



# The Rise of Pseudolaw:

*Empirical Analysis from South Australia's Courtrooms*

Joe McIntyre & Harry Hobbs

# The Rise of Pseudolaw in South Australia

An Empirical Analysis of the Emergence and Impact of Pseudolaw on South Australia's Courts

*Joe McIntyre, Frankie Bray, Jonathan Crichton, Harry Hobbs, Fiona O'Neill, Madeleine Perrett & Stephen Young*

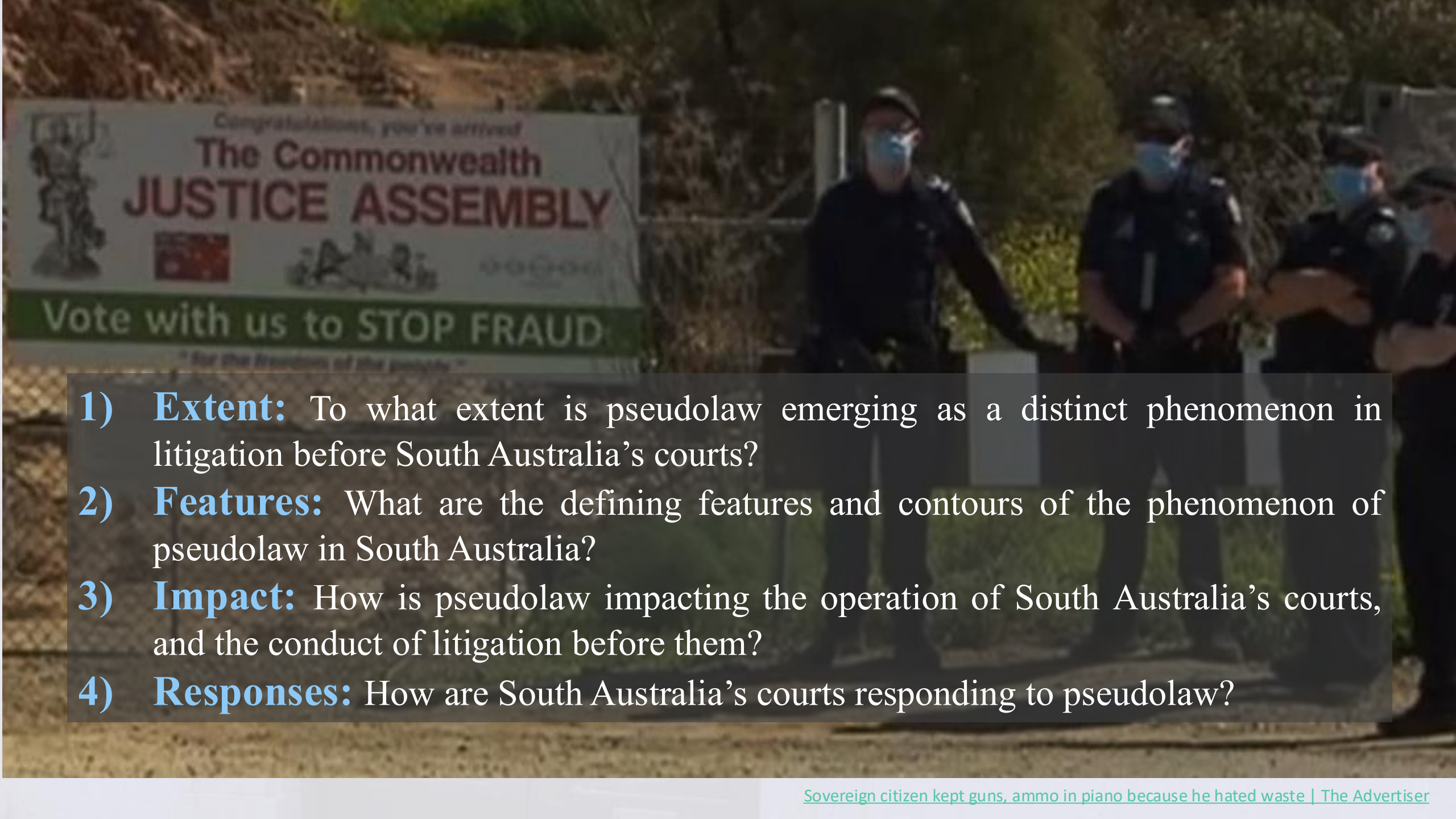
September 2024



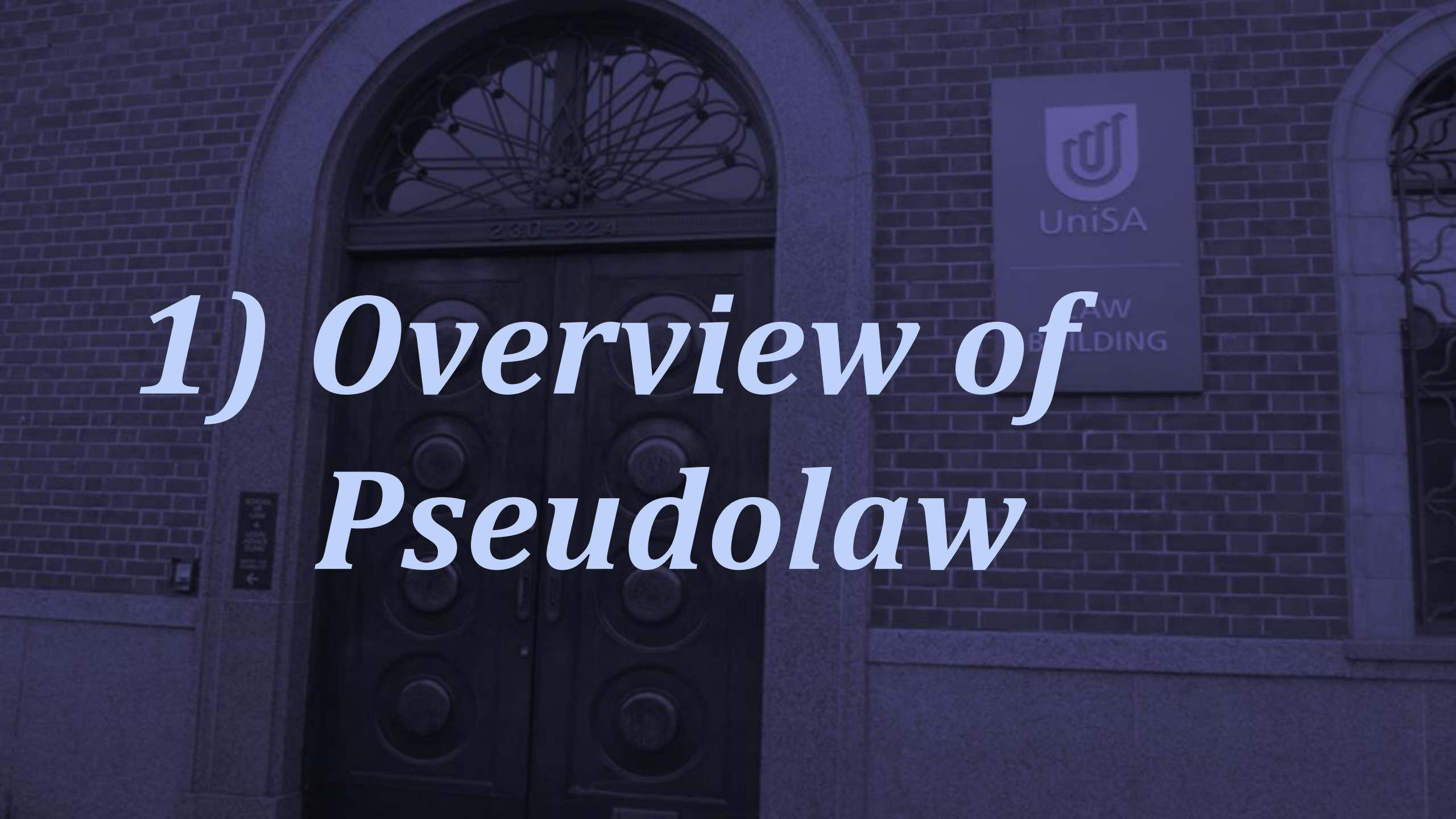
The Law Foundation  
of South Australia Inc.

1. Overview of Pseudolaw
2. Database Analysis
3. Interview Analysis
4. Linguistic Analysis
5. Recommendations and Concluding Remarks





- 1) **Extent:** To what extent is pseudolaw emerging as a distinct phenomenon in litigation before South Australia's courts?
- 2) **Features:** What are the defining features and contours of the phenomenon of pseudolaw in South Australia?
- 3) **Impact:** How is pseudolaw impacting the operation of South Australia's courts, and the conduct of litigation before them?
- 4) **Responses:** How are South Australia's courts responding to pseudolaw?



# *1) Overview of Pseudolaw*



# VIDEO: 'Bunnings Karen' condemned online for refusing to wear mask

Posted Sat 28 Nov 2020 at 12:01am







Pseudolaw adherents adopt the ***forms*** and ***structures*** of legal argumentation while substituting the substantive content and underlying principles for a ***distinct parallel set of beliefs***.

### (1) Co-opted Form

Pseudolaw borrows legal *language* and the *form* of legal argument to *appear* like accepted legal reasoning

### (2) Contra-Narratives

Pseudolaw relies on its own substantive norms and principles that underlie arguments in a given discrete case.

### (3) Internalised Belief

Adherents of pseudolaw movements present themselves as genuinely believing that their doctrines represent the *true* position of the law.

# Patterns of Pseudolaw Argumentation

## **(1) The Strawman Duality: Artificial and Natural Persons**

This claim asserts that there are real, natural individuals that are different from fictional or ‘artificial’ legal persons

## **(2) I Do Not Consent to this Contract**

This form of argument holds that all legislation or authority is a form of contract or predicated on contractual relations – and that individuals can revoke their implied consent. The ‘Social Contract’ writ large.

## **(3) State Law is Defective**

The third major pattern of pseudolegal argumentation in Australia and Aotearoa New Zealand is a contention that the relevant law is invalidly enacted or defective and thus without legal effect.

<https://www.unswlawjournal.unsw.edu.au/article/the-internationalisation-of-pseudolaw-the-growth-of-sovereign-citizen-arguments-in-australia-and-aotearoa-new-zealand>



# A Kind of Magic

**Superior Court Judge**  
of  
**The Continental uNited States of America**  
**Oath of Office**  
# 7011 0110 0000 3643 9240

I, gary-dean: darby, a Natural man, living & breathing, and standing upon the land, and NOT a creature, or subject to, or of, the SEE (SEA), do hereby attest & affirm, that I seek the Truth, the whole Truth, and nothing but the Truth, in all matters, seen & unseen, known & unknown, real or imagined, tangible & intangible.

I am the warrior protector for those who know not how to speak of the crimes against them. I bear True witness for those unable to defend themselves. I educate & inform those whose eyes, ears & minds are open, receptive, and ready to see, hear, and think, should it be their choice to seek these freedoms for themselves.

I invoke practices of juris divini, at all times, and I provide fair counsel to those in need of healing, and provide, to the best of my abilities, prompt & sufficient remedy for all injuries, real & believed to be real. I, with my heart & mind, together united, provide a peaceful & equitable venue for all those seeking proper & civil redress of their grievances.

I do protect, shield, and defend the Land, Patents, eStates, and Property Rights of individual inheritances, and those granted them at birth, from all enemies, both foreign & domestic, knowing that Property includes one's Freedoms, Liberties, and Pursuits, and that Privacy of all persons is a right, and that all persons have free, unencumbered, and unobstructed access to clean water, air, and food.

I do NOT provoke, prod, influence, lobby, intimidate, threaten, or sue, and I do not enter into Contracts not of their making, or those not contributing to their well-being, against all individuals, collectives, or corporations soliciting business, and I shall nullify & void all gratuitous bailments & contracts where users are not informed, and where injury would likely occur through their executions, if these are not in their best interests.

Caumbl - Date: 3-16-2015

Witness #2 *Jan M*

			
:TITLE: 4: D.-C.-C.-S.- -1/2/3-C.-S.-S.-C.-P.- S.-G.-P.-FLAG.	:AUSTRALIA-NATIONAL-FLAG.	:AUSTRALIA-RED-FLAG.	:AUSTRALIA-NAVAL-FLAG.

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Russell Jay: Gould



## *2) Pseudolaw Case Database*



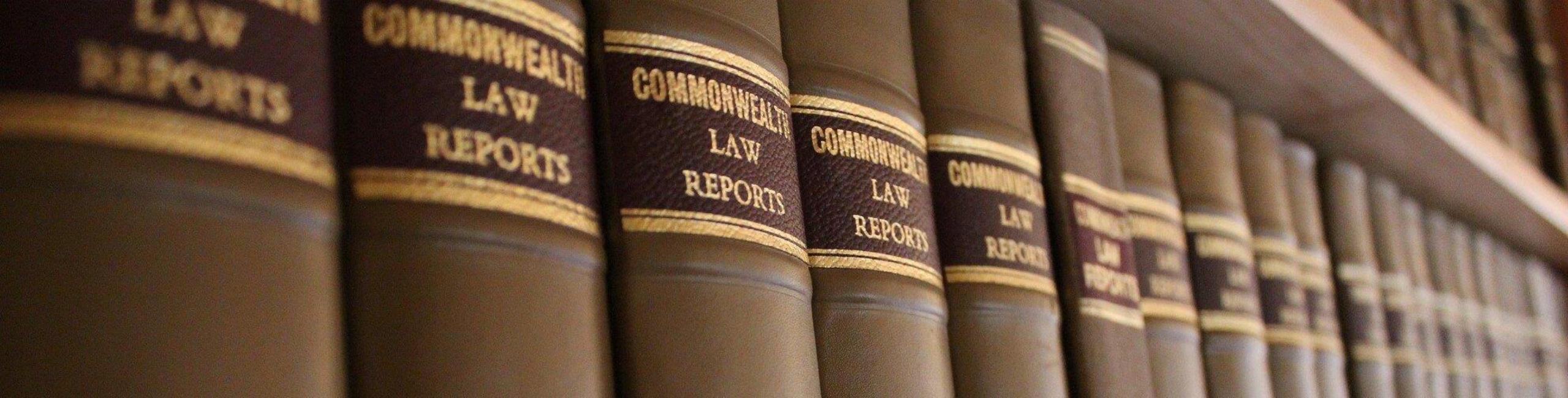
UniSA

LAW  
BUILDING

# A Database of SA Pseudolaw Cases

Identifying Data								Case Overview Data		
Year	Casename	Citation	Date Decided	Jurisdiction	Court	Link	Column	Self-Rep	Crim(0)/Civil(1)	Trial
2023	Mathie v City of Playford	[2023] SASC 145	17/10/2023	SA	Supreme Court			No	Criminal	App
2016	Adelaide City Council v Lepse	[2016] SASC 66	18/05/2016	SA	Court of Appeal			No	Criminal	App
2020	Rossiter v Adelaide City Council	[2020] SASC 61	23/04/2020	SA	Supreme Court			Yes	Civil	App
2020	Commonwealth Bank of Australia v Houghton	[2020] SASC 135	17/07/2020	SA	Supreme Court			Yes	Civil	Hea
2020	Southdale Stud Pty Ltd v RJR Trading Pty Ltd	[2020] SASC 106	16/06/2020	SA	Supreme Court			Yes	(Director of	App
1998	Batten v Police	[1998] SASC 6778	13/07/1998	SA	Supreme Court	<a href="https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/sa/SASC/1998/">https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/sa/SASC/1998/</a>		Yes	Criminal	App
1999	Brackstone v Police	[1999] SASC 35	2/09/1999	SA	Supreme Court	<a href="https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/sa/SASC/1999/35.html?context=1;query=%22brackst">bin/viewdoc/au/cases/sa/SASC/1999/35.html?context=1;query=%22brackst</a>		Yes	Criminal	App
2018	Police (SA) v Jordan (No 2)	[2018] SASC 52	30/04/2018	SA	Supreme Court			Yes	Criminal	App
2017	McDougall v City of Playford	[2017] SASC 169	17/11/2017	SA	Supreme Court			Yes	Civil	App
2018	Timms v Police (SA)	[2018] SASC 69	4/11/2018	SA	Supreme Court			Yes	Criminal	App
2015	Best v Police (SA)	(2015) MVR 15	12/03/2015	SA	Supreme Court			Yes	Criminal	App
2000	Money Tree Management Services Pty Ltd v Deputy Federal Commissioner of Taxation	(2000) 44 ATR 48	3/01/2000	SA	Supreme Court	<a href="https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/sa/SASC/2000/44.html?context=1;query=%22money%20tree%20management%20services%20pty%20ltd%20v%20deputy%20federal%20commissioner%20of%20taxation%20">https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/sa/SASC/2000/44.html?context=1;query=%22money%20tree%20management%20services%20pty%20ltd%20v%20deputy%20federal%20commissioner%20of%20taxation%20</a>		(Director of the	Civil	App
2007	Daniels v Deputy Commissioner of Taxation	[2007] SASC 431	12/07/2007	SA	Supreme Court			Yes	Civil	App
SA	NSW	Qld	WA	NT	ACT	Tas	Vic	Cth	(+)	





The focus is on the *visible* and *public* way in which the courts engage with pseudolaw, through the lens of the most visible artifact of the courts – the written public judgment.

1. Is there evidence that pseudolaw is emerging as a distinct phenomenon in the public case law of South Australia?
2. What types of cases are pseudolaw arguments being used in (nature, type, jurisdiction etc)?
3. What are the forms of pseudolegal argumentation that are being deployed in these cases?

Overall Category	Specific Criteria
Case Identifying Data	Year
	Case name
	Citation
	Link
Cases Overview Data	Self-represented
	Civil or Criminal
	Nature of Hearing
	Jurisdiction
	Success
	Gender of Applicant
	Traffic Matter

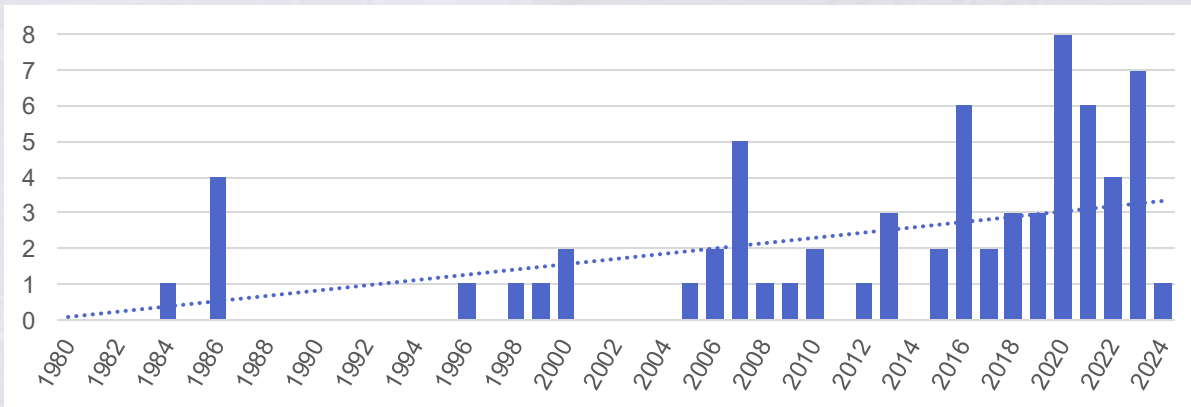
# Criteria for Coding





# Analysis I: Nature and Type of Cases

Pseudolaw Cases Over Time (1980-2023)

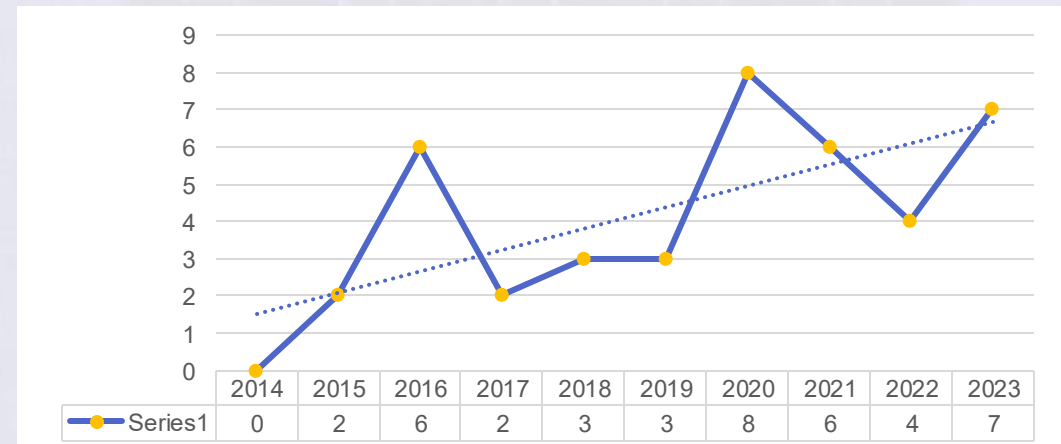


The final five full years in this set (2019-2023) saw more cases ( $n=28$ ) than the first 40 years of the dataset (1973-2014).

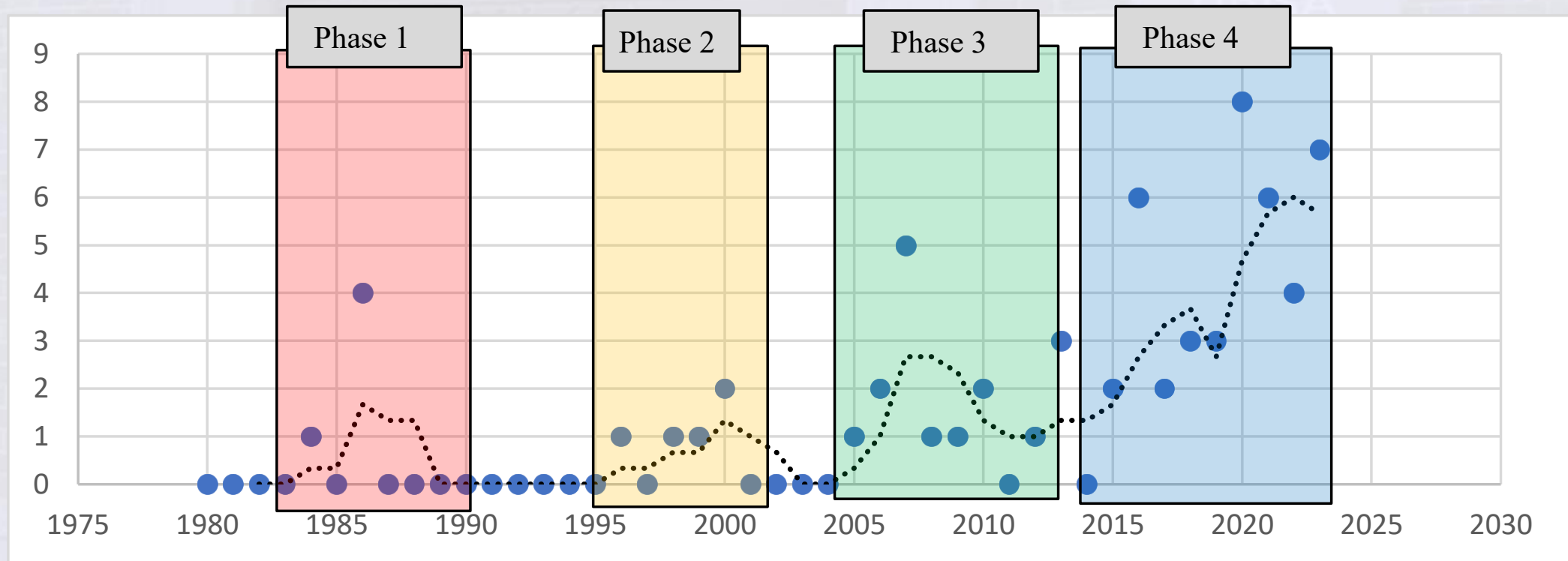
We identified  $n=69$  pseudolaw cases, with the earliest case occurring in 1973, and the most recent case occurring at the end of the survey period in January 2024.

- 50% more pseudolaw cases ( $n=42$ ) in the last 10 years than in the previous 40 years ( $n=27$ ).

Recent Pseudolaw Cases Over Time (2014-2023)



# Distinct Phases of Pseudolaw Cases in South Australia



The 'Lone Wolf' Period

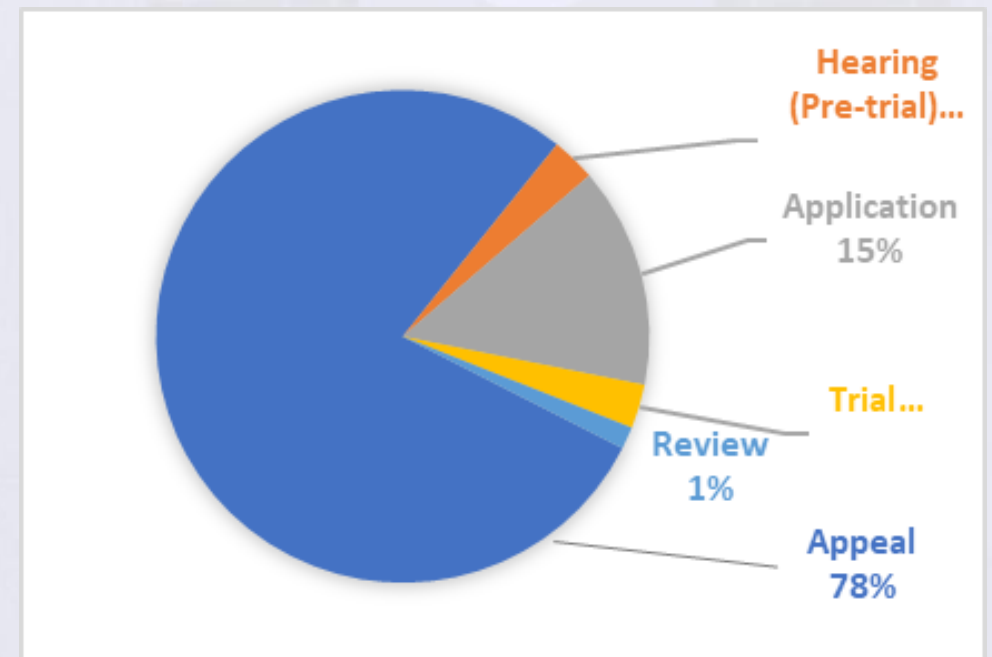
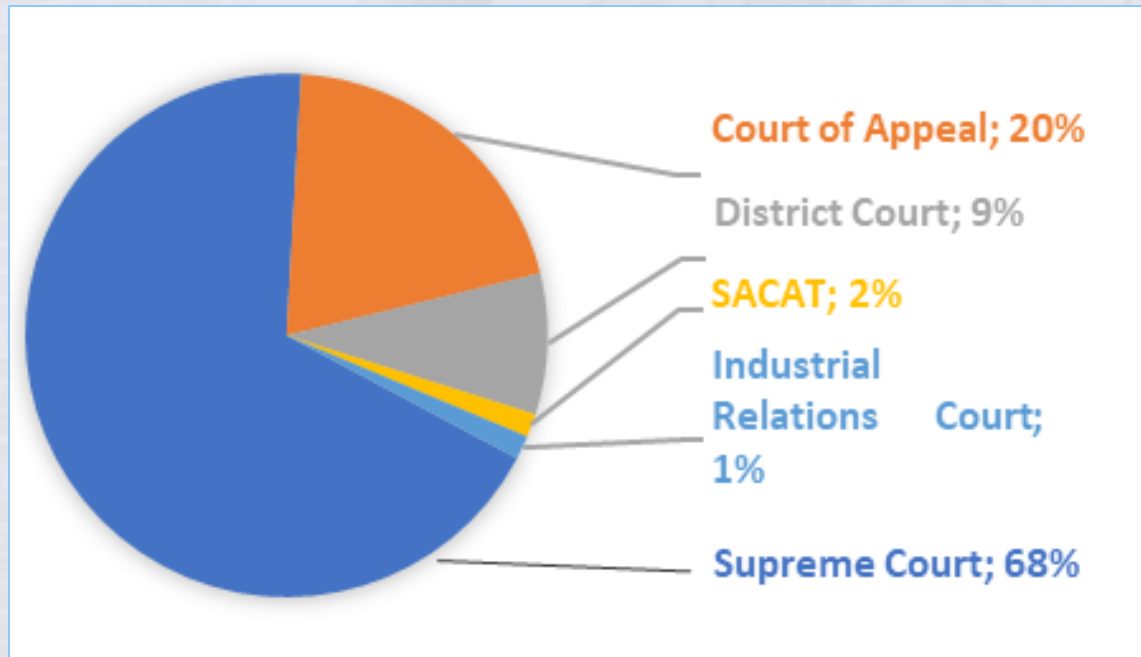
The 'Unaffiliated  
Pseudolaw' Period

The 'Movement  
Pseudolaw' Period

The Contemporary  
Pseudolaw Period



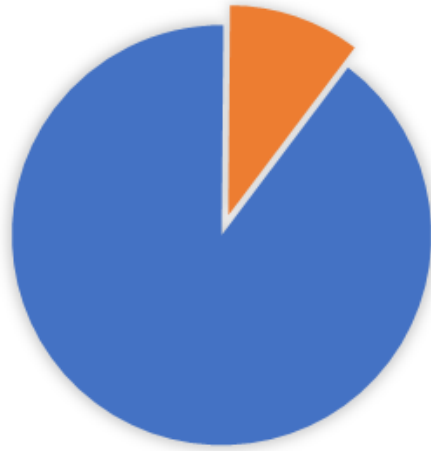
# Identity of Matters



**Criminal 54%**

**Civil 46%**

Litigant-  
in-Person  
90%



Represented  
10%

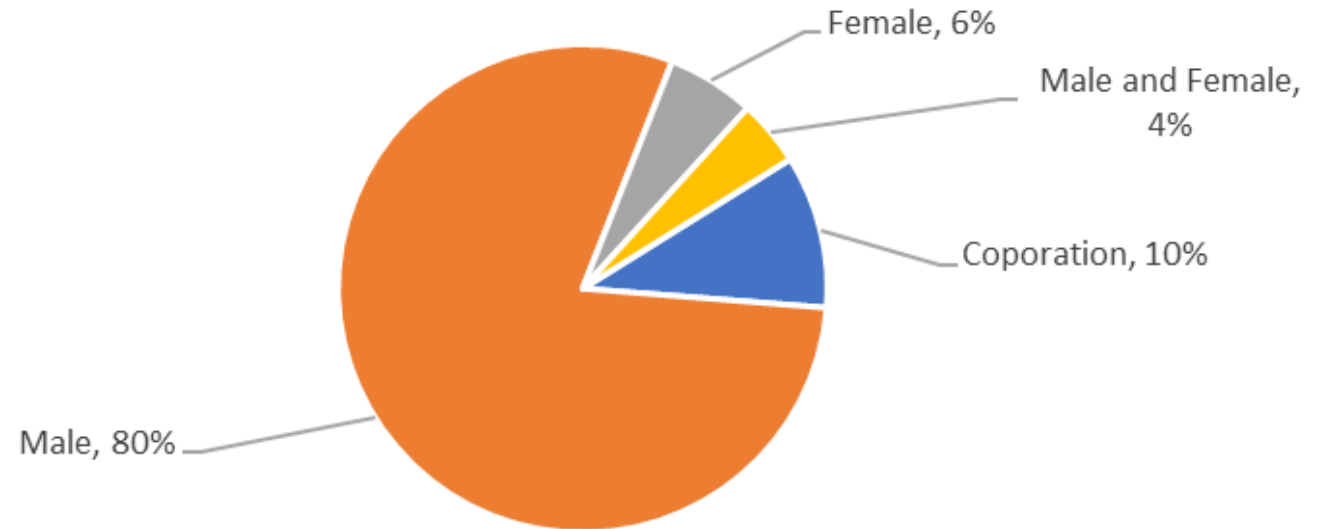
Only in n=7 cases was the applicant represented by legal counsel

- This includes the only Australia case where the solicitor was joined as a party and ordered to pay costs (*Hudson v Federal Commissioner of Taxation* [2016] SASCFC 122)

Only one applicant was successful (*Mathie v City of Playford*) – but not on pseudolaw grounds

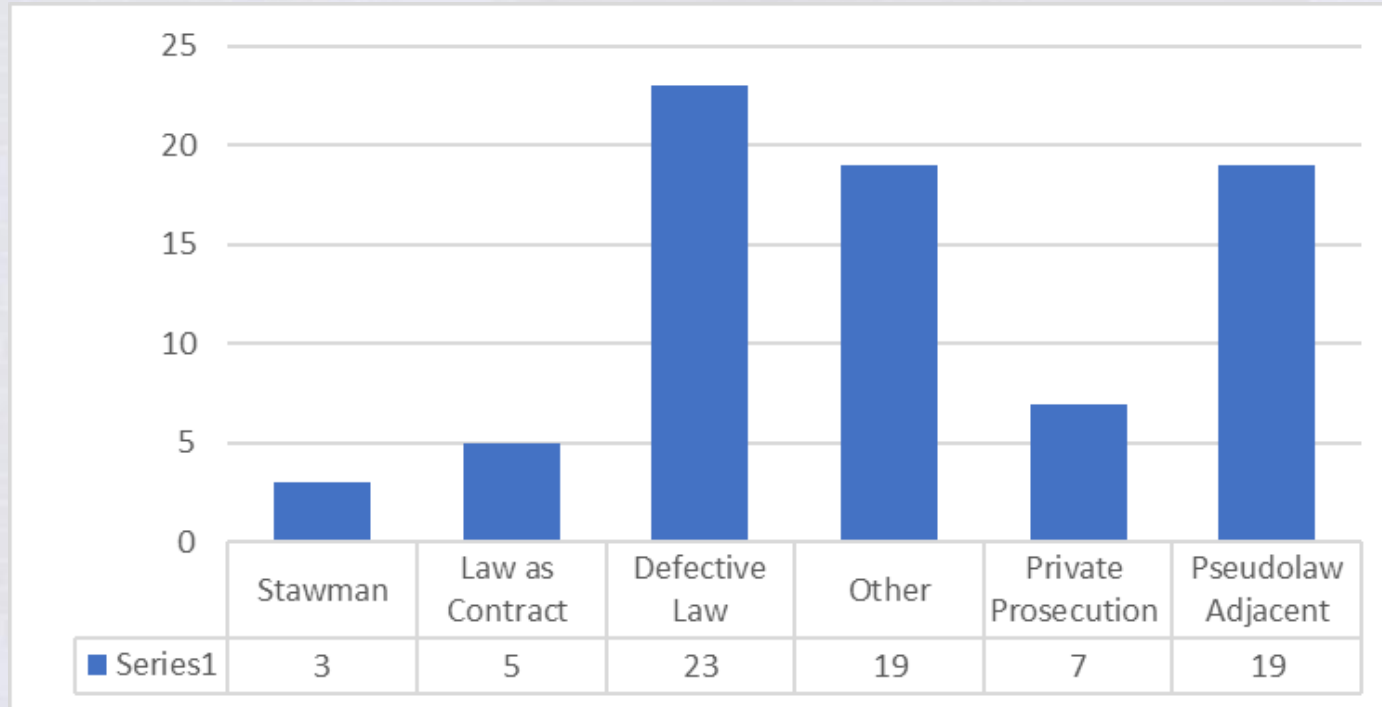
Australian pseudolaw adherents have a particular and unique focus on traffic law.

- **Nearly 40% (n=27) of all matters involving traffic law**





# Analysis II: Substance and Content



- (1) **The Strawman Argument:** the law does not apply because it applies only to 'artificial' persons who possess a separate legal personality
- (2) **Absence of Individual Consent:** government authority is illegitimate in the absence of individual consent
- (3) **State Law is Defective:** the law was invalidly enacted and is of no legal effect
- (4) **Private Prosecutions:** captured cases where individuals attempted to initiate private prosecutions
- (5) **Other:** Other cases featuring pseudolaw-style arguments
- (6) **Pseudolaw Adjacent:** Other cases that did not explicitly feature pseudolaw arguments but with other reason to suggest pseudolaw association

In total, nearly a third of all cases in the database (n=22, 32%) involved just four pseudolaw adherents as a party.



# *3) Interviews with Judicial Officers & Administrators*



# Interviews

The essential research questions to be examined in this part can be articulated in the following terms:

- **How is the phenomenon of pseudolaw understood and experienced by judicial officers and judicial administrators in South Australian courts?**
- **What impact is it having on the administration of justice in this state?**

**Participants by Court Affiliation**

	<b>Court</b>	<b>Participant</b>
1	Magistrates Court	Judicial Officer
2	Magistrates Court	Judicial Officer
3	Magistrates Court	Judicial Administrator
4	Supreme Court	Judicial Officer
5	Supreme Court	Judicial Officer
6	Court of Appeal	Judicial Officer
7	Sherriff's Office	Judicial Administrator

## Four principal themes:

1. The Prevalence of Pseudolaw.
2. The Performance of Pseudolaw.
3. The Impact of Psuedolaw.
4. The Responses to Pseudolaw.

# A. The Prevalence of Pseudolaw

The phenomenon of pseudolaw is widely experienced by judicial officers and administrators in South Australian courts as a distinct and growing issue. Participants reported encountering pseudolaw regularly, with some experiencing it on an almost daily basis. Despite the relatively small number of cases, pseudolaw has a disproportionate impact, consuming significant time and resources.

*It really is a thing, more people have heard of vexatious litigants but it has become this new thing*

Judicial Officer

There has been a notable general rise of pseudolaw in terms of frequency, with all participants encountering the phenomenon regularly.

- A rise with the COVID-19 pandemic - a relatively fringe concern became frequent – and while frequency has fallen from the early 2020s peak it remains greatly elevated with an upward trajectory.





Participants identified pseudolaw as a distinct phenomenon, noting that while its frequency varies, it is a regular part of their workload, particularly for judicial officers with heavy caseloads.

In **Magistrates Court** pseudolaw cases are occurring on an almost daily basis

In the **Supreme Court**, it varies from daily to monthly depending upon the caseload and the role of the judicial officer/administrator.

(One judicial officer experienced such matters around once a month, while another reported dealing with pseudolegal litigants ‘three days out of five’)

One judicial administrator suggested that pseudolaw communications with registry staff had now become essentially ‘continuous’, while the Sherrif’s Office maintains a list of nearly 50 active pseudolaw adherents

# Who?

*I would say the average would be a white male, not very well educated, often from a country region, in the age of something between late 30s and 50s or something in that sort of range.*

Judicial Officer

Pseudolaw matters occurred in a **broad range of civil and criminal, private and public law matters**

- the nature and jurisdiction of the relevant court significantly impacted the types of matters where pseudolaw manifests.

Participants noted a general convergence in the identity of litigants raising pseudolaw arguments, with a tendency for adherents to be middle-aged males.

# Why?

*The whole sovereign citizen thing really became a huge problem during COVID and sort of in the months leading up to COVID. The whole Trump thing did not help either. I kind of blame Trump and COVID combined.*

Judicial Officer

Covid-19 was seen to be a primary cause of the rise, but there were seen to be a number of other contributing factors, including:

- the fact that law is complex and that it deploys numerous rituals that appear archaic to the public;
- General issues of lack of access to justice;
- the ease at which people can access materials on the internet



# B. The Performance of Pseudolaw

Pseudolaw is characterised more by the **behaviour** and **attitudes** of pseudolaw adherents rather than by specific legal arguments.

- Its defining features include a **conspiratorial mindset**, a **persistent questioning of authority**, **voluminous and irrelevant findings**, and the **use of scripted**, often nonsensical arguments.

Pseudolaw adherents often:

1. Use **archaic and obscure legal** instruments to articulate and support their arguments.
2. Utilise **templates and/or scripts**.
3. Advance arguments centred around a **deep mistrust of government** and legal systems.
4. Make assertions that the **court has no jurisdiction** (including strawman arguments)
5. View the **state as illegitimate** and use behaviour that reflects this belief (eg by refusing to comply with standard procedures)
6. Rely upon involve **voluminous filings** and lots of paperwork



# Pseudolaw as Performance

FORMS OF PERFORMANCE	
Language as Performance	Using scripts (speaking)
	Bombarding with emails/letters (writing)
	Subverting the court register
	Manipulating talk
	Escalating
Actions as Performance	Bringing supporters to watch
	Intimidating
	Believing they are in the right
Presentation as Performance	Displaying demeanours – assertive, aggressive, threatening

*Ritual and ceremony have long been at the heart of pseudolaw ideology. Documents are marked with signals and signs. Written submissions bear the appearance of incantations. Statutes are parsed to discover hidden meaning and codes. It is unsurprising then that pseudolaw has been likened to magic*

*Cash (2022)*

they are variations but all variations of a theme, usually. The theme being, the system is out to get me, I am fighting the good fight.  
Judicial Officer



# C. The Impact of Pseudolaw

Pseudolaw is placing a significant strain on South Australian courts. Participants described it as a huge problem that delays legal proceedings, drains resources and increases costs for the courts, litigants and third parties.

- The theatrical and confrontational nature of pseudolaw disrupts court operations, making the administration of justice more difficult.

1. Impact on the Administration of Justice
2. Impact on the Litigant
3. Personal Impact on Judicial Officers/Administrators
4. Impact on Society

Yeah, it's Top 5 because we've experienced all those levels of aggression from these folks and the threats. It is of concern. *Definitely in the top*

Judicial Administrator

*They have changed the whole face of the civil justice system*

Judicial Officer

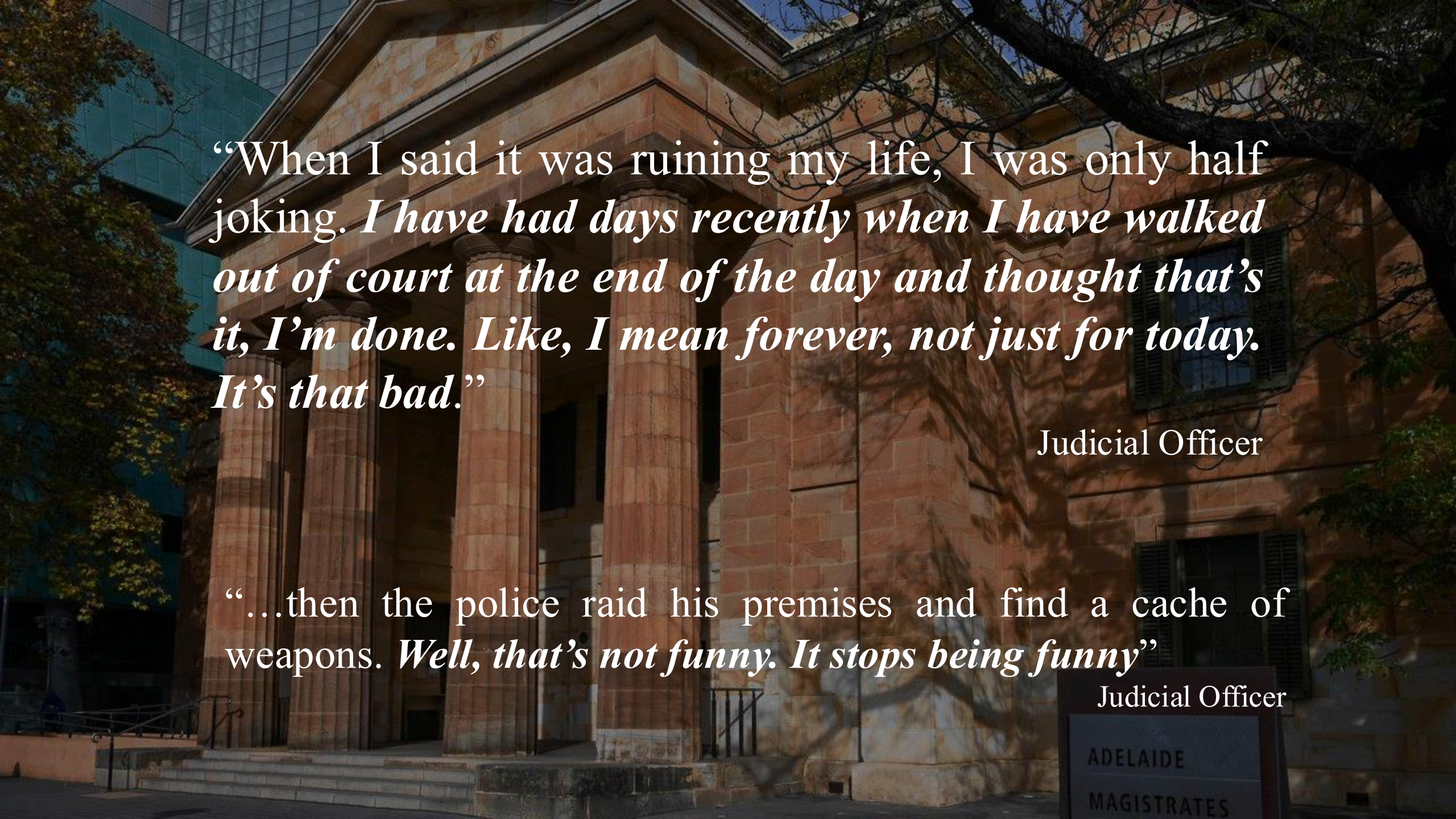
# The Administration of Justice

*.....it's enormously time consuming. Dealing with these cases at every stage is far more time consuming than a properly represented case. So, you spend a lot of time reading pleadings, trying to work out what it is about and then of course they are a bit flaky when it comes to turning up to hearings. Or if they do turn up, they are a bit combative, and you end up having twice as many hearings because you have to deal with those sorts of issues. And then the hearing itself can be, can take at least twice as long as a normal hearing. And then writing the judgment, trying to distil what it is all about into something that makes a bit of sense is hard. And having to deal with all of these arguments is really quite tricky because you do have to deal with them in order to dismiss them, you can't just ignore them and ignore that they have put that argument forward. You have to try and understand all of the stuff, the conventions etc. but you have to at least acknowledge the argument that was put. They are enormous time wasters. Enormously.*

Judicial Officer

- 1) On Access to Justice:** *"One of things that makes me angry about it is that it is we have a terrible problem to access to justice as it is, but this is compounding it."*
- 2) Delaying Delivery of Judgments:** *'My judgment writing time has blown out from 8 weeks – 12/14 weeks"*
- 3) Detrimental Impact on Other Side:** *"It's terrible on the other side. Because most of the litigants on the other side are represented and it costs them the most, an eye-watering amount of money to deal with this."*
- 4) On Administrators:** *"It uses up so much court resources because every time they want to file something they end up making the lives of the Registry staff miserable"*





“When I said it was ruining my life, I was only half joking. *I have had days recently when I have walked out of court at the end of the day and thought that’s it, I’m done. Like, I mean forever, not just for today. It’s that bad.*”

Judicial Officer

“...then the police raid his premises and find a cache of weapons. *Well, that’s not funny. It stops being funny*”

Judicial Officer

ADELAIDE  
MAGISTRATES



# Personal Impact on Judicial Officers/Administrators

The growth of pseudolaw is having a significant detrimental impact on the health, well-being, and job satisfaction of judicial officers, administrators and staff.

For those who are dealing with pseudolaw regularly, participants reported significant emotional distress both personally and expressed concerns for their staff:

*They [pseudolaw litigants] take all the, fun is not the right word, but fun. It's exhausting, it's like slamming your head in a door, trying to deal with these people*

Most concerning in terms of the impact on individual judicial officers and administrators were the experiences of intimidation and the threat of violence used by some pseudolaw adherents:

- Physical Intimidation (inside & outside court)
- Threats to individuals & family
- Connection to extremism & violence

# Impact On Society

A number of participants articulated concerns about the detrimental impacts upon aspects of society more generally, including upon **police**, **public health**, **CSO** and **local governments**. Participants see these beliefs as leading to a 'broader public disruption of services'

And there is a safety issue but then there's the issue of I guess **broader public disruption of services and that sort of thing**. The people who refuse to pay their council rates and their EWS levy and their emergency services levy and *all the rest of it does actually have an impact on the rest of the community because our council rates and all of that goes to actually enforcement against these people and filling the gaps that are made when these people don't pay. It does have a broader effect.*

Judicial Officer

But there was a lot of them, and they were *subpoenaing a lot of documents from the police* that loosely had some relevance to the case but were *taking a lot of time. Particularly of the police* and they were fairly annoying for us

Judicial Officer



# D. The Responses to Pseudolaw

Participants expressed frustration with the current responses to pseudolaw, noting that it often requires disproportionate attention. The time and effort these cases demand can detract from other work. This has led some participants to consider quitting their jobs. Others indicated that they feel threatened and have even considered moving.

- While some strategies are in place to manage pseudolaw (often ad hoc), there is a **recognised need for further reforms**, such as **increased training for judicial officers**, **streamlined dismissal processes**, and more **consistent support from higher courts** to handle these cases more efficiently.

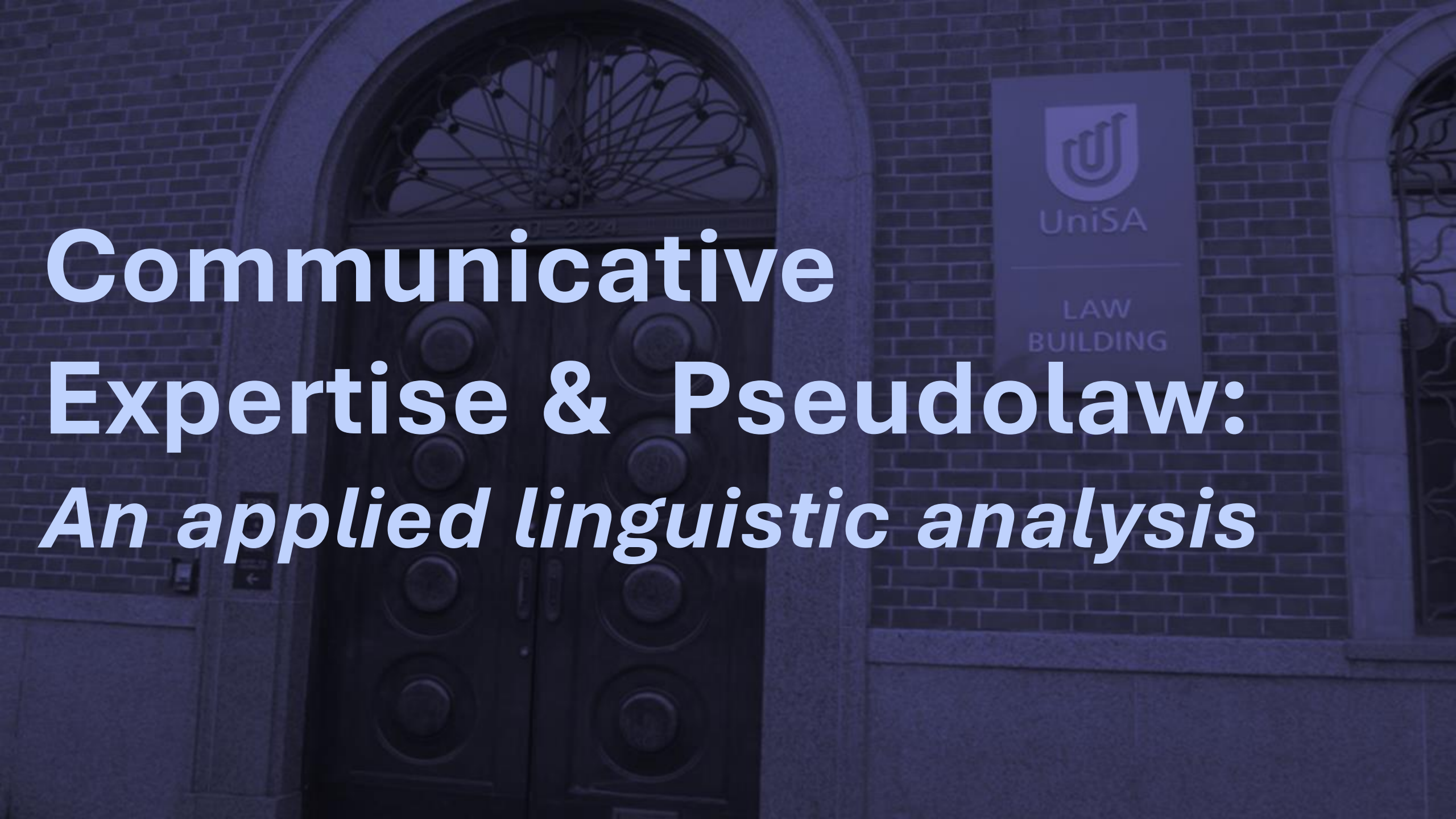
*Trying to engage is a fairly unproductive exercise, trying to engage at all. Because they will always have an answer that doesn't necessarily equate to the question. ...You're not going to convince them. It doesn't matter what you say you're not going to convince them.*

Judicial Officer

*I think it is very hard for an individual judge to do anything particularly effective. **It's got to be the whole system taking that approach***

Judicial Officer





# **Communicative Expertise & Pseudolaw:**

***An applied linguistic analysis***

# Language and Pseudolaw

Legal practice and literature has emphasised risk to legal processes and lack of legal merit in pseudolaw arguments, with pseudolaw adherents represented as irrational actors.

- Less attention to how the language associated with pseudolaw figures in and affects judicial proceedings.

The upshot is that there is limited understanding of:

- How Judicial Officers and court administrators respond to pseudolaw challenges, what expertise in responding they may have developed, and what expertise they may need to develop.
- How pseudolaw adherents challenge proceedings, how these challenges manifest in courtrooms, and what expertise this may evidence on the part of adherents.



# Crucial Sites, Critical Moments & Communicative Expertise

**Crucial sites** – are both physical and dramaturgic – **locations and stages for specific practices that invoke particular discourses, whose scripts (texts) are realised by identifiable and purposeful ‘actors’.**

- Crucial sites afford windows into what people think, why they behave as they behave, and as moments in action.

Within crucial sites participants can identify certain **critical moments**.... in which they orient to the occurrence (or potential occurrence) of contradictions arising among conflicting orders of discourse.

- Such moments... often pose a considerable challenge to the communicative resources of the participants *(Candlin, Crichton & Moore 2017:38)*

Taken together, crucial sites and critical moments are where the **communicative expertise** of the participants is at a premium and at its greatest moment of challenge *(Candlin 2000:10)*





# An Archetypal Case: *Five Critical Moments*

Five critical moments identified in interviews/focus groups with Judicial Officers and court administrators as archetypal of ways pseudolaw adherents challenge court proceedings.

- *a video and court transcript of a directions hearing that exemplified these critical moments.*
- *each critical moment escalates from what came before, progressively increasing the challenge to the Judicial Officer's ability to maintain court proceedings.*

- 1) Denying **Identity**
- 2) Challenging the Authority of the **Judicial Officer**
- 3) Disrupting the Jurisdiction of the **Court**
- 4) **Appropriating Power/Authority**
- 5) **Escalating** (Via Guru And Audience Participation)

# 1. Denying Identity

*Applicant 1 (A1) repeatedly interrupts the Judicial Officer (JO) and contests the name used to refer to her (the applicant):*

**P2. 29-33**

**A1:** Well I don't know why the respondents go first, but anyway

**JO:** [Title and Surname of A1], I'm sorry, you really can't just interrupt, and, when it's your turn, I will not interrupt you. But for the moment -

**A1:** I'm [First name]. I'd just like to say to you I'm [First name].

**JOr:** Okay [First name A1]

**A1:** The only liable woman in this courthouse under Genesis 1:26"

**Interviewee 6:** I've had some who stand up and say I am the only living person in the court room and I don't accept the authority of a dead person and you're a dead person. And what do you say to that? I'm just not dead. You could end up having a great long argument. *I just accept their names.*





## 2. Challenging the Authority of the Judicial Officer



**Interviewee 5:** The procedural vehicle is not important, it is about getting before the court to challenge or oppose what it is that is happening to the litigant ... You know *you have to be very cautious.... the more interested you are in trying to get to the bottom of what is going is, the better the hearing is* ... I think, generally, invariably, there is a genuine issue that the unrepresented litigant needs to try and oppose and in setting up the array of arguments that the litigant does, most times, not always, they are being genuinely put forward even though they are legal nonsense. So *calling someone out for legal nonsense at the first hearing doesn't bode well for a smooth hearing. It can get difficult.*

*The Applicant contests the authority of the presiding JO, alleging judge misconduct:*

**P8.15-25**

**A1:** So Judge [Surname], you have now breached s.34 Crimes Act 1914, because any judge or magistrate acting oppositively or with a personal interest, is an indidible (sic) offence which engages the Bill of Rights, the 1688, which the prime minister has re-pledged his secular oath of allegiance to the King, so you may recuse yourself from this courtroom. This court is now coram non judice because we have the evidence here. You've had all my evidence that we went to pay – there's no ... and I stand under the Holy Bible, the King James Version.



# (3)Disputing the Jurisdiction of the Court

*A1 contests the jurisdiction of the court:*

**P8.10-15**

**A1:** So if you deny my right to see the ruling of this jurisdiction of the course, the course being treason, exclusive to grand jury, this court has no jurisdiction to continue where treason is now consequence in the courtroom.

*The presiding JO continues to listen to the applicant, hearing them out, before responding:*

**P8.26-29**

**JO:** Do you want to make any further submissions?

**Applicant 1:** Sorry?

**JO:** Are they your submissions?

**Interviewee 6:** But the thing is, you can't not hear it. Because of course if you do not hear it, they can appeal *because there is lack of procedural fairness, they will win that appeal*. Once you give them a win, it's like the wind beneath their wings, they're off.

**Interviewee 5:** And it is really hard because their pleadings are always opaque.... I think where *we end up spending the time is because we want to do justice*, we want to. If they do have a proper point, we want to deal with it and because they're often people who you know not terribly well off, their vulnerable in some way, like prisoners are vulnerable.... But it can be very hard when they don't actually tell you what their issue is.

# 4. Appropriating Power/Authority



*An Unknown Speaker (US), later identified as a pseudolaw 'guru', makes an unsolicited contribution to the courtroom interaction:*

P10. 25-26

(Addressing the judicial officer)

US: Stand down.

A1: Yes, you've got to stand down.

*The JO rejects the US/guru's demand. The guru is not a party in the courtroom proceedings, but in responding to him, he becomes a 'ratified participant':*

P10.27-30

JO: Alright. I'm taking this as an application to recuse myself. I decline to do so as no basis has been shown for any need for me that I recuse myself in this matter. I –

**Interviewee 6:** You can reason with them, and you can steer them away from it. So that's *the first lot*. The *second lot* of people are the ones who, they do not believe any of it, but they use it to avoid their legal responsibilities. And again, and I think they have stumbled across it on the internet, obviously I have no idea how they found it. The genuine ones tell me they found it on the internet. And I say well, look maybe don't do that. These ones, they don't tell me how they got these arguments but my own impression having now dealt with many of them, they don't believe any of it they are just trying to avoid their legal responsibilities, and it's just an easier way to deal with it ... And then *the third category* is the true sovereign citizen who have bought into the whole thing ... The true believer. And in terms of how you deal with them, the second and third categories, it doesn't really matter which one they are, they are just as hard to deal with. Although, the middle category aren't threatening whereas the real ones can be very threatening.

# 5. Escalating via Guru & Audience Participation

*The unknown speaker/guru, stands up and interrupts the judicial officer:*

**P10.31-33**

**US:** Judge [Surname], you are concealing treason against the King of England. You are now charged, you are under arrest -

**P11.6-16**

**US:** Please leave me alone because you stand under the crown, the royal seal Judge [Surname] you are now charged under s.80.1 of the Criminal Code Act because you don't have an applicant. You are trading in necromancy, you are treating dead people in this courtroom, and so is Mr [Representative] who's been charged for perjury. Most importantly, you do not have a copyright from the First Nation people and the Parliament of South Australia have recognized the First Nations.

*The judicial officer responds to the unknown speaker/guru:*

**P10.38 – P11.1**

**JO:** I'm sorry, if you don't sit down I'll ask the sheriffs officers –

**P11.21**

**JO:** Have you finished?

**P11.35**

**Judge:** I adjourn

Video 16:30 seconds

Sheriff's Officer (SO): Thank you. The court is now adjourned so [motioning to leave]

**Interviewee 4:** *We're very mindful. We do not underestimate these folks. we've seen them go from coming in and being compliant and chatty then when confronted with reality that doesn't match their own, they go from zero to quite aggressive very quickly. Their world comes crashing down and they can't handle it and they just go "boom". They get angry really quick ... We monitor the court list and look for familiar names. So, we would prepare for that ... additional officers, allocated surveillance operators will be notified, they operate the CCTV. It is making sure the CCTV are on them while they are in the building, monitoring them at all times. We also observe them walking through waiting areas, trying to engage with folks waiting for their court matters. To (a) give advice or (b) sign people up to their cause.*



# Communicative Expertise:

## Responses by Judicial Officers

Pre-empting

De-escalating

# Findings

1)

Pseudolaw adherents *systematically and strategically* orchestrate sequences of critical moments in seeking to *disrupt, undermine and override the court proceedings, escalating to threaten* Judicial Officers and court administrators.

2)

In doing so, adherents evidence *communicative expertise* in subverting the schematic orders of talk that both communicate and are constitutive of court proceedings.

3)

The responses testify both to the effort and risk experienced by individual Judicial Officers and court administrators in seeking to address the challenges posed by *critical moments, not only as isolated disruptions but as an orchestrated phenomenon*.

4)

Examples of communicative expertise on the part of Judicial Officers and court administrators (pre-empting and de-escalating) signal strategies that *reframe definitions of 'success' in managing disruptive and potentially dangerous pseudolaw practices*.





# Strategies



# (1) Responses to Pseudolaw

## *Pseudolaw is a performance*

- Responses should aim to disrupt that performance.



## (2) Break the Script

### Personal Responses

- Intervene and ask questions
- Adjourn hearings

### Institutional Responses

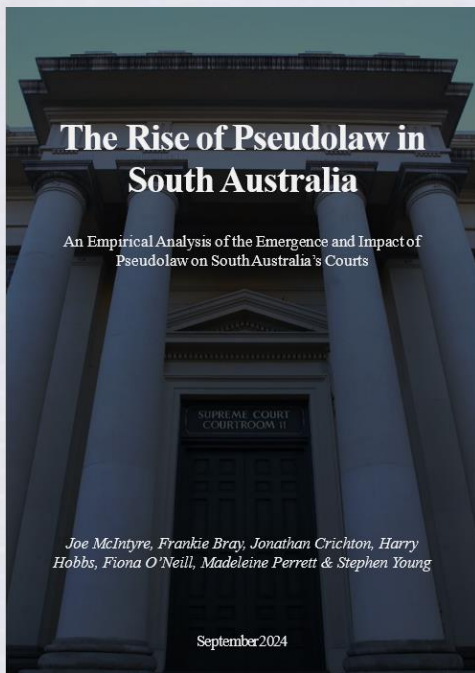
- Refuse to file or accept pseudolaw materials
- A sovereign citizen register?

# Tips for Trial Judges

- Behaviour is often the most important indicator – its not just weird arguments
- There is now a large body of cases and secondary sources – don't feel alone on this
- There are different types of adherents – tailor your responses accordingly
- Alienation and lack of legal literacy are at the heart of this – most citizens have catastrophically poor capacity to engage with our institutions and pseudolaw makes a (false) promise of empowering them.
  - Use this knowledge. Recognise that some of this is our fault: The system excludes. We have silly rituals. Law is archaic at times. But this is not the answer
- DON'T get frustrated and DON'T engage with the logic of the argumentation (eg beware the strawman trap)
- Beware the rise of Generative AI – both pseudolaw and genAI excel in producing *form* that looks like *substance*. We will see an increase in this type of behaviour



# FURTHER RESOURCES

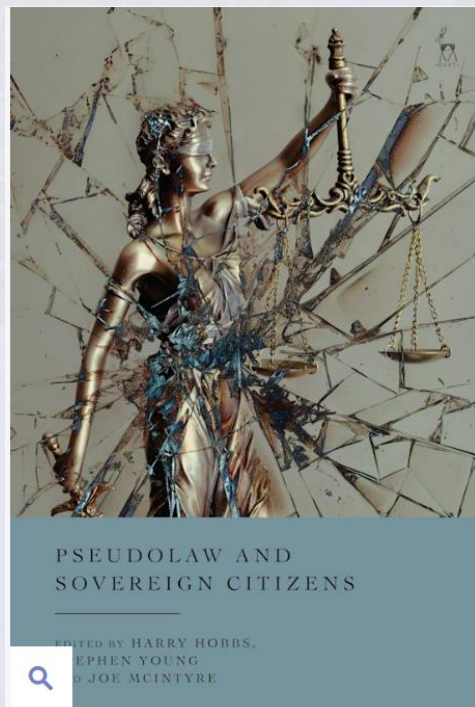


## REPORT

- Joe McIntyre, Frankie Bray, Jonathan Crichton, Harry Hobbs, Fiona O'Neill, Madeleine Perrett & Stephen Young, 'The Rise of Pseudolaw in South Australia: An Empirical Analysis of the Emergence and Impact of Pseudolaw on South Australia's Courts' (2024) University of South Australia, September 2024  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4996319](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4996319)

## ARTICLES

- Joe McIntyre, Harry Hobbs and Stephen Young, 'The Strawman Trap: Non-Appearance and the Pitfalls of Pseudolaw' (2025) 99(4) *Australian Law Journal* 1
- Joe McIntyre, **Pareidolic Illusions of Meaning: ChatGPT, Pseudolaw and the Triumph of Form over Substance** (2025) [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=5181165](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5181165)
- Harry Hobbs, Stephen Young and Joe McIntyre, 'The Internationalisation of Pseudolaw: The Growth of Sovereign Citizen Arguments in Australia and Aotearoa New Zealand' (2024) 47(1) *University of New South Wales Law Journal* 309
- Joe McIntyre, Harry Hobbs and Stephen Young, 'Behind the Judgments: Pseudolaw in Australian Courts' (forthcoming, 2025) *Australian Law Journal*
- Stephen Young, Harry Hobbs and Joe McIntyre, 'The growth of pseudolaw and sovereign citizens in Aotearoa New Zealand courts' [2023] *New Zealand Law Journal* 6



## BOOK

- Harry Hobbs, Steve Young and Joe McIntyre (eds), **Sovereign Citizens and Pseudolaw** (Hart, 2025)  
<https://www.bloomsbury.com/au/pseudolaw-and-sovereign-citizens-9781509978915/>

# Reflections

Harry and Joe are organising a special issue for the *Journal of Judicial Administration* consisting of reflections from judicial officers on their experiences in dealing with sovereign citizens and pseudolaw adherents in court, with the aim of furthering education and guidance across the judiciary.

Writings should be lightly referenced and between 1,500-2,000 words. Submissions are due by mid-July.

If you are interested in participating or would like more information, please email Harry ([h.hobbs@unsw.edu.au](mailto:h.hobbs@unsw.edu.au))