

# BIOCAPTURE AND DISPLACED TO THE THIRD WORLD: AN ANALYSIS OF THE PLIGHT OF THE *NEO- EFFUGIO* FROM THE *DYSTOPO-FASCISTERIA*

## อำนาจรัฐและโลกที่สามที่ถูกทอดทิ้ง : การวิเคราะห์ปัญหาของกลุ่ม “ผู้อพยพใหม่”

IAIN COWIE  
SIAM UNIVERSITY

### Abstract

This paper seeks out a new refugee group that has being displaced from the ‘First World’, and asks why, when the First World offers such high levels of comfort, they are going. It is this paper’s position that this group, that includes in part a people called ‘sex offenders’ by the displacers, are misunderstood by the dominant discourse as intrinsically criminal in motive and nature. An understanding requires going to the core of the modern nanny state and its odd duplicity in the ‘export’ (‘self-deport’?) of these First World refugees through disattachment. This is not the tale of a stubborn ‘nanny state’ but the complex meshing of notions of ‘home’ and ‘dwelling’, through superstition, disguised as rational governance.

**Keywords** : state of exception, risk society, refugee, biopower, sex offender

### บทคัดย่อ

การศึกษานี้มีวัตถุประสงค์เพื่อศึกษาเกี่ยวกับ “กลุ่มผู้อพยพใหม่” จากประเทศใน “โลกที่ 1” และศึกษาสาเหตุทำไมพวกเขาจึงยอมอพยพไปอยู่ที่อื่น ทั้งๆที่ได้รับความเป็นอยู่ที่สะดวกสบาย “โลกที่ 1” กลุ่มตัวอย่าง คือ “กลุ่มคนที่ทำผิดเรื่อง การล่วงละเมิดทางเพศ” เพียงเล็กน้อย แต่ถูกสังคมนครหาว่าเป็นอาชญากร การศึกษาครั้งนี้มุ่งเน้นไปที่ประเทศที่มีกฎหมายที่เข้มงวด และต้องการให้ประชาชนปฏิบัติตามกฎที่ตั้งไว้และถ้าประชาชนที่ไม่ปฏิบัติตามกฎหมายก็จะถูกแรงกดดัน ทำให้ต้องอพยพไปอยู่ที่อื่น ซึ่งสามารถทำได้โดยง่าย เพราะผู้อพยพกลุ่มนี้มาจากประเทศที่สามารถเดินทางเข้าประเทศอื่นได้โดยไม่ต้องขอวีซ่า เป็นต้น

**คำสำคัญ** : ซ้อยกเว้น, สังคมที่มีความเสี่ยง, ผู้อพยพ, อำนาจรัฐ, ผู้ละเมิดทางเพศ

## The Puzzle-- Background of Undercurrents of a New Concept of Refugee

This paper seeks out a new refugee group that has been displaced from the 'First World'<sup>1</sup>, and asks why when the First World offers such high levels of comfort (and does not legally deport them) are they going. It is this paper's position that this group, that includes in a part a people called 'sex offenders' by the displacers<sup>2</sup>, in their move to the third world are not best understood by seeing the journey as an act of agency in acting out a criminal motive (which is exactly what the dominant discourse claims). This paper feels an understanding requires going to the core of the modern nanny state(dystopo-fascisteria)<sup>3</sup> and its odd duplicity in the 'export'<sup>4</sup> ('self-deport'?) of these First World refugees. So little is said on this topic and it is so under-theorised, and because of the need to re-orientate away from the State-grammar (e.g. 'sex offenders'), that considerable new vocabulary will be employed as well as wide-ranging theory-melding. This paper also looks at those that stayed behind (the '*neo-desolo*') to see how they 'dwell'(the scare quotes are to indicate the essence of suspicion that the word 'dwell' arouses) among those who hate them.

This paper began by finding the *wrong* answer from which to ask a question. Its *explicandum* prompts the question of why Thailand has such a large number of 'first worlders' settling in it, who appeared to be rejecting their 'home', the comfortable welfare states of Europe and North America. They were not mere *ex-pat* 'metropolitan mobiles'<sup>5</sup>, but seemed to feel *rejected*<sup>6</sup> by the West. This paper does not set out to *empirically prove* the existence of this group, whatever that might mean, it simply opens the way for the idea to permeate within this refugee discourse.

This paper seeks to synthesize the accounts of refugee life, the investigations of Foucault, Agamben's *Homo Sacer*, and other theoretical accounts to *discover* a new group of banned and/or displaced<sup>7</sup>, that are most knowingly confronted as a group when displaced to foreign lands. The nation-state tools ironically allow us to find this hitherto hidden group of banished individuals. They are banished without a sentence of banishment, they are arraigned without a crime, they are made *de facto* stateless without losing citizenship. They are the *ultimate* State of Exception: the state does not even accept/believe/declare that it has given them nothing but *bare life*. They are most commonly described as the 'sex offender'<sup>8</sup>, although they often rightly<sup>9</sup> reject this label of the assemblage of powers aligned against them. They are subject to a *biocapture*-- an extreme biopower<sup>10</sup>-- that this paper wonders whether they are subject to a pre-biopower notion of *spectacle*.

A counter-argument may point out that the refugee must be part of the desperate masses; these people from the First World do not qualify as refugees. It is asserted in this paper that the absolute bottom rarely become long-distant refugees, to be a refugee requires social capital and knowledge<sup>11</sup>. In addition, this paper proposes this new refugee is able to manipulate the mechanism of globalisation to survive the forces of the nanny state, and, even more surprisingly, the nanny state may actually desire this behavior and even be implicated in the refugees' behavior; it cannot say out loud it wants them to 'self-deport', but it allows it anyway<sup>12</sup>.

This topic is taboo; to even write on the topic is inferred to be sympathetic<sup>13</sup> to the underlying motives of the individuals cast away in the State of Exception. Breaking taboos is a frequently necessary component of academic analysis.

This paper will utilise a number of theories in several disciplinary areas to weave an analysis of the liberal democratic state to understand how it has come to create the displaced (but never the international law's refugee) from its midst. It should be demonstrated that the nation-state asserts through a nexus of social relations a power of constraints that concedes little to unwelcome alternatives. The paper will look further to hunt down the nature of this *haze* of power and its impact on the nature of 'home', 'dwelling'. The issue also creates two positions: the internally displaced subjected to biopower (*neo-desolo*), and the international displacement (creating the *neo-effugio*) that is oddly played out through the migrational 'loop holes'<sup>14</sup> of the globalised elite.

This paper is attempting to connect two different areas of research. There is the research centered on the reaction of the state to the 'abnormal' (as Foucault called transgressions of socially desirable behavior). The second area of research is on the way the individual reacts to his bare life, his 'reverse state of exception' by the tactic of becoming a displaced (a *de facto* refugee<sup>15</sup>) to a land without the technologies of power that are possible in the mighty liberal-democratic states ('Bully States'), or else living out life at the fringes of the locus of biopower.

The aim of the paper is to weave through the confluence of factors that have seemingly exposed people to a bare life. The strategy is to examine the suffering, looking for patterns (and therefore find a new grouping), looking for a comprehension (how now? What discourses dominate?), look at the consequences (intended and unintended in the discourses). The paper should unsettle the familiarity of refugee studies and find a new angle for engaging the issues.

In identifying this 'new refugee', the paper needs to provisionally offer an example as a sacrifice to the readers' curiosity. The example about to be given is in effect *exactly not* what the paper wishes to concentrate on, but since the paradigm is a consequence of the power/knowledge nexus it is perhaps inevitable that the least pleasant paradigm must be written up as the starting point for the paper. This paper hopes to shake up this false imagery with a new vocabulary. This group, and it is truly rare for they to be conceptualised as a group, are by this paper called the *neo-effugio*: "new -'ee from'". Although the paper seeks to claim that refuge is sought in the 'Third World' (e.g. Thailand)<sup>16</sup>.

In the UK and USA, through a complex sweep of forces, a recent belief in the untreatability of the sex offender, their utter evilness, and a pressure to ensure a level of 'no risk'<sup>17</sup> causing an increasing reliance on punishment of 'pre crime' (McCulloch). It is these pre crimes along with measures that restrict the non-jailed offender that this paper seeks to visualise as biopower governance. These measures are registration systems to provide intelligence to government agencies or interested others (e.g. potential employers, potential girlfriends) and systems of exclusion via residential zoning polices. These give the nexus of social controls a determination of truth (what the individual *is*) and what they can do and where they can go.

## Forces at play-- *The Ban*- A State of Exception?

Agamben notes the State of Exception has become the norm. Since the exception is now the norm the paradigm is the camp not the city. This paper presents it as having gone further than this. Even further than Žižek's claim (see Steinpilz) of the slum-dweller<sup>18</sup> as the true state of exception. Instead, the ultimate exception is those who now are displaced *the wrong way* to the poorer states that possess timid technologies of discipline and control.

If we analysed this state behavior in a justice-orientated context perhaps we could describe the situation like this: there is 'reintegrative shaming' and then 'stigmatizing'. With the latter there is no hope of the offender re-entering society<sup>19</sup>. For this paper, if this is how state behavior is constructed, this would suggest entry into a state of exception. This would be a return to the 'spectacle of punishment' that Foucault locates as prior to the modern invention of biopower. The masses now enforce the purposes of the State. Those remaining in their own country, by mechanisms of control are displaced by an extreme biopower, a *biocapture*, that is in danger of falling back to the pre-biopolitical age of spectacle. There is then a 'modern political biocapture' (Sinnerbrink, p18).

The legal mechanisms of the State (in a very wide sense of the word, counting, for example, the healthcare system) are only the start of it. The social consequences are overwhelming. The targets are likely to have their family life destroyed: their wife may divorce them, their job is lost<sup>20</sup>, their friends desert them. No one will protect them. They become the *Home Sacer* of ancient Rome. This is because the State has now become the judge of good home life<sup>21</sup>. It disciplines the lives of its people and so judges what is a good home<sup>22</sup>.

To understand how this state of exception came about requires an understanding of the nature of home; this is not the home of those *excepted*, but of the general masses. The issue is a complex conuence of factors that to understand it *in a positive light*, might be written as a morality tale of the virtue of home.

In the USA and the UK ,there is a strong sense of societal disaster or moral collapse<sup>23</sup>. The explanations for how this came about are wide-ranging. The (upper middle-class) readers of the rightwing *The Daily Telegraph* blame everything from "an exercise in displacement by the British working-class", "Labor's [the current governing party] oppression that has turned everything that was innocent into guilt and lth", "ordinary English people have become so passive, lazy and cowardly", "politically correct socialist hypocrisy", and "'critical theory' and the 'Frankfurt School' claptrap"<sup>24</sup>. This seems to amount to social changes, a reaction to social changes, a government disrupting correct values, a change in the disposition of the people, or else the application of theories that have somehow warped society with (presumably) unintended consequences.

The target of this ideology of moral disaster is the professional female, and the locus of the attention is on the 'teenager', a category that did not exist until the Mods and Rockers of the 1950s. The teenager are "unwelcome competitors for adults", but also "must be segregated among themselves and catered to sacrificially as if they were young children" (Rind, p7). They are treated as angels--pure of the bad vices of

adults<sup>25</sup>. This encourages their 'infantilisation' (they are not allowed to 'grow up'<sup>26</sup>), but also places them in great danger of social disapproval. If they do wrong it must be because of an innate evil<sup>27</sup>. The re-arrest of one of the child killers of the 2-year-old Jamie Bulger highlights the extent to which society punishes children for misdeeds as if they are devils<sup>28</sup> since in this new conceptual framework of angelic childhood only those possessed by the devil can do bad deeds. The acts become unfathomable to society<sup>29</sup>. It cannot understand that it was simply a typical childhood tomfoolery that went wrong.

The victim of this swing in attention of society is mostly *the male*. Almost always the middle-aged male. Interestingly, recent (no doubt, with the best intentions) campaigns by Child Abuse groups that play on the discourse of 'must do everything' to make sure no harm comes to a child no matter what the cost<sup>30</sup>, have started to point to the danger of females. The NSPCC (National Society for the Prevention of Cruelty to Children) in the UK ran a campaign warning of the danger of females<sup>31</sup>. This at least has started to 'equalise' the effects of this paranoia. The paranoia in the UK where men have felt unable to smile at stranger's children may now spread to women. This 'paranoia' can be re-described as an enforced *pure monadism*: to have no interaction with others in society. A longer paper on this might focus on Marx's deep interest in 'civil society' (i.e. the monadic individuals of capitalism [see Marsden]) and to argue this state of exception is simply a product of capitalism<sup>32</sup>.

As the state feels under pressure to ensure a level of 'no risk' it must increasingly rely on punishment 'precrime'<sup>33</sup>. It is these precrimes along with measures that restrict the non-jailed offender that this paper seeks to visualize as biopower governance. These measures are registration systems to provide intelligence to government agencies or interested others (e.g. potential employers, potential girlfriends)<sup>34</sup>, and systems of exclusion via residential zoning polices. The former are social-spatial restriction tools (they damage social capital) and the latter are geographical-spatial restriction tools. The state *becomes the family*. It denes home. It tells a girl, better than her father (who in this monadic society can expect to have only limited inuence or contact on her), who may be her boyfriend.

These disciplinary mechanisms do not improve society's control of troublemakers. The result of these mechanisms is, in fact, the increase in those named on public registers for petty 'sex offences' (e.g. urinating in public is one such offence found in 13 States of the USA) and this has meant it is now more difficult to track serious sex offenders<sup>35</sup>. Easier than ever to trace anyone with 'undesirable' sexual interests (4 US states have a simple 'click to print' option next to the internet enabled public registers of offenders). It appears more as an attack on abnormal sexual mores than rational deterrent policing. This gives us a clue as to how it relates to the nature of *home*. Home is where a person can feel most safe, where the bad things of society are kept at bay<sup>36</sup>. A person is also least on their guard at home. So if the governance of the liberal democracy has extended 'home' to the whole territory by invading every part of home life then it follows that sexual mores will be pruriently applied; this should be interpreted by Foucault's notion of the sexuality regime in encouraging people to confess their most intimate sexual desires as a form of social control on them, yet it is disguised as empowering them.



If one has no home then, according to Latimer and Munro (p325), it is just a 'bare life'. They point out "how chilling is the examined life, when... nothing more than the concept of the self". They mean 'self-examined' (la Socrates), but for this paper, this has an eye-opening second meaning of 'examined' by the state and the socio- normative regime of society. If home is seen not as a xed place, but in social relations<sup>37</sup> then this deliberate isolation from society by legal mechanisms that help to constitute social mores means the *neo-effugio* has no choice but to be banished. Those that stay behind ironically may be the most alienated, yet also most truly *dwelling* (i.e. the way we thoughtfully engage with our environment) of all in society since they are the few who can "begin to 'question the question'" (Heiddeger) while the rest of society our mere mouthpieces for the 'talk'<sup>38</sup>.

### **Forces at play-- *The camp*- Are they displaced?**

This new perspective allows a fresh look at the scholarship on transnationalism. Agamben, unlike Foucault, links biopower to Hannah Arendt's totalitarianism. In Agamben's world there is no hope accept a messianic redemption. Foucault is more interested (certainly in his later work) with the day-to-day bio-management of the subjects; Foucault's work cannot imagine a rejected subject. Agamben, unlike Foucault, locates biopower as the inevitable force of *Western political rationality* from the Greeks onwards, making the matter of truly great concern. This positioning if right makes redundant all theories founded in human rights or concepts of justice because these fail to recognise the biopolitical foundations, instead imagining a Western universal reasoning.

Oddly, when the press speaks of the internal displacement of the sex offender-- the paradigm of this new refugee-- they are often described as *an exile*<sup>39</sup>. This is understandable in that they tread a lonely path. It is a very individual burden, no group will be accompanying them. On the other hand, an exile implies a political reasoning<sup>40</sup>. The New York Times goes on to describe them as 'unhinged nomads'. 'Nomadic' because the legal system prevents a normal *bios* life of somewhere to dwell. Another article has law enforcers (--the irony--) complaining the laws result in the sex offenders falling into vagrancy. The article describes it as a 'banishment' (Mansnerus). Other words used by state legislators are 'ostracism' and 'erasure' (Jo Reynolds). These latter terms suggest not biopolitics but the state of exception or the pre-biopolitics of spectacle.

Some men on the lists in the USA, will live at home but sleep inside their cars at night in order to comply with the rules of being greater than 1km from schools. This notion of 'home' is placed on its head. As it is precisely the sense of security that the place called 'home' is what the legislation seeks to disrupt. It is like a scammer taking the scam victim to an unfamiliar location so they feel disorientated and are unable to resist the act. Perhaps the 'sex offender' is expected to be unable to operate in his abnormal ways if he is never 'home', as he dwells on the front car seat.

## Forces at play-- Why can all *look*, but not see the new refugee?

It is common to think of the refugee as having fled from the Third World into the warm embrace of the First World saviour. Perhaps neatly fitting this paradigm are the Indian refugees from Uganda and Idi Amin that found their way to the warm heart of the remains of the British Empire. Certainly this works within the origins of the concept of a refugee. It also helps to enhance the self-trumpeting of the 'hero status' so desired by the West. Finally, by distinguishing First World from Third World this view sets down the cold rule that refugees are a problem of that latter World and the after-effects of the 'Third World' must be cleaned up by the West.

This paper wishes to look at a new refugee, that fails to hit any of the right marks so perhaps a new vocabulary is needed to describe it. This refugee garners little sympathy, indeed his (and he is almost always a he) fails in the market of ideas, and it is this that leads to his displacement. His newness is the result of a confluence of factors. Two important immediate factors are the generation of fear ('Risk inc.') as the primary device of the Western media and the extraordinary extension of the panopticon nanny state ('bully state') of the liberal democratic democracies. The embrace of the liberal democratic state promises extraordinary levels of security and comfort -- true biopolitics--but in return now demands an unprecedented level of docility. Any threat to the extreme calm is not tolerated, and not discussed. It is erased from the social memory.

In the USA, the legislators find considerable electoral advantage in promising to tighten up (the already tightened) legislation against child abuse. By this, they are referring to the scrutiny mechanisms used to watch and discipline the aberrant party. In some places, the mechanism has become so tight that it is literally impossible to obey them-- this suggests less biopolitics and more abandonment. For example, if someone has on their record that they committed an offence that places them as a child abuser then they may not live within, say, 500 metres of a school or bus stop. There is in many towns no such location-- there is always a bus stop somewhere. "The City Council in Jersey City enacted an ordinance that prohibits sex offenders from living within 2,500 feet of a school, park, sports facility, theater or convenience store, among other places... Taken together, the zones block out virtually the whole city" writes the New York Times<sup>41</sup>.

The irony is in the interest of equality of justice (be ready for Kafkaesque objectivity of the law) the actual description of what the offender did is not found on the public records. So a schoolgirl who gave her boyfriend a 'blowjob' at school is classed as "been convicted of a criminal offence against a victim who is a minor or any dangerous sexual offence". It sounds horrifying. This results in "parents pulling their children indoors when she walks by"<sup>42</sup>. The mechanism of equality before the law then allows emotionalism into the law<sup>43</sup>.

These mechanisms although brutal might be acceptable if all parties subject to them resembled the rapist of three-year-old girls, i.e. the paradigm of the 'sex offender'. In fact, abuse is a very wide category, and getting categorized as an abuser is an oddly ambiguous practice. Kafka's *The Trial* seems appropriate in

dealing with it. The crimes for which you can be added to the list in the USA include urinating in public, having sex in public, public nudity, lewd conduct, engaging a prostitute<sup>44</sup>. It is hard to see how any of these endanger anyone unless they are seen as a failure of character. That is, the state needs *to work on you* to make you a better docile worker. When a 15-year-old girl in Illinois is placed on the sex registry because she sent an SMS with provocative sexy writing, the disciplinary nature of the power is revealed. The State is involved in the most personal of matters.

In California in 2003, a man was sentenced to life in prison for sucking the toes of preadolescent boys. Sometimes same-aged teens are arrested for “sexual assault” of each other (See Rind for many other examples). The registration of the offenders is public and so they are permanently vulnerable to attack; a 24-year-old man was murdered because he was a sex offender—his crime was consensual sex at 20 with his girlfriend just two weeks shy of her 16th birthday. That 24-year-old appears as the modern version of the *homo sacer*. The modern state on paper still protects him (it will send police to stop someone murdering him) but then does all it can to place him in a vulnerable position of being permanently watched and so open to being killed.

### **Forces at play-- Zone of indistinction: weighing the biopolitics with the state of exception**

The point of issue is the odd similarity between extreme biopolitics and the abandonment described by Agamben for the *Homo Sacer*. They should be complete opposites. With the latter the State does not care; it has retracted every mechanism it offers for the person to be a person, but in this, it no longer watches, no longer cajoles. With the former, the party is subjected to every power to be an acceptable member of society. Perhaps the point is the latter (*Homo Sacer*) concentrates on the intentionality of the State, while the former as a Foucauldian concept sees a wider power everywhere that does not limit power to State institutions, it looks at society and the social relations as the points of power. These do not have an intentionality, they cannot be simply switched on and off. They are there. They are society. They are not government laws and regulations, although these help, these after all create the liberal-democratic state that allows a pure biopolitics. Only spatial (physical *and* psychological in this Web 2.0 World) distance can escape the losses (and gains) of being part of it. It is then this paper's position that a person can seemingly be simultaneously in the pure State of Exception as well as subject to the biopolitics of the liberal democratic state.

### **The Sexual deviant as a creation of Otherness-- constitutive impositions of the monadic civil society and the blame game**

The mechanisms imposed against the sex offender, and *potential* sex offenders, do not work in the rational judicial framework. They do not deter and they explicitly reject rehabilitation as an objective. Foucault noted this for the traditional prison system (see *Discipline & Punish*). It suggests to him that there may be other factors behind the mechanisms since they so fail in what they are supposed to do. It is suggested that the groups falling to these mechanisms of control are the new delinquent class. They must be asserted by the Other to reinforce the notion of home for the remaining majority.



In the 1970s, consensual sex with a minor would have resulted in probation in the USA and the UK (Rind p3), but now they face several decades in jail. The reason is the claim now is it is uniquely injurious, pathological. But the critics contention is “this hyper-attention and harsh response reects a moral panic built on unfounded assumptions, dubious ideology, invalid science, media sensationalism, and political pandering”.

The obsession with sex ‘abuse’ could be<sup>45</sup> the coming together of the new discourse of the child angel (mentioned above) with the older notions of the female as valued by her sexual chastity<sup>46</sup>. In contrast, Garnkle points to those people, mostly parents of the abused, that ‘merely’ kill or permanently disable children are then not subject to the same harsh mechanisms of surveillance. A lifetime identity is thus assigned to the sex offender, even if the ‘attacker’ is a teenage girl. All this despite it being empirically nonsense; Kinsey found most (pre-consent age) teenage boys had experienced some heterosexual ‘play’. So it is neither deviant nor damaging what amounts to most of the crimes of ‘sex abuse’. Juvenile deviants are not, by denition, deviant (e.g. Garnkle, p190).

By digging in deep, we see these disciplinary mechanisms often have little to do with true harms. Even when a crime is actually committed it is the sort of crime where it is difficult to see a victim<sup>47</sup>. Look at the victim of ultimate concern: the very young girl, sex, innocence, vulnerability and chastity. Sexuality is then the power nexus of control. Sexuality is the very truth of the self, as Foucault suggests is the dominant discourse in his three volumes on the History of Sexuality. To parody the trial attorney in the O.J. Simpson trial: If the self does not t, then you must quit<sup>48</sup>. If your self does not *belong*, then this is not your *home*.

It is crucial to recognise the *reductio ad absurdam* logic of the monadic individual at play. The notion that preferences can be changed is dismissed. When a man urinates on the street in Illinois, his being placed on the sex offenders register is to assert his character as forever fallen. From then on, he must be kept at a distance. He is beyond help. He is a ‘urinator’.

The literature for recovery requires, almost demands, that the aggrieved sees themselves as a victim. They are told the reason for the sexual relations was the “perpetrator who needs to feel powerful and in control by forcing someone else to participate in unwanted sexual activity”. Rind categorically rejects this, and he asks why this point is always claimed. Several of the emotional responses could be arguably the result of the demand to feel as a victim than the consequence of the assault: embarrassment, indecision, fatigue, changes in perception of the world (see ‘A recovery guide for survivors’). The guides name suggests there was a real danger of death (a ‘survivor’). The literature then actually is also disciplining the ‘victim’ as the docile subject. Her (usually a ‘her’) sexuality is perhaps a threat to the nation-state.

The reason for the public response to these ‘sex offenders’ appears to be wrapped up in new notions of home. A ‘*higher superstition*’ has crept into the Western life where there are no such thing as accidents--everything happens for a reason. People are no longer expected to rise above adversity, instead they rely on the state to sort out their ‘dangerous lives’. The idea of individual autonomy has been abandoned. Just

as the people no longer believe they can cope alone (e.g. they are hopelessly addicted to alcohol, drugs) so the sex offender is the addict *par excellence*. The *neo-effugio* is then a material product of an ideology of chronic pessimism<sup>49</sup>. The ideology regards *safety as a moral principal* instead of a question of balance and practical action-- note the analogy to Ranciere's 'Prisoners of the Innite'. The presence then of the sex offender is immoral (the Other); his displacement, which destroys his life, but does not kill it, is the moral act. By this reasoning, at home, everyone has the right to safety *without compromise*.

### **Forces at play-- Sexual deviance as a *non-ground* for deportation & State strategies**

A major consideration of deportation in 19th century Canadian policy was sexual deviance (Vukov). This raises two points: (1) sexuality was a key component of immigration policy (and still is) (2) 'Deportation' on these grounds are not acceptable to the receiving country now so this paper's suggestion would be the Western nation appears to allow the *neo-effugio* to be classed as part of the cosmopolitan elite. The nation-state in order to get its way must fudge the issue. It must seek to appear to want to control the sex offender but push them into a state of abandonment so they will 'self-deport' (Vukov, p10). By recent policies of the UK, it is now possible to be prosecuted for acts that are quite legal where they take place but not legal in the UK<sup>50</sup>. This marks out the border blurring attempts of the nanny state as like the Pope in excommunicating those out of his physical grasp but still able to sway through his moral voice.

### **Forces at play-- The refuge of the non-liberal regime (e.g. Thailand)- dwelling**

The child abusers are then chased out of town or state. Their only true refuge is to go where their record is clean. The technological mechanisms of the wealthy liberal-democratic states allow no respite. They are internally displaced (the *neo-desolo*). So the only alternative is escape to the Third World to find respite from the disciplinary mechanisms (*neo-effugio*).

Thailand then acts as an enclave. The chicken can strut past in the street. The stray dog can bite their leg. The monk can take their alms. The schoolchild, alone but without fear, can run up to them and ask for a sweet. All these life-giving (think: the essence of the *home*) events break the manufacture of docility. They undermine the state practices of manufacturing the perfect *body*. Thailand is incapable of the biopower, the technologies of control, required to destroy lives in this constant, chronic, interminable way that makes a person into a *neo-effugio*. Of course, Thailand has all sorts of other unpleasant features; a human rights lawyer criticizing the state apparatus may find a response from the state but this is not biopower, it is brute illegality of a corrupted machinery.

Of course, within Thailand these individuals are passed off as failures, as freaks, as losers, as social parasites by the other expats. Their control on the descriptions is weak. They cannot fight such a taboo subject. The very nature of the taboo is to stop any challenges to its truth. To question a taboo is, of course, *taboo*. If a challenge is raised even a sympathetic listener is likely to gasp or feel an adrenaline rush. The lack of the ideology in Thailand and other parts of the Third World allows for a new atomic home. They remain socially marginalised at the broader level by lack of communication and social contact.

## **Forces at play-- Displaced life of the elite refugee- home**

It is argued *neo-effugio* in their decision to 'exile' themselves from the West confirm the suspicions of those watching since that very act of 'immigration' (albeit actually 'emigration') is a 'criminal' act or a *modus operandi* of the inevitable criminal: the sex offender. A fear industry built by *entrepreneurs of unease* has made the immigrant an inevitable criminal (they are 'pre-crime') in the minds of the Westerner (Bigo, p14 etc.). So by a reverse thinking, the absconding deviant by fleeing from 'home' (as it is no longer home in his eyes) becomes the Outsider (i.e. he was morally fallen). The Australian government 'handily' offers a website form to report these Outsiders' suspicious behaviors<sup>51</sup>.

The life on the sex offender list is so unbearable that many abscond (e.g. 2.5% in Texas<sup>52</sup>). The punishment for failing to register are severe. In Georgia, first time, 10-30 years in jail, and second time, life imprisonment<sup>53</sup>. So despite serious punishment if caught, many abscond. Thailand represents an ideal destination-- it even has a beach.

## **The violent response (extending sovereignty)**

This is not to suggest the person who commits the typical criminal acts 'gets away with them'. In addition to Thailand, the UK has passed laws (extended its sovereignty?) to charge for crimes by UK citizens when committed abroad if they relate to sex offences. Article 72 of the Sexual Offences Act 2003, allows UK persons to be prosecuted if it is both a crime in the UK and in Thailand, but this is extended further by the UK being able to charge for crimes even if they are not crimes in Thailand. This is "Paedophile imperialism" (see Furedi). Additionally, SOCA (Serious Organised Crime Agency), the FBI of the UK, has apparently opened an office in Bangkok. The UK has become one family home. The State as guardian. If any may enter it then they must be supervised on trips abroad even if they do not plan to return. Martin Heidegger may see this (see Heidegger) in the need for 'thinking' in order to dwell and the 'Otherness' of the offender<sup>54</sup>. The British public by being reminded of this Other allow themselves to dwell in a new society where home is everywhere in the nation-state.

## **The right back of the neo-effugio**

It is the argument of this paper that the mechanism used by these banished is to take advantage of the double-track of duality in the border controls. Their similarity to the global businessman (i.e. white, a citizen of the modern nation-state, acceptance of neo-liberalism, their ability to play the role of the docile, productive citizen) is subverted in their ready access/right-- in both sense of the word-- across the world. They are then able to be regarded as "a new class fragment which trades on its disattachment to place," as Mitchell says in regard to lesbians, but the analogy to the refugee 'going the wrong way' is irresistible. "Unlike their bodily-laden counterparts who are screened at borders and declared unfit for rapid passage (or often any passage), the global elite are biometrically coded as 'free' of the particularities of place and body" (Mitchell, p103).

## Conclusion -- where can it end?

This paper by revealing those most exposed by the Western liberal-democracies (at least the UK and USA) also exposes the darkness of the Western political rationality. It not only questions its universality (rational, or is it particularistic?) but also its desirability. Its rapacious appetite of biocapture, seizing control of concepts of home and dwelling, comfortable with the formation of a new refugee and an internally displaced.

The Western liberal-democracies ensure the protection of the State remains (the police will answer a 911 call from them) but then undermines this *non*-group by irrationally prioritising other people's rights, by such means as the dispersal of information on the target group. The irrationality is in the decision to favor other people's security in the case of sexuality but not, for example, if the target was a murderer<sup>55</sup>. The strict application of the 'Rule of Law', a mark of a liberal democracy, ironically worsens their position by the *universality* of its descriptions-- it does not describe the actual act but only the law breached. A 16-year-old girl performing oral sex on her 15-year-old boyfriend appears as a sexual menace to any ignorant but (salaciously) interested parties.

It becomes clear that under the mask of rational governance is a new *higher superstition* in the West that allows no risk, must nd blame for all, encourages the monadic individual, and is obsessed with sexuality as the marker of identity of the individual. The victim of this regime sleeps in his car as his home is forbidden at night. This is itself telling, since again this shows the State's obsession with *sexuality* and *the dwelling* as the core locus for this regime<sup>56</sup>.

In response, a new refugee seemingly ghts by eeing through the mechanisms of the global elite. Yet the question arises, by looking at the histories of immigration laws, whether the nanny states, despite the extension of their sovereignty in 'imperial paedophilia', are not colluding in this. The sweeping conceptual melding of this paper allows us to see the extraordinary complexity of the nexus of Power, Space and Society, and the regimes hidden with the making of 'Society'. Despite the term 'nanny state' it is clear we are not dealing with an overbearing dictatorial state as the agent in this tale, but rather notions of 'home' that congeal into various discourses of society and then these have power consequences.

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**Note :**

1. The paper concentrates on the UK and the USA as the neo-liberal bully states *per eccellenza*.
2. We will learn the displacers control knowledge and so control the labeling and so dene the discourse.
3. (the dystopo-fascisteria of the title) **nanny state** n. *Informal* A government perceived as having excessive interest in or control over the welfare of its citizens, especially in the enforcement of extensive public health and

safety regulations. (see dictionary.com)

4. The quotes are to place the reader on notice that this is a point requiring great care and clarity later in the paper.
5. A ferociously mono-cultural hi-so elite, whose idea of ‘culture’ is eating Thai food, and so without any cultural integration fully expect and aim to return to their *homeland*.
6. A lovely word to use since it can suggest the sense of a loss of home, a loss of a sense of togetherness, and the rejection can be passive or quite active.
7. those that stay behind live a life of banishment on the margins and never can feel at home, those that move to Thailand are displaced but may nd ‘home’
8. “Throughout the legislative debates, sex offending was portrayed as innate, immutable, personal identity, rather than as isolated acts for which individuals could be convicted and rehabilitated.”-- Garnkle (p175).
9. It should become apparent that the very idea of a eternal offender of sex is problematic, “*The understanding of sexuality as forming identities or psychoses is a dominant one in modem American culture. However, in The History of Sexuality, Michel Foucault examined how such shared understandings of sexuality are historically situated and thus constructed more by discourse than by a scientifically objective comprehension of human nature.*”—Garnkle (p176).
10. Even without biocapture the Nanny State is heavy: “*There is no sphere, no matter how*

*personal, in which the government doesn't feel it knows best, and this impulse to nanny us is drawn not from sinister, authoritarian, behind-the-scenes machinations, but from the increasingly internalised belief that we as a people, as a civil society, do not know what is in our own interests. We cannot be trusted with our own freedom. We get drunk too often. We get fat. We say offensive things. Our judgement is considered to be awry. This is evident not just in the increasingly forensic obsession with the way in which we live our everyday lives, from what we drink to what we eat, but in the more traditional areas of concern for civil libertarians, from the erosion of trial by jury to the censorship of our speech acts. In each we have ceded authority over our own lives to the state.*”—Black.

- 11 *“And it's not the most desperate, like famine sufferers, who manage to undertake a migration. In order to go abroad you have to be healthy and you have to have social capital, including a network that will get you information on how to travel and work. You need some money and some names and addresses; you have to have at least some official papers, even if they're false. You need at least a minimal safety net. People at the most disadvantaged social level rarely get into this situation.”*—Howley.
- 12 There are cries for the states to ban sex offenders from going abroad, and legislation is in place across the US and UK to ban movements, but these remain fairly minimal. In England and Wales offenders can be stopped travelling

if there is evidence they are seeking to commit sex offences etc. “[New laws intend to] ...remove the need to prove intent to commit offences overseas. In short, the fact that someone has been convicted in the past of a sex offence ought to be evidence enough to prevent him from travelling abroad.”—Black.

- 13 *“...to investigate the lunatic fringe is to be suspect of sympathizing with it. Especially in this sort of neo-Puritan age where to be accused of a sex crime is, for all intents and purposes in the court of public opinion, to be declared guilty of it.”*—Sweeney.
- 14 A loophole in the refugee rules, but very much the centre of the rules for the global capitalist.
- 15 [this paper declines to accept the law's monopoly on denitions].
- 16 Used ironically to contrast with the heroic narrative of the West in dealing with legally recognised refugees.
- 17 *“Risk taking is just short of paedophilia in provoking social opprobrium.”*—Furedi.
- 18 The literature on sex offenders often notes that they end up in slum districts as other areas (with powerful middle classes) have enhanced residential zoning against ‘sex offenders’.
- 19 *“shared understandings of sexuality are historically situated and thus constructed more by discourse than by a scientifically objective comprehension of human nature.”*—Garnkle (p176).
- 20 The companies doing background checks on individuals are unlikely to employ the individual

on this register. Even if they personally sympathise, the structure simply does not encourage discretion. For example, a school head teacher will not employ a man who is on the list because should anything happen, no matter how astonishingly unlikely, they will be blamed and lose their jobs. So the best outcome is for nobody to employ the person with a mention on the list.

- 21 There seems no end to the interventionist tendencies of the Nanny State. See Endnote 10 above: *“There is no sphere, no matter how personal, in which the government doesn’t feel it knows best...”* etc.
- 22 An agency has being set up in the UK called the Independent Safeguarding Authority (it sounds Orwellian already). This organisation requires that for example driving a friend’s child to football practice requires a ‘permission slip’ from the state. The organisation then determines who should be in contact with a person’s child. It determines what sort of behaviour is acceptable. The organisations idea of acceptable behaviour has a depth to it. It has asked if any people uses sarcastic comments (!) towards another’s child to be reported. It has, for now, overstepped the mark, as much to the surprise of the government; it was forced to set up the Singleton Review to reconsider the degree of contact to ‘trigger’ this requirement.
- 23 See a typical blog here: <http://abruisedreed.wordpress.com/2008/05/21/the-moral-collapse-of-the-uk/>
- 24 See comments at bottom of West.

25 See Meyer.

- 26 The interesting tendency to give children names with the ‘e’ sound at the end to keep them in a permanent sense of sweet innocence suggests a fear among parents of their angel in the difficult world, e.g. Emily, Tracy.
- 27 See Meyrowitz for a 1980s reading of the new ‘childadult’.
- 28 See The Daily Mail where the writer wraps herself in circles trying to describe the phenomenon: “The Baying Mob”, “they were attacked as if they were grown men... they were labelled as ‘evil’...”, <http://www.dailymail.co.uk/debate/article-1256196/Jon-Venables-Should-crimes-James-Bulgers-killer-public>. See Phillips.
- 29 See Meyer and Moeller.
- 30 The UK government’s relevant website is called ominously “Every child matters”: see <http://www.dcsf.gov.uk/everychildmatters/> Where “a shared programme of change to improve outcomes for all children and young people. It takes forward the Government’s vision of radical reform for children, young people and families.”
- 31 See [http://www.nspcc.org.uk/whatwedo/childvoiceappeal/latestnews/cv2\\_news\\_more\\_children\\_telling\\_childline\\_about\\_female\\_sex\\_abusers\\_cva69531.html](http://www.nspcc.org.uk/whatwedo/childvoiceappeal/latestnews/cv2_news_more_children_telling_childline_about_female_sex_abusers_cva69531.html)
- 32 Marx gives the ‘why’ but not ‘how’ which is this paper’s focus.
- 33 See Australian & New Zealand Critical Criminology Conference (2009).

- 34 In the UK they were limited to people convicted of sex crimes. It is now gradually expanding so that complaints and even rumours can be placed on the register. These rumours can then be viewed by potential employers and potential girlfriends to assess the worthiness of the individual. There is no mechanism for correcting 'errors' and indeed the very concept of a 'rumour' makes it uncorrectable. This acts as a menacing disciplinary mechanism. It is now imperative to never be in any situation where a rumour could be generated. For example, a male school teacher to stop complaints a male teacher will never sit alone in a room with a female student. To stop rumours there must be no social contact beyond that codified by the school rules. Girlfriends with babies may request copies of these government registers for potential boyfriends so they can see any 'rumours'. Note, if the boyfriend had murdered someone he would not appear on the register.
- 35 See The Economist article 'Unjust and ineffective sex laws'.
- 36 See as an example: Kreis
- 37 Latimer and Munro p328, "better understood today as that which takes place in terms of relations, rather than be denied in terms of a fixed abode."
- 38 See footnote 7 of Latimer and Munro.
- 39 'Sex Offenders in Exile'-- New York Times
- 40 See the work of Edward Said, e.g. Said in bibliography.
- 41 NYT-'Zoning Laws'
- 42 The Economist at 'Unjust and ineffective sex

laws'.

- 43 Note the similarity of Josef K.'s experience in 'The Trial' -Kafka
- 44 See:[http://forums.theregister.co.uk/forum/1/2009/08/13\\_illinois\\_offender\\_social\\_networking\\_law/#c\\_560232](http://forums.theregister.co.uk/forum/1/2009/08/13_illinois_offender_social_networking_law/#c_560232)
- 45 These discourses can be skillfully unravelled by an analysis of the various factors that make a joke funny about sex offenders: see Ted Cohen's Jokes: Philosophical Thoughts on Joking Matters, available for free at Chicago University Press e-book collection. If the jokes funny then we know the discourse applies.
- 46 "shared American discourses, such as the enormous value assigned to maintaining childhood sexual innocence, the historical situating of women as property, with chastity as their primary means of valuation, portray the crossing of culturally constructed sexual boundaries as an assault on one's personhood"-- Garnkle, 2003, (p177)
- 47 e.g. a man takes a photo up a girl's skirt. He then looks at this photo for his own onanistic ends and never shares it, yet because of this photo he can be classed as a 'child abuser'
- 48 See CNN at 'If it doesn't t, you must acquit'.
- 49 See 'Culture of fear'- Bailey
- 50 "New measures came into force last month allowing paedophiles who abuse children abroad to be prosecuted in Britain, regardless of whether the abuse was legal in the host country."-- 'Britain accused of doing little to prevent export of paedophiles'- Thai Indian



News, 'Britain accused of doing little to prevent export of paedophiles.'

51 Australian government 'suspicious behaviour' report form-- [https://www.afp.gov.au/online\\_forms/cst\\_form.html](https://www.afp.gov.au/online_forms/cst_form.html)

52 But worst in other places: <http://www.klaaskids.org/st-tex.htm>

53 So a 17 year-old girl who gives her 15 year old boyfriend 'sexual pleasure' in the classroom will be subjected to registration for life in some US states. She will be subject to zoning restrictions for her whole life (e.g. residing in a nursing home as a Grandmother at 90 years-old). Then, if she fails to keep up her registration or moves near to a school after moving house she could be subject to life imprisonment.

54 See 'Building Dwelling Thinking' - Heidegger

55 A 'person's check' by a potential girlfriend under the new regime in the UK would come up negative if the man had murdered his ex-girlfriend, but if he had abused her sexually it would come up positive in the checks.

56 To spell this point out, I would ask why is it that when denying a relationship the UK denies by where a person *spends the night*. Currently the Law Commission in the UK has recommended compulsory benefits for women who have lived with a man for more than two years even if not married. The law is then positioned around what the parties get up to in bed. The dwelling *is* then the sexuality regime. They are intimately tied together. For the project and papers see: <http://lawcommission.justice.gov.uk/areas/cohabitation.htm>