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**Illegal Migration in China: Social Perspectives on
Modern “Snakeheads”**

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Abstract

This essay attempts to analyze possible social perspectives on modern day “snakeheads” (shetou 蛇头, facilitators of irregular migration) in China’s emigration-intense regions. The essay argues that even though “snakeheads” are criminals there is a huge variety of perspectives on how “snakeheads” are perceived by society - reaching from condemned and hated to celebrated and admired - and tries to find reasons for this phenomenon. While connecting case studies to current research, the evaluation of their social position is approached by analyzing (1) their occupations, (2) the methods they use in illegal border crossings and (3) distinct features of history, culture and society of the emigration-intense regions using the example of Fujian Province.

The existence of the various perspectives on “snakeheads” seems closely related to three aspects: historical tendencies, the strong desire and social expectation to go abroad, and the unclear sense of the concepts of legal and illegal of members of society in the emigration-intense regions. It will be shown that a full understanding of their social position is only possible through understanding those distinct features of history, culture and society, thus suggesting that effectively reducing irregular migration in long term can most likely only be accomplished by understanding and reshaping these cultural practices and educating society, not only by reinforcing legal pressure.

Keywords: “snakehead”, shetou, 蛇头, irregular migration, illegal migration, social position, social perspective, emigration-intense regions, Fujian

论文摘要

本论文分析对现代“蛇头”在中国移民较多的省份及地区存在的多种社会观点。论文指出，即使“蛇头”法律上是犯罪分子，社会中不同的人群将从痛恨到钦佩以许多不同的观点看待他们。随后本文试图找出此现象的原因。以当前的非法移民研究与案例为基础，为了评价“蛇头”不同的社会地位本论文将分析（1）“蛇头”的职业（2）“蛇头”组织偷渡的手段（3）以福建省为例，中国移民较多的省份及地区的社会、历史、地域文化等特点。

之所以对“蛇头”的观点不一显然与该地域的历史、想要出国的强烈欲望与社会压力以及对法制观念的模糊与淡漠等三个方面密切相关。只有理解该地区的社会、历史及地域文化才能全面地了解“蛇头”的社会地位。为了长期有效地减少非法移民需要针对性的社会教育和一些地域文化习俗的改造，仅仅加强防范机制和法律的力量不能解决问题。

关键词: 蛇头，人蛇，偷渡，非法移民，偷渡案例，社会地位，社会观点，地域文化，福建省

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1 Introduction

1.1 Introduction

In this essay I will attempt to analyze the social position of the so called “snakeheads” (people facilitating irregular migration)¹ in today's China's emigration-intense regions.

In the process of doing so I will try to answer the following questions: How does society perceive “snakeheads”? What perspectives does society have on “snakeheads”? Does society regard “snakeheads” as unwanted and evil as they regard other criminals? If not, why?

We will see that, next to perceiving some of them as unwanted, society also looks upon them as highly respected members of society. In other cases they might appear as a “necessary evil” of society. I will attempt to find reasons for why their position in society is so diverse, looking for answers in distinct features of culture, historical background and society in the emigration-intense regions.

After a definition of terms and establishing certain limitations for the topic, I will give a short overview on why people might choose illegal over legal methods to emigrate, on the legal situation that explains why the work of “snakeheads” is forbidden and on the magnitude of irregular migration from China. In the main part I will analyze the “snakeheads” position in society, attempting to present at least three different perspectives in approaching this topic.

Research about irregular migration and its related problems is difficult, as sources are scarce and due to the nature of the topic are not necessarily reliable. After all, it is a phenomenon that can only exist through concealment. Depending on the perspective of the given source, they might carry educative, propagandistic or stacy overtones. For case studies I made use mostly of Chinese newspaper and magazine articles about “snakeheads”. I connect these in the analysis to the comprehensive work of Dan Wei in Chinese language, which is indispensable for the research on Chinese irregular migration and “snakeheads” especially for cultural background, and the works of Skeldon, Chin, Benton and Kuhn amongst others in English language.

¹ An exact definition will follow under 1.2.1.

1.2 Definition of terms and limitations

1.2.1 “*toudu*”, “*snakehead*“, “*snake*“

The Chinese term “*toudu*”² 偷渡 is an umbrella term used in China when talking about irregular migration. It corresponds to the terms “illegal immigration”, “human smuggling” and “human cargo” in English language texts on the same topic. *Toudu* is generally used to describe illegal exit and/or entry from the home country into another country³, *tou* meaning “stealing” and *du* “crossing over”, indicating a concealed border crossing. It is the standard term used among the common people as well as in official documents and official language for all illegal border crossing, without specifying whether it is irregular migration, trafficking or smuggling.⁴ Since the attempt to translate *toudu* would make it necessary to choose between English terms that only represent certain aspects of the Chinese meaning while all of them imply legally differentiated crimes, I will use the term *toudu*. The essay will mainly deal with *toudu* excluding human trafficking, focusing on *toudu* of people willing to go abroad.

The irregular migrants are normally referred to as *renshe* 人蛇 (human snake) or *touduzhe* 偷渡者 (irregular migrant, “one who does *toudu*”) in Chinese. Since it is extremely difficult to accomplish *toudu* as an individual⁵, the “snakes” normally will rely upon a third party to assist them: the *shetou* 蛇头 (snakehead). Snakeheads are all people that help or force the snakes to *toudu*, may they appear as facilitators or forgers of fake documents, smugglers or traffickers.⁶ They might be executors of the actual *toudu* process or just be pulling the strings in the background, they might be individuals or organized in

2 So as not to impede reading flow, in the following text I will write the terms *toudu*, *snake* and *snakehead* without quotation marks. All throughout the text the terms *snake* and *snakehead* are referring to the people related to *toudu* activities as defined above, never to the animal or its bodyparts. Note also that *snakehead* is a fixed term in this case, as opposed to *snake head* or *snake-head*.

3 Dan Wei 但伟, 2004: *Toudu fanzui bijiao yanjiu* 偷渡犯罪比较研究 (A Comparative Study on the Crime of *toudu*), Beijing, falu chubanshe 法律出版社 (Law Press), 1. Dan uses the terms *feifa yimin* 非法移民 (Illegal Immigrant), *renkou zousi* 人口走私 (Human Smuggling) and *renkou fanyun* 人口贩运 (Human Cargo) with the here given English translations. Since the word *yimin* 移民 allows also for a translation into the noun “immigration“, I will use “immigration“ here to stay closer to the concept as opposed to only the individual.

4 For definition of these terms in a legal sense compare: Skeldon, Ronald, 2000: *Myths and Realities of Chinese Irregular Migration*, Geneva, International Organization for Migration. (http://www.no-trafficking.org/content/pdf/skeldon_myths_and_realities_of_chinese_irregular_migration.pdf). And: Dan, 244-274.

5 Dan, 1.

6 Skeldon, 7.

networks, they might try to genuinely help the snakes or exploit them. What they have in common is that they earn money through the *toudu* of the snakes.⁷

The use of the word snake to symbolize the *touduzhe* can be explained by the derogative meaning that the snake as an animal in China generally has and the fact that they are very ably in hiding to make themselves invisible with their limbless and their flexible body, a skill that the *touduzhe* can make good use of.⁸ Snakeheads then obviously are the ones that lead the snakes.

To stick with the cultural picture and again to stay accurate to the broad meaning of the terms rather than narrowing them down through a translation, I will use the terms snake and snakeheads throughout the essay, without intending to invest any derogatory meaning upon them.

1.2.2 *Chinas emigration-intense regions*

Even though also making use of *toudu* and snakehead cases that are scattered all over the country, I will focus in the analysis of the snakeheads mainly on China's emigration-intense regions. As such regions I count the coastal provinces Guangxi, Guangdong, Fujian and Zhejiang that have a longstanding history of emigration, focusing mainly on Fujian.⁹

1.2.3 *Social position*

When talking about the “social position” of the snakeheads I am not attempting to give an analysis according to sociological, anthropological or political science standards as the term could imply. I will rather attempt to present perspectives on their role “in society”, how they interact with society and how parts of society perceive them from a sinologist point of view. With “society” I mean the grouping of people sharing the same geographical territory, in this case China's emigration-intense regions, that have persistent relations and are subject to dominant cultural expectations. I exclude people like policemen and other governmental workers, that *should* have a strong alignment with the existing law.

In the evaluation of the snakeheads social position by the society, the snakehead does not necessarily have to be but can be geographically present in that society.

7 Dan, 119.

8 Ibid.

9 Skeldon, 16.

2 Background: Emigration reasons, magnitude and legal standpoint

2.1 Reasons for legal and illegal emigration

A model to explain why people migrate and emigrate was established by the German-English geographer and cartographer E. G. Ravenstein in the 19th century and has been used in expanded form until the present day. He presents the theory of “push and pull” factors, where “push” factors are unfavorable conditions pushing people away from one place, while “pull” factors are favorable conditions of another place attracting people.¹⁰

In the case of China's emigration-intense regions, push factors amongst others are, in no particular order: poverty, low income, low living standard, lack of employment perspectives, legal problems, political problems and very importantly, cultural reasons that will be explained in greater detail below¹¹. Interestingly, poverty as a push factor can't explain the majority of irregular migration, since the *toudu* “has been occurring from the most highly developed parts of Fujian and Zhejiang”^{12 13}. As important as cultural reasons as push factors might be the “increased knowledge of opportunities available elsewhere” as a pull factor.¹⁴ Other pull factors amongst others might be the possibility for a higher living standard, higher income, better living conditions, the possibility to support family members back home, social welfare, better conditions for the upbringing of children, the wish to reconnect with family members abroad or the hope for a grant of amnesty.¹⁵ A lesser discussed factor might be the adoption of Christianity in coastal Fujian, Guangdong and Zhejiang, constituting significant Christian populations that could stimulate migration.¹⁶

The requirements to legally immigrate into a foreign country are getting more and more difficult, since many countries want to restrict the number of immigrants, sometimes especially of those without outstanding skill in certain lines of work.¹⁷ Many times there are high requirements in the application process like language ability, sufficient financial funds,

10 Dorigo, Guido and Tobler, Waldo, 1983: *Push-Pull Migration Laws*, Annals of The Association of American Geographers. vol. 73, no. 1, pp. 1-17.

(http://www.geog.ucsb.edu/~tobler/publications/pdf_docs/movement/migration/PushPull.pdf), 1.

11 Benton, Gregor and Pieke, Frank N. (Edit.), 1998. *The Chinese in Europe*. Macmillan Publishers Limited, 4.

12 Skeldon, 17.

13 Benton and Pieke, 347.

14 Ibid.

15 Dan, 32-33.

16 Skeldon, 17.

17 This is regarding the bigger picture, comparing today's requirements to the sixties and seventies. Sweden for example recently is trying to loosen regulations for alien work permits.

educational background and work qualification, that are hard to meet for many of the emigration-willing people in the emigration-intense regions. Furthermore, requirements on the Chinese side in the application of a passport or the necessary formalities for emigration might be complicated and hard to meet as well. Thus, for many the only realistic option is to choose *toudu*.^{18 19}

Hence, the need for snakeheads comes into being.

Besides the people consciously deciding to choose an illegal method to fulfill their dream to go abroad, we will see in the research below that many people just choose a method, without knowing that this method is illegal or without having a clear understanding of the concepts of legal and illegal.

2.2 Why *toudu* is illegal from the standpoint of existing law²⁰

Illegal immigration gives potential rise to multiple problems in the societies of entry-countries, such being for example increased social welfare expenses, social and cultural integration problems, criminality or labor market issues. Since illegal immigrants seem in general to have rather bad reputation in their host countries, this bad reputation might reflect back upon their mother country as well, in the case of Chinese snakes giving China a bad reputation. This might not only make government “lose face”, hurting the national pride, but also making it harder for the Chinese government to negotiate political or economic issues with foreign countries. As Dan Wei states, “in the eyes of some Westerners, 'illegal immigrant' is already almost a synonym for Chinese”.²¹

Additionally, the sensitive human rights question is easily associated with *toudu*, snakes and snakeheads by many foreign countries, especially because some snakes apply for political asylum as a *toudu* method, adding pressure on the Chinese government.²²

Within China, *toudu* groups and networks likewise might compromise social stability,

18 Anonymous (d), 22.10.2010: Xin Jingbao 新京报 (Beijing News).

(http://www.wccdaily.com.cn/epaper/hxdsb/html/2010-10/22/content_247089.htm). Dan, 116-118.

19 Dan, 116-118.

20 For a collection of the exact texts concerning (irregular) immigration (UN Convention on irregular migration, immigration laws of Australia, The United Arab Emirates, the United States of America, Kenya, Italy, France and laws concerning exit and entry of the People's Republic of China) compare the appendix of Dan Wei's book, 311-423.

21 Dan, 165.

22 Ibid.

increasing criminality and corruption. In order to pay their debts to snakeheads, snakes or their relatives many times might use other illegal methods to obtain money. Farmland might not be able to be tilled because of the lack of local workers that rather choose to go abroad, such increasing the difficulty to make an “honest” living for many locals. Since a high percentage of the snakes in Fujian are young men, in some regions they leave *nüren cun* 女人村 behind – “women villages” – where nearly only women, kids and old people remain, thus upsetting the social balance.²³

Some *qiaoxiang* 侨乡 (hometowns of oversea Chinese, villages that have a high percentage of people that have bonds to overseas Chinese or people going abroad) are nearly empty of young people because most of them went off to the USA, reconnecting with their relatives. The inhabitants of some villages depend completely on the financial support of their overseas relatives.²⁴

Also, in many cases *toudu* of course is attended by violation of personal, democratic and property rights, resulting in injury, death or financial ruin of the snakes and their relatives.

Thus, the government has a great interest in catching snakeheads and snakes, rendering their activities as illegal.

2.3 Magnitude of *toudu*

To put the relevance of the topic in perspective we can take a look at the magnitude of *toudu*.

Due to the nature of the matter accurate numbers for the magnitude of *toudu* are impossible to gather. In Bentons words: “No reliable data at all exists for the number of illegal immigrants.”²⁵ There are only estimations of the total magnitude and somewhat accurate numbers for the amount of people actually caught during exit-entry violations. People actually caught during exit-entry violations in 2011 were 2999 snakeheads and ca. 49000 snakes. There were more than 45 million overseas Chinese in 2010, ranking first in the world.²⁶

According to Ronald Skeldon, “the scale of Chinese irregular migration, as a fraction

23 Dan, 169-171.

24 Dan, 132.

25 Benton and Pieke, 5.

26 Email correspondence with Zhang Lan of International Organization for Migration IOM, 25.1.2013.

of the worldwide irregular migration (...), is not as large as is so frequently believed.”²⁷ For example, Chinese in irregular migration to the USA rank far behind the countries Mexico, El Salvador, Guatemala, Canada, Haiti and the Philippines in the top positions somewhere beyond rank 20 (1996). They used to be the strongest group of irregular migrants to Australia but were displaced by people of Middle Eastern origin in 2000.²⁸

However, certain factors give rise to concern regarding *toudu* of Chinese, for example the alarmingly huge potential for further Chinese migration, the association of criminal organization with *toudu* and the large sums of money involved in *toudu*.²⁹

27 Skeldon, 12.

28 Skeldon, 14.

29 Ibid., 18-19.

3 Analysis of Chinese Snakeheads and their social position

Snakeheads are criminals. By definition, they break the law by engaging in illegal activity. Accordingly, we would suggest that they have a bad reputation in society, similar to other criminals. But since they facilitate the strong desire of many people in society to go abroad to become wealthy and improve the families' reputation, it can be suggested that society might not only perceive them as evil. This unique constellation creates various possible perspectives on their social position.

I will attempt to present three different approaches in analyzing their social position. At first, the occupation of the snakeheads beyond their snakehead activity could indicate their social position.

Secondly, the exact methods they use in the *toudu* could reflect how society perceives them, suggesting that non-abusive, sophisticated and low-risk methods over violent, ill-willed and perilous methods might enhance their social position.

At last, I will explore whether cultural and historical dispositions in the emigration-intense regions can contribute to the evaluation of their social position.

3.1 Varieties of Snakeheads: Occupations

One could assume that the occupation of the snakeheads beyond their snakehead activity could indicate their social position.

Snakeheads can be divided into small snakeheads and big snakeheads (*xiao shetou* 小蛇头 and *da shetou* 大蛇头). Big snakeheads are normally working more in the background and working with planning, organizing and investing money into the *toudu* business, many times they are overseas Chinese living abroad.³⁰ The small snakeheads are responsible for executive work like recruiting snakes, assisting in the actual *toudu* process, collecting money or spreading rumors in society. The relation between big and small snakeheads could be rakishly described as brain and muscle. In smaller *toudu* groups or individual snakeheads there often is no difference between big and small snakeheads, whereas in bigger smuggling networks a strict hierarchic system is being

³⁰ Dan, 119.

found with specific terms for the various responsibilities of the different snakeheads.³¹

Both big and small snakeheads can have different occupations next to their *toudu* activities. Case studies suggests that the big snakeheads more commonly – but not necessarily – hold occupations that are generally respected by people in society than small snakeheads: As in a case discussed further below, the big snakehead is the male CEO of a company.³² In another case, the big snakehead is a female school teacher that pulled strings for close to a hundred *toudu* cases. She made use of the help of two small snakeheads: two young girls of the age below 20.³³ In another case the big snakehead is the owner of an ocean carrier.³⁴

But we find also similar occupations with small snakeheads, as in the case further below where one of the small snakeheads is the principal of a professional seminar institute.³⁵ Also, Dan Wei states: “It seems that nearly anybody can be a small snakehead, including low level government workers, friends and relatives of big snakeheads, unemployed people or even house wives.”³⁶

In many cases snakeheads also do not have an occupation beyond their *toudu* activities.

Also, according to Dan, in general small snakeheads seem not to give a good impression to people.³⁷ As stated above, even though so many different people could all appear as small snakeheads, the function of them is not the facilitation of the lofty dream to go abroad per se, but to deal with the more worldly matters in direct contact to the snakes or their environment: Amongst other things this could be collecting money, spreading rumors in society, keeping the relatives locked in a place until the snakes give word of success to ensure money is paid, recruiting snakes, introducing people to the big

31 Ibid.

32 Fan Hongxiang 范洪祥 et al. 21.11.2007: *Gongsi CEO jingshi shetou* 公司 CEO 竟是蛇头 (Company CEO surprisingly is a “snakehead”), Jiefang Ribao 解放日报 (Jiefang Daily). (http://www.legaldaily.com.cn/shyf/content/2007-11/21/content_745529.htm).

33 Chen Ling 陈玲, 11.5.2009: *Neimenggu Erlanhaote pohuo datoudu an shetou shi nüjiaoshi* 内蒙古二连浩特破获特大偷渡案 蛇头是女教师 (“Massive “*toudu*” case cracked in Erlanhaote in Inner Mongolia – The “snakehead” is a female teacher). (http://news.xinhuanet.com/legal/2009-05/11/content_11351707.htm).

34 Deng Guangyang 邓光扬, 2003: *lijian zhan “shetou”* 利剑斩“蛇头” (Decapitating “snakeheads” with a sharp sword), Shidai chao 时代潮 (Chinese Times) 16th issue, 2003. (<http://wuxizazhi.cnki.net/Article/SDCA200316019.html>).

35 Anonymous (a), 11.11.2011: *Zhongguo Shetou zuzhi 44 ming youke cheng youlun toudu Hanguo yi bei bu* 中国蛇头组织 44 名游客乘邮轮偷渡韩国 已被 (Chinese “snakehead” that organized *toudu* with a cruise ship for 44 tourists to Korea got arrested), Beijing wanbao 北京晚报 (Beijing Evening News). (<http://news.qq.com/a/20111111/001097.htm>).

36 Dan, 119.

37 Ibid.

snakeheads – many times being engaged with the more “smarmy” type of work while interacting with society.

As we have seen above, snakeheads can hold so many different occupations that cover the whole palette from the petty criminal to the government worker and CEO, it is hard to derive a stringent social position thereof. It seems that in this approach the assessment of the given individual in his or her interaction in society might be more important for the image creation. The approach to explain social position through occupation remains insufficient and unsatisfying.

3.2 Methods of snakeheads and the relation to their social position

3.2.1 Methods

As we have seen, snakeheads appear in all kinds of forms. The exact methods they use in the *toudu* could reflect how society perceives them, suggesting that the choice of non-abusive, sophisticated and low-risk methods³⁸ over violent, ill-willed and perilous methods might enhance their social position. A detailed presentation of cases tries to show the social interaction between snakeheads and snakes that might help us understand the image snakeheads can have.

In order to get an initial understanding for possible methods in use, I will shortly sketch the outlines of two *toudu* cases:

Mister Dong and his brother spread the rumor that they could complete formalities for immigration into the USA, found five people (snakes) that trusted them and lured them first to Thailand. After arriving they shackled them, incarcerated them and tortured them with hammers, knives, electric shocks and heavy beatings to make them call their families and report that everything went according to plan. The families then transferred the money for the *toudu* that they had agreed upon before to the snakeheads. After receiving the money, the brothers Dong dumped their five snakes stripped bare of all documents and money into Hong Kong, where they could only survive by becoming beggars.³⁹

³⁸ Below sometimes referred to as “non-invasive” methods.

³⁹ Anonymous (f), 2000.06.30: *Fujian shetou toudu pianju huayang fanxin* 福建“蛇头”偷渡骗局花样翻新 (More new “toudu” tricks by Fujians “snakeheads”), Zhongxinshe wangzhan 中新社网站 (China News Website). (<http://news.sina.com.cn/china/2000-06-30/102645.html>).

In January of 2007 leaked out that 61 Chinese workers of the renowned Canadian enterprise Maple Leaf Foods had to pay 10,000 USD each to get their jobs. The immigration consultant Sophia Cummings hired by Maple Leaf's claims she didn't know about this. The fees must have been demanded by the Chinese middleman (snakehead) that had introduced the workers to her in the first place. This fee though covered English language instruction and the training in meat cutting needed for the job. They could earn at least 13 USD per hour after arriving in Canada with good working conditions, living a normal life as legal immigrants.⁴⁰ It seems the only problem in this case was the high premium they had to pay to be “chosen” for this opportunity while still in China.

As we can see in these two cases, the only thing that seems to unify snakeheads is that they help or force people to *toudu* and earn money by doing so. In the first case the snakeheads use violence, trickery and blackmailing while not even providing for a passage to the USA as promised, whereas in the second case everything is provided for and no violence was being used, the only questionable factor being the height of the premium to be paid by the workers, that is also commonly seen in this height in other *toudu* cases.

Other than helping or forcing people to *toudu* for the sake of money there is no common denominator for how to define snakeheads.

They can be of any age, of any gender, of any social background, they can be “professional snakeheads” or have other occupations, they can be of any nationality or ethnic group. They might be individual snakeheads who try to *toudu* snakes by themselves or more often, are part of a network that professionalizes in *toudu* (*toudu fanzui jituan* 偷渡犯罪集团 *toudu* crime group). But there is no single method or set of methods that is common to all of them.

Lin Chengguang and Zhou Wenbo, both in their mid-thirties, are two faxiao 发小 – friends since early childhood – and two snakeheads responsible for what some of China's media called “the most luxurious *toudu*” case.⁴¹ In September of 2010 they founded a company for intermediary services for travel to Japan and Korea (not a travel agency, since they still make use of travel agencies themselves). According to Zhou the main purpose of the company was to help people to *toudu*. While Lin was the planner in this

40 CBC News, 2007.01.08: *Maple Leaf ends Chinese worker program over job fees.*
(<http://www.cbc.ca/news/canada/manitoba/story/2007/01/08/maple-leaf.html>)

41 Anonymous (a).

operation, Zhou was more of the executor. He created a group on China's biggest online social communication instant messenger service QQ under the name “admitting guests, resorting to Korea for work”, looking boldly for snakes. Besides the internet they used the help of three other local snakeheads in various Chinese provinces that recruited snakes for them. At the end they collected 44 people willing to take the trip.⁴²

In this case, that will be continued below, Lin and Zhou are the big snakeheads, whereas the three helpers, namely Guo Sanli, Zhang Mingfu and Zhang Xianwei, that provided snakes from other provinces are small snakeheads. I have to emphasize that snakeheads are not at all necessarily poor, uneducated and unemployed petty crooks or hardened criminals – even though this can be and often will be the case. Persecution of snakes and snakeheads, border control and legal regulations gradually became more and more strict after the 1960s when the Chinese government got increasingly aware of the rising magnitude of *toudu* and the problems it brought along.⁴³ The snakeheads were forced to advance their *toudu* methods as well, slowly moving away from the “classic” approach of mass *toudu* in containerships to develop towards small group, individualized, high-tech and document-fraud-*toudu*.⁴⁴ Following this development, as mentioned above snakeheads might now also appear as well-dressed businessman, low level government workers, friends and family of bigger snakeheads or even normal house wives⁴⁵ next to the furthermore existing violent and dark, hardened criminal snakeheads and leaders of huge international *toudu* organizations. In this case, even the small snakehead Zhang Xianwei was the principal of a professional seminar institute in Shandong province.⁴⁶

Also the big snakeheads Lin and Zhou engaged in seminar activity: After collecting the snakes, Lin and Zhou separated them in smaller groups to teach them in seminars about every detail of the *toudu* process.

The destination of the travel was Jizhou island in Korea, an island where Chinese tourist groups don't need visa for visiting. Since formalities at the airports are more strict and complex, Lin decided to let the snakes travel by ship – on the famous and luxurious

42 Yang Yuguo 杨玉国, 23.11.2011: *Shetou liyong Hanguo lüyou zhengce zuzhi toudu* 蛇头利用韩国旅游政策组织偷渡 (“Snakehead” makes use of Korean travel policy to organize *toudu*), *Jiancha Ribao* 检查日报 (Procuratorial Daily). (<http://gb.cri.cn/27824/2011/11/23/3245s3446010.htm>).

43 Dan, 8.

44 Yang Yuguo.

45 Dan, 119.

46 Anonymous (a).

cruise liner Costa Classica of an Italian cruise ship enterprise. A luxury that none of the snakes had experienced in their life so far: swimming pools, spas, theaters, a casino, high class restaurants and bars with live music, luxurious rooms, attentive service and the like.⁴⁷ Since the snakes wanted to work abroad because of their poor financial background they could by no means have afforded such style of travel, this was a completely new world for them. They appeared as too “*tu*” 土 (unsophisticated, bumpkinish) to fit in without arresting attention, so the snakeheads prepared them meticulously and caringly for their journey: They taught them how to “behave like a tourist”⁴⁸, what to pack and not to pack in their luggage, if they only possessed too “*tu*” clothes, they would let helpers go with them to buy suitable clothes, they advised them to consume and spend money on the ship to appear as happy tourists and they divided them into couples.⁴⁹ The groups got provided with mobile phones, contact details and addresses in Chinese and Korean that they needed after escaping from the tourist group while visiting the island.

All in all the snakeheads did everything to prepare the snakes for the *toudu* in a professional and caring manner. All the costs for the whole endeavor were advanced by Lin. The *toudu* fee received from the families of the snakes after successful *toudu* amounted to between 40.000 to 80.000 RMB (roughly 6.500-13.000 USD) per person, while the snakes could earn over 8900 RMB (roughly 1.500 USD) per month with their new work in Korea.⁵⁰

The method of escaping tourist groups (*tuo tuan toudu* 脱团偷渡) during the visit of a foreign country has gained greater popularity in *toudu*. Out of this reason, Chinese travel agencies have to pay deposits at the border to some countries that they only receive back after all travelers have exited again. Since this deposit often is welcome extra money, the personnel in charge is frequently uneager to find back snakes that escaped from a group⁵¹, making it easier for snakeheads to stay in business.

Also the accommodation of snakeheads to advance all the money for the endeavor

47 Compare information on the ship: Anonymous (b), 2013: Official Website of Costa Cruises. (http://www.costacruise.com/usa/costa_classica.html).

48 Anonymous (a).

49 Ibid.

50 Ibid.

51 Chin, James K., 2003: *Trends and Government Policies: Reducing Irregular Migration from China*. Centre of Asian Studies, The University of Hong Kong, HKSAR, China (http://depot.gdnet.org/gdnshare/pdf2/gdn_library/annual_conferences/sixth_annual_conference/kongchin_paper.pdf), 11-12.

has gained popularity, since it makes it easier for the snakes to trust them, reducing a big part of the potential risk in the eyes of the snakes. As we have seen in the first case above (brothers Dong), this isn't necessarily a sign for a “decent” snakehead. Nevertheless in many cases the promises made by the snakeheads were kept – when unsuccessful, the snakes were granted new *toudu* attempts for free if money had been paid, or the snakeheads only asked for the actual costs that they had advanced for the attempt. Lecher, a research fellow of the “Society movement research centre” in France states that it is inept to simplify the relation between snakeheads and snakes as the relation between “executioner” and “victim”.⁵² We have to understand that *toudu* is a business for the snakeheads, it is a market that the snakeheads obviously need in order to survive, so they will be careful to not destroy it by improper behavior and bad image creation.⁵³ If they want to be successful in the long term, they will care for a good and professional relationship to the snakes.

As stated above, as legal restrictions increase and border control methods use advanced modern technologies to prevent *toudu*, the snakeheads methods had to catch up with that development, resulting especially in the forgery of documents and document fraud. A snakehead from Southeast Asia, himself being the CEO of a company, received 150 000 RMB “commission” from each of his three snakes for providing them with forged visas and passports, pretending they were employees of his company accompanying him to North America for market investigation. They were caught in Shanghai Pudong International Airport before being able to leave the country, calling attention through suspicious behavior.⁵⁴

But there are even more sophisticated methods. Li Gang, a 43 year old snakehead from Nanjing, found a way to get hold of legal exit documents: His friend Mo Bing had already existing relations to European companies from which he could get authentic invitation letters to participate in an exhibition or business talk abroad. With this letters, the snake could apply for a real visa at the given embassy, together with a real passport and forged documents, passing the snake off for example as the general manager of a

52 Anonymous (c), 24.2.2009: *Faguo: Yiminbuzhang guli touduke niming jiefa shetou* 法国：移民部长鼓励偷渡客匿名揭发蛇头 (France: Migration Minister encourages “snakes” to anonymously expose “snakeheads”), Ouzhou shibao 欧洲时报 (Nouvelles D'Europe). (<http://www.ims.sdu.edu.cn/cms/index.php?modules=show&id=4102>)

53 Ibid.

54 Fan.

Nanjinger company. Since the snakes oftentimes have received only basic education and lack a certain cosmopolitan sense and cultural disposition, Li and his partners had to teach the snakes in seminars how to pretend to be a company's GM, how to dress or how to answer possible questions of the visa inspectors while auditing for the visa. They let them learn texts by heart, brought them to hairdressers and shopped clothes with them to appear believable.⁵⁵

The only thing fake in their method was the occupational identity the snakes pretended to have, along with the according documents and the intention why they wanted to leave the country – but none of the exit documents, thus minimizing risks for snakes in the *toudu* process.

Maybe even a step further into legal fuzziness seemed the second case we discussed above: Emigrated and employed legally by Maple Leaf, not under pretension of false identities or intentions, we still have a snakehead involved that skimmed 10.000 USD off every snake in order to provide them with this opportunity.

I don't want to create the impression that all snakeheads handle their snakes with kid gloves, since that would be far from the truth. Next to the sophisticated high tech methods, human trafficking, trickery, abusive and violent *toudu* under false pretences with disastrous outcome unchangedly exists. But we definitely can state that the times where *toudu necessarily* meant to risk physical health or even life next to only money are over.

A multitude of cases are similar to the 61 Chinese Maple Leaf workers or the case Li Gang. He managed to successfully *toudu* more than 40 snakes out of more than 60. Since some of the snakes out of personal reasons eventually didn't leave even though they got the visa granted, the number of fails on his side should be considerably lower, producing a success quota of a roughly estimated 75%.⁵⁶

Other than the methods mentioned so far – that in certain cases got awarded pretty names by the officials, often from the *sanshiliu ji* 三十六计 (“The Thirty-six Stratagems”⁵⁷),

55 Boyan Shuyu 柏妍束宇, 11.7.2010: “*Shetou*” bang 40 yu ren touyue guojing “蛇头”帮 40 余人偷越国境 (“Snakehead” helps more than 40 people to cross border), Nanjing Chenbao 南京晨报 (Nanjing Morning News). (<http://news.sina.com.cn/c/2010-07-11/080317787591s.shtml>).

56 Ibid.

57 Chinese essay on 36 stratagems used in politics, war and civil interaction of unclear origin, possibly dating back to oral transmissions of the time of Southern and Northern Dynasties (420-589).

such as *wu zhong sheng you* 无中生有 (creating something out of nothing)⁵⁸ or *tou liang huan zhu* 偷梁换柱 (to steal the girder and replace it with a pillar of lower quality)⁵⁹ – other non-invasive methods invented by snakeheads are for example the following:

During the 2002 FIFA Football World Cup in Korea and Japan, a group of eight people from Jiangsu Province attempted to *toudu* to Korea, pretending to be “hardcore football fans” that wanted to see the games of the Chinese team. At Hong Qiao airport in Shanghai they were stopped by the border control because their visas looked forged, and after questioning the “fans” they could neither answer how long a football game lasts, nor when and where the Chinese team would play. It became obvious that these fans weren't as “hardcore” as they pretended to be: It didn't take much longer until they confessed that they paid a snakehead to provide them with fake visas to Korea.⁶⁰

The same principles are involved in *toudu* by attempting to participate in summer camps abroad or similar activities.⁶¹

According to James K. Chin, at the beginning of the new millenium the most popular *toudu* method being used by snakeheads and snakes alike is also a non-invasive one, proving the trend towards a more sophisticated, high tech and intelligent way of *toudu*. This method is to legally leave China for a transit country as members of tourist groups, trade delegations as in the cases above or contracted labors, then changing identity there and becoming illegal migrants.⁶² In the case of *toudu* as part of a business delegation it involves the bribing of state-owned enterprises by the snakehead to pass off snakes as employees of their own company by changing photos in the required documents, it involves contacts to *toudu* groups and snakeheads in the transit country that can provide with new documents (mainly passports and visas) forged from scratch, bought on the black market or gained by bribes, as well as a passage to the final destination country, in such constituting a highly sophisticated international *toudu* network.⁶³

May they be members or leaders of well-organized and sophisticated international

58 Indicating the forgery of documents or the pretension of a false identity, also on the snakeheads side.

59 Indicating changes in real documents or replacing promised services with services of lower quality on the snakeheads end.

60 Dan, 157.

61 Dan, 158.

62 Chin, 9.

63 Chin, 10.

toudu networks or may they work individually, may they be rich or poor, working for the government (and committing crime) or being criminals (without working for the government), the spectrum of snakeheads is as wide as society itself and their methods range from the abusive to the luxurious, from the rough to the sophisticated.

3.2.2 Methods in relation to social position of snakeheads – mutual need

As we have seen above, we cannot simplify the relation between snakeheads and snakes to the relation of hangman and the doomed. This may be true for the case of human trafficking that involves kidnapping, trafficking and selling of humans, but this accounts only for one part of what *toudu* encompasses.

Snakeheads are providing for a market while at the same time contributing to create this market. But same as snakeheads are looking for snakes, snakes also are demanding the existence of snakeheads. As long as emigration exists and as long as emigration is subject to rules and control, there will be people trying to get around these rules and controls, constituting *toudu*. As long as there is *toudu*, there will be snakeheads providing for this market.

We have seen that next to the pushing and pulling reasons that create the dream of having a better life abroad, the ways how to legally emigrate are complicated, plodding and to a certain degree unrealistic for people with poor education and weak financial resources. Naturally, these people will reach out for other ways to fulfill their dream if the desire is strong enough. People that might have access to required information or that have means and networks available out of other reasons might just become snakeheads by “helping out” because they see an opportunity. Others might become small snakeheads just by introducing certain people to each other and conciliate contacts on a very informal basis. Others again see the demand for snakeheads and will just pretend to command a powerful *toudu* network even though they don't have any means of organizing *toudu*.⁶⁴ So to a certain extent, snakes are creating snakeheads.

On the other hand, snakeheads will actively spread rumors in society that it is extremely easy to earn big money abroad, that *toudu* is safe, that life abroad is blissful and the like, in order to motivate people to participate in *toudu*.⁶⁵ They provide a multitude of

⁶⁴ A person pretending to be a snakehead collected snakes to make them gather in a container that would never be shipped anywhere after he received the *toudu* fee, just to go to the police to report a *toudu* case by pointing out date and location of the “*toudu*” about to “happen”, in this way selling out his own clients, just to skim off more money that the police awards for giving hints on *toudu* cases (*zei han zhuo zei* 贼喊捉贼 the thief yells stop thief). Anonymous (f).

⁶⁵ Benton, Gregor and Gomez, Edmund Terence, 2008. *The Chinese in Britain, 1800-Present*. Macmillan

methods, suitable to dismiss any kind of concerns people could have regarding the endeavor. So to a certain extent, snakeheads are creating snakes.

They have a mutual relation similar to business partners. Accordingly, many snakeheads will try to present themselves in the best possible way. If talking about snakeheads that genuinely try to *toudu* snakes according to their promises, we can say their role is to facilitate the dream of many people to go abroad, while they themselves earn high sums of money for it.

Regarding the social image the snakeheads have, in relation to which kind of methods they use to make *toudu* possible, I first want to carefully attempt to establish two categories: *unwanted* and an accepted “*necessary evil*”.

The most straightforward one of them easily is the category of snakeheads that are “unwanted” by society: This will be snakeheads, like the brothers Dong in our very first case about methods, that use kidnapping, human trafficking, mistreatment, violence and all forms of trickery, who don't keep any promise and just treat the snakes as items, not caring for their life and safety but only for the money that they can earn from them. Even though these snakeheads try to appear as trustworthy in the beginning, at the latest when the *toudu* attempt starts snakes will see their real face and word will spread in society. We can even see the practicing of mob law by the relatives of such unfortunate snakes: In one case, more than a hundred relatives of the snakes besieged the house of a snakehead, waiting for him to come back home. Since he could “smell a rat”, he didn't return to his house. The relatives started to destroy and loot the house, just in front of the eyes of policemen from a police station only a couple of meters away – they feared the rage of the mob and didn't dare to intervene. The snakehead in question was suspected to have organized a container *toudu* to England, resulting in the death of 58 snakes.⁶⁶

In such drastic cases the social position of the snakehead appears to be similar to a criminal for the people involved, regarding him or her as unwanted and evil member of society.

The next category tries to describe that snakeheads can be accepted as a

Publishers Limited, 60.

⁶⁶ Anonymous (e), 24.6.2000: *Fujian baixing duo ming touduke jiashu nuhui shetou laochao* 福建百多名偷渡客家属怒毁蛇头老巢 (More than a hundred relatives of “snakes” angrily destroy the nest of “snakehead”), Xinlang xinwen zhongxin 新浪新闻中心 (Sina News Center). (<http://news.sina.com.cn/china/2000-06-24/100652.html>). Compare Benton and Gomez, 55.

“necessary evil” for society. “Evil” in this case might stand for the fact that their methods might still be rough and unpleasant. Or it also simply can mean that they are “evil” because they are breaking the law. At the same time, they are a necessary chain link in facilitating the strong desire of many people to go abroad. Put simply, “if it's not them doing it, somebody else would do it”. The immensely strong will of so many young people in the emigration-intense regions will express itself in the search for any kind of method that brings them closer to fulfill their dreams. So the appearance of snakeheads is only natural. Even though many of the *toudu*-willing people might understand that what they do is against the law, they still are willing to do so as they don't see other options.⁶⁷ The description of the snakes in many cases depicted them as gullible and poorly educated but willing to cope with the risks and dangers of *toudu* of the method offered by the snakehead. Being carefully instructed by the snakeheads about the *toudu* plan and the potential risks, they understand the illegal dimension of the endeavor.⁶⁸ But if the methods are acceptable for the snake, for them snakeheads are a “necessary evil” and are neither disdained nor admired. Both rough (if not ending in disaster) and sophisticated methods might lead to the assessment of the snakehead as a “necessary evil”.

But also from an outside perspective they can be a “necessary evil”. A problem being unaddressed many times by big enterprises, communities or even towns is, that they have already developed a dependency towards irregular migrants. Many local people are not very keen on certain jobs or to work for low salaries, whereas irregular migrants might happily accept. In certain cases, successful business is related to the existence of irregular migrant workers. They are not complaining, they work hard and the labor costs are low. In these cases, for these facilities that certainly know very well about the illegal dimensions of *toudu*, if they want to be successful in business, the existence of snakeheads that provide workers is in fact a “necessary evil”.⁶⁹

The snakeheads in the cases that deal with acceptable and often times more sophisticated methods might be treated as what they actually are without condemning or worshipping them to the extreme (see next chapter, 3.3.1) – as business partners. Knowing about the dangers and the illegal dimensions of the endeavor, the snakes still choose to agree to the conditions, thus investing the snakeheads their position as a “necessary evil”

67 Ibid.

68 Compare cases of footnotes 30, 31, 33, 36, 52.

69 Jost, Kenneth, 9.3.2012: *Immigration Conflict: Should States Crack down on Unlawful Aliens?*, The CQ Researcher Online. (<http://library.cqpress.com/cqresearcher/document.php?id=cqresrre2012030900>).

of society.

Through the analysis of the methods and reactions to them we carefully could establish two categories regarding the snakeheads social position: unwanted and accepted as a “necessary evil”. But even though these categories seem valid, further research of the interaction between society and snakeheads in the emigration-intense regions below shows results that cannot be fully explained with this approach either: We find a highly respectful treatment of snakeheads that is verging on admiration and glorification and that seems not necessarily in direct relation to the concrete *toudu* method in use. This phenomenon can only be explained by looking deeper into the cultural and historical background of the societies in the emigration-intense regions.

3.3. Culture and history of society in the emigration-intense region using the example of Fujian Province

3.3.1 Snakehead respect, admiration and glorification

That some snakeheads hold the view that they are doing good deeds for society is not uncommon at all. Li Gang in our case above states in court: “I help them [the snakes] to go abroad, they get jobs and earn money abroad, this is a good thing for them and for society, at least it solves employment problems!”⁷⁰ Another message sent by the snakeheads is: “Only we snakeheads are your true friends and have tried our best to help you people to meet your family members overseas.”⁷¹ It seems that these are not necessarily empty statements in their own image creation to improve business, but are also partly their true conviction. Nevertheless, the messages are well received by many people. Kuhn generalizes this sentiment in his research by stating that snakeheads “in the West have been labeled by governments as vicious racketeers. But their clients do not necessarily see them that way.”⁷² Both Chinese and English sources show that the common people's perception in emigration-intense regions especially of big snakeheads can be extremely positive. According to Kuhn, a town headman in Changle of Fujian province stated that

⁷⁰ Boyan.

⁷¹ Chin, 9.

⁷² Kuhn, Philip A., 2008: *Chinese Among Others – Emigration in Modern Times*. Plymouth: Rowman & Littlefield Publishers, Inc., 352.

irregular migration was “very good indeed for us”⁷³. It meant an improvement of local living standards, lower unemployment and “teenage delinquency being transformed into enthusiasm for going abroad to find work.”⁷⁴ All of that being accomplished through the help of snakeheads.

Big snakeheads are often overseas Chinese, in the eyes of many Chinese they are “oversea capitalists” (*haiwai de zibenjia* 海外的资本家).⁷⁵ When they return to their hometowns, they often will donate large sums of money to the local government to help with the construction of basic facilities, doing good for society.⁷⁶ In return, people in society treat them with great respect and admiration, bestowing upon them titles like “*laodong juzhang*” (劳动局长 Minister of Labor)⁷⁷, “*minjian yinhang hangzhang*” (民间银行行长 “Unofficial” Bank Director)⁷⁸ or “*renshi buzhang*” (人事部长 personnel department minister)⁷⁹. Also from official side this potent helpers and their donations are not unwelcome. Even the kids of some local cadres participate in *toudu* to earn money abroad. In their eyes “the ones that can go, let them go. If some more can go they can contribute for the village when they return.”⁸⁰ And to accomplish that, they need the help of snakeheads.

Next to the snakeheads that return to do good deeds, we also have the phenomenon of *yijin huanxiang* 衣锦还乡 – in this case the snakes that are “returning to their homes in silk robes”.⁸¹ These sometimes extremely wealthy people boast about their rich lives abroad, show their wealth by buying huge mansions for themselves and their families in their hometowns in China, driving expensive cars, inviting for big banquets or constructing pompous graves for their ancestors.⁸² Relatives of such wealthy family members don't want to “waste” this relation by not trying to follow their lead⁸³, and since networks are already established, the former snake easily becomes a snakehead, or, even though no money might flow, at least might contribute to the business of the snakeheads by facilitating contacts.

Even though snakes might have a hard life and low living standard abroad, while

73 Ibid.

74 Ibid.

75 Dan, 119.

76 Dan, 133, 136.

77 Dan, 134, 136.

78 Kuhn, 352.

79 Dan, 136.

80 Dan, 133.

81 Ibid.

82 Ibid.; Kuhn, 341.

83 Dan, 133. Kuhn, 341.

visiting their hometown many will describe their life there as extremely positive, exaggerating their accomplishments in order to not “lose face”, giving the impression that *toudu* was a worthwhile and correct decision.

All of this contributes in a very effective way to nourish the prejudices that “overseas Chinese are all very rich”⁸⁴ and that the snakeheads have a good influence upon the life of people. In some regions we even hear the jingle “*yao xiang fu, qu toudu*” 要想富，去偷渡 – “if you want to become rich, go *toudu*”.⁸⁵ In the region of Changle in Fujian province, being a snakehead became an occupation “respected by the people”.⁸⁶ The snakeheads are many times so precious for the common people that they enjoy indirect protection by them – very rarely they would accuse them or provide clues for authorities⁸⁷. The snakeheads are admired as facilitators of the dream to become rich, to gain face and reputation and to be able to show filial piety in building pompous ancestral graves. Thus, their position in society can be an admired and respected member of society.

Interestingly even the unwanted snakeheads seem not to be talked about much in these regions⁸⁸, even in severe cases they might just be referred to as frauds (*zhuangjia zuobi* 庄家作弊, makers of fraud) that are cheating (*pian ren* 骗人) while the snakes just had “bad luck” in this case.⁸⁹

We see that in the evaluation of snakeheads and their social position the power of the distinct cultural background of Fujian can outweigh their methods, thus potentially investing a very high social position upon what are in fact, criminals. How is this possible? Only because society identifies them with the potential facilitators of their dreams?

3.3.2 Lack of awareness of wrongdoing facilitates multiple perspectives on social position

Next to identifying snakeheads as facilitators for the dream of wealth and happiness, one underlying crucial factor in the perception of the snakeheads lies in existence or absence of the consciousness that *toudu* and facilitating *toudu* is illegal.

We could establish the thesis that, if society would have a clear understanding of the law and its intentions to protect people and country, if there would be a clear understanding of the concepts of legal and illegal, the snakeheads positions in society

84 Dan, 133.

85 Dan, 134.

86 Dan, 132.

87 Ibid.

88 Dan, 134.

89 Dan, 136.

would coherently be very low. Low in this case means, snakeheads would have a social position similar to other criminals like thieves, murderers or frauds whose positions are consistently low. Since as we have seen in the analysis above this is not necessarily the case, we might conclude that the legal understanding of some groups of people in society regarding *toudu* and snakeheads is distorted and unclear. Only a fuzzy understanding and a non-identification of the individual with the existing law can allocate the ground that can give rise to “admired criminals”.

In the following we want to see if this statement can be confirmed by looking further into cultural and historical aspects of societies in the emigration-intense regions, focusing on Fujian Province.

In Fujian Province exist common proverbs describing geographic characteristics of the land: Because of the steep mountainous hinterland of the province there is the “wish to farm but no space to till a field”⁹⁰, so the people of the coastal regions had to “use the sea as fields”⁹¹ and “use the boat as wagon and the oar as horse”⁹². Out of other options to make a living, they had to explore the life with and on the sea, no matter how harsh the weather or dangerous the waves might be. Already in Ming Dynastie we can read about the adventurous and profit orientated spirit of the Fujianese. Fu Yuanchu 傅元初 notes in 1639: “The sea is the field for the Fujianese. If the *haijin* 海禁 (ban on maritime trade or intercourse with foreign countries) become strict, they have nothing to eat. (...) The people in coastal regions look only after profit, greedily not caring about dangers where ever they go.”⁹³ Through their natural relation to the sea, the Fujianese had or have no clear concept of maritime borders in their minds, thus having a diffuse understanding of crossing of these borders as being illegal. For them their relation to the sea might be similar as for certain tribes in the African steppe that bring their goats to browse, unable to understand that they have crossed an invisible border and why they were not allowed to do so when confronted with authorities enforcing these concepts.

These habits and attitudes towards making a living were expressed also out of geographic necessities in the development of a “*zou fan*” 走番 (“go to the barbarians”, go abroad) culture. People made a living through “*tongfan maoyi*” 通番贸易 (“business with the overseas barbarians”) or they “*zou fan*” to become a “*fan ke*” 番客 (“person travelling to

90 *yu jiugeng er wu di pi* 欲就耕而无地辟

91 *yi hai wei tian* 以海为田

92 *yi chuan wei che, yi ji wei ma* 以船为车，以楫为马

93 Dan, 131.

the barbarians”, oversea Chinese). “*Fan ke*” were highly respected, according to village rules the family members and relatives of the *fan ke* received protection and were not allowed to be bullied. In their “*haigeng wenhua*” 海耕文化 (“culture of tilling the sea”), *fan ke* were sent off and received home ceremonially through “*zeng caoxie yin*” 赠草鞋银 (presenting sandal silver) when they left and with *jiyadan mian* 鸡鸭蛋面 (chicken and duck egg noodles) when they returned, calling this “*xi chen*” 洗尘 (“washing away the dust”).⁹⁴

In return, the *fan ke* would donate money to support the building of temples, ancestral shrines and graves, roads or schools.⁹⁵ As we can see, this tradition has lived on until today. Still today in many regions in coastal Fujian province customary rights and ancestral laws are more important than the existing law.⁹⁶ People do not understand why all these good things they experience with the snakes and their return should be illegal, they don't understand why the government would make it so hard for them to go abroad. If snakes and snakeheads are caught and have to go to prison, the common people just think it was “bad luck” and they show a great deal of compassion for them – not addressing their actions as crimes. They don't perceive them like other criminals, snakes and snakeheads still can walk around with their heads held high after coming out of prison, just to attempt the next *toudu*⁹⁷ – this time after burning incense to the gods to pray for better luck.⁹⁸

How unimportant the alignment with the existing law seems to be, appears also in the lax use of terms when talking about *toudu*: People might just refer to it as *chuqu* 出去 (going out), *chuguo* 出国 (going abroad) or *zifei liuxue* 自费留学 (studying abroad on own expenses), again not indicating an illegal action. Snakes have a good reputation and have great “ability” (*you benshi* 有本事), contrarily to the people who don't participate in *toudu* – they even “lose face” in contact with snakes (*mei lian jianren* 没脸见人).⁹⁹ If snakeheads are successful and the snakes have reached their destination, some families will even celebrate with firecrackers, banquets and opera musicians. Rich returning snakes will be addressed as “*laoban*” 老板 (boss).¹⁰⁰ When used, the word “*toudu*” in these regions doesn't necessarily carry derogative overtones. As Dan states: “Some villagers (...)

94 Dan, 132.

95 Chin, 17. Kuhn, 341.

96 Dan, 132.

97 Ibid.

98 Dan, 136.

99 Dan, 133. Chin, 17.

100 Dan, 136.

absolutely don't know that *toudu* is illegal.”¹⁰¹

In general, the way to communicate in such tight social networks as we can find in Fujian Province is to present matters *hanxu* 含蓄 – in a very indirect and implicit way. That might contribute as well to the diffuse understanding of *toudu* as illegal: Not only *chuqu*, *chuguo* or *zifei liuxue* as seen above replace the expression for the illegal action, even obvious crimes like the stealing of a bicycle are referred to as *diu* 丢 instead of *tou* 偷 – “I lost my bike” instead of “My bike got stolen”. In these social hierarchies, where older generations are referred to as “older brother” or “grandfather” even though there is no blood bond, the word of those people might be taken without questioning or to avoid complications, thus not raising questions about the potential illegality of a certain action. This sensitive aspect I feel would need further elaboration in an own piece of research and shall just be touched upon this briefly.

The continuance of this “*toudu* culture”¹⁰² (*toudu wenhua* 偷渡文化) is indirectly supported by some local government officials that don't enforce the existing law, but treating the returning snakes as honored guests, happily accepting their financial contribution to society. This behavior certainly has a strong influence on the peoples minds and what they perceive as legal and illegal when they assess their officials very behavior in these cases.¹⁰³

All of this shows clearly a difficulty with defining “legal” and “illegal” regarding *toudu* within these societies. People might not know about the law in the first place, they might not understand the law and its intentions if they know about it or they might not want to know and want to care about it, rather employing traditional and pragmatic standards for judging on someones actions connected to *toudu*. It seems that the system of going abroad through *toudu* is protected by the people by rather accepting and overlooking flaws within the system than questioning the system itself.

Thus, the manifold perspectives on snakeheads as seen above, who by definition are doing illegal actions in the sense of national law, in all its facets can come into existence.

101 Ibid.

102 Dan, 133.

103 Dan, 136.

4 Conclusion

The position of snakeheads in society is determined by the position that society bestows upon them. Since different members of society will have different perceptions and perspectives of and on snakeheads, this position is relative and not absolute.

In my opinion three factors seem very important in gaining a full understanding of the social position of snakeheads: the distinct cultural and historical features of society in the emigration-intense regions, the immense desire of young people to go abroad that will quickly identify the snakehead as a potent facilitator for their desire, and the fuzzy understanding of what is legal and illegal within *toudu* societies.

Occupations and separation in big and small snakeheads only give unclear hints on social position of snakeheads.

The snakeheads methods to attempt *toudu* indicate that their social position can be “unwanted members of society” or accepted as a “necessary evil” in society. Still this approach fails to explain why snakeheads are being regarded as respected and celebrated members of society in many cases.

I think that only the distinct cultural and historical features of the societies in the emigration-intense regions can offer an explanation for this phenomenon and lead to an holistic understanding. Many times, these features outweigh the consideration of *toudu* methods in assessing the social position of the snakeheads. Too strong are the historical tendencies for going abroad, too strong is the *toudu* culture and the desire to “make it” as an emigrant abroad, to get wealthy, gain face and reputation and support the relatives. The potential power of the snakeheads to facilitate this dream is an important reason to evaluate him or her as a respected and wanted member of society.

According to this analysis we can confirm the thesis that the manifold ways to perceive snakeheads in society, especially their perception as respected and positive members of society, is arguably based on the understanding of what is legal and illegal. In emigration-intense regions, ancestral laws and customary rights might outweigh the existing law, employing traditional habits and pragmatism to evaluate *toudu* actions. Would there be a strong alignment and identification with the law, all snakeheads would

similar to other criminals fall into the category “unwanted”.

As seen above, within certain circumstances even criminals can be admired members of society. The key to understanding this phenomenon lies in understanding Chinese history, culture and society and the answer to reducing problems with irregular migration might thus also lie in reshaping of cultural practices and education of society – not only in the reinforcement and fortification of emigration laws, their control and the according punishment.

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