

# Complex Citizenship from Below among Cross-border Families in a Thai-Lao Border Community<sup>1</sup>

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## Abstract

This article examines the concept of complex citizenship from below among cross-border families in a Thai-Lao border community and how these families use this concept to resist and negotiate legal citizenship defined by the nation-state. The study employed qualitative research using the phenomenological approach. Data collection came from in-depth interviews and observation with 50 key informants. The research found that most cross-border families were the result of cross-border marriages and cohabitation between Thais and Laotians. These marriages and cohabitation were simply traditional unions, and their marital status was not acknowledged by either Thai or Lao authorities. Cross-border families have at least one or more family members who have no legal citizen status, rendering them susceptible to prosecution by the state. Therefore, members of these families had to construct one of the three forms of complex citizenship from below—either cultural citizenship, cross-border citizenship, or economic citizenship—to resist and negotiate the legal citizenship defined by the nation-state. By doing so, they could live bi-locally across the two borders and perceive borders as a “lived space,” rather than a fixed boundary which has been specified by the nation-states. This construction of complex citizenship is the way to secure a decent standard of living for their families.

**Keywords:** complex citizenship from below, cross-border family, cross-border marriage, bi-local lifestyle, border community

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## Introduction

For over a century, the Thai nation-state has been built upon several political operations and discourses which have consequently edged some social groups into statelessness as persons without a nationality. In Thailand, they total 539,693 (UNICEF, 2021), while there are around 10 million stateless people worldwide (UNHCR, 2015). In Ubon Ratchathani province, the number of stateless people was recorded at 6,248 (Ministry of Interior, 2018) and the majority of them live in the Thai-Lao border community. The province encompasses a vast area and shares a borderline with the Lao People’s Democratic Republic (Lao PDR), which is 361 kilometers long, over half of which is marked by the Mekong River. After the Indo-Chinese War ended in 1975 the province was also designated as a refugee camp for Laotians. As a result, cross-border marriages between Thais and Laotians, which have been practiced for generations, became even more common. Most marriages were not registered under Thai or Lao laws, causing at least one family member to be unable to acquire legal citizenship. Unregistered marriages are not included in the political community prescribed by the nation-state, which aims to create national consciousness among people within its territories following the concept of imagined communities (Anderson, 1991). This, as a result, has posed risks for people at the bottom of the social structure and made them vulnerable to exploitation. Additionally, they are seen by state officials as threats to national security, and their loyalty to the nation is also questioned. Therefore, they have to live a “bare life” without legal protection (Agamben, 1998: 6), especially the women and children of migrant families who cannot obtain citizenship by law. Thus, they are considered to have the least rights and power.

However, these migrant families do not always surrender. They resist, negotiate, and fight to acquire citizenship under the law of the nation-state. With the concept of lived space where people can travel freely regardless of border, they prefer not to lean towards one side (Donnan and Wilson, 2003). They construct complex citizenship from below (Sheller, 2012), which includes cultural citizenship (Rosaldo, 1994; Ong, 1996), transnational citizenship (Schiller, 2005), and economic

citizenship (Ong, 1999) through bi-local living (Portes, Guarnizo and Landolt, 1999) in both Thai and Lao communities. This is to guarantee their survival and to create stability for families under mitigating uncertainty, especially the poorest families and those who cannot officially get a job in any economic activity. Even though the borderline is drawn and well-preserved by the nation-states, people still practice their traditions, claiming the rights of the locals as: “We are the border.” By owning the area, they work together with the nation-state and business people to create a border identity (Flynn, 1997). Communities along the Mekong River therefore have become an area of ambiguity and a place where negotiation is normally made and meanings are created in a number of different ways based on certain contexts (Anderson and O’ Dowd, 1999). This article argues that citizenship should be created by these people who desire unlimited freedom in living across borders.

Complex citizenship from below of migrant families is complicated in several dimensions. Its difference from the citizenship granted by the law of the nation-state has brought conflicts, competition, and dynamic cooperation to locals, business groups, and multi-level state organizations on the Thai-Lao border (Walker, 1999). Thus, it is considered the area of both obstacles and opportunities under the influence of globalization and neo-liberalism. While transnational companies and businessmen come to the border to take advantage of resources in the Special Economic Zone (Manorom, 2019), migrant families who come from the bottom of the structure and are not entitled to rights or power also try to establish complex citizenship from below. They do so to connect their families with resources, rights, and welfare both in Thailand and Laos despite high risks and thin hopes. This phenomenon is considered a transnational movement from below which occurs more frequently and intensively than before because of globalization (Smith and Guarnizo, 1998). At the same time, it can also be seen that the nation-state still dominates over people living in the border community because it has failed to secure power over the border area because of capitalism and globalization. Thus, legal citizenship as

shown on the “Thai identification card” would be meaningless. However, the establishment of complex citizenship from below of migrant families does not cause legal citizenship to collapse. They only wish for denationalization and a new form of citizenship (Soysal, 1994) to facilitate their lives across the border and to resist, negotiate, and point out the limitations of citizenship which centers around the nation-state and individuals without taking family, community, and context into consideration. Such limitations prevent us from gaining insight into citizenship and cross-border families.

This article aims to understand the establishment of complex citizenship from below by transnational families who resist and negotiate with citizenship granted by the laws of the nation-states at the operational level. It also aims to understand the definition of citizenship through bi-local lives in the communities in both Thailand and Laos. This research was carried out upon the concept that the border is a lived area, not merely the borderline drawn by the nation-state. It is the place where people hope to survive and establish stability for themselves and their families under risky and unstable circumstances in the context of the Thai-Lao border community.

### **The Concept of Citizenship**

Complex citizenship from below is a concept the first author synthesized from various forms of citizenship including cultural, economic, and transnational citizenship to negotiate the rigid legal citizenship prescribed by the nation-state (Fowler, 2002).

Cultural citizenship as proposed by Rosaldo (1994) states that everyone should be entitled to be different in terms of culture, economy, and politics from the dominant norms of the society in which one lives. Any prejudices caused by differences that were once used to prevent people from being treated equally should be resolved to create social justice and human dignity. Ong (1996) views cultural citizenship as the cultural operation caused by the interaction between the nation-state and minorities united as a public sector. Therefore, cultural citizenship

is a relative process that shows the connectivity and dynamics which contribute to legal alterations and varieties of citizenship.

At the present time, globalization continues to play a vital role in driving the economic system, thereby making the nation-state less significant, especially for people who travel across the border regularly. This phenomenon has motivated Ong (1999) to propose a concept of flexible citizenship under which a person gives priority to economic reasons when choosing nationality rather than political conditions following the concept of imagined communities created by the nation-state. Hence, asking these people for their loyalty to and participation in a political community is rarely successful as they have economic concerns that are more important than rights and political participation. Ong uses several cases of overseas Chinese businessmen and their families as examples. As businessmen, they often hold dual or multiple citizenship and carry several passports because they have to live in many countries and travel by plane frequently like an “astronaut family.” Therefore, flexible citizenship can be linked to border crossing which is affected by global forces (Ong, 1999).

Flexible citizenship is interesting in that families of transnational businessmen benefit from capitalism and globalization as they possess the potential and power to negotiate with the nation-state. They are regarded as economic citizens, which is undeniable by the nation-state (Teague, 2005). By contrast, most cross-border families in the Thai-Lao border community are poor and lack economic power. In addition, their marriages are not acknowledged by the Thai or Laotian laws, causing them to live “bare lives” without legal protection (Agamben, 1998) and fall to subaltern status. However, they attempt to resist and negotiate for transborder living as much as they can. In this context, Schiller (2005) presented the idea of transborder citizenship that shows how these people create networks in both the destination country they are living in and their country of origin or hometown. As a part of both communities, they wish to take part in enacting regulations, rules, and laws. They even perform political operations occasionally in transnational social fields if time allows.

The resistance and negotiation of this subaltern group were later amplified by Sheller (2012) using the concept of citizenship from below constructed through public and semi-public spaces such as workplaces, churches, and streets. In this case, it was the demand by Jamaican and Haitian women and an LGBTQ group to seize their rights and liberate themselves from the patriarchal system that manipulates them. They did so through knowledge, performances, sexual desires, family relationships, cultivation and utilization of land, rituals and worship of divinities that have been practiced since the Caribbean islands were colonized. Though these countries declared independence decades ago, the ideology of suppression and structural violence towards people from below (women, gender groups, races, and minorities) remains deeply rooted in society.

Complex citizenship from below is a concept aiming to discuss legal citizenship as it is imagined by the nation-state. When citizenship is imagined, it cannot be fixed, but varies according to social structure and the consciousness of people who can choose to present who they are (Keyes, 2002). Thus, citizenship should not be confined to legal citizenship based on individuals. The conditions of families and the context they live in should be taken into consideration as well, because if they had to choose between family and law, they would not hesitate to choose family first, specifically in the Thai-Lao border community. The authors want to explain the construction of complex citizenship from below through bi-local living (Portes, Guarnizo and Londolt, 1999) in the Thai and Lao communities by employing the concept that the border is a living place where people can travel back and forth easily (Donnan and Wilson, 2003). However, it is undeniable that legal citizenship is still a powerful means of border control (Parker and Williams eds., 2014), which cannot be found in other forms of citizenship. Therefore, having an identification card and documents issued by the government is important and has an immeasurable effect on the lives of cross-border people. They must work their way for citizenship although it is paved with obstacles. The experiences these people face reflect a variety of citizenship types which can be achieved through

cultural, economic, and transnational means, both at an operational level and a definition level, to resist and negotiate for legal citizenship with the nation-state. The notion of citizenship that is divided into three dimensions is based on the authors' synthesis. It has been adopted in order to understand the phenomenon of complex citizenship from below among cross-border families in the Thai-Lao community.

### Methodology

This qualitative research was conducted using the phenomenological approach, with the family as the unit of analysis. Data was collected from April 2019 to March 2020. The studied area was Pak Baeng community (pseudonym) in Palan sub-district, Natan district, Ubon Ratchathani province. The community is one of the oldest communities located on the bank of the Mekong River. Data were obtained from observation and in-depth interviews with 50 key informants who were selected purposively using the snowball technique. The informants were divided into the following three groups: 1) 30 cross-border family leaders consisting of 13 men and 17 women, with seven persons aged below 39, eight persons aged between 40 and 59, and 15 aged over 60, who directly experience the construction of citizenship from bi-local living in both Thailand and Laos; 2) 10 community leaders, both formal and informal, who have experience in working closely with cross-border families and have a true grasp of the community's history and context; 3) eight state officials and two organizational developers whose jobs directly involve cross-border families. Analysis was performed along with iterative data collection, which was triangulated by two means: data triangulation and method triangulation. The study results were presented using descriptive analysis following the framework adopted in the study. This study was approved for ethics in human research.

### Complex Citizenship from Below among Cross-border Families

#### The Thai-Lao Border Community

Originally, Pak Baeng was a local community located along the Mekong

River. The community is assumed to have been established during the era of the Lao Lan Xang kingdom before came under ruled Siamese rule. In 1893, after the conflict between Siam and France over the border, the Mekong River was made the borderline via mapping, causing it to become a geo-body of the state (Winichakul, 1997). However, people from both sides of the river were still allowed to visit each other and migrate to the other side upon kinship and transnational marriage between Thais and Laotians, who come from the same race and culture. During the colonization era, the French Empire assigned the community to be a port to unload and distribute goods to the inner part of Laos and northeastern Thailand. During this time, locals and foreigners from frequently migrated one place to another. This led to cross-cultural marriage under foreign regulations between people in the community and transnational traders who were racially and culturally different.

In the Cold War era, the community was designated as a temporary refugee camp for Laotians who fled across the border from wars and political unrest in the country, which contributed to cross-border marriage between locals and Lao refugees because many refugees did not wish to settle in a third country. Thais who wanted to settle in a foreign country would marry Laotians or use Laotian identities. Once global and regional conflicts were resolved, both the Thai and Lao governments began to adjust policies towards each other and the natural border point in the community was transformed into a permanent border checkpoint which facilitates Laotians in becoming laborers in Thailand. This change brought another wave of cross-cultural marriage with Thais and family establishment in Thailand. After that, tourism in the community was promoted by organizing the Phra Chao Yai Ong Tue worship event and a grand long-boat race between people from both sides of the Mekong. Each year, over 100,000 visitors who are Thais, local Laotians, and Laotians living in other countries attend these events. The events also have become places for young people to meet each other, which later leads to marriage and cross-border family establishment.

### **Cross-border Families**

Cross-border families are those formed by traditional marriage, or Thais and a husband-wife relationship between Thais and Laotians. Around 50 families or 20 percent of the cross-border families living in Pak Baeng community are both single and extended families. The locals call these families “*krobkhrua song fang khong*” (literally “family on two sides of the Mekong” or family in two nations). Cross-border family members are also referred to according to their lifestyle as “*sing song fang*” (people of two nations) since they live in both Thailand and Laos at the same time. The development of cross-border families relates to the dynamics of relationships between the Thai and Lao states. This eventually has become a part of cross-border phenomenon brought by globalization (Sorensen and Vammen, 2014) that can be divided into three stages as presented below.

#### **1. Traditional cross-border families (before 1975)**

Laos gained its independence from France after the Second World War. During this time, the relationship between the Thai and Lao states remained good as they were both close to the free world. The border was seen to be uncontrolled as there was not much inspection from the state officials. As a result, people could cross the border easily and cross-border marriage between Thais and Laotians was common in the community. Thais who did not own much land or had none were encouraged to marry Laotians who had more rice paddies, to ensure that they would have enough rice to consume all year-round. It can be noticed that a Thai wife with a Lao husband seems to be the most common relationship pattern found nowadays which possibly is linked to nationalization and nationalism. That is, people in the community are not very conscious about being either Thais or Laotians.

#### **2. Cross-border families during the Cold War (1975-1990)**

Conflicts between democratic capitalism and communism during the Cold War were considered a turning point in the relationship between the Thai and Lao governments. When Laos changed its regime from a monarchy to a communist state in late 1975, the “*Lao taek*” incident (the great migration of Laotians) took place. It was reported

that at least 320,000 Laotians fled across the border to Thailand (Chantavanich, Phupinyokul and Finch, 1992) because they feared they would be captured or sent to attend attitude adjustment sessions called “*samma*” which were held by the new government (under the name of Lao People’s Democratic Republic or Lao PDR). However, once they migrated to Thailand, they did not want to stay in the refugee center provided by the government in Muang Ubon Ratchathani because it was packed with refugees and had strict rules. Additionally, they did not want to settle in a third country. For these reasons, they escaped from the camp to stay with relatives, leading to another wave of cross-border marriages between Thais and Lao migrants.

#### **3. Cross-border families in the era of border capitalism (1991- present)**

After the Cold War ended, the relationship between the Thai and Lao governments was restored, which led to cooperation in economic development regardless of political differences. The Thai government initiated the policy of “turning battlefields into marketplaces” while Lao PDR opted for the New Economic Mechanism. Consequently, around 224,000 Laotians migrated to Thailand as legal and illegal laborers (Ministry of Labor, 2020) because Thailand is more modern and its economic system was perceived to be more advanced than that of Laos. These laborers were supported by their families. Most were young, and over 70 percent were female. Some stayed with relatives in Thailand. Some Lao women chose to work in karaoke bars where they formed a relationship with Thai customers, causing the number of cross-border families to increase. However, in such unions, only a Thai husband with a Lao wife pattern is found, not a Thai wife with a Lao husband. The reason is not that Thai women despise Lao men or men of Lao nationality, but that parents and relatives are afraid that their children will face hardship if the family leader is not a Thai citizen because they are not entitled to the rights and powers granted by the state.

The relationship between the two states, conflicts in the Indo-China region, and global changes inevitably affected the characteristics of cross-border families. No matter what era family

members are born in, their marriages are still not acknowledged by the authorities because registration was not made under the Thai and Lao laws, which are seen as a complicated, expensive, and time-consuming process, and the body of law does not recognize the cross-border marriage. Apart from this, over half of Laotians, especially those from rural areas, do not have the official documents required for marriage registration. Some Lao women choose to be second wives of Thais, which clearly prevents them from having a legitimate marriage under Thai and Lao laws. What is more, marriage registration is not in line with the world of people in the Thai Lao border community, where more importance is placed on local values, norms, and how to maintain kinship with cross-border families than on legal status. Relationships found among cross-border families are categorized into four patterns, as seen below.

**A Thai husband with a Lao wife.** This monogamous marriage consists of a Thai husband and a Lao wife, and it is the most-commonly found marriage pattern. Moreover, in the past, it was common for Thai men and Lao women to marry and have families. Some Thai men marry Lao women who are much younger than they are.

**A Lao husband with a Thai wife.** This relationship pattern is quite similar to the one mentioned above, but the husband is Lao, and the wife is Thai. This relationship is the second- most common pattern. According to this research, this pattern was found only during the pre-war and war eras but disappeared in the era of capitalism. Therefore, it is obvious that people who have this relationship are elderly couples.

**A Thai husband with a Laotian as a second wife.** This occurs when a Thai husband already has a Thai wife. Later, he has a second wife who is Lao. Those who have this type of family usually come from a leading group with higher economic and social status. They are not natives of the area, but came there to build houses and run businesses with young Lao wives. From the research, all are single families, and this pattern was found only during the border capitalism era.

**A Thai husband with many Lao wives.** This pattern is mostly found in the era of capitalism. It is similar to the pattern of a Thai husband with a Laotian as a second wife. In this polygamous relationship,

a Thai husband has four Lao wives who are treated equally and all of them live in the same house. This pattern is viewed as bizarre and deviates from the social norm.

Even though cross-border family members live in the same house, their citizenship varies. Some hold Thai, Lao, or dual citizenship. Others remain stateless persons, persons without nationality, unregistered persons, Lao migrants, or migrant laborers. Some have overlapping status, for instance, they carry both a Lao migration card and a card for the unregistered. Several researchers studying the status problems of people under Thai law stated that a number of people become stateless because they are not registered in the state's household registration (Saisoonthorn, 2000). Some become de facto stateless persons because they lack documents proving they are of Thai nationality. This occurred because of laxity in registering households during the Cold War (Preechasinlapakun, 2011). There are also those holding dual citizenship. Yet, the majority of Lao families are not able to do so. It is found that many Laotians lost nationality due to illegal migration and because they have lost contact with the authorities for many years. By such acts, they are assumed to be no longer interested in holding Lao citizenship. This phenomenon reflects the complexity of legal statuses, families, and cultures.

The above factors cause members of cross-border families to be subordinate, underprivileged, and powerless. They cannot even access social benefits which they are entitled to as they lack citizenship, which is created by the state to administer to its citizens and exclude those who are not. Thus, the lives of cross-border families are risky and uncertain. They are seen as "the other" in the community because they are not legal citizens. As a result, they often face unfair treatment and are not protected by the law. Their human rights are often violated; for example, many families' rights are abused by state officials and some experience domestic violence. They are terrified every time they have to contact any state organizations. They are also restricted from traveling out of the designated area. Additionally, they find it difficult to access the state's public health services using their own identity, so they have to

use that of someone else. Some families receive death threats from anonymous groups. Husbands and wives who are of Lao nationality are not entitled to the property as prescribed by the law. Many Lao wives are physically and mentally abused by their Thai husbands. Therefore, they feel insecure about getting married and living in Thailand. It is considered very disadvantageous for them when they divorce a Thai spouse. During data collection, the researcher often heard about domestic violence in cross-border families from several Lao wives that every time they quarreled with Thai husbands, they would be callously told to go back to Laos and they were not given anything. Such actions have caused them severe pain. They think that the reason why they are oppressed by Thai husbands is that they do not have a “Thai card.”

However, cross-border families do not surrender to unfair treatment. They try to resist and negotiate legal citizenship based on the ideology of the nation-state by constructing complex citizenship from below.

### **Complex Citizenship from Below**

Complex citizenship constructed by cross-border families refers to multi-forms of citizenship apart from the legal citizenship prescribed by the nation-state. The purpose is to create a multi-layered cloak for family members to put on. They can take it off or put it on at their convenience, which is compatible with the way of life in both Laos and Thailand. People use complex citizenship as a negotiation tool to deal with the suppression of legal status by claiming that they are citizens in other dimensions. Put simply, they are cultural citizens, economic citizens, and transnational citizens. This citizenship operation is complicated and flexible under certain circumstances or opportunities allowed in the Thai-Lao border area. These people do not attach themselves to the citizenship of the nation-state alone, they are also connected to other locals who have the same culture, who are a major power in driving the border economy, and who owned the border area in the past. Such connections allow them to tailor their relationship with the external powers that they have to deal with on a daily basis and help

free them from the state of being underprivileged and powerless. Spivak (1988) called this group the subaltern who do not allow themselves to be suppressed and silenced. They are often perceived as troublemakers and a burden to the community, but they are able to gain acceptance from both inside and outside the community by constructing a new pattern of citizenship which allows them to live in both states while contesting for legal citizenship.

#### **1. Cultural citizenship**

Most cross-border families in the border community create cultural citizenship, which differs in terms of intensity through the worship event of Phra Chao Ong Tue, an ancient Lan Xang-style Buddha image, to confirm their primordial origin when the two sides of the Mekong were united before the emergence of nation-states, borderlines, and legal citizenship. The event is annually held in February together with the traditional Maha Chat (Bun Phra Wet) preaching of the Vessantara Jataka, which is the second largest merit-making event of the Mekong communities after the Phra That Phanom worship event. We can see that these events provide cultural spaces for cross-border families to create cultural citizenship by expressing their faith. Interestingly, almost every family donates quite a lot of money at the events when compared to their economic status. Even poor families making a living by daily paid jobs donate over hundreds of baht to “*kong bun*” (the fund added up by donations). For wealthy families, donating is the opportunity to impress people in the community and Buddhists who come from other areas to attend the event. They may donate a thousand to over ten thousand baht as well as electrical appliances. Some families even donate a car to the temple to be used for religious events. One well-to-do family, a Thai husband with two Lao wives who moved to and runs businesses in the community, will take this opportunity to distribute free food. Many families are enthusiastic about taking part and do many activities in preparation at least two months prior to the event. For example, they become the workforce in planning the area of the temple for small vendors/stalls to rent as well as voluntarily contacting relatives in Laos, relatives working in Thailand’s major cities

and Bangkok, and those living abroad to donate money and necessities for the event. As all the leaders of the first-wave cross-border families are elders, they have experience, and some become local savants to lead the ceremony. Lao monks are occasionally invited to the event by Lao husbands who have a close relationship with monks, as told by one of the first-generation cross-border family leaders:

People from our generation do not think too much if someone is Thai or Lao. If we really like someone, we ask our parents and then get married. So, most people in the community have relatives both in Thailand and Laos. When the event is about to happen, they will spread the news to relatives and people they know or those living in the U.S. and France. Children or grandchildren of cross-border families who work in Bangkok will take this opportunity to come back home to make merit and visit their families and relatives. Did you see that donation money comes in different currencies like Thai baht, Lao kip and the U.S. dollar? It's been like this for almost 10 years (Son [Pseudonym], 2020).

The Phra Chao Ong Tue worship event not only plays a social role in uniting people in the community. The event, with the help of cross-families as “the bridge to good deeds,” also connects people living in different areas: people from communities in Laos and Thailand, migrant labors in the major cities of Thailand, and Laotians who live abroad. Apparently, this event connects social networks and communities that share the same cultural values. It can be said that this traditional event is a transnational social field (Schiller, 2005) that allows people to interact beyond the borderlines drawn by the nation-state. Even though their citizenship status differs, they feel they hold the same cultural citizenship. They see themselves as the children of Phra Chao Ong Tue like everyone else regardless of where they live. They also try to improve their status from being underprivileged and a burden to society and become respected by the community, which assists them in resisting, negotiating, and creating a new meaning of citizenship.

## 2. Economic citizenship

Cross-border families have a wide range of social connections in Laos obtained from the Thai husband with Lao wife relationship pattern. They act partly as recruiters bringing migrant laborers for daily paid jobs in Thailand. Once these laborers get through the border, some stay with relatives or employers, which is the beginning of their lives in Thailand, before looking for jobs in Bangkok and industrial cities. Many still choose to work in the border area. Many also meet Thai boyfriends during work, while some choose to work in karaoke bars and develop a relationship with customers to the point they decide to live together and establish a cross-border family. However, they, especially daily-paid and monthly-paid laborers, are often taken advantage of. This has motivated them to advance from low-wage laborers to respected business owners whose jobs involve transnational trade or recruitment of migrant laborers. Moreover, there are many who want to marry Thais to establish a family and live in Thailand.

Nok (pseudonym), a 34-year-old Lao woman from Kaisorn city in Savannakhet province of Laos, crossed the border to work in Thailand when she was 18, before she met her Thai husband. They have lived together as a married couple for over 10 years without a traditional wedding having been arranged. Her husband and she have two daughters. She has been working at a coffee shop located in Wat Phra for about seven years now with a 6,000 baht monthly salary. As her salary is quite high compared to wages paid to illegal workers in Laos, she must work hard and oversee everything in the shop alone without a day off. She said:

I first came to work in Thailand with my sister who is my aunt's daughter. I did many jobs at many places. The furthest place I went to work was in Chonburi but that wasn't long because I missed my home. So, I came back to work around here and met my husband. We've been together for 10 years now, but we haven't had a wedding yet. But I already took him to meet my parents and have our wrists bonded when I was pregnant with my first child. And we gave 20,000 baht to my mother. I think

we're not going to have a wedding after all (laugh). After that, I came to live with my husband in this community. He is a truck driver for a sand supplier, and I sell coffee at the temple for Tao Kae (the owner). For the first few months, I got around 3,500 baht, but now it's 6,000 baht. I work every day from 8 am to 5 pm. I rarely take a day off if not necessary because if I do so without telling the owner in advance, it will be deducted from my salary (Nok [Pseudonym], 2019).

Lao migrant workers play a major role in the border economy. However, obtaining the status of each cross-border family member must be achieved through marriage or living together with a Thai as a husband or wife. Those who cannot do either choose the last option: illegal migrant laborers. Unfortunately, these laborers are often exploited by their employers and deprived of the right to access social benefits even though they are Thai citizens if viewed from an economic perspective (Kitirianglarp and Tapnumchai, 2018). Almost all cross-border family members in the era of capitalism are laborers, especially in families that have a Thai husband with a Laotian as the second-wife relationship. They are quite wealthy and belong to one of the leading classes. These people grew up at the same time the border economy was expanded as a result of capitalism and globalization. However, some families are not wealthy. In some cases, Thai husbands keep their marriage with Lao wives secret by registering them as legal migrant workers, with the husbands as the employers. This is to give their wives access to health care services in case they have chronic diseases that need ongoing and costly treatment. Even though they know such actions violate the law, if they can provide security for the family, especially the poorest ones, they can bear the risks. This situation undoubtedly can create a gap for representatives of the state, entrepreneurs, and the cross-border workers' network to take advantage of them in the form of "border tributes" (Laungaramsri, 2021), which is one of the characteristics of the border economic system around Thailand.

### 3. Cross-border citizenship

Traveling back and forth across the border between Thailand and Laos is common among families living in the border community. They do not consider themselves Thai or Lao citizens, but claim to be both. They adjust to complicated and varied lifestyles until they become "*Sing Song Fang*" (a person of two nations). This strategy is used in the communities where people move freely across the border under the influence of the nation-state and capitalism. They view the Mekong River as a living area, or an area on the borderline, which allows them to travel beyond the borderline of the nation-state to help families gain access to resources, rights, and social benefits in both Thailand and Laos. Moreover, they were told by ancestors that they owned this land long before the establishment of the nation-state. A borderline and citizenship created by the nation-state cannot separate people of two countries. During the Cold War and the Coronavirus pandemic (COVID-2019), the Thai-Lao border checkpoint was closed temporarily. However, people from both sides could still visit each other if necessary.

Cross-border families of all ages show that the Thai-Lao border has become what it is today because everyone on the border helped to build it and they also work together with the authorities and business people. Traditionally they were just a border community important for Mekong culture. Nowadays, this community has become economically significant as it is a permanent border checkpoint and the construction site of the Sixth Bridge to cross the Mekong River (Ubon Ratchathani - Salawan) with the aim of communicating with the society that refers to itself as, "We are the border." This community also expresses the desire to become a part of society to determine the direction of the border as well as insist on the rights and justice of the locals to live on the border (Flynn, 1997) by creating transnational citizenship. An example can be seen in the statement by Dam (pseudonym), a man of two nations who is 93 years old. He explained his principles in becoming a border person from his experience when he moved to live in Laos, before he married a Lao woman and had hundreds of grandchildren scattered throughout Thailand and Laos. He was once appointed as "*nai baan*"

(the head of the village) in Songkhon town of Savannakhet province. He said:

We are the people of two nations because we live here (Thailand) and there (Lao PDR). Laos is my home, and so is Thailand. I'm Thai. I moved to Laos when I was young. I worked there. Then, I had a Lao wife and I got to be *nai baan*. When the Laotian Civil War took place in 1975, I moved back to Thailand. I have eight children: five sons and three daughters. Two sons still live in Laos. They decided not to move here because they already have families there and they're worried about their houses, cows, buffalos, and almost a hundred rai of rice paddies. The other six don't have families yet so they moved to live with us. Since the end of the war, I often visit them in Laos. People in the village still respect me and I never miss any merit-making events. Every year after the rice harvest, our children will send us some rice because we don't have rice paddies in Thailand. We visit each other regularly. These days we have over a hundred children, grandchildren, and children of grandchildren both in Thailand and Laos (Dam [Pseudonym], 2019).

The above statement reflects the way of thinking of cross-border families in the Thai-Lao border community. They see that both sides of the Mekong River do not belong to anyone or any nation-states with sovereignty over them. They place importance on living in the community of two nations under kinship and the fact that they come from the same race and culture. Cross-border families also try to support their community in ways that are socially and culturally significant to become an economic area by promoting cross-border trade and border tourism. They have adopted the state's policies to their context to benefit the local community. They also create a sense of ownership by keeping up with changes happening in the community. This is considered the way to create a new meaning in this area and a new identity at the same time. The borderline, according to them, is not a bold line but a dotted

line that allows people to cross freely. Therefore, cross-border families remain uncommitted to living in one area, one community or one nation-state, both in real life and in their imagination. It is necessary for them to create transnational citizenship to maintain relationships in a social border area so their families can benefit the most.

## Discussion

In fact, complex citizenship from below operated by cross-border families is fluid, changeable, and capable of shifting. The three forms of citizenship cannot be separated completely from each other. For instance, economic citizenship can be changed to cultural citizenship. Moreover, citizenship should be considered according to the family operation, not as the operation of an individual. Complex citizenship can be linked to different dimensions, depending on how it is defined, for example, family, culture, ethnicity, economy, etc. Therefore, there are limitations to analyzing legal citizenship by basing it solely on individuals. Using the family as the unit of analysis can provide more extensive information. Citizenship should be earned by marriage, whether it is legal or not. Citizenship, in real life, should be complex, and come in different patterns depending on cross-border families' imagination until they can adjust their complicated lives in different areas at the same time. Moreover, it is an inevitable operation of cross-border families to connect the lifestyles of Thailand and Laos. They are not limited to either side because a border is an area that is fluid and diverse in every single dimension. Yet, most studies on transnational marriages and families in Thai society thus far shed less light on both the bi-local lifestyles across the borders and the issue of citizenship in relation to such marriages (Lapanun, 2019; Suksomboon, 2009; Suppatkul, 2020).

Thus, it is important for a nation-state to redefine the term 'citizenship' to support the number of cross-border families, which is increasing significantly due to cross-border marriage. Some European nation-states are aware of human rights issues and have come up with

measures and policies to support married couples to acquire legal citizenship and to ensure that the emergence of cross-border and transnational families meet the nation-state's requirements as much as possible, as is the case of the Netherlands (De Hart, 2015). Based on the experiences of Southeast Asian women, such measures and policies also help facilitate the process of obtaining citizenship, which is often viewed as excluding foreign spouses (Fresnoza-Flot and Ricordeau, 2017). This viewpoint is related to the prejudice against transnational marriage (Lapanun, 2018). Unlike those European states, the Thai nation-state lacks firm policies and measures about cross-border marriage between Thais and Laotians and their cross-border families. Worse, the discourse on national security that emerged during the Cold War has led to prejudice against cross-border families by some state officers from other parts of the country sent to work in the area who view these people as aliens whose stay in Thailand is illegal. As a result, they may exercise their power by imposing strict laws and ignoring the history, politics, and cultures of the Mekong riverbank communities, which opposes the idea that a border is a living space. According to locals' perspective, the Mekong River is the area over a borderline where people can cross to create a feeling of home and a bond between people from both sides.

Cross-border families have established complex citizenship from below to create opportunities for themselves to access resources in Laos and social welfare services offered by the Thai state. They have done so by practicing cultural citizenship as seen in religious practices and traditions, and in their contributions to driving the economy at the border, as well as by insisting on ownership of the border by being cross-border citizens on a daily basis. They perform whatever operations they can to obtain citizenship legally, although they remain inferior in cross-border society. This is considered another way to resist and negotiate with Thai and Lao states, which is similar to the research on "*Khon Song Nam*" (the people of two countries), which refers to Thai and Chinese-Burmese businessmen in Ranong province and Song Island of Myanmar. They are regarded as a leading class in the

local community who maintains kinship by living in both states and holding dual citizenship to maintain and benefit from cross-border relationships (Pocapanishwong, 2016). However, what makes these people different from cross-border families in the Thai-Lao border community is that the latter are ordinary people, not transnational businessmen. Hence, they need to form complex citizenship from below by living in both countries. Crossing the border is common for cross-border families as they believe that people will not have better lives and become well-established if they are limited to living in one place and are not able to move back and forth across the Mekong River. This belief has been passed down from generation to generation although it contrasts with the policies of the state, which are aimed at keeping its citizens within a marked territory.

### **Conclusion and Suggestions**

Cross-border families in the Thai-Lao border community are the result of traditional informal marriages or husband-wife relationships between Thais and Laotians that are not acknowledged under the Thai or Lao laws. However, they do not surrender. They have created complex citizenship from below to resist and negotiate for legal citizenship. They also have created cultural citizenship by wholeheartedly taking part in traditional events so that the community has become a complex cross-border area. Economic citizenship has also been formed here in the community because of its importance to the border economy. Moreover, transnational citizenship is also present, resulting from claiming ownership of the border by crossing the border daily as their ancestors did in the past.

After the Cold War ended, the Thai state changed its policies and gave a new definition to 'Thai citizenship' which was progress towards solving the problem of legal citizenship (Preechasinlapakun, 2011). However, there has not yet been a firm policy emphasizing citizenship and cross-border marriage. Therefore, the Thai state should adjust its position and initiate a policy to support marriages of cross-border families that align with the social world, especially in the

case of those living in the Thai-Lao border community. This policy can be achieved by revising the definition of citizenship to one that emphasizes the relationship between a family and an individual. In the end, if a person has to choose between the law and being able to live with their family, they will choose the latter. They value social relationships as a group rather than as individuals. Their priorities are family, relatives, and the community they live in although they have to live in situations where they are powerless and disadvantaged. Revising the definition of citizenship would be a good indicator that the Thai state has made progress towards citizenship problems caused by cross-border marriage and human rights in Southeast Asia, as none of the other Southeast Asian nation-states has ever taken measures or formulated policies in response to citizenship problems. Examples can be seen in the case of cross-border marriage between Singaporeans and Islanders in Indonesia (Ford and Lyons, 2012) and Malaysian Muslims who cross the border to marry Thai women in the southern border provinces (Zubir, Marzuki and Abu Bakar, 2016). These examples can possibly lead to problems about the rights and citizenship of cross-border families in the future. Thus, the policy change would be better than ignoring these people, which certainly brings complications to the state.

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