changed from customary to illegal in recent years as a result of China’s strict population control, its changing demography, and the accelerated shortage of manual labor in its border area. Border politics have permeated the private sphere, transforming common ethnic marriage partners into illegal migrants. Although ethnic marriage partners are relegated to an illegal status, they are indispensable in the local labor market and moral economy as mothers, caretakers, translators, guides, and manual workers. This article argues that, despite being antithetical to the bordering logic of state sovereignty, they are important agents who depend on and capitalize on the border economy.

Keywords: ethnic marriages, Yao, undocumented migrants, China-Vietnam border, Guangxi, illegality

Introduction

Starting in the 1990s, increased human mobility and travel started blurring or even erasing the traditionally perceived rigidity of state borders (Albert and Brock 1996; Appadurai 1996). Additionally, since the turn of the twenty-first century, there has been a “proliferation of the borders” (Shapira 2013, 249). New walls and fences have been constructed as purported defense mechanisms against “terrorists” and “illegal migrants” (Doty 2014, 200), and borders have taken on new expressions of sovereign governance in the form of biometric IDs, new

visa regimes, offshore asylum and marriage interviews, and ever-more-complex immigration regulations. Borders have become more diffuse and more intimate at the same time, and the sovereign state values enshrined in the border-governing practices that are intended to draw distinctions between outsiders and insiders have produced context-specific effects.

This article discusses how the evolving state border, as a historical governing process that does not preclude other ways of organizing social and political lives (Agnew 1994), produces illegality as a condition for the border's effective functioning. I examine how the regularization of the Sino-Vietnamese border reorganizes the social and cultural patterns of human mobility in the area by considering the specific case of Yao ethnic marriages spanning the Sino-Vietnamese border. I look at how the articulation of the border as a form of internal population governance and a mechanism of immigration control produces contradictory effects on the ground. On the one hand, the status of cross-border ethnic marriages changes from customary to illegal. On the other hand, undocumented ethnic marriage partners play an indispensable role in the Chinese border economy and society. I show how customary ethnic marriages running against the inside/outside logic of state sovereignty have become illegal, yet are not easily subjected to border control because of the important roles they play in the local economy, society, and state. The changing status of Yao marriages on the Sino-Vietnamese border shows that the sovereign border does not work along the distinction of inside versus outside, but relies instead on the mutually dependent relationship between indispensability and disposability as its governing principle.¹

To investigate these issues, I undertook collaborative research with a researcher and MA student from the Guangxi University for Nationalities in two natural Yao villages in Ningming County between May 2012 and April 2014.² We conducted interviews with individual villagers, as well as with the civil affairs bureau, county government bureau, family planning department, public security office, foreign affairs office, office of the All China Women's Federation, local township's civil affairs office, and border police.

The local Chinese border town Aidian was established in 1992, and it shares a 25.5-kilometer border with Vietnam's Lạng Sơn Province. It is an increasingly important point of interaction, connection, and trade between China and Southeast Asia (figure 1). The township includes three administrative villages and twenty natural villages, and it has a total population of about nine thousand people. The Kanai administrative village, which includes two Yao natural villages where our research took place, is located within 3 kilometers of the border.³ In terms of ethnic composition, the administrative village's population is 60 percent Zhuang,

30 percent Han, and 8 percent Yao. The majority of Yao people live in natural villages situated 1 kilometer from the border. Between May 2012 and April 2013, there were thirty-eight households with 133 people in one village, and twenty-seven households with 92 people in the other. Among the thirty-eight households in the first village, eight women came from China and thirty came from Vietnam. In the other village, out of twenty-seven households, only five women came from the Chinese side of the border, with the rest being from the Vietnamese side. A majority of the villagers has relatives in Vietnam and maintain close links with the Yao across the border.



Figure 1. The red circle indicates the border town Aidian, where the author's fieldwork took place. *Source:* Author's photo of *Map of Guangxi Zhuang Autonomous Region* [Guangxi zhuangzu zizhiqu ditu] published by Hunan Map Publishing and Printing House [Hunan ditu chubanshe yinshuachang], 2014.

In this article, I first introduce the Yao's traditional views of their homeland and place in the Chinese governing order. I then trace recent state bordering processes, including the illegalization of customary ethnic marriages and stricter implementation of family planning policies. I also discuss the active incorporation of ethnic marriage partners into the local economy, where they provide cheap labor and social care and transmit ethnic knowledge and folklore. I show how governance of this context-specific border area is predicated on the disposability of ethnic partners who are indispensable to the local economy and society yet do

not count as part of the Chinese population. This case shows how the logic of the sovereign order and its expression in bordering practices rely on the condition of disposability of certain groups of people who are categorized as illegal.

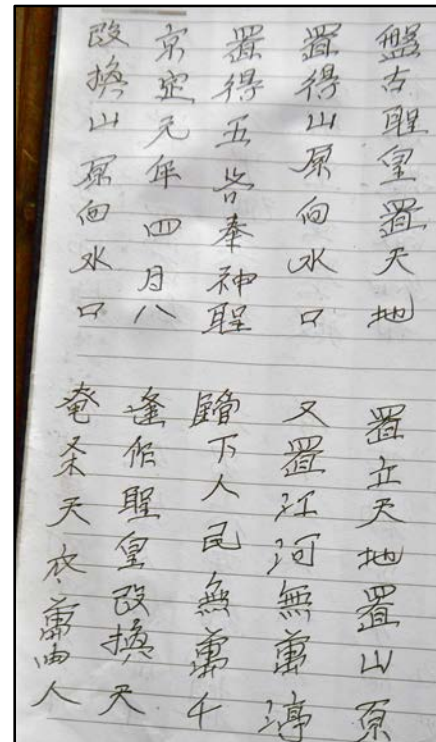
The Yao Who Cross the Mountains

In May 2014, a knife attack by a group of Chinese (allegedly Uyghur) border crossers at the control post in Dongxing on the Sino-Vietnamese border led to an increase in border checks. As a result, the locals in neighboring Ningming County were worried that they would not be able to take part in the annual festival in Lộc Bình town (C: Luping) on the Vietnamese side of the border. The festival attracts people from both sides of the border who come to socialize with relatives over a meal, visit the local market, and enjoy local entertainment (figure 2). My research assistant and I had made arrangements to meet with several Yao villagers from the Chinese side of the border at the market in Lộc Bình, but three hours before the designated meeting time, while we were in a taxi on the way from our hotel in Pingxiang, the Chinese villagers called us to say that they did not think they would be able to come to the market after all, because the border police were not letting them through, even with their border residents' passes. We asked if they could take a mountain path that they sometimes use to cross to Vietnam, but they were not sure whether they would be able to do so on this occasion. The Yao guide who had accompanied us from China to Vietnam commented at this point: "There are several mountain paths that even they [the border patrol] do not know". To our surprise, by the time we had crossed the Friendship Gate and traveled nearly 40 kilometers from the border checkpoint to Lộc Bình, the group of villagers we were hoping to meet were already waiting for us at the market. While we had endured an arduous, bumpy three-hour ride on the muddy roads of rural Vietnam, the villagers had made it to the festival on foot in less than one hour. As one of the villagers pointed out later that day, the Gong Shan mountain they live on in China and the mountain in Vietnam is the same, and it is impractical and time consuming for them to go to the other side of the border through the checkpoints. That day they were planning to cross the border through the checkpoint in Aidian because of the visible increase in border guards in the area. This encounter shows how the imposition of the state border has affected daily interactions between Yao living on either side, and how the Yao address the limitations of the border mechanism. The way they navigate this transnational border space is rooted in their myth of origins, traditional lifestyle, and new opportunities arising from the border economy.



Figure 2. The ethnic festival and market in Lộc Bình. Photo taken by the author.

According to Yao beliefs, their ancestors came from Hunan and Guangdong Provinces in China and migrated outward to the southwestern borders of the empire and beyond in search of arable land in the mountains to cultivate their crops (millet, corn, sweet potatoes, yams, and so forth). Yao history was recorded by the Yao people themselves and retold in written narratives, “The Charter of Emperor Ping” (评皇券牒 *ping huang juan die*) or the “Passport for Crossing the Mountains” (过山榜 *guo shan bang*) (Alberts 2007, 129–145; 2011). Written in Chinese characters and traditionally recited in the Yao language, different variations tell how the Yao were forced to move away from central China due to natural disasters and the pressures of taxes and corvée labor imposed by local rulers, and how they survived the dangerous journey and reached the southern provinces. Presented as scrolls or, in more recent variants, as hand-copied texts, these documents are said to have derived from the Chinese imperial writs granting them exclusive rights to cross and cultivate the mountains. The migration routes of the Yao and the text of the “passport” are copied and passed on to the descending generations across Southeast Asia (figures 3a and 3b). Although their imperial origins cannot be ascertained, the charters have been recognized as important “statements of Yao identity” and examples of how the Yao have viewed themselves in relation to the central Chinese state (ter Haar 1998, 4; Alberts 2011).



Figures 3a and 3b. Excerpts from historical and contemporary copies of “The Charter of Emperor Ping.” Sources: Bodleian Library, University of Oxford; Sinica 3539. Photo taken by the author.

Chinese imperial rulers had a long-standing tradition of using the tools of cartography and ethnography in an attempt to categorize the empire’s diverse population into governable subjects (Hostetler 2002). This practice continued well into the twentieth century; Ralph Litzinger’s research shows how Yao history became part of the Chinese official national narrative after the Communist Revolution (Litzinger 2000). Ever since the completion of the Communist ethnic identification project in the mid-1950s, the Yao and other ethnic groups with links across the border of the People’s Republic of China (PRC) have been referred to in China as cross-border ethnic groups (跨境民族 *kuajing minzu* or 跨国民族 *kuaguo minzu*), although their traditions, lifestyles, and world view predate and defy the sovereign bordering logic of the modern state system (Zhou 2002, 2006).⁴ The imposition of a cross-border ethnic identity reflects the limits of the sovereign state’s system of governance and its categories of distinction, which enforce a clear separation between nationals and non-nationals, although these divisions in fact do not exist. The category of “cross-border ethnic group” is a compromise between, on the one hand, a desire to incorporate these groups into the state’s administrative domain and national project as ethnic minorities, and on the other, a reluctant recognition of the fact that they have enduring connections across the border. The Yao (Dao

in Vietnam; Mien in Laos and Thailand) are one of these loosely connected ethnic networks linking people across Southeast Asia and beyond. For people sharing the same language, customs, festivals, and marriage traditions, state-imposed categorizations and recently erected national borders, with their material manifestations at checkpoints and in new documents, have been an inconvenient nuisance.

Until recently, the Chinese sociopolitical experiments of the twentieth century (the Civil War, land reforms, collectivization, and Cultural Revolution) had little impact on the organization of the Yao living on the Sino-Vietnamese border. Until the beginning of the “Reform and Opening up” in 1978 and China’s border war with Vietnam in 1979, the Yao in the area relied on self-sufficient subsistence and practiced shifting cultivation. During the border war, the Chinese army built a bunker for the Yao villagers to hide in during the bomb shelling. One villager recalled that, before the war, his family had lived very close to the disputed border, and when fighting broke out, the Chinese government moved them to the settlement near the bunker where they stayed after the war (interview, April 14, 2013). As a result of the border war, in 1979–1980 the cultivation of local land was allocated to households according to size, and the traditional Yao practice of shifting cultivation changed to settled forms of agriculture. Since the 1980s the government has encouraged planting sugarcane, star anise, and cinnamon, along with cultivating rice paddies, and these new forms of agricultural activity, together with the practice of extracting pine oil, became the main sources of income for the Yao in this area. The availability of new cultivatable land is now limited, due to the strict forest management regulations imposed by the local forest management committee. Because of the lack of arable land and limited access to forest, only a small variety of agricultural activities is currently available to the local Yao. Yao in the two villages researched for this article derive their income primarily from the extraction of pine oil and the cultivation of sugarcane.

Since the war, the two settlements have not moved, but informal mobility across the settled border has persisted. The phenomenon of “leaving province rarely, leaving country frequently” (出省少出国多 *chu sheng shao chu guo duo*) is common in the area (Zhang 2009, 213). After the normalization of Sino-Vietnamese relations in the 1980s, the Ningming government set up a local border trade management group in 1989; the Sino-Vietnamese land border line was established in 1999; and the landmarking was completed in 2001, as testified by border stones in the area. The organization of local social and political lives along the lines of ethnic networks challenges the binary governing state logic. Chinese scholars and

officials refer to the people living in the border areas as “stuck between tradition and modernity,” as many of their practices are incompatible with the functioning of the modern state (Zhou 2002, 235; Li and Long 2008b, 76; Gu 2009, 9). The Yao have had to adapt to and navigate this transition to sovereign state governing practices. They do not find the binary distinction between Chinese Yao and Vietnamese Dao (as the Yao in Northern Vietnam are referred to) helpful, because they feel that “there is no difference between the Yao; there are different policies, different IDs, but the people are the same” (interview with the villager, April 26, 2014). The relationship between the local Yao and the border contrasts with the identification process described in Dona Flynn’s (1997) research with communities on the border between Benin and Nigeria. There, the locals refer to themselves as “the border” because of their residence in the binational territory surrounding the international border. Although the local Yao recognize the existence of the Sino-Vietnamese border, they make claims on and contest this space as their own.

Many Chinese social scientists have approached the study of cross-border areas and cross-border ethnic groups from the point of view of the Chinese state, in which the ideals of state sovereignty and security are assumed to be absolute and immutable, and the state’s goals of development, modernization, and security lie at the core of state policies. Because China’s border areas are inhabited by ethnic minorities, ethnic policies in these areas have been regarded as a testing ground for ethnic policies at the national level: “People who inhabit the area, despite their economic activities, resource distribution, cultural exchange, or their self-identity all have an effect on border stability and state security” (Wu, Yang, and Zhou 2014, 2). The very first autonomous county in all of China was established in the Yao area of northern Guangxi in 1952 (Fei 1991, 19). However, the effects and implications of the sovereignty-driven discourses, policies, and practices on the social and cultural practices that precede and survive the state border are rarely considered. The category of cross-border ethnic identity imposes state-centric lines of distinction where they exist only tenuously, marking as illegal practices that do not conform to the state’s bordering logic (Galemba 2013, 275). One such practice is ethnic marriage.

Yao Marriage and Borders

As social and cultural anthropologists have long observed, marriage in China has traditionally been “about borders and boundaries” (Oxfeld 2005, 19). Moreover, the normative principles of patrilineality and patrilocality practiced by Yao mean that,

historically, women have been the ones who have crossed territorial and familial borders to enter married life with their husbands' families. Among the Yao, a patrilineal clan system prevails, in which those with the same surname are recognized as members of the same extended family. The two villages researched for this article consist of two patrilineal families, and the local preferences for exogamy require that marriages cross village borders. It has been common for local Yao men to find a Yao spouse across the state border in Vietnam and vice versa.⁵

Historically, the Yao lifestyle has been characterized by frequent migration. However, with the introduction of the sedentary lifestyle in the 1970s, closer integration of the people into the local economy, and nourishment of a stronger state consciousness, new modes of migration within and across national borders started taking shape. With the normalization of state relations, the official trade and business relations between China and Vietnam have accelerated, and the state has increased its economic assistance for the area. At the same time, the long-standing mobility patterns have taken on new expressions and meanings.

In the 1990s, the number of ethnic marriages between Chinese men and women crossing over from villages in neighboring states proliferated and started to attract the attention of Chinese scholars (Zhou 2002; Li and Long 2008a, 2008b). In addition to the traditional ethnic factors influencing marriage dynamics, economic, social, and population developments became important forces shaping these migratory trends. Ethnicity and kinship continue to be important components of these arrangements, as all marriages in the two villages where we conducted research were between Yao women from the Vietnamese side of the border and Yao men from the Chinese side. The local attitude to these marriages is straightforward: "We all marry according to popular tradition; we all recognize each other" (interview with a villager, April 13, 2013). However, ethnic networks alone do not sufficiently explain the growing number of such marriages. Other socioeconomic processes play a significant role, too.

Due to the limited availability of arable land in the mountains and decreased opportunities to live off of farming, paralleled by the attraction of new job opportunities in factories in economically burgeoning Guangdong nearby, many young people—women in particular—have left the area to seek new lives in the cities. The families are more accepting of their daughters moving out of the local area, marrying non-Yao men, and settling in other parts of China. The expectation for a son, however, is to marry a Yao woman and live near the family home. Young men—as the future heads of their family clans—stay near their

family homes to look after their parents and familial graves; the majority go for only short stints in factories in Guangdong. As the priority for Yao men to marry Yao women outside their family clan prevails, their search for partners often takes them to the Yao villages across the border in Vietnam. During our journey from China to Vietnam in April 2014, I talked about these developments with our Yao guide, F., who himself had recently married a Yao woman from the other side of the border:

E.: How do you find your partners?

F.: We ourselves go to find them.

E.: Like today, during market/festival celebrations?

F.: Yes.

E.: And do your relatives in China help you to find partners?

F.: Yes, they do sometimes. Before we didn't need to apply for marriage certificates when we got married, but now the government demands we get marriage certificates.

E.: And do you consider it burdensome?

F.: You have to pay money, you have to pay money for everything now...

According to villagers and local officials, cross-border marriage movement continued uncontrolled until the early 2000s or so. Until then, marriage partners from Vietnam could join the local household register at the discretion of local authorities after a nominal fine was paid. Speaking about the cross-border marriages of the past, the villagers shared that it used to be easy for Vietnamese marriage partners to get a local *hukou* (household registration): “In those days it was enough to have a word with the village head, and you could get a *hukou*” (interview, April 14, 2013). A representative of the local police office would assist unregistered residents in adding their names to the *hukou*. However, it is now impossible for marriage partners to obtain household registration even with a fine. Deportations rarely take place, but channels for Yao women from Vietnam to legally marry Chinese men are nonexistent in the area. The older generation of women are able to keep their *hukou*, but those who came from Vietnam starting in the 1990s were removed from the *hukou* register. In general, women of the older generation who came from Vietnam are considered “Chinese” (i.e., with *hukou*), while younger women are considered “illegal” (*feifa*) (interview with a villager, April 14, 2013).

Around 2007, new population control measures were introduced in the area, limiting the number of children in Yao families to two, with all subsequent “illegal births” and all unsanctioned births subjected to hefty fines (7,000 RMB in 2010; 10,000 RMB in 2013). One

Yao villager who was married and had a son with a Yao woman from Vietnam in 2010 paid 10,000 RMB for his son's *hukou* in 2012. He shared his story:

To start with, they [the authorities] said it would be possible to transfer my wife's *hukou* to here. First, they said it would be possible, but then it became impossible. I wanted to get *hukou* for her from the beginning, [because] only with *hukou* can she be legal. But if my wife didn't transfer her *hukou* within one year of leaving Vietnam, she is not Vietnamese anymore.⁶ China doesn't let her join *hukou*; they say that her Vietnamese *hukou* needs to be transferred. Like that we became illegal. (Interview, April 13, 2013)

While the reasons for the increase in cross-border marriages are many (in particular, gender imbalances and the economic disparity between China and Vietnam), what these partnerships share is their undocumented and gendered character: over 90 percent of these marriages have no documentary evidence, and in the majority of cases, women cross the border and settle in China.⁷ These marriages do not follow legal procedures or other bureaucratic formalities and are arranged according to local customs outside of the disciplinary logic of the two neighboring states and their migration and marriage regulations. Traditionally, Yao marriages were arranged between families, and the record of dowry (the amount of money, meat, rice, alcohol, land, etc.) was made for or by the parents of the newlyweds (figure 4). Prior to the 1990s, the horoscopes of the couple played an important role in arranging marriages, and, according to the locals, if the horoscope reading was not considered to be favorable, the couple was deemed unsuitable and couldn't get married.



Figure 4. Chinese Yao villager's marriage agreement with his Yao wife from Vietnam, 1991. Photo taken by the author.

The legal regulation of marriage in China works to ensure the state's control over the private lives of its citizens and makes the institution of marriage part of the project of national development (Davis 2014, 552). A marriage that has been registered civilly and bears documentary evidence is the only state-sanctioned form of recognized family union in China.⁸ Reinforced by the one-child policy since 1978, marriage regulations work to exert state control over the intimate life of Chinese citizens in order to achieve the national core objectives of economic development and modernization (Greenhalgh 2008). Along with establishing norms for legal marriage, migration regulations and population governing policies work as a sovereign act of the state, enforcing greater control over its national borders (Friedman 2014, 301). Mei-Hua Chen's article in this special issue and Sara Friedman's research show how the public discourse on "fake marriage" in Taiwan sutures together "marital and migration intentions" and blurs the distinction between private and public spheres, because the legal status of marriage migrants there almost entirely hinges on their status as dependents, which they lose should the family break up (Friedman 2014, 293). In the case of Yao marriage partners from Vietnam, their "illegality" due to the absence of documentary evidence of their marriage and residence status in China is an exception to the otherwise properly guarded national border. Below, I refer to local officials' perspectives illustrating this point.

From the point of view of the state, concerned as it is with organizing its population into governable regions and ethnic groups, ethnic marriages with co-ethnics across the national border present a particularly threatening instance of what anthropologist Veena Das calls "a vision of more flexible boundaries between... men and women than the state could tolerate" (quoted in Schein 2005, 60). As with the Miao people in Louisa Schein's research, all of the women in the villages we studied married spouses within walking distance (Schein 2005, 62) (figure 5). There is no obstruction to crossing the mountains in this area, as there was between Hong Kong and Guangdong in the 1960s, when "families that for generations had arranged marriages effortlessly across the border restricted them to local marriage markets" (Davis and Friedman 2014, 24). In China, county borders differentiate local marriages from marriages of migration, and, as Emily Chao observes, state-recorded marriage statistics are more concerned with the objective of "tracking and containing populations" than with recognizing and categorizing marriages (2005, 43). Yao ethnic marriages in the context of the Sino-Vietnamese border do not easily comply with the concept of "marriage migration" or "cross-border marriage" or the marriage migration regulatory regime applied to them in

Chinese state and scholarly discourses. The Yao transgress the boundaries of the household, family, county, and state but are not migrants per se, because they operate within the zone of the Yao habitat and do not cross significant cultural barriers. County officials expressed their surprise that all of the women who settled in the area spoke the same language and sang the same “mountain songs” as the locals (interview, April 9, 2013). Yao marriages are more “trans-local” in character, because most of them are the result of “travelling between villages to market days and festivals” (Schein 2005, 62), yet they are constructed as “migrant” by the state subject-making discourses and governance of migration and state border.



Figure 5. Sino-Vietnamese border, or the Yao habitat. Photo taken by the author.

According to a representative of the family planning office, the cases of undocumented cross-border marriages in the two Yao villages were first recorded in 1991 during a family planning inspection (interview, April 9, 2013). The attitude toward undocumented marriages and migrant women was lenient at the time. Such marriages were treated as customary (事实婚姻 *shishi hunyin*), and the women were subsequently issued IDs and added to the local household register. With the increased number of such marriages and the “illegal” births associated with them, however, official tolerance of these practices has been waning. Although ethnic marriages along the Chinese borders have been a long-standing trend, marriage migration, including through commercial channels as in other parts of East Asia. The official and public discourses on ethnic marriage practices are becoming increasingly interwoven with and influenced by the more recent commercial modes of marriage arrangements (Hao this issue; Barabantseva forthcoming).

By 2005, undocumented marriages were widely reported and investigated by local authorities along China's southwestern border. When these marriages became more visible outside of their immediate locations, the discourse regarding their illegality became more widespread, and the marriage partners were more frequently referred to as "illegals" (Shen 2012, 11; Zhang 2009, 209). Many Yao villagers directly linked the loss of residential status of the Yao marriage partners to the 2003 Identity Card Law and the replacement of old forms of identification with the new generation of machine-readable identity cards (interview with a villager, April 28, 2014). The situation was further exacerbated by the 2002 Family Planning Law, according to which local governments had to include foreign residents in local birth control plans. Before that, the unregistered marriages with foreigners were "outside the plan" and hence not included in local population statistics (interview, county family planning office, April 10, 2013). According to the county's government representative, since 2012 the regional population planning bureau started requesting regular updates on the number of marriages with foreigners and births associated with these families.

This shift points to how the discourses on illegality and legality are shaped by the politics of visibility and invisibility (van Schendel and Abraham 2005) and the sovereign prerogative of the state to issue identity documents (Torpey 2000). Since the increase in attention to this phenomenon, Chinese academic and state discourses have focused on the negative effect of growing numbers of undocumented "brides" on three areas of concern: China's "social stability" (社会治安 *shehui zhi'an*), "population security" (人口安全 *renkou anquan*), and "national identity" (国家认同 *guojia rentong*) (Luo 2012, 114). As a result, ethnic marriage partners have become constructed as "illegal migrants" by means of domestic and foreign forms of documentation and state anxiety over the increasing volume of unaccounted human mobility across its borders. The state's exercise of its authority to issue documents as a vital element of sovereignty is explicitly complicit in rendering ethnic marriage partners on the Sino-Vietnamese border illegal.

The Border Governing Predicament at the Local Level

For local authorities, the presence of undocumented residents is a sensitive (不好说的 *bu hao shuo de*) topic, as they expose the deficiencies and ruptures in the state governing regime over its territory and population. According to information provided by the county-level civil affairs bureau, the estimated number of undocumented marriage partners in the county in 2012 was around one thousand (interview, April 11, 2013).⁹ At the local level,

there is no easy way to address the situation. During one interview, a county office representative complained about the regional civil affairs office, which promises “to make things easier for people, but it seems to work otherwise” (interview, April 9, 2013). The local officers encountered many frustrations seeking a workable approach to the situation with the undocumented ethnic marriage partners. According to the same county representative, in 2011 an investigation and research meeting attended by representatives of the public security and foreign affairs offices took place in the neighboring county. The problem was discussed, but no solution was found. The situation was reported to the central authorities, but no reply followed after two years of waiting. At the local level, no bureau has figured out how to solve the issue: “All the departments say they want to help the people, but cannot, because they have to follow their regulations” (interview, county’s government office, April 9, 2013). Another official from the family planning department boiled the problem down to the matter of categorization: “It is the custom of border people to marry each other. The custom does not fit into the category of international marriage regulations” (interview, April 11, 2013). In the words of the representative of the county-level foreign affairs office, “There is a conflict between livelihood concern [民生问题 *minsheng wenti*] and the two countries’ security concerns [国家安全问题 *guojia anquan wenti*]” (interview, April 11, 2013). In the absence of clear legal channels for recognizing diverse forms of marriage, public discourse and governing strategies lose the power to distinguish between different kinds of marriage forms and dynamics. The dominant trend is now to label all unregistered marriages “illegal.” The local government recognizes that a prohibitive approach is not productive:

A simple ban would not work. In the past there was a period of time when we had strict measures, and the police repatriated women. But by the time we came back to our offices, those women had already come back by the small paths. One year we loaded all the Vietnamese women without marriage certificates onto several lorries and took them to the border, but they all came back to their homes in China.... Such big operations...are useless. They create tensions [冲突 *chongtu*] in our work. (Interview, county government office, April 11, 2013)

There is a consensus among local officials that undocumented marriages are so prevalent because the procedures for registering marriages are very complex and expensive for local people, involving long-distance travel, the presentation of numerous types of documentary evidence, and the payment of high fees. As one official pointed out: “In reality, the people want to register; they all want that red paper, the security of the marriage. If they don’t have that piece of paper, then it is just a cohabitation [同居 *tongju*], but what is the value of

cohabitation? It doesn't have any legal protection" (interview, county civil affairs office, April 11, 2013). In the recent move to simplify the registration process for cross-border marriages, the marriage registration office was moved from the local city to the county. However, arranging a marriage certificate for a couple involving a spouse from Vietnam is more difficult than for a Chinese-Chinese couple. In addition to making a three-hour journey to the county center and paying a fee, the couple must obtain and authenticate documents from Vietnam (Huang and Chen 2011, 84–85). Since the registration procedure was moved to the county, the civil affairs office has not registered a single marriage between a Chinese and a Vietnamese, partly because, as of 2013, there is no authorized office that can translate and certify Vietnamese documents at the county level.

The problem is local, involving local residents and their families, but in the context of tense Sino-Vietnamese state relations, the local government does not feel that it has any prerogative to resolve the issue on the ground and is waiting for instructions from above: "If we could do it according to the internal *hukou* registration and ID, then it would be easy" (interview, county government office, April 11, 2013). However, local officials feel this issue can only be resolved at the top because of the high national security imperative: "The heads of state have to sit down and discuss this problem" (interview, county government office, April 11, 2013). Yet exchanges between the two local governments in the border area are limited, and the local officials are not familiar with the dynamics on the Vietnamese side of the border, including whether or not Vietnam has family planning and birth control policies. Further, they don't know how changes in Vietnam affect the dynamics of the Sino-Vietnamese border area.

One of the major factors in the county representative's position on the legalization of Yao marriage migrants is how it would affect China's population growth dynamics in the area. In his words, "If we simplified the naturalization policy, there would be an increasing number of marriage immigrants entering the country in the border areas and negatively affecting China's population management and security" (interview, county family planning office, April 11, 2013). At the level of population governance, the undocumented women pose a problem for the implementation of the Chinese state's family planning and population growth control policies. Population growth and birth control are carefully monitored, and the authorities of areas where population growth rates exceed the allowed quotas are heavily fined. When an unexpected pregnancy is detected by the family planning officer, the pregnant woman in question is persuaded to have an abortion. Since 2007, a computer database of

foreigners (涉外布标 *shewai bubiao*) living in the county has been in place and is regularly updated, but access to it is restricted to authorized people in the local government. In this way, state border and migration control manifest in the close monitoring of undocumented marriage migrant women and their reproductive data.

Chinese scholars and officials voice concerns not only about the undocumented marriages' violation of population control policies but also about the sense of national identity among undocumented marriage migrants. As demonstrated in Zhang et al.'s (2002) research in the Wenshan Autonomous Prefecture of Yunnan, cross-border minorities living on the Vietnamese side of the border have a much stronger sense of national identity with Vietnam, which they explain by the fact that in 1975, Vietnam abolished ethnic autonomy status to Vietnam's ethnic minorities in North Vietnam and resettled people from Central and South Vietnam there (Zhang et al. 2002, 6–7). On the Chinese side, by contrast, Zhang et al. found that ethnic minorities have a strong ethnic or local identity and only weakly identify with China. Scholars cite the much more tolerant and favorable Chinese ethnic policies and Vietnam's harsh attitude toward non-returnees as a possible explanation for such sentiments. In addition, Vietnam's 2008 Nationality Law allows overseas Vietnamese to come on visa-free visits to Vietnam, which Chinese authorities interpret as creating a potentially favorable environment for Vietnamese women and their families to reactivate and strengthen their links with Vietnam (Jiang 2012, 121). Even if these policies remain irrelevant for the majority of women because of the women's undocumented status, some scholars conclude that Vietnamese marriage migrants weaken family and national stability because they are associated with loose national and social attachments (Jiang 2012, 121; Li and Long 2008b, 78). They are "highly mobile and lack state identity—therefore, security control, marriage governance, and birth control are difficult to manage" (Li and Long 2008b, 79). Officials at the local level recurrently raise concerns about Vietnamese spies sneaking into the country if the border control measures are relaxed for ethnic marriages.

There are no social safety nets for unregistered ethnic marriage partners outside of their immediate families. The county office of the state-endorsed All China Women's Federation (ACWF) does not have any programs for undocumented marriage migrants and, according to the representative, not a single woman from Vietnam had ever come to their office for help (interview, ACWF county office, April 10, 2013). International organizations, including Save the Children and UNESCO, had projects in the area, but their efforts focused on propagating an anti-human trafficking agenda, conducting trafficking awareness

campaigns, and establishing shelters for the victims of trafficking (interview with a professor from Guangxi University for Nationalities, June 24, 2012). These policy priorities were dictated and determined by the global anti-human trafficking agenda of international organizations, rather than being shaped by local realities.

Local Negotiations of Illegality

In daily life, local negotiations between officials and residents, rather than the remote central state's directives and documentary evidence, influence how people interpret legal and illegal actions. The distant threat of state intervention contributes to maintaining the image of state power; however, in the local border context there is more of a gray area (Galemba 2013, 280). This perception was articulated by one of the villagers we spoke to:

If you don't violate any laws, then you can lead a normal life; the government doesn't bother you. The government doesn't stop you from coming to live here; you just can't enjoy any favorable policies. Now they only deport the illegal workers but do not control those who live here. When we were married, the local official came to drink at our party with us! (Interview, April 14, 2013)

While from the point of view of the central government, the undocumented marriage partners are "illegal," at the village and county levels, the Vietnamese marriage partners play an indispensable role in the local labor market. The ACWF's representative commented that "the Vietnamese women are industrious and hard-working. They solve a lot of problems in poor families where men can't find a local wife" (interview, April 10, 2013). In the words of the county government office representative, "If it wasn't for the Vietnamese workers which the 'Vietnamese brides' put us in touch with, I don't know what would have happened to our economy.... All of the sugar cane in the area is being harvested by the Vietnamese, and they only get paid 100 *yuan* a day" (interview, April 10, 2013). He continued, "They enter illegally, but in reality we need them very much. This a very muddled question." Another official concurred and put this development into perspective: "Our youth all left to work in Guangdong and Shenzhen factories, where the work isn't as tough as here. In their place, hundreds of Vietnamese come every day between October and spring" (interview, county government office, April 10, 2013). The undocumented Yao women play the role of contractors and guides for the Vietnamese laborers, with the support of local officials who also rely on them to do manual labor. As the representative of the county government office said:

The majority of Vietnamese people cross the border via mountain paths without any documents. If the border patrol finds out, they detain them. Because they are “three illegals,”¹⁰ it causes problems for them and us. Normally, if a Vietnamese without papers is caught, they can be detained for up to five days, and you have to give them food, drink, provide place to sleep, and then send them back to the border-crossing in a special car to repatriate them to Vietnam. There are possibilities for mutual collaboration, but there is currently no dedicated government system to put these opportunities into effect. (Interview, April 10, 2013)

The undocumented Yao partners participate in the local cross-border “popular” economy outside of the bilateral state agreements. One of the mainstay industries in the county is sugar refining; however, there is not enough suitable land and labor on the Chinese side to plant sugarcane, so the informal (民间 *minjian*) arrangement is to plant sugarcane on the Vietnamese side of the border, where there is no plant to refine sugar, and then to deliver it to the border, where it is taken to the sugar refinery on the Chinese side (interview, county government office, April 10, 2013). While local officials see a lot of potential for cooperation, the “high politics” complicate the matter. So far, the initiative lies in the hands of local entrepreneurial minds with the assistance of ethnic marriage partners. In addition to their contributions as a labor force, Vietnamese Yao women are regularly invited to dress in traditional clothes and perform mountain songs in county concerts for 100 *yuan* per day. They thus fulfill the desire of the Chinese state to celebrate itself as a multiethnic, diverse society. Their minority attributes, ethnic dress, folklore, and songs are legitimate as long as their status in the country is unrecognized and their bodies are uncounted. While their labor and social roles are appropriated to help attain the state’s economic and social goals, their reproductive and civil qualities are taken away from them as “nonexistent” members of Chinese society (Grillot, this issue).

Conclusion

This article examined how the new sovereign state formulations of the border, as manifested in foreign marriage registration provisions, redefine earlier existing ethnic practices and governing principles as illegal. The state’s reliance on the border as a natural line delimiting the rights of citizens obstructs the provision of rights to those considered illegal and undocumented (Bosniak 1998). The case of ethnic marriages on the Sino-Vietnamese border shows how the changing border practices work against the state territorial premise, reaching the basic societal unit of the family, and how a different form of mobility is

relegated to the “juridical spectrum of ‘legalities’ and ‘illegalities’” (De Genova 2010). The formalization of the Sino-Vietnamese sovereign border produces a new governing language and categories of distinction compatible with the binary state logic. This process further entrenches the patriarchal state governing order. The Yao women researched for this project fully depend on their husbands and are at the mercy of local government officials. The state relies on what they call “illegal people” to fulfill reproductive and caring family roles in the context of an outflow of local labor force to the cities.

As such, the presumption of the absolute Chinese state sovereign integrity is undermined from within. The undocumented ethnic marriages betray an easy statist categorization by playing a significant role in the local economy and social dynamics. They highlight how the paradigm of sovereign borders is challenged and reproduced on the ground and expose the tensions and incompatibilities of sovereign state logic. This logic relies on the availability of cheap labor for the functioning of the local economy and the appropriation of cultural practices for state-endorsed celebrations of ethnic diversity, yet it dismisses the social and economic status of undocumented women as illegal. It is not my intention to romanticize undocumented ethnic marriages as a positive way to resist the bordering logic of the state and to counter the perceived immutability of the state border, but rather to expose the dependence of the state border governing logic on the availability of the disposable laboring bodies of undocumented marriage partners.

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Notes

- 1 I use the concept of “disposability” as delineated in Zygmunt Bauman’s thesis on “disposable lives” (Bauman 2014) that is, to refer to those who do not fit the modern

- order's obsession with societal order and economic progress. Bauman argues that to be disposable is to not count as a proper governing subject of the state, to be redundant and in excess. The obsession with social order started with the rise of the modern state and the demarcation of national borders in Europe and continues unabated to the present day.
- 2 In Chinese political discourse, “natural” village (自然村 *zirang cun*) is used in contrast to “administrative” village (行政村 *xingzheng cun*) to refer to villages or settlements that predate administrative changes introduced since the 1949 Communist Revolution.
- 3 Township residents with rural household registration receive a monthly subsidy of 103 RMB.
- 4 Chinese academic publications often point out that there are thirteen cross-border ethnic groups on the Sino-Vietnamese border (the Zhuang, Dai, Buyi, Miao, Yao, Han, Yi, Hani, Lahu, Gelao, Jing, Hui, and Bulang), which are recognized as twenty-six ethnic groups in Vietnam (see, for example, Zhang et al. 2002, 2)
- 5 According to our survey of the forty-nine married women in the two villages, of the seventeen women who married between 2000 and 2010, fifteen came from Vietnam and two were from China. Of the eleven who married in the 1990s, seven came from Vietnam and the other four were from China. Of the thirteen who married in the 1980s, eight came from Vietnam and five were from China; out of five who married in the 1970s, only one was from China.
- 6 Several other villagers mentioned that they found themselves in a similar situation after traveling to Vietnam with their wives to get the necessary paperwork to register their marriages. It is not clear under what conditions and after how long the local authorities in Vietnam erase their details from the local register. According to Vietnam's 2008 Law on Nationality, which set provisions for dual nationality, Vietnamese citizens can be deprived of Vietnamese nationality if they “commit acts that cause serious harm to the national independence, national construction and defence or the prestige of the Socialist Republic of Vietnam” (Law on Vietnamese Nationality 2008, article 13 [2]). They cannot retain their nationality if they do not register with overseas Vietnamese representative missions within five years after the effective date of the law (in other words, before 2013). The 2001 Law on Residence also imposed limitations on people changing their place of residence (see Grillot, this issue, endnote 9).
- 7 In order to obtain a valid marriage certificate, a marriage partner from a neighboring state's border area needs to present a valid passport or entry document, identity card, premarital health check certificate, and nonmarried status certificate from his or her country of origin. These documents have to be translated and certified by the official representative office of their country of origin before being submitted to the Civil Affairs Bureau (Registration Procedures for Marriages 2012).
- 8 The same applies in Vietnam. A special Vietnamese government decree was adopted in March 2002 recognizing “fine” ethnic minority marriage customs “which demonstrate the identity of each ethnic group” and do not contradict the Law on Marriage and Family, which distinguishes between “progressive” and “backward” ethnic marriage practices. Among the “backward” customs is “registration not carried out by the commune-level People's committee” (See Appendix A of the Decree No. 32/2002/ND-CP 2002).
- 9 There is no reliable estimate, and the disparity in figures is staggering. Another official gave an estimate of 10,000 such marriages in 2013. The county civil affairs

- office's estimate of undocumented marriages for 2011 is two thousand (interview, April 11, 2013).
- 10 The concept of "three illegals" became part of Chinese official rhetoric in the early to mid-2000s. It refers to people who violated China's Entry and Exit Law in relation to the conditions of entry, stay, and work in China (Zhuang 2007).

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