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A QUANTITATIVE ANALYSIS OF THE RISE OF PSEUDOLAW IN SOUTH AUSTRALIA

Abstract

The issue of pseudolaw has become a matter of increasing concern in Australian courts, and indeed all around the world. Yet there remains little empirical research into the topic, and few attempts to study the extent of the issue. This is the first research globally to map the prevalence and form of the general phenomenon of pseudolaw litigation in a single jurisdiction.

By looking at the published case records in South Australia, it is evident that pseudolaw is emerging as a distinct phenomenon. The analysis found 50% more pseudolaw cases in the last 10 years than in the previous 40 years. The data demonstrates some distinct patterns in the types of cases in which pseudolaw arguments are being used, in terms of jurisdictions, representation and demographics of litigants. The research also assessed the type of pseudolegal argumentation which is being deployed in these cases. It develops six categories for characterising cases: (1) strawman arguments; (2) law is a contract; (3) state law is defective; (4) private prosecution; (5) other; and (6) pseudolaw adjacent. The research sets out the distribution and form of reported cases against these categories.

This first-of-its-kind study demonstrates the emergence of pseudolaw as a distinct and growing phenomenon. Not only does this research cement the themes introduced by anecdotal evidence, but the empirical doctrinal analysis provides a rich insight into the scale and form of pseudolaw in South Australia, with implications both locally and globally.

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I Introduction

> **Her Honour:** Ms Georganas, I'm sorry. You really just can't interrupt and, when it's your turn, I will not interrupt you. But for the moment
>
> **Applicant:** I'm Angela — I'd just like to say to you, I'm Angela.
>
> **Her Honour:** Okay, Angela
>
> **Applicant:** The only liable woman in this courthouse under Genesis 1:26
>
> …
>
> **Applicant:** I will not engage in the necromancy as this witchcraft and sorcery and magic is foreign…"[1]

Strange things are happening in South Australian courtrooms. In fact, strange things are happening in courtrooms worldwide,[2] as some litigants increasingly resort to a particular anti-authority, conspiratorial form of argumentation best described as 'pseudolaw'.[3] This phenomenon is characterised by adherents utilising the structure and form of conventional legal reasoning, but without its substance. The appeal to legal sources and concepts (such as the Bill of Rights and treason) are typical of this approach, as is the belief that adherents possess unique insights into the 'true' meaning of the law. Adherents utilise tropes such as the 'strawman argument'[4] in attempts to control the legal proceedings (seen above in the insistence of the applicant to be referred to by her given name) and display a level of confidence uncommon for self-represented litigants.

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1 Transcript of Proceedings, *Georganas v Georganas* (Supreme Court, CIV-20-000350, Judge Bochner, 8 August 2023) 2, 4, 10–11 ('*Georganas (Transcript of Proceedings)*'). See also: *Georganas v Georganas* [2024] SASCA 1 ('*Georganas*'); 'Federal MP's Sister Tells Supreme Court Judge He's Under Arrest', *The Advertiser* (online, 9 February 2024) <https://www.adelaidenow.com.au/news/south-australia/federal-mps-sister-tells-supreme-court-judge-hes-under-arrest/news-story/5762b6cdca5c89e77153b8949981409b>; Sean Fewster, 'MP and Sister in Battle of Will', *The Advertiser* (Adelaide, 10 February 2024).

2 Harry Hobbs, Stephen Young and Joe McIntyre (eds), *Pseudolaw and Sovereign Citizens* (Hart, 2025).

3 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) *UNSW Law Journal* 309 ('The Internationalisation of Pseudolaw').

4 See, e.g., Joe McIntyre, Harry Hobbs and Stephen Young, 'The Strawmen Trap: Non-Appearance and the Pitfalls of Pseudolaw' (2025) 99(4) *Australian Law Journal* 319.

Despite these arguments never succeeding,[5] and courts routinely describing these pseudolegal claims in terms such as 'unintelligible',[6] 'fundamentally misguided',[7] and 'almost incomprehensible',[8] the phenomenon has spread. There is now anecdotal evidence that there has been a 'sharp rise' of these types of claims in Australian courts over the last few years.[9] This has been matched by increased media scrutiny of the phenomenon,[10] and a growing body of cases addressing pseudolaw.[11]

In Australia, public attention was drawn to the topic when 'sovereign citizens' — a loosely affiliated pseudolaw group — became a prominent part of the anti-vaccine movement at the height of the COVID-19 pandemic. The 'red ensign' flag used by

5 Hobbs, Young, and McIntyre, 'The Internationalisation of Pseudolaw' (n 3) 311; Joe McIntyre et al, 'The Rise of Pseudolaw in South Australia: An Empirical Analysis of the Emergence and Impact of Pseudolaw on South Australia's Courts' (Research Report, University of South Australia, September 2024).

6 Transcript of Proceedings, *Taylor, In the Matter of an Application for Leave to Issue or File* [2023] HCATrans 63.

7 *Kelly v Fiander* [2023] WASC 187, [11] ('*Kelly*').

8 *National Australia Bank Ltd v Norman* [2012] VSC 14, [4] ('*Norman*').

9 Sophie Kesteven and Damien Carrick, 'Magistrates Witness a "Sharp Rise" in Sovereign Citizen Cases brought before the Local Courts', *ABC Radio National* (online, 8 May 2023) <https://www.abc.net.au/news/2023-05-08/nsw-magistrates-report-sharp-rise-in-sovereign-citizen-cases/102285772>.

10 See, e.g.: ibid; Hannah Murphy, 'Australian Taxation Office Fires Warning Shot Over "Hopelessly Flawed" Sovereign Citizen Movement's Tax Advice', *ABC News* (online, 20 August 2024) <https://www.abc.net.au/news/2024-08-20/sovereign-citizen-australian-taxation-office-tax/104064368>; Eric Tlozek, 'Man in Custody After Police Raid Alternative Community Meeting Over Public Safety Concerns', *ABC News* (online, 17 September 2021) <https://www.abc.net.au/news/2021-09-17/sa-police-raid-adelaide-alternative-community-meeting/100472728>; Ariel Bogle, 'The Rise of a "Dangerous" Ideology Among Parents is Causing Havoc in Custody Disputes' *The Guardian* (online, 15 December 2024) <https://www.theguardian.com/law/2024/dec/15/sovereign-citizen-pseudolaw-family-court-dangerous-ideology-custody-disputes-ntwnfb>. See also '"Sovereign Citizens" in the Courts', *ABC Radio National* (online, 2 May 2023) <https://www.abc.net.au/listen/programs/lawreport/sovereign-citizens/102215332>. The issue was subject to an in-depth investigation by the flagship 'Four Corners' program in August 2025: 'Lawfare' *ABC Four Corners* (online, 18 August 2025) <https://www.abc.net.au/news/2025-08-18/lawfare/105668528>.

11 See, e.g.: *Nelson v Greenman* [2024] VSC 704, [70] (Gobbo J) ('*Nelson*'); *Rossiter v Adelaide City Council* [2020] SASC 61, [50] (Livesey J) ('*Rossiter*'); *Kelly* (n 7); *Deputy Commissioner of Taxation v Casley* [2017] WASC 161, [15] (Le Miere J) ('*Casley*'); *Kosteska v Magistrate Manthey* [2013] QCA 105, [17] (Martin J); *Re Magistrate M M Flynn; Ex parte McJannett* [2013] WASC 372, [15] (McKechnie J); *Yap v Matic (No 4)* [2022] WASC 422, [23] (Solomon J); *Yap v Matic (No 7)* [2023] WASC 55, [44] (Solomon J).

that group became a highly visible symbol of the protests of that era.[12] The anti-authority tendencies of pseudolaw were well adapted to that period, and it appears that these conspiratorial forms have continued to flourish.[13] Yet, the real prevalence and scale of the phenomenon in Australia is poorly understood, with contemporary domestic scholarship only recently beginning to emerge.[14]

Cases such as *Georganas v Georganas* ('*Georganas*')[15] highlight both the way in which pseudolaw is manifesting in South Australia ('SA') and the detrimental impacts of the phenomenon. That case, concerning the administration of a deceased estate, became front page news as a result of the conduct of the pseudolaw litigant and her supporters. The litigant accused the Judge of 'witchcraft', 'treason', and 'necromancy',[16] before a vocal and aggressive group of supporters, led by an interstate 'guru' (the 'unknown speaker' in the transcript), attempted to 'arrest' the Judge whom they deemed a criminal, forcing the evacuation of the courtroom.[17]

Georganas aptly demonstrates the 'performance' of pseudolaw, whereby language and physical intimidation can disrupt the proceedings. The conduct of the supporters in that case extended to the overt intimidation of court staff outside buildings and raised ongoing security concerns.[18] These violent undertones reflect an earlier incident, a few years prior, when a leading pseudolaw adherent in SA was arrested after a police raid uncovered a cache of weapons on his property.[19] The public record of such high-profile incidents highlights that pseudolaw is present in SA and is posing a threat to the administration of justice in the State. However, the presence of pseudolaw extends beyond such cases, with strong anecdotal evidence — including informal conversations with judicial officers[20] — suggesting that this is an increasingly common phenomenon.

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12 See Joe McIntyre, 'What is the Australian Merchant Navy Flag, the Red Ensign? And Why do Anti-Government Groups Use It?' *The Conversation* (online, 12 November 2021) <https://theconversation.com/what-is-the-australian-merchant-navy-flag-the-red-ensign-and-why-do-anti-government-groups-use-it-170270> ('What is the Australian Merchant Navy Flag?').

13 See McIntyre et al (n 5).

14 See, e.g., the *Pseudolaw and The Administration of Justice* conference, convened by Harry Hobbs, Joe McIntyre and Stephen Young at the University of Technology Sydney in November 2023. The first edited collection on this topic was published in 2025: Hobbs, Young and McIntyre (eds), *Pseudolaw and Sovereign Citizens* (n 2).

15 *Georganas* (n 1).

16 *Georganas (Transcript of Proceedings)* (n 1) 2, 4, 10–11. See also *Georganas* (n 1) [3], [8]–[10] (Doyle JA).

17 See: McIntyre et al (n 5) pt IV; Jonathan Crichton, Fiona O'Neill and Joe McIntyre, 'Winning by Losing? Critical Moments and Communicative Expertise in Pseudolaw: An Applied Linguistic Analysis' (2025) 99(9) *Australian Law Journal* 724.

18 McIntyre et al (n 5) 80.

19 Tlozek (n 10).

20 See McIntyre et al (n 5) pt IV.

The research outlined in this article employed empirical techniques to identify any trends or patterns that emerge from the reported pseudolaw cases in SA and to identify whether this constitutes a distinct and growing social phenomenon.[21] SA was selected as the focus of the study as a relatively small but representative jurisdiction to enable a proof of concept of the research methods. The research focused on the following questions:

(1) Is there evidence in the publicly available case law that pseudolaw is emerging as a distinct phenomenon in SA?
(2) In what types of cases do pseudolaw arguments arise (nature, type, jurisdiction etc)?
(3) What forms of pseudolegal argumentation are deployed in these cases?

To answer these questions, it was necessary to adopt a mixed empirical doctrinal method that combined two distinct forms of research to help map pseudolaw in SA. As outlined below, this work involved the construction of a dataset of reported cases from the State that could be categorised as 'pseudolaw' cases. The identified cases were then coded against several criteria directed to both the type of case (nature/type/jurisdiction/identity) and, through doctrinal content analysis, the forms of pseudolegal arguments employed.

Ultimately, the data from publicly available cases — while an inherently limited dataset — demonstrates the emergence of pseudolaw as a distinct and growing phenomenon. In total, 69 cases were identified between 1973 and 2024,[22] with 50% more pseudolaw cases in the last 10 years than in the previous 40 years. This analysis highlighted a number of distinct patterns in pseudolaw cases, including as to the gender of adherents, the outsized impact of certain individuals, and the wide range of matters where these arguments arise. The empirical doctrinal analysis of pseudolaw cases provides a rich insight into the rise of this increasingly disruptive phenomenon.

This research confirms some key information about pseudolaw. It demonstrates that: (1) pseudolaw grew during the pandemic and can now be regarded as a distinct social phenomenon; (2) that males are the primary litigants; (3) that many cases involve traffic law; and (4) that adherents *never* win on the merits. Yet the research also highlights the ways in which the focus on only publicly available sources can distort our understanding of pseudolaw.[23] The focus on reported cases heavily

21 This research was part of a broader project to understand the rise of pseudolaw in South Australia, and its impact on the courts of the State, funded by the Law Foundation of South Australia. That broader project involved a number of other methodological approaches, including thematic analysis of interviews and linguistic analysis of transcripts, to better understand pseudolaw in South Australia: McIntyre et al (n 5).

22 Ibid.

23 For these reasons, it is necessary to go beyond the reported judgments if one is to get a fulsome account of the phenomenon. For a discussion of this issue, see Joe McIntyre et al, 'Pseudolaw Behind the Judgments: The Hidden Impact on the Administration of Justice' (2025) 99(9) *Australian Law Journal* 685.

skews this form of analysis to Supreme Court and appellate matters at the expense of first instance lower court cases. This can be problematic for understanding the breadth and impact of pseudolaw, particularly when reported judgments show only a small (and not necessarily representative) sample of the broader phenomenon in comparison to other methods.[24] For example, the three most dominant pseudolaw arguments in the broader literature (the strawman argument, state law is defective, and law is a contract) appeared in less than half the cases, yet these arguments appear far more common in unreported lower court proceedings.[25]

Nevertheless, this study of the reported cases on pseudolaw represents the first study internationally that seeks to provide a comprehensive analysis of the scale and form of pseudolaw in a specific jurisdiction. While other studies have looked at manifestations of discrete pseudolaw movements, like 'sovereign citizens', this study is the first attempt to map the prevalence of the broader phenomenon in any jurisdiction. Ultimately, it demonstrates that this should now be regarded as a distinct, and growing, phenomenon, especially when combined with other data and analysis.[26]

II The Existing Analysis of Pseudolaw in Australia

Over the last few years, 'pseudolaw' has become the preferred term to describe the collection of movements, groups and practices that share a common methodological approach to engaging with the law.[27] This phenomenon encompasses a range of groups, including sovereign citizens, freemen on the land, 'detaxers', American

24 For instance, the interview-based parts of the broader research project: see McIntyre et al (n 5) pts III–VI.

25 See McIntyre et al (n 5) 64–7 for a discussion of the substantive arguments that were experienced by participants, noting the particular experiences of magistrates. It is worth noting that the first significant scholarly exposition of pseudolaw argumentation in contemporary Australia has been by a sitting magistrate: Glen Cash, 'A Kind of Magic: The Origins and Culture of "Pseudolaw"' (Conference Paper, Queensland Magistrates' State Conference, 26 May 2022), and that perhaps the most vocal early discussant of the topic is former magistrate David Heilpern.

26 See McIntyre et al (n 5).

27 See, e.g., Colin McRoberts, 'Tinfoil Hats and Powdered Wigs: Thoughts on Pseudolaw' (2019) 58(3) *Washburn Law Journal* 637. See also Donald J Netolitzky, 'A Rebellion of Furious Paper: Pseudolaw as a Revolutionary System' (Conference Paper, Sovereign Citizens in Canada Symposium, Centre d'Expertise et de Formation sur les Intégrismes Religieux et la Radicalisation, 3 May 2018) 1 ('A Rebellion of Furious Paper'). Some authors continue to prefer the term 'sovereign citizen' to refer to the broader phenomenon, encompassing both the Sovereign Citizen movement proper and other movements that reflect some of those same patterns: see Amy Cohen and Ilana Gershon, 'Prefigurative Neoliberalism: A Provisional Analysis of the Global Sovereign Citizen Movement' (2025) 48(1) *PoLAR: Political and Legal Anthropology Review* 1.

State Nationals, and the German Reichsbürger movement.[28] It also influences certain proponents of micronations, and individuals involved in movements like anti-vaccination protests. Common to all these movements is the distorted use of legal forms, an anti-authority mindset, a lack of success, and a significant detrimental impact on the administration of justice. As Livesey J observed in *Rossiter v Adelaide City Council* ('*Rossiter*'):

> Various terms have been used to describe 'pseudolegal arguments' such as those advocated by the appellant in this case. They have without reservation been rejected as involving both legal nonsense and an unnecessary waste of scarce public and judicial resources. So too here.[29]

The following section first outlines both the nature of pseudolaw and pseudolaw scholarship, tracing the emergence, evolution, and growth across jurisdictions. The examination of pseudolaw scholarship highlights the application of doctrinal and empirical methods to understand the prevalence, arguments, and socio-legal dynamics of pseudolaw adherents. The section then examines pseudolaw and how it has been understood in Australia.

A *Conceptual Contours of Pseudolaw*

At first glance, pseudolaw often seems nonsensical. Courts have described it as 'obvious nonsense',[30] 'pseudo-legal gibberish',[31] or 'gobbledygook'.[32] When the legally trained encounter pseudolegal arguments, their first instinct is often to dismiss them as hallucinations that warrant no further analysis.[33] Yet, underlying this gibberish, is a discernible structure that can be understood. As three of the authors of this article (Hobbs, Young and McIntyre) have argued previously, pseudolaw can be identified by three key components:[34]

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28 See: Donald J Netolitzsky, 'The Dead Sleep Quiet: History of the Organized Pseudo-legal Commercial Argument Phenomenon in Canada: Part II' (2023) 60(3) *Alberta Law Review* 795, 813–30 ('The Dead Sleep Quiet'); Anna Löbbert, '"Germanite" is a Rare Mineral: Sovereignism in Germany' in Hobbs, Young and McIntyre (eds), *Pseudolaw and Sovereign Citizens* (n 2) 175; Christine M Sarteschi, 'American State Nationals: The Next Iteration of the Sovereign Citizen Movement' in Hobbs, Young and McIntyre (eds), *Pseudolaw and Sovereign Citizens* (n 2) 227.

29 *Rossiter* (n 11) [50].

30 *Bradley v The Crown* [2020] QCA 252.

31 *Casley* (n 11) [15].

32 *Norman* (n 8) [4].

33 For a discussion on the ways in which pseudolaw creates hallucinations that are effectively illusions of meaning, see Joe McIntyre, 'Pareidolic Illusions of Meaning: ChatGPT, Pseudolaw and the Triumph of Form Over Substance' (Research Paper, 16 March 2025).

34 Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3) 310.

(1) *A Co-Opted Legal Form*: it borrows legal terminology and forms of reasoning to *appear* like conventional legal argumentation,[35] creating the illusion of legal legitimacy;
(2) *Use of Contra-Narratives/Alternative Legal Universe*: pseudolaw creates an 'alternate legal universe'[36] that draws from, yet distorts, traditional legal sources[37] to develop its own set of rules; and
(3) *Internalised Belief in the 'True Law'*: it engenders in adherents a genuine belief that they are upholding the 'true law' and can use this knowledge to lawfully achieve their goals.[38]

Although adherents are often motivated by an underlying distrust of government and authority, pseudolaw is not anarchistic. Instead, they tend to believe that applying their version of legal reasoning in a precise manner achieves miraculous results — avoiding taxes, debts, fines, and other legal liabilities *without breaking the law*. For this reason, pseudolaw is sometimes described as akin to a form of 'magic'.[39]

The various groups described above highlight that pseudolaw is not monolithic. Rather, it is fragmented and decentralised, drawing adherents who may not neatly align with a specific group or self-identify with a broader movement. Marilyn McMahon notes that followers often '"cherry-pick" aspects that appeal to them'.[40] In many respects, pseudolaw is best understood through the behaviours and attitudes of its followers. These include a conspiratorial worldview, a constant questioning of authority, the proliferation of irrelevant and voluminous filings, and the use of scripted, often illogical, arguments. Adherents typically perceive themselves as engaged in a righteous struggle against a corrupt and biased system.[41]

B *Tracking the Rise of Pseudolaw*

The fragmented and decentralised nature of pseudolaw has had a significant impact upon the study of the phenomenon. There is no structured creed or organisation that coheres the various movements, but there are common forms of behaviour and argumentation. Many of these can be traced back to the 'sovereign citizen' movement

35 Netolitzky, 'A Rebellion of Furious Paper' (n 27) 1.

36 McRoberts (n 27) 643.

37 Hobbs, Young and McIntyre 'The Internationalisation of Pseudolaw' (n 3) 310.

38 See, e.g., Chief Justice Peter Quinlan, 'The Rule of Law in a Social Media Age' (Speech, Sir Francis Burt Oration, 3 November 2022) 18.

39 Cash (n 25).

40 Marilyn McMahon, 'Asserting Sovereignty: An Empirical Analysis of Sovereign Citizen Litigation in Australian Courts' in Hobbs, Young and McIntyre (eds), *Pseudolaw and Sovereign Citizens* (n 2) 175, 178.

41 Harry Hobbs, Stephen Young and Joe McIntyre, 'Understanding Pseudolaw' in Hobbs, Young and McIntyre (eds), *Pseudolaw and Sovereign Citizens* (n 2) 13–14.

that arose in the United States of America in the 1990s.[42] That movement popularised a series of arguments previously advanced by the 'common law movement', which sought to revert to some mythical 'common law' because of a view that state law, its actors, and legislation were corrupt.[43] In the late 1990s or early 2000s, the phenomenon began to crystallise into a distinct movement whose foundational beliefs included that the government is corrupt (perhaps because it became a corporation), and that 'free' or 'flesh and blood' individuals follow the common law (or natural law or God's law).[44] Around 2000, sovereign citizen-style legal claims began to spread to Canada,[45] and became an international issue following the Global Financial Crisis around 2009–11. This has meant that most scholarly work on this movement in this period was conducted by North American authors.[46] While there is evidence that the movement began to take hold in Australia in the 2010s,[47] there was no scholarly legal research on the topic during this period, though there was some early work in criminology and policing studies.[48]

Pseudolaw, however, appeared to enter a new period of explosive growth in response to the COVID-19 pandemic.[49] The phenomenon's increased prominence

42 Stephen Young, Harry Hobbs and Rachel Goldwasser, 'The Rise of Sovereign Citizen Pseudolaw in the United States of America' in Hobbs, Young and McIntyre (eds), *Pseudolaw and Sovereign Citizens* (n 2). For an example of some literature, which may not use the term 'sovereign citizen' or 'pseudolaw', see: Susan P Koniak, 'When Law Risks Madness' (1996) 8(1) *Cardozo Studies in Law and Literature* 65; Susan P Koniak, 'The Chosen People in Our Wilderness' (1997) 95(6) *Michigan Law Review* 1761; Wilson Huhn, 'Political Alienation in America and the Legal Premises of the Patriot Movement' (1999) 34(3) *Gonzaga Law Review* 417; Daniel Lessard Levin and Michael W Mitchell, 'A Law Unto Themselves: The Ideology of the Common Law Court Movement' (1999) 44(1) *South Dakota Law Review* 9; Francis X Sullivan, 'The "Usurping Octopus of Jurisdictional/Authority": The Legal Theories of the Sovereign Citizen Movement' [1999] (4) *Wisconsin Law Review* 785.

43 See: Young, Hobbs and Goldwasser (n 42) 105–9; Koniak, 'When Law Risks Madness' (n 42); Koniak, 'The Chosen People in Our Wilderness' (n 42); Levin and Mitchell (n 42).

44 Young, Hobbs, and Goldwasser (n 42) 113.

45 Netolitzky, 'A Rebellion of Furious Paper' (n 27) 1; Donald J Netolitzky, 'Organized Pseudolegal Commercial Arguments as Magic and Ceremony' (2018) 55(4) *Alberta Law Review* 1045; *Meads v Meads* [2012] ABQB 571 [417] ('*Meads*').

46 Caesar Kalinowski IV, 'A Legal Response to the Sovereign Citizen Movement' (2019) 80(2) *Montana Law Review* 153; Sullivan (n 42); James Evans, 'The "Flesh and Blood" Defense' (2012) 53(4) *William and Mary Quarterly* 1361; Joshua Weir, 'Sovereign Citizens: A Reasoned Response to the Madness' (2015) 19(3) *Lewis and Clark Law Review* 829.

47 See McIntyre et al (n 5) 25. See also: Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3).

48 See, e.g., Daniel Baldino and Kosta Lucas, 'Anti-Government Rage: Understanding, Identifying and Responding to the Sovereign Citizen Movement in Australia' (2019) 14(3) *Journal of Policing, Intelligence and Counter Terrorism* 24.

49 See Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3) 309.

during the pandemic prompted a new wave of scholars to begin focusing on the topic. This seems to have begun with 'explainers' and commentary for news and media platforms,[50] before progressing to more considered scholarship[51] augmented by more rapid online practices of engaging in public discourse around prominent judgments.[52]

As the number of pseudolaw cases increased over the last 15 years, a new mode of 'doctrinal' pseudolaw scholarship emerged. Here, judges and academics have — in a manner that reflects orthodox doctrinal reasoning — sought to analogise and distinguish cases where a party has made similar-sounding arguments. The most significant of these cases is the Canadian case of *Meads v Meads* ('*Meads*'),[53] where Rooke ACJ surveyed nearly 150 cases before aggregating them as forms of 'Organized Pseudolegal Commercial Argument'.[54] This approach has been described as a form of 'weaponised judgment'.[55] Although Australia does not have a landmark pseudolaw case like *Meads*, post-COVID-19 decisions like *Nelson*[56] provide useful summaries of pseudolaw cases in the country,[57] while cases such as *Kelly v Fiander*[58] have wielded influence in addressing specific pseudolegal arguments.[59]

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50 See, e.g.: Joe McIntyre and Rick Sarre, 'Many Anti-Lockdown Protesters Believe the Government is Illegitimate: Their Legal Arguments Don't Stand Up', *The Conversation* (online, 28 September 2020) <https://theconversation.com/many-anti-lockdown-protesters-believe-the-government-is-illegitimate-their-legal-arguments-dont-stand-up-146668>; McIntyre, 'What is the Australian Merchant Navy Flag?' (n 12); Sarah Moulds, 'No, That's Not the Law: The Danger of Using Pseudo-legal Arguments Against COVID-19 Rules', *The Conversation* (online, 3 November 2021) <https://theconversation.com/no-thats-not-the-law-the-danger-of-using-pseudolegal-arguments-against-covid-19-rules-170630>; Harry Hobbs, Joe McIntyre and Stephen Young, 'Some People Think Income Tax is Illegal. It's Pseudolaw, and it's Damaging the Legal System', *The Conversation* (online, 31 October 2023) <https://theconversation.com/some-people-think-income-tax-is-illegal-its-pseudolaw-and-its-damaging-the-legal-system-214847>; Kesteven and Carrick (n 9); Murphy (n 10); Tlozek (n 10); Bogle (n 10).

51 Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3). See also Hobbs, Young and McIntyre (eds), *Pseudolaw and Sovereign Citizens* (n 2).

52 See, e.g., *Hoek v WA Police* [2024] WASC 34, discussed in McIntyre, Hobbs and Young (n 4).

53 *Meads* (n 45). See also Donald J Netolitzky, 'After the Hammer: Six Years of Meads v. Meads' (2019) 56(4) *Alberta Law Review* 1167.

54 *Meads* (n 45) [40].

55 Donald Netolitzky, 'The Sun Only Shines on YouTube: The Marginal Presence of Pseudolaw in Canada' in Hobbs, Young and McIntyre (eds), *Pseudolaw and Sovereign Citizens* (n 2) 121 ('The Sun Only Shines on YouTube').

56 *Nelson* (n 11).

57 Ibid [69].

58 *Kelly* (n 7).

59 See McIntyre, Hobbs and Young (n 4).

The approach championed by *Meads* has led to academics engaging in similar doctrinal reviews of case law within specific jurisdictions. For instance, Donald Netolitzky has drawn on *Meads* and a doctrinal review of Canadian case law to define pseudolaw as 'a collection of legal-sounding but false rules that purport to be law',[60] identifying six key elements of the pseudolaw 'memeplex'.[61] Netolitzky's memeplex has become influential in understanding contemporary pseudolaw,[62] and helps to summarise the contours of pseudolaw ideology.[63] Similar doctrinal analyses of pseudolaw have been conducted in the United States, with examinations of case law from a single jurisdiction, such as South Carolina,[64] or Connecticut.[65] Others have also investigated how these arguments arise in a court with special jurisdiction, like tax or bankruptcy.[66]

In the Australian context, Queensland District Court Judge Glen Cash offered one of the earliest surveys of pseudolaw in Australia through an extra-curial publication in 2022.[67] Cash observed that pseudolaw adherents engage in a kind of magical thinking to avoid unwanted legal consequences. More recently, three of the authors of this article (Hobbs, Young and McIntyre) undertook a doctrinal analysis of the forms of pseudolegal argumentation as they appear in the reported judgments of

60 Netolitzky, 'A Rebellion of Furious Paper' (n 27).

61 These are: (1) Everything is a Contract; (2) Silence Means Agreement; (3) No Injured Party; (4) Defective or Limited State Authority; (5) The 'Strawman' Duality; and (6) Fiscal Misconceptions: Donald Netolitzky, 'A Pathogen Astride the Minds of Men: The Epidemiological History of Pseudolaw' (Conference Paper, Sovereign Citizens in Canada Symposium, Centre d'Expertise et de Formation sur les Intégrismes Religieux et la Radicalisation, 3 May 2018) 2.

62 See, e.g., Samuel Barrows, 'Sovereigns, Freemen, and Desperate Souls: Towards a Rigorous Understanding of Pseudolitigation Tactics in United States Courts' (2021) (62) *Boston College Law Review* 905, 911–19 (employing the same typology).

63 The 'memeplex' can be summarised as follows: pseudolaw adherents maintain that State law and government are defective. The State has been influenced or taken over by corporations, which has subverted all law into contracts. Individuals who study the common law can de-subjectify themselves from the State's corporate-legislative regime by distinguishing their real, living self, from the legal persona, the 'strawman', that the government made to stabilise national debt (and enter into contracts). State actors do not have authority over those 'living people' who follow common law. State actors will try to entangle living people in various contractual or legislative schemes, but under common law, if there is no injured party, then there is no legal basis for stopping someone. Those living under common law can draw on the trust accounts associated with their 'strawman' as a type of bank account, as a type of credit, or to discharge debts.

64 Michelle Theret, 'Sovereign Citizens: Homegrown Terrorist Threat and its Negative Impact on South Carolina' (2012) 63(4) *South Carolina Law Review* 853.

65 Michael Mastrony, 'Common-Sense Responses to Radical Practices: Stifling Sovereign Citizens in Connecticut' (2016) 48(3) *Connecticut Law Review* 1013.

66 Leslie R Masterson, 'Sovereign Citizens: Fringe in the Courtroom' (2011) 30(2) *American Bankruptcy Institute Journal* 66.

67 Cash (n 25).

Australia and Aotearoa New Zealand.[68] In that work, we identified three broad categories of arguments: (1) the strawman argument; (2) absence of individual consent; and (3) state law is defective.[69] These works highlight the utility of doctrinal methods to help understand the arguments pseudolaw adherents use, and to trace how those arguments are used in — and by — the courts.

Over the past decade, researchers worldwide have begun to employ various empirical and socio-legal methods to gain a deeper understanding of the phenomenon. For example, in the United States, Stephen Garrett Smith aggregated and coded federal court cases involving sovereign citizens to find a distinction between members of this movement and other far-right defendants.[70] Jessica Middleton also sought to quantify sovereign citizen movement activity through reported incidents.[71] Nevertheless, research on adherents remains sparse. Luuk de Boer recently observed that 'empirical data about these people [pseudolaw adherents] and their concerns are all but missing'.[72]

There is an increasing trend to undertake systematic surveys aimed at more comprehensively studying the prevalence and scope of the phenomenon. For example, de Boer undertook a comprehensive survey of 166 cases lodged in Dutch courts by sovereign citizens between 2013 and 2024.[73] This analysis, part of a larger endeavour to look at sovereign citizens through a lens of legal alienation,[74] set out to test a number of hypotheses about the causes and demographics of the rise of sovereign citizens in the Netherlands. In that study, cases were coded to enable tracking of their temporal and geographic distributions, as well as the socio-economic status and gender of litigants. The data showed a growth that coincided with the COVID-19 pandemic, a tentative overrepresentation of sovereign citizens in rural areas, and an overrepresentation of older men and entrepreneurs.[75]

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68 Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3).

69 Ibid 324.

70 Stephen Garrett Smith, 'An Analysis of the Sovereign Citizen Movement: Demographics and Trial Behaviors' (MA Thesis, University of Arkansas, 2016).

71 Jessica L Middleton, 'The Sovereign Citizen Movement: Strain, Conflict, and the American Dream' (MA Thesis, Arkansas State University, 2014).

72 Luuk de Boer, 'Limit Cases: Sovereign Citizens and a Jurisprudence of Consequences' in Marc Hertogh and Paulien de Winter (eds), *Empirical Legal Studies in the Netherlands: Towards a Jurisprudence of Consequences* (Boom, 2025) 163, 163; Baldino and Lucas (n 48); Christine M Sarteschi, 'Sovereign Citizens: A Narrative Review with Implications of Violence Towards Law Enforcement' (2021) 60 *Aggression and Violent Behavior* 101509; Lee M Vargen and Darin J Challacombe, 'Violence Risk Assessment of Sovereign Citizens: An Exploratory Examination of the HCR-20 Version 3 and the TRAP-18' (2023) 41(4) *Behavioral Sciences and the Law* 55.

73 de Boer (n 72) 166–7.

74 Ibid 165.

75 Ibid 178.

While de Boer focused on socio-legal questions about potential causes and explanations for the data, a recent study by McMahon in Australia sought to track the frequency and form of pseudolegal arguments in 'sovereign citizen' cases in Australia.[76] In that study, McMahon identified all cases reported in the *AustLII* database from 2014 to 2023 in which a litigant was described as a 'sovereign citizen'. In doing so, McMahon generated a database of 103 cases from all jurisdictions in Australia. McMahon then analysed those cases to identify common patterns such as the nature of the proceedings and representation of litigants.[77] A doctrinal analysis was also undertaken to identify the type and form of arguments used by litigants, with nine key arguments found.[78] The data showed an initial peak of this type of litigation in the early 2010s with a relatively stable longer-term trendline averaging around 10 cases nationally per year. The content analysis revealed recurring themes and patterns in the types of pseudolaw arguments presented, highlighting the most common legal misconceptions and strategies used by sovereign citizens in Australian courts.

While de Boer and McMahon recognised the limitations of their datasets,[79] they both focus in on the narrow subset of 'sovereign citizen' rather than the broader phenomenon of 'pseudolaw', restricting the generalizability of their findings.[80] It therefore remains that concrete data about the frequency, scope and nature of the broader phenomenon of 'pseudolaw' is lacking. While focused only on a single, small jurisdiction, this is the first study globally to track the general phenomena of 'pseudolaw' cases over the longer term.

III Methodology

This research sought to examine the extent to which the reported case law in SA reveals pseudolaw as a distinct phenomenon. The focus was 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. We sought to utilise a publicly available dataset to study the frequency, scope and nature of that emergent phenomenon. This involved constructing a dataset of relevant pseudolaw cases and

76 McMahon (n 40) 180.

77 Ibid 180–1.

78 Ibid 185–6.

79 de Boer (n 72) 166; McMahon (n 40) 181–2.

80 There is some uncertainty as to the extent to which these studies focused explicitly on 'sovereign citizen' cases properly or were actually studying 'pseudolaw' generally. For example, the explicit language of McMahon's methodology sought to limit the cases to instances where a key participant self-identified as a sovereign citizen or where 'they used language or other indicia employed by sovereign citizens': McMahon (n 40) 181. That latter case may potentially have captured many 'pseudolaw-but-not-sovereign-citizen' cases. This ambiguity is precisely why the language of 'pseudolaw' has been preferred in this study.

coding them regarding: (1) the nature and type of case; and (2) the form of pseudolegal arguments used.

To this end, this study adopts a methodology similar to McMahon's study. However, the two studies have distinct objects of inquiry. Whereas McMahon focused on the narrow sub-category of 'sovereign citizens' in the broader domain of all Australian jurisdictions,[81] this study's focus is the broader category of 'pseudolaw' cases (which includes within it instances of 'sovereign citizens'), but only as they occur in the jurisdiction of SA. This difference in focus is evidenced by the fact that McMahon identified *no reported cases* from SA in this period,[82] as opposed to the 69 cases we identified. These cases may not have been identified with the 'sovereign citizen' label, but are, in our view, properly regarded as 'pseudolaw'. While the expanded scope (both temporal and subject-matter) made identifying relevant cases more challenging, it revealed a clear trend of increasing pseudolaw cases over time. It also facilitated a deeper, more comprehensive survey of the phenomenon, although limitations remain.

A *Construction of the Dataset*

To effectively study the scope of pseudolaw cases in South Australian legal proceedings, it was first necessary to compile a systematic dataset of cases in which pseudolaw arguments have been raised. The objective was to capture a comprehensive set of all cases where pseudolaw claims were either central to the case or significantly influenced the outcome. This section outlines the methodology by which the dataset was created. This involves issues of both scope of inquiry and identification of cases.

1 *Scope and Design of the Dataset*

In constructing the dataset, careful consideration was given to the scope of the inquiry. Four key parameters were established to ensure that the dataset was both focused and manageable, while remaining responsive to the research questions. The first parameter ('Jurisdictional Scope') is that only cases from South Australian courts and tribunals were included in this dataset. Cases involving South Australian litigants but adjudicated in federal courts or tribunals were therefore omitted from the dataset.

The second parameter ('Temporal Scope') was directed to the temporal element of cases. While no strict temporal boundaries were imposed at the outset, the earliest case identified was from 1973. The emphasis on more recent cases reflects the growing prominence of pseudolaw as a legal challenge in contemporary Australian courts, while also acknowledging the historical development of pseudolegal arguments.

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81 McMahon (n 40) 180–1, but see above n 80.

82 Ibid 183.

The third parameter ('Subject Matter Scope') saw the dataset designed to focus on the broader concept of 'pseudolaw', rather than focusing on any particular manifestation, sect or movement that utilises pseudolegal arguments (such as 'sovereign citizens', 'freemen on the land', etc). This is one of the principal distinctions of this research from the research of McMahon[83] and de Boer[84] (outlined above). This broader approach allows for the inclusion of cases where specific affiliations were not immediately identifiable, but which nonetheless involve pseudolegal claims or arguments. As such, the dataset encompasses cases where pseudolaw is invoked as a legal strategy, irrespective of the underlying ideological affiliations of the litigants. The fact that affiliations to particular movements tend to be amorphous and contingent, and that there is an emerging preference for the overarching term,[85] supports this focus on the overall phenomenon rather than any particular manifestation.

The fourth parameter ('Public Accessibility Scope') is that the study is restricted to publicly available reported judgments, excluding unreported decisions.[86] The decision to exclude unreported cases is driven by practical implications, including the difficulty in accessing such cases and the disproportionate effort required to track down *ex tempore* judgments. Excluding unreported cases means that the dataset does not capture the full spectrum of pseudolaw cases that may have been adjudicated in South Australia. Proceedings before lower courts that are routinely unreported (specifically the Magistrates Court), as well as (also routinely unreported) interlocutory judgments, were not included. Given that other evidence suggests that both are significant sites of pseudolegal litigation,[87] the dataset is likely to have significantly underrepresented the scale of pseudolegal litigation in SA. Despite this,

83 Ibid.

84 de Boer (n 72).

85 See, e.g.: @DNetolitzky (Dr Donald J Netolitzky KC) (X, 14 December 2024, 3:51am) <https://x.com/DNetolitzky/status/1867620766772342935>; Donald J Netolitzky, 'The Perfect Weed for This Spoiling Soil: The Ideology, Orientation, Organization, Cohesion, Social Control, and Deleterious Effects of Pseudolaw Social Constructs' (2023) 6(1) *International Journal of Coercion, Abuse, and Manipulation* 1 ('The Perfect Weed for This Spoiling Soil'); Donald J Netolitzsky, 'A Legion of Misshapen Cogs: Pseudolaw in Canadian Criminal Proceedings and Amicus Requirements' (2025) 62(3) *Alberta Law Review* 710; Netolitzsky, 'The Dead Sleep Quiet' (n 28).

86 In Australia, all written judgments of superior courts, such as the Supreme Court of South Australia, will typically be immediately published on both court websites and a range of commercial and open-access websites. While only certain judgments may be selected to be reported in 'official' subscription reports (with additional headnotes and commentary), all judgments will be publicly available. In contrast, for inferior courts the approach is much less systematic. Commonly intermediate level courts (such as the District Court) will publish some judgments (often the more serious or noteworthy, as judicially determined), whereas lower-level courts (such as the Magistrates Court) will not publicly publish any decisions. In those cases, the decision may be delivered orally only, or if a full written judgment is delivered it will only be available by directly accessing the file which while possible is labour intensive.

87 McIntyre et al (n 5) pt IV.

the exclusion of unreported cases is justified by the focus on those judgments that have a more visible impact on public discourse and legal precedent.

These design parameters struck a balance between scope, resource limits, and methodological rigour. While not exhaustive, the dataset provides valuable insights into the cases involving pseudolaw arguments, the legal principles at issue, and the challenges these arguments present to the judiciary.

2 *Identification of Relevant Cases*

Within these parameters, we undertook a process of searching through key legal databases of reported cases to identify relevant 'pseudolaw' cases.[88] The search for relevant cases involved the use of targeted search terms designed to identify pseudolaw arguments within judicial decisions. Initial searches employing terms such as 'pseudolaw', 'pseudo legal', and 'straw man' yielded limited results (n=6), which, while not initially encouraging, was also not surprising. McMahon, for example, found no sovereign citizen cases in South Australia.[89] Other research has detailed the difficulties in identifying the more specific 'sovereign citizen' cases.[90]

Recognising the lack of standardised terminology for pseudolaw claims, the search strategy evolved to incorporate a more flexible approach. A chain-referral/snowball sampling method was employed,[91] wherein new search terms were added based on the results of previous searches, allowing the identification of cases that may not explicitly reference pseudolaw but contain relevant arguments. This process

88 The databases used were *Westlaw Australia*, a paywalled legal database <https://www.thomsonreuters.com.au/en-au/products/westlaw.html> and *AustLII*, an open-access platform for Australian legal materials <www.austlii.edu.au>.

89 McMahon (n 40) 183.

90 See, e.g.: Brian Slater, 'Sovereign Citizen Movement: An Empirical Study on the Rise in Activity, Explanations of Growth, and Policy Prescriptions' (MA Thesis, Naval Postgraduate School, 2016) 22–3; Netolitzky, 'Organized Pseudolegal Commercial Arguments as Magic and Ceremony' (n 45); Netolitzky, 'A Rebellion of Furious Paper' (n 27); Netolitzky, 'The Perfect Weed for This Spoiling Soil' (n 85); David Griffin, 'Lexomancy: Law and Magic in the Pseudolegal Writings of the Sovereign Citizen Movement' (PhD Thesis, Cardiff University, 2022) 63–90; de Boer (n 72) 166.

91 See: Netolitzky, 'Organized Pseudolegal Commercial Arguments as Magic and Ceremony' (n 45); Netolitzky, 'A Rebellion of Furious Paper' (n 27); Netolitzky, 'The Perfect Weed for This Spoiling Soil' (n 85); de Boer (n 72) 166. As de Boer notes, assembling a dataset of sovereign citizen cases is methodologically challenging due to the lack of formal labelling in court databases. In the Canadian context, Netolitzky has pioneered a form of iterative case identification that aligns with what de Boer describes as the snowball method. While Netolitzky does not explicitly label his approach as such, his methodology involves starting with known sovereign citizen cases and tracing distinctive terminology, legal motifs, and litigant behaviours to identity further cases — an approach consistent with chain-referral sampling. Accordingly, we adopt de Boer's terminology to describe this method and acknowledge its roots in Netolitzky's work.

allowed the identification of 69 pseudolaw cases dating from 1973 to 2024. Search terms were categorised into five broad groups: (1) 'Pseudolaw' terms, including 'pseudolaw', or other well-known tropes (n=6, 9%); (2) 'Invalidity of Statute' terms that challenge valid statutes as 'unconstitutional' or 'invalid' (n=25, 36%); (3) 'Lack of Merit' terms where the judgment dismisses the claim for lack of merit, including 'self-represented' and 'appeal dismissed' (n=6, 9%); (4) **'**Road Traffic Validity' terms where claims challenged the constitutionality or validity of road traffic laws (n=15, 22%); and (5) 'Vexatious Litigant' terms involving vexatious litigants arising from repeated pseudolaw claims (n=17, 25%).[92]

Despite the outlined method, the task of identifying such cases was hindered by inconsistent terminology and the frequent and indirect references made in judicial reasoning. Some cases mention pseudolaw arguments in passing without explicitly labelling them, complicating keyword-based searches. For example, in the appeal decision in *Georganas*,[93] Doyle JA held:

> [T]he arguments raised below in opposition to the orders sought — as summarised in paragraph [6] of the Master's reasons, and involving various, largely unparticularised, assertions of treason, fraud and fictitious people — were, and are, entirely without merit.[94]

This case lacked explicit identifiers of pseudolaw and was recognised only through subsequent discussions. The true number of such cases is unknown. Nevertheless, we are confident the dataset captures a substantial portion of reported pseudolaw cases, providing a reliable basis for meaningful analysis.

B *Method for Coding and Analysis of Cases*

Following the creation of the dataset of pseudolaw cases, the next task was to code those cases against a number of criteria to enable us to interrogate the key research questions. This process was divided into two parts — the first focused upon the nature and type of pseudolaw cases; the second on the type of pseudolaw arguments presented in the cases.

1 *Coding Nature and Type of Cases*

The first set of coding was designed to help understand whether there is evidence of the emergence of a pseudolaw phenomenon in SA, and if so, in what types of cases it is occurring. In this phase, each case was analysed and coded against two overarching categories of criteria. The first, 'Case Identifying Data', was directed to the identification of each case and included several modes of identification to enable replicability and location of cases. The second overall category, 'Case

92 For details regarding the specific search terms utilised, and the number of cases identified through these terms, see tables 9 and 10 in McIntyre et al (n 5) 20–1.

93 *Georganas* (n 1).

94 Ibid [10] (Doyle JA).

Overview Data', included seven key datapoints to enable us to analyse the type and nature of the case, and the parties to that case. The relevant criteria are as follows:

Table 1: Criteria for Coding

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

The criteria were refined iteratively to enable effective differentiation between cases. For instance, adherent demographics gained relevance during the project, and while data was limited, gender was identifiable. Similarly, traffic law emerged as a key area, and this subject was easily classified. Each case was downloaded, manually reviewed, and coded based on these criteria, requiring familiarity with reporting styles but minimal evaluative judgment. These sections are presented in more detail below.[95]

3 *Coding Content and Form of Argumentation*

Secondly, a doctrinal approach was used to code each case, enabling the tracking of the specific forms of pseudolegal arguments presented. At first glance, it may make little sense to understand pseudolaw through doctrinal methods. After all, pseudolaw is not law. If doctrinal analysis is the study of the primary sources of law to identify and assess the law in its present state,[96] from the perspective of legal participants it may appear nonsensical to apply that method to

95 See below Part IV(A).

96 See e.g., Jan M Smits, *What is Legal Doctrine? On the Aims and Methods of Legal-Dogmatic Research* (Working Paper No 2015/06, Maastricht European Private Law Institute, Maastricht University Faculty of Law, September 2015) 7. See also: Christopher McCrudden, 'Legal Research and Social Sciences' (2006) 122 *Law Quarterly Review* 632; Terry Hutchinson, *Researching and Writing in the Law* (Thomson Reuters, 4th ed, 2018) 51.

pseudolaw.[97] However, there are two responses to this perceived error in methodology. First, while pseudolegal arguments may be incomprehensible to the outsider, they draw on similar and comparable themes and bases, and can be considered legal arguments that exist in an 'alternative legal universe'.[98] This invites an analogous form of doctrinal analysis that mirrors that found in traditional legal scholarship. Secondly, and more directly, the modes of pseudolegal argumentation used by adherents can be conceived of as factual objects of inquiry that are discussed and analysed by judges in legal cases, allowing a doctrinal analysis of those secondary judicial discussions. As discussed above, relatively robust literature has sought to apply doctrinal methods to the analysis of pseudolaw in such a manner.

Each case was analysed to identify the pseudolegal argument the applicant made. Initially, those cases were coded against the three principal categories of pseudolaw argumentations in Australia identified by Hobbs, Young and McIntyre:[99]

(1) *The Strawman Argument*: the law does not apply because it applies only to 'artificial' persons who possess a separate legal personality — the strawman duality;
(2) *Absence of Individual Consent*: government authority is illegitimate in the absence of individual consent, and they did not consent to the law operating upon them — everything is a contract; and/or
(3) *State Law is Defective*: the law was invalidly enacted and is of no legal effect — state authority is defective or limited.[100]

While populating the dataset, it became clear that the initial categories were insufficient to encompass the full range of pseudolaw cases identified. Consequently, three additional categories were introduced:

(4) *Private Prosecutions*: captured cases where individuals attempted to initiate private prosecutions, often targeting members of the judiciary with accusations of 'treason' or similar claims.
(5) *Other*: was used for cases featuring pseudolaw-style arguments that did not fit into the predefined categories.
(6) *Substantive Pseudolaw Adjacent*: included cases that did not explicitly feature pseudolaw arguments in the written judgment, but involved parties previously associated with pseudolaw or other pseudolaw-related cases. This category recognised the tendency of adherents to engage in repeated litigation using these arguments. For example, it encompassed cases involving individuals labelled as vexatious litigants or cases resembling known pseudolaw matters where explicit arguments were absent but pseudolaw beliefs or motives were likely.

97 See, e.g., Smits (n 96) for a discussion of how the common traits of the doctrinal approach are recognisable to any well-trained legal academic or lawyer: at 7.

98 Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3) 314.

99 Ibid 324.

100 Ibid (emphasis added).

Each case was coded against these six categories, and the relevant paragraphs of the judgment where these arguments were made were recorded. This coding process was non-exclusive, so a single case may involve more than one category or form of argument.

IV Findings and Discussion

With the cases in the dataset coded against the criteria outlined above, the next step was to collate the results and discuss those findings. Cases were organised according to the methods of coding in a two-step analysis. The first focused on the nature and type of pseudolaw cases. The second focused on the type of pseudolaw arguments presented.

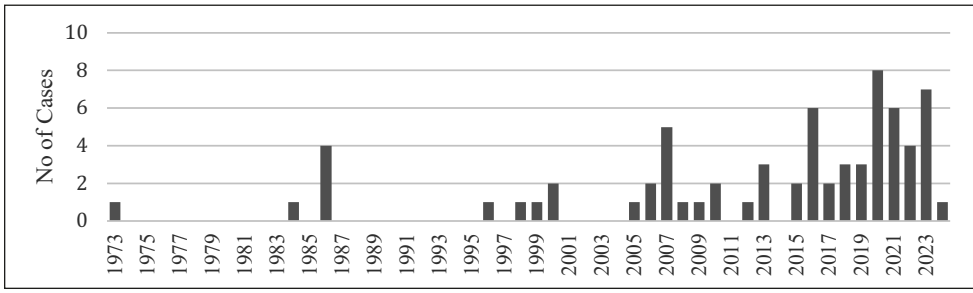
A *Analysis One: The Nature and Type of Cases*

The following section outlines the key findings and discussion with respect to the type and nature of reported pseudolaw cases. We found evidence of a growth of pseudolaw cases, particularly in the last five years. It is, therefore, appropriate to identify pseudolaw as an emergent phenomenon in South Australian case law. This data allows us to identify the types of matters where pseudolaw is present in reported cases and provides the opportunity for seven distinct modes of analysis.

1 *Occurrence Over Time*

Applying the methodology described above, we identified 69 pseudolaw cases, with the earliest case occurring in 1973,[101] and the most recent case occurring at the end of the survey period in January 2024.[102] There has been a growth in the rate of these cases, with 50% more pseudolaw cases (n=42) in the last 10 years than in the previous 40 years (n=27). This is evident from the data in Figure 1 below:

Figure 1: Pseudolaw Cases Over Time (1973–2024)[103]



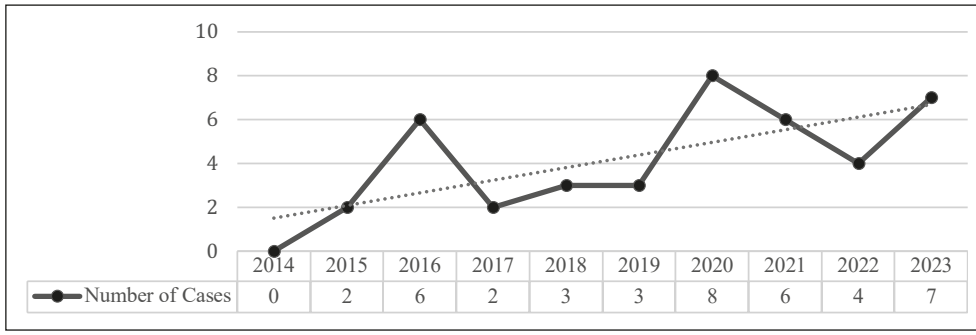
101 *Howie v Hollobone* (1973) 8 SASR 148 (‘*Howie v Hollobone*’).

102 *Georganas* (n 1).

103 This is an updated figure based on data presented in McIntyre et al (n 5) 24.

The trend towards a greater number of pseudolaw cases accelerated in recent years. The final five full years in this set (2019–23) saw more cases (n=28) than the first 40 years of the dataset (1973–2012, n=24). In that first 40 years, the average number of pseudolaw cases was 0.6 reported cases/year. In the 11 full years of the survey since (2013–23) there was an average 4.1 reported cases/year.

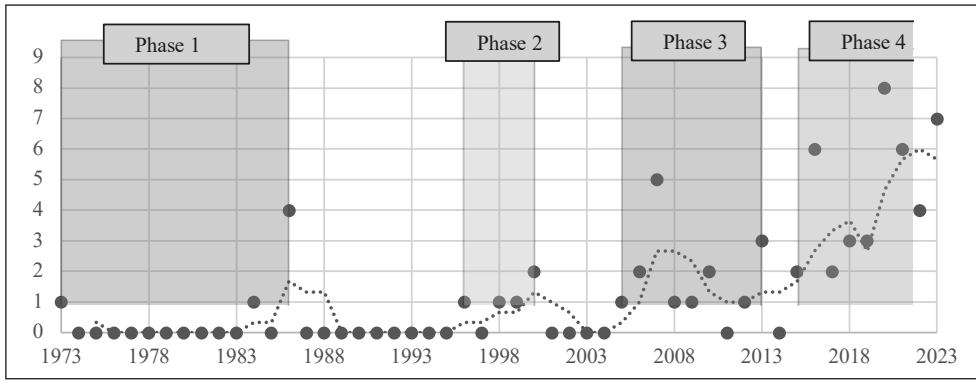
Figure 2: Recent Pseudolaw Cases (2014–23)



Over the past decade, the number of pseudolaw cases in SA has trended upwards. This study shows clear growth in the pseudolaw phenomenon, even given the limitations of the dataset to reported cases.

One unexpected result of this data is that it illustrates four broad phases of pseudolaw argumentation. This can be seen in the figure below:

Figure 3: Distinct Phases of Pseudolaw Cases in South Australia



In Figure 3, the black dotted line represents the moving three-year trendline, which illustrates the emergence of each of these four phases. The number of cases in each phase — and a label we developed for each phase — are as follows:

Table 2: Phases of Pseudolaw Cases in South Australia

Phase #	Period	No of Cases	Name
Phase 1	1973–86	6	The 'Lone Wolf' Period
Phase 2	1996–2000	5	The 'Unaffiliated Pseudolaw' Period
Phase 3	2005–13	16	The 'Movement Pseudolaw' Period
Phase 4	2015–23	42	The 'Contemporary Pseudolaw' Period

Interestingly, these phases reflect broader literature and case law trends. For example, Netolitzky has characterised pseudolaw in Canada as occurring in three phases: the 'Early Influences' (pre-2000), 'First Wave' (early 2000–14) and 'Second Wave' (2020 onwards).[104] While there is not yet a definitive history of pseudolaw in Australia,[105] it is possible to identify certain practices.

For example, the *Phase 1* cases in our dataset are almost overwhelmingly driven by the actions of a single applicant, Gordon Howie, who initiated a series of cases in the 1970s and 1980s.[106] That one disruptive (and potentially vexatious) individual was responsible for these actions is consistent with pseudolaw activity occurring elsewhere in Australia. This is reminiscent of a series of cases brought over several decades in Queensland by serial litigant Alan Skyring.[107] It is also consistent with the development of individuals purporting to secede and establish their own micro-nations across Australia.[108] This period can be considered the 'Lone Wolf' Period, as it is largely driven by single individuals.

The second grouping, *Phase 2*, is more loosely defined and includes an assortment of various arguments, as individuals began experimenting with, and sharing, various pseudolaw arguments. In the United States, this period from the late 1980s to early 1990s saw the consolidation of the 'Common Law Movement', which developed

104 Netolitzky, 'The Sun Only Shines on YouTube' (n 55).

105 See, e.g., Cash (n 25).

106 *Howie v Hollobone* (n 101); *Howie v Scheer (No 1)* (1986) 59 LGRA 342 ('*Howie v Scheer (No 1)*'); *Howie v Scheer (No 3)* (1986) 59 LGRA 367; *Howie v Scheer (No 4)* (1986) 61 LGRA 44.

107 For a brief overview of the impact and various cases that Skyring initiated, see Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3) 336–8. For an illustrative selection of cases, see: *Skyring v Commissioner of Taxation* (Supreme Court of Queensland, McPherson J, 19 August 1983) 4; *Skyring v Commissioner of Taxation* (2007) 244 ALR 505, 507 [10] (Greenwood J); *Skyring v Commissioner of Taxation* (Queensland Court of Appeal, Smithers, Northrop and Beaumont JJ, 18 April 1984) 29 [10]; *Re Skyring's Application [No 2]* (1985) 58 ALR 629 (Deane J); *Skyring v Cooper* [2014] QSC 103 (Daubney J).

108 Prominent examples include the Principality of Hutt River in Western Australia (1972) and the Province of Bumbunga in South Australia (1976): see generally Harry Hobbs and George Williams, *Micronations and the Search for Sovereignty* (Cambridge University Press, 2021).

many of the familiar pseudolaw tropes and forms of argumentation.[109] In Australia, we do not seem to have had a similar movement, but there were examples of this type of unaffiliated pseudolegal argument in this period. As our data illustrates, there was an increase in pseudolaw cases in this period relative to the immediately preceding five years. This can be considered the 'Unaffiliated Pseudolaw' Period.

The third grouping, *Phase 3*, reflects the emergence of 'Movement' pseudolaw — notably the 'detaxers' of Canada and the 'Freemen-on-the-Land' in the United Kingdom, Canada and Australia.[110] While the South Australian dataset does not reflect these self-identified movements (those search terms did not return any results in SA), it is interesting that there was an evident 'bump' in this period, which can be considered the 'Movement Pseudolaw' Period.

The final grouping, *Phase 4*, reflects the current growth period of pseudolaw in Australia. This period, from 2015 to 2024, includes two key phases. The first five years of this period reflect the emergence of a distinct 'sovereign citizen' movement in Australia, with a growing public awareness of this movement.[111] Following the COVID-19 pandemic and the public health measures, there was an explosion of pseudolaw in Australian courts.[112] This 'Contemporary Pseudolaw' period is the most striking in our data and reflects the clear emergence of pseudolaw as a distinct social phenomenon.

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109 Young, Hobbs and Goldwasser (n 42) 95.

110 Stephen A Kent, 'Freemen, Sovereign Citizens, and the Challenge to Public Order in British Heritage Countries' (2015) 6 *International Journal of Cultic Studies* 1, 11, citing Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement: An Anti-Defamation League* (Report, 9 August 2010). There is also evidence that pseudolaw gurus from the United States, like David Wynn Miller, visited Australia in this period. See: Netolitzky, 'A Pathogen Astride the Minds of Men: The Epidemiological History of Pseudolaw' (n 61) 10, 16; Netolitzky, 'Organized Pseudolegal Commercial Arguments as Magic and Ceremony' (n 45) 1062; Natasha Wallace, 'Messiah-Like Figure Is Doing Own Harvesting', *Sydney Morning Herald* (online, 15 January 2011) <https://www.smh.com.au/world/messiahlike-figure-is-doing-own-harvesting-20110114-19r9v.html>.

111 See, e.g.: Kaz Ross, '"Living People": Who are the Sovereign Citizens, or SovCits, and Why Do They Believe They Have Immunity from the Law?', *The Conversation* (online, 28 July 2020) <https://theconversation.com/living-people-who-are-the-sovereign-citizens-or-sovcits-and-why-do-they-believe-they-have-immunity-from-the-law-143438>; Max Matza, 'What is the "Sovereign Citizen" Movement?', *BBC News* (online, 5 August 2020) <https://www.bbc.com/news/world-us-canada-53654318>; Eden Gillespie, 'The Rise of "Sovereign People" and Why They Argue Laws Don't Apply to Them', *SBS News* (online, 13 August 2020) <https://www.sbs.com.au/news/the-feed/article/the-rise-of-sovereign-people-and-why-they-argue-laws-dont-apply-to-them/i2g9jij7g>; James Thomas and Jeanavive McGregor, 'Sovereign Citizens: Terrorism Assessment Warns of Rising Threat from Anti-Government Extremists', *ABC News* (online, 30 November 2015) <https://www.abc.net.au/news/2015-11-30/australias-sovereign-citizen-terrorism-threat/6981114>.

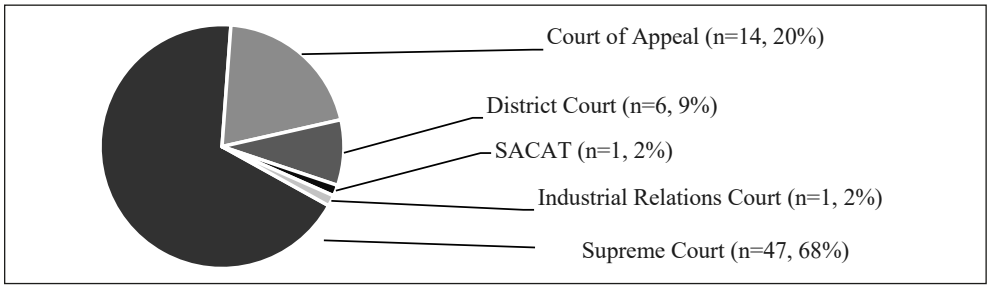
112 Kesteven and Carrick (n 9).

Ultimately, these 'Phases' are suggestive and illustrative only — the data is relatively sparse and particularly in the early years can be distorted by a small number of datapoints. However, the correlation with existing literature is provocative and suggests that there may be a correlation here worthy of further investigation.

2 *Jurisdiction*

The second coded data point in the dataset looked at the jurisdiction in which the reported pseudolaw case occurred. Given the limit of the dataset to reported judgments, it is no surprise that the overwhelming majority of cases which demonstrated pseudolaw arguments were heard in the Supreme Court of South Australia (n=46). A significant number of cases were heard in the Court of Appeal (n=14) and a small number (n=6) were heard in the District Court of South Australia, one in the South Australian Civil and Administrative Tribunal and one in the Industrial Relations Court.

Figure 4: Case by Court Jurisdiction

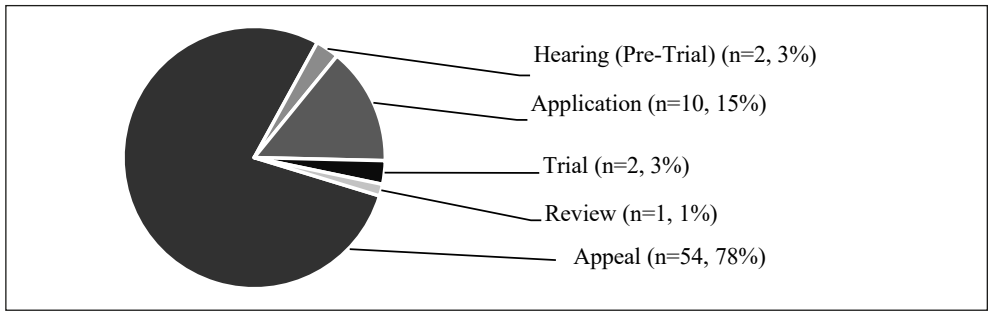


Pseudolaw cases are likely occurring in other jurisdictions, but we surmise that those jurisdictions are not routinely publishing pseudolaw cases. Most notably, the main court by volume, the Magistrates Court, is entirely (and necessarily) absent from this dataset.

3 *Nature of Proceeding*

The third coded data point looked at the nature of the proceedings. In terms of the procedural nature of the case, the majority of cases (n=54, 78%) are appeals, with only a smattering of other procedures:

Figure 5: Case by Hearing Type



Again, this is largely a function of the jurisdiction of the Supreme Court, which principally operates as an appellate court, with only relatively few matters commencing in its original jurisdiction (largely limited to the most serious crimes and largest scale civil matters). Notably, the judicial review jurisdiction of the Supreme Court is one of the few jurisdictions where 'smaller' civil matters may commence in the Supreme Court. The case of *Webb v Department for Correctional Services*[113] is illustrative of this form of pseudolaw claim.

In terms of the substantive nature of cases — with the distinction between civil and criminal matters — there is a fairly even split between the two jurisdictions, with 32 civil matters (46%) and 37 criminal matters (54%). Our dataset of reported cases shows that pseudolaw arguments are just as likely to occur in a civil context as in a criminal context.

4 *Success*

The fourth coded data point looked at the success of the action. Strikingly, only one applicant was successful, namely in the case of *Mathie v City of Playford* ('*Mathie*').[114] However, the appeal in that case was successful on the ground that the relevant notice was filed out of time, and *not* on the ground of the pseudolaw argument. Pseudolaw arguments did not succeed in any case.[115]

5 *Representation*

The fifth coded data point looked to whether the applicant in the matter had formal legal representation. The overwhelming experience was that applicants were litigants-in-person/self-represented (n=62, 90%). Only in seven cases (10%) was the applicant represented by legal counsel. In two cases, the applicant was a corporation

113 [2023] SASC 114.

114 [2023] SASC 145 ('*Mathie*').

115 See also Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3) 311.

and was represented by the director of the company.[116] Despite the different legal personalities involved, these cases were coded as 'Litigant-in-Person'.

Of the seven cases where there was legal representation, four matters were criminal.[117] In the case of *Hudson v Federal Commissioner of Taxation*,[118] the applicant had been unrepresented at trial but had retained counsel for the intermediate appeal, where the pseudolaw arguments were not directly agitated. The applicant was again unrepresented on the subsequent application for permission to appeal to the Full Court,[119] where pseudolaw arguments were again agitated.[120]

The remaining three cases were civil cases.[121] Again, in one of these cases, *Money Tree Management Services (No 3)*,[122] the applicant was unrepresented at the original trial,[123] but obtained counsel for the appeal. In this instance, a number of pseudo-legal arguments were made. These included that the judge in the initial matter,[124] and the Governor,[125] were both invalidly appointed. Though it was unnecessary to decide this point, given the refusal of permission to appeal, the Court held that these arguments were 'quite hopeless'.[126] This is one of the few cases where a represented party advanced pseudolaw arguments. Notably, the respondent, the Commissioner of Taxation, applied to join the solicitor for Money Tree as a party to the proceedings and sought an order that he pay the Commissioner's costs on an indemnity basis.[127] Ultimately, his Honour held this was such an extraordinary case that it was proper to join the solicitor as a party and ordered that he pay costs,[128] observing:

116 *Money Tree Management Services Pty Ltd v Deputy Federal Commissioner of Taxation (No 1)* (2000) 44 ATR 48 ('*Money Tree Management Services (No 1)*'); *Southdale Stud Pty Ltd v RJR Trading Pty Ltd* [2020] SASC 106 ('*Southdale*').

117 *Mathie* (n 114); *Adelaide City Council v Lepse* [2016] SASC 66 ('*Lepse*'); *Grace Bible Church v Reedman* (1984) 36 SASR 376 ('*Reedman*'); *Hudson v Federal Commissioner of Taxation* [2016] SASC 145 ('*Hudson*').

118 *Hudson* (n 117).

119 *Hudson v Federal Commissioner of Taxation* [2016] SASCFC 122.

120 The applicant argued that 'the requirement of the Commissioner to provide taxation returns was in some way unlawful because the notice included a reference to the applicant's tax file number (TFN) which was invalidly issued or unlawfully used despite demands made by the applicant that the Commissioner desist from doing so': ibid [3]. This assertion was found to be without merit: at [8].

121 *Maurici v South Australia* [2008] SASC 145 ('*Maurici*'); *Money Tree Management Services Pty Ltd and Institute of Taxation Research v Commissioner of Taxation (No 3)* [2000] SASC 286 ('*Money Tree Management Services (No 3)*'); *IAQ v Department for Health and Wellbeing* [2022] SACAT 9 ('*IAQ*').

122 *Money Tree Management Services (No 3)* (n 121).

123 *Money Tree Management Services (No 1)* (n 116).

124 *Money Tree Management Services (No 3)* (n 121) [14].

125 Ibid [16].

126 Ibid [22].

127 Ibid [27].

128 Ibid [32].

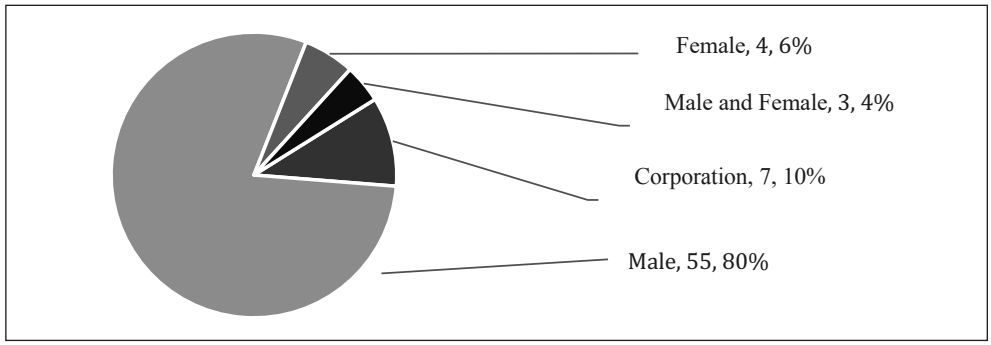
> This is not a case of a client seeking to pursue a hopeless case against the advice of its solicitor. Instead, it is a case of a solicitor taking a quite unreasonable step which has no prospect of success and on behalf of a person who is not the appellant. It is an abuse of process in that the appeal has been instituted without any, or indeed, any proper, consideration of its prospects of success.[129]

This is, so far as we are aware, the only instance of an Australian solicitor being held personally liable for advancing pseudolaw arguments in a case in which they are representing another party, though note this was not a focus of this study.

6 *Legal Personality / Gender of Pseudolaw Party*

The sixth data point sought to examine matters as to the demographics of applicants, drawing upon one factor that was reasonably clear on the face of the record, namely the applicant's gender.[130] There was a perception that most of the pseudolaw adherents were male, and this data point sought to examine that issue. The data confirmed that male applicants initiated the vast majority of such cases.

Figure 6: Legal Personality / Gender of Pseudolaw Party



Of the 69 cases in the dataset, 55 cases (80%) were initiated by males. Only four matters (6%) were brought by women, all of which were appeals. There were both male and female applicants in three matters (4%). All of these appear to be married couples (they each have the same surname). Finally, in seven matters (10%), a corporate entity (not an individual) was the formal party to the proceedings. However, the analysis of the judgments in these matters indicated that the entity was controlled by a male director.[131]

129 Ibid [31].

130 This was determined based on the language used in the judgment, specifically how the judge referred to the litigant.

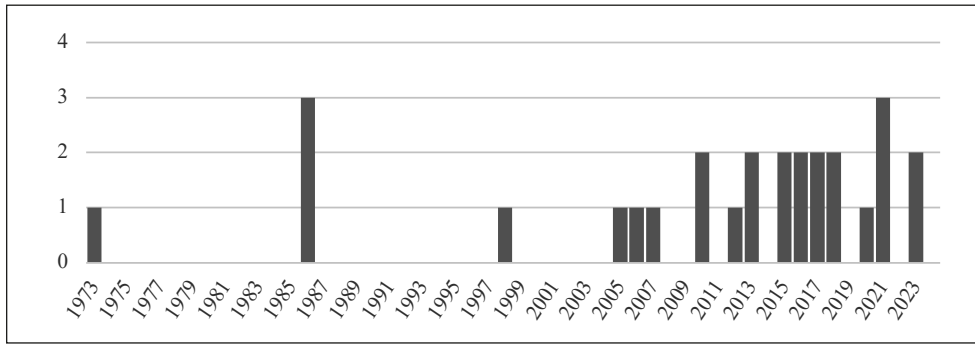
131 For these cases, issues of 'control' were apparent on the face of the judgment. For example, two of these cases involved 'Andrew Garrett Wines Resorts Pty Ltd' as a lead party, which was taken to be controlled by Andrew Morton Garrett — as evident

7 *Traffic Law*

Finally, we coded the cases to identify whether they involved traffic matters. As David Heilpern notes, Australian pseudolaw adherents have a particular and unique focus on traffic law.[132] This focus was replicated in the data, with nearly 40% (n=27) of all matters involving traffic law in some regard.

Of these matters, 25 (93%) involved litigants-in-person/self-represented litigants.[133] The cases were spread across the categories of pseudolaw argument, with the only category not represented being 'private prosecution'. This percentage is particularly notable given the constraints on these databases. Traffic law is a matter that the academy and the profession overlook,[134] not least because it largely manifests at the Local Court/Magistrates Court level, where cases are rarely reported. As a result, these matters will generally only appear in this dataset as an appeal from a lower court decision. Indeed, only a single traffic law case[135] involved a direct application, with all 26 other cases being appeals from lower court decisions.

Figure 7: Pseudolaw Arguments in Traffic Matters (1973–2023)



from the fact that orders were made directly against Mr Garrett. Similarly, each of the other cases showed little judicial doubt over identity of the person controlling the corporate entity. This is reflected in the data entry.

132 David Heilpern, 'Traffic Matters and Pseudolaw: The Big Shakedown' in Hobbs, Young and McIntyre (eds), *Pseudolaw and Sovereign Citizens* (n 2). Heilpern contrasts this with the situations in: (1) the US, where the movement is rooted in tax law, amongst other things: see, e.g., Kalinowski IV (n 46) 154; and (2) Canada, where the focus is constitutional law: see Donald Netolitzky and Richard Warman, 'Enjoy the Silence: Pseudolaw at the Supreme Court of Canada' (2020) 57 *Alberta Law Review* 715.

133 The exceptions were *Lepse* (n 117) and *Mathie* (n 114).

134 Heilpern (n 132).

135 *Kiparoglou v The Queen* [2021] SASC 2 ('*Kiparoglou*').

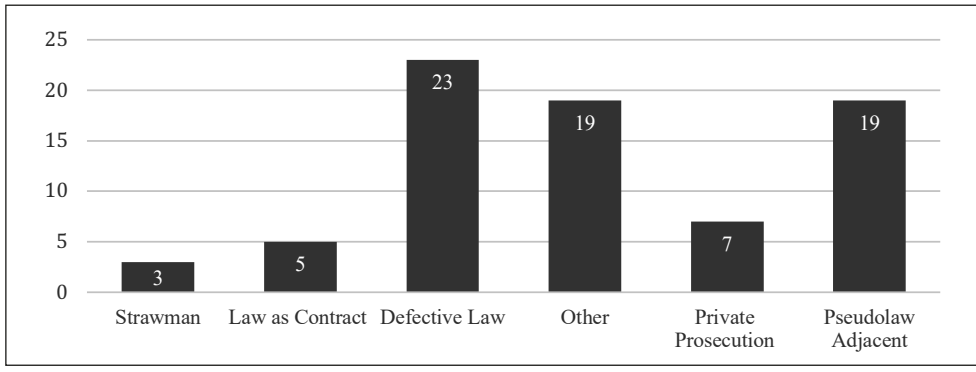
As illustrated in Figure 7, traffic matters occurred at points throughout the dataset, starting from the very first case and appearing through to the present day. Of these matters, the vast majority (89%, n=24) were criminal matters, and only 11% (n=3) were civil matters. It should be noted that identifying matters as 'traffic law' involved a degree of evaluative doctrinal identification.[136] However, this remained minimal, making it appropriate to analyse this category in this part.

B *Analysis Two: The Substance and Content of Pseudolaw Cases*

This section provides a discussion of the findings arising from the second method of coding. It looks at the type of pseudolaw arguments presented in the cases and is designed to understand how pseudolaw manifests in South Australian cases. This section involves doctrinal analysis of the cases identified in the dataset. Here, the focus is on identifying the arguments that are (unsuccessfully) raised by pseudolaw adherents in their submissions to the court.

Of the six common categories of arguments that we found, the single most common was the 'Defective Law' form (n=23, 33%). Strawman arguments were less pronounced (n=3, 4%), as were cases equating all law with contracts (n=5, 7%). Just over a quarter of cases (n=19, 28%) were 'Substantive Pseudolaw Adjacent' and did not explicitly and directly raise a pseudolaw argument. Notably, 10% of cases (n=7) involved attempted private prosecutions. This category of pseudolaw argumentation is not directly addressed in the Australian literature but is a not insubstantial problem for the operation of the judicial system. Finally, around a quarter of cases (n=19, 28%) displayed elements of pseudolaw but did not fit neatly into other categories.

Figure 8: Substantive Pseudolaw Argument of Cases



136 The classification of a matter as involving 'traffic law' was based on doctrinal evaluation of the legal issues raised in the case, particularly where the pseudolegal arguments were deployed in response to alleged breaches of road traffic legislation (for example, *Road Traffic Act 1961* (SA) and *Motor Vehicles Act 1959* (SA)).

In the following discussion, we will briefly outline the nature of each of these categories and examine our findings.

1 *Strawman Arguments*

The strawman argument, also known as the 'split-person' argument[137] or 'flesh-and-blood' defence,[138] claims a natural 'real' person is distinct and separate from their artificial 'legal' personality.[139] Adherents believe individuals have two personas: one of natural flesh-and-blood, and the other a strawman, doppelganger, or corporate personality.[140] By refusing to 'appear' before the court, litigants aim to evade its jurisdiction and authority. Although 'patently without merit',[141] this legal argument is relatively common and has proliferated through a range of courts.[142]

Among the 69 pseudolaw cases in this dataset, only three cases displayed the characteristics of a strawman argument.[143] One case, *Georganas* (discussed above), was identifiable as a strawman case only through extraneous evidence.[144] The other two matters, both involving traffic laws and the Adelaide City Council, were *Adelaide City Council v Lepse* ('*Lepse*')[145] and *Rossiter*.[146]

In *Lepse,* the defendant, convicted for stopping in a permit zone, refused to acknowledge court procedures, adopt plea options, or formally appear. Instead, she physically entered the courtroom but stood near the door, refusing judicial directions to approach the bar table. She declared statements such as:

> I am here. I am the personal representative of Waltraud Lepse. My name is called Traudi. Would you be so good as to call Traudi instead of Waltraud Lepse as I am here to represent in this case. Is this a court of reference? Is this a court of reference?[147]

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137 Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3) 325; *Meads* (n 45) [36].

138 See Evans (n 46).

139 Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3) 325–8.

140 McIntyre, Hobbs and Young (n 4).

141 *United States v Mitchell*, 405 F Supp 2d 602, 604 (D Md 2005). As the Queensland Supreme Court observed in *Borleis v Wacol Correctional Centre* [2011] QSC 232, the strawman argument 'does not find any reflection in any provision of our law': at [4].

142 See, e.g., *Dent v Commissioner of Police* [2022] QDC 235. Dent won his appeal from his conviction after a 'frustrated' magistrate who was 'impatient' imposed an excessive sentence. See also Evans (n 46).

143 *Lepse* (n 117); *Rossiter* (n 11); *Georganas* (n 1).

144 *Georganas* (n 1). The classification of *Georganas* as a strawman case was not evident from the court judgment alone. This identification relied on extraneous evidence, specifically interviews conducted as part of the broader research project: McIntyre et al (n 5) pt IV.

145 *Lepse* (n 117).

146 *Rossiter* (n 11).

147 *Lepse* (n 117) [5] (emphasis removed).

Her refusal led the prosecution to request the case proceed *ex parte*, which the Special Magistrate granted. When the Magistrate called on the matter, they similarly faced her non-compliance. The defendant continued to recite pseudolaw phrases and ultimately had to be removed by the Sheriff's Officer. The Magistrate recognised her argument as a 'flesh and blood defence'.[148]

Rossiter similarly concerned a parking offence — here an expiation notice for exceeding the prescribed parking time limit. The appellant — who described himself as 'Tim: Rossiter, a man'[149] — elected to be prosecuted, and when the matter was called on, refused to formally make a plea, replying only with the words 'I am a man'.[150] In the absence of a plea, the Magistrate treated the response as a plea of 'not guilty' and set the matter down for trial. At trial the appellant did not directly participate.[151] The Magistrate treated the appellant's failure to respond as a plea of 'not guilty', proceeded as if the matter was *ex parte* and found the appellant guilty of the offence.[152] On appeal, eleven grounds were set out in a handwritten notice of appeal,[153] which included a range of pseudolaw arguments (including defective law and lack of consent). The most direct 'strawman' argument arose from a letter the appellant had sent to the respondent in 2014 when attempting to disengage from society. That letter was 'said to be from "Timothy-Noel: Rossiter, Free-spirit man" who is "man and man has certain inalienable rights"'.[154] This argument was

148 Ibid [16] (emphasis removed).

149 *Rossiter* (n 11) [1].

150 Ibid [4].

151 President Livesey of the Court of Appeal summarised the appellant's conduct as follows:

> On the day of the trial, but before the matter was called on, the appellant showed the prosecutor the notice that he said was displayed in the windscreen on the day the expiation notice was issued. It read: 'Notice: private property, no trespassing'. When the matter was called on, the appellant did not approach the bar table and remained seated in the back row of the public gallery. He apparently remained mute throughout the trial and during the delivery of *ex tempore* reasons.

Ibid [5].

152 Ibid [6], [9].

153 Ibid [10].

154 Ibid [45]. The letter set out a number of propositions along the following terms:

> 3. My truth and law exists inside me …
>
> …
>
> 15. People living on the geographical area commonly referred to as Australia have the right to revoke or deny consent to be represented and thus governed, and;
>
> 16. I, commonly known as Timothy-Noel: Rossiter do not consent to being governed/represented, and;
>
> 17. If anyone does revoke or deny consent they exist free of government control and statutory restraints.

recognised as a 'pseudolaw' argument, with Livesey P holding that such arguments 'have without reservation been rejected as involving both legal nonsense and an unnecessary waste of scarce public and judicial resources. So too here'.[155]

These two cases are the only reported South Australian examples directly addressing strawman arguments, despite their broader prominence in the pseudolaw ecosystem. The low frequency in reported cases may result from these arguments being more common in lower courts, such as the Magistrates Court, where litigants often use them to challenge court authority and jurisdiction. By contrast, appellants seeking redress in higher courts may be less likely to rely on pseudolaw arguments, especially after an adverse ruling at first instance. Nonetheless, anecdotal evidence and interview findings, as part of this study,[156] suggest that strawman arguments are more prevalent than this dataset indicates.

2 *Law is a Contract / Lack of Consent*

The second category against which cases were coded was the 'law as contract'/'lack of consent' argument. The essence of this argument can be seen as an attempt to take the Hobbesian/Lockean concept of a 'social contract'[157] literally and individually. This argument is based on a belief that all law (particularly legislation) is a kind of contract and, therefore, cannot be enforced unless both parties — namely the state and the individual — have consented to be bound by it.[158] While the precise arguments vary significantly, the core idea remains that the authority of law depends upon the ongoing consent of the individual and that the individual may, through certain forms and rituals, withdraw that consent.

Within our dataset, and despite the significance of the form in the broader context of pseudolaw, only n=5 cases (7%) demonstrated characteristics of the argument that law is a contract and has not been consented to by the individual.[159] All five cases were heard in the Supreme Court of South Australia. Three of these cases were criminal appeals,[160] while the two civil matters included an appeal and a pre-trial hearing.[161]

155 Ibid [50].

156 McIntyre et al (n 5) pt IV.

157 See generally Stephen Olynyk, 'Convenient Fictions: A Comparison and Critical Analysis of Hobbes' and Locke's Social Contract Theories' (2010) 1(1) *West Australian Jurist* 132.

158 Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3) 328.

159 These cases were: *Brackstone v Police* [1999] SASC 35 ('*Brackstone*'); *Best v Police* [2015] SASC 190 ('*Best*'); *Haughton v Roder* [2019] SASC 199 ('*Haughton v Roder*'); *Commonwealth Bank of Australia v Haughton* [2020] SASC 135 ('*CBA v Haughton*'); *Rossiter* (n 11).

160 *Brackstone* (n 159); *Best* (n 159); *Rossiter* (n 11).

161 *CBA v Haughton* (n 159); *Haughton v Roder* (n 159).

3 *State Law is Defective*

The third category of argument against which cases were coded was the 'defective law' argument. The essence of this argument is that the relevant law is invalidly enacted, or in some other way defective, with the result that the enactment is without legal effect.[162] We identified 22 cases (32%) in the dataset which involved this form of pseudolegal argument.[163] This is the most common form of pseudolegal argument in the dataset. It was just as likely to occur in criminal matters (n=10) as civil matters (n=12).

There are a broad range of forms of this type of argument, depending upon the various ways the law is said to be defective. One of the most common forms of claim is that a relevant law is invalid because it violates *Magna Carta*.[164] For example, in *Arnold v State Bank of South Australia*,[165] the appellant sought a declaration that they did not need to pay their mortgage because *Magna Carta* guaranteed their rights 'to their matrimonial home'.[166] Other claims seek to identify the relevant fatal defect in 'the peculiar political and legal development of Australia as an independent nation'.[167] In particular, the passage of the one or more of the *Australia Acts 1986* is often treated as an illegitimate action invalidating all subsequently passed Acts.[168]

Cases in this category argued that the relevant statutory regime was invalid for various reasons. Two involved claims related to native title and the rights of Aboriginal and Torres Strait Islander peoples, though it is unclear if the claimants were Aboriginal or Torres Strait Islander people.[169] As with most pseudolaw arguments, these cases were distinct and difficult to categorise.

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162 Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3) 324.

163 Ibid; *Howie v Hollobone* (n 101); *Reedman* (n 117); *Howie v Scheer (No 1)* (n 106); *Batten v Police* [1998] SASC 6778; *Howie v Burgess* [2005] SASC 368; *Jordan v Police* [2006] SASC 205; *Maurici* (n 121); *Morriss & Morriss v Puckridge* [2009] SAIRC 49; *Millington v Police* [2015] SASC 52; *Best* (n 159); *Westpac Banking Corporate v Chamberlain* [2016] SASC 3 ('*Chamberlain*'); *Westwill Pty Ltd v Barossa Council* [2016] SASC 189; *McDougall v City of Playford* [2017] SASC 169; *Pawlak v Police* [2017] SASC 40; *Scopacasa v City of Charles Sturt* [2018] SADC 31; *Timms v Police* [2018] SASC 69 ('*Timms*'); *Haughton v Australia and New Zealand Banking Group Ltd* [2019] SASC 198; *Haughton v Australia and New Zealand Banking Group Ltd* [2020] SASCFC 14; *Southdale* (n 116); *Rossiter* (n 11); *Kiparoglou* (n 135); *Georganas* (n 1).

164 Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3) 332.

165 (1992) 38 FCR 484.

166 Ibid 484 (Burchett, Hill and Drummond JJ).

167 Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3) 334.

168 See, e.g., *Kosteska* (n 11) [18] (Martin J).

169 *Chamberlain* (n 163); *Timms* (n 163).

4 *Private Prosecution*

In coding the cases in the dataset against the initial three principal forms of pseudolaw argumentation outlined by Hobbs, Young and McIntyre,[170] it quickly became apparent that many cases did not neatly fit within that taxonomy of arguments. That is not surprising, as that taxonomy never sought to be exhaustive, but rather sought to be illustrative of the key pseudolaw arguments. However, it was unanticipated how incompletely those forms of argumentation mapped onto the cases in the dataset, with only 31 instances of these arguments being identified, representing less than 44% of cases.[171]

As a result, we adopted an iterative process to identify other leading forms of pseudolegal argumentation. The first of these, and the fourth overall substantive category involved instances of 'private prosecution.' The term 'private prosecution' typically refers to a criminal proceeding initiated by an individual private citizen or organisation and has an ancient pedigree.[172] In this context, however, this history has been perverted and instead largely occurs where an individual has initiated proceedings against a member of the judiciary or executive branch of government.

Of the pseudolaw cases identified, seven fell into the 'private prosecution' category.[173] Four of these matters were heard in the Supreme Court of South Australia, and three were heard in the District Court of South Australia. Four were in criminal matters, and three civil. In each, the litigant was self-represented. Five of the seven cases coded as private prosecution were brought by individuals named in multiple cases containing pseudolaw arguments.

The earliest, but entirely representative, example of this type of case was the matter of *Russell-Taylor v Jackson-Nelson*.[174] The complainant sought to prosecute the Governor of South Australia on the basis that the Governor had 'deliberately and wilfully sought to deprive or depose her Majesty from the style, honour or royal name of the imperial crown of the United Kingdom'.[175] Justice Anderson dismissed the appeal because treason, a major indictable offence, could not be charged by way of complaint.[176] In two other cases, the applicant made an application for the Judge

170 Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3) 314.

171 Indeed, the percentage is lower than this as several of these cases involve multiple forms of argument.

172 See: *Taylor v A-G (Cth)* (2019) 268 CLR 224; *Commonwealth Bank of Australia v Heinrich* [2003] SASC 322; Emma Kaufman, 'The Past and Persistence of Private Prosecution' (2024) 173(1) *University of Pennsylvania Law Review* 89.

173 [2007] SASC 15 ('*Russell-Taylor*'); *Plenty v A-G (SA)* [2013] SASC 35; *Haughton v Roder* (n 159); *Haughton v Chapman* [2019] SASC 200; *Kiparoglou v AZ* [2022] SADC 147; *Rowe v Bishop (No 1)* [2022] SADC 58 ('*Rowe v Bishop (No 1)*'); *Rowe v Bishop (No 4)* [2023] SADC 29 ('*Rowe v Bishop (No 4)*').

174 *Russell-Taylor* (n 173).

175 Ibid [2] (Anderson J).

176 Ibid [11].

to recuse themselves because they were 'sitting in Treason'.[177] While these are not technically instances of an attempted private prosecution, they are included in this category as they share the common characteristic of alleging, on the basis of the pseudolegal beliefs of the applicant, that the judicial officer had engaged in serious criminal conduct, relevantly treason.

5 *Other*

A catchall category of 'Other' was also developed to recognise cases that did not display any of the arguments defined in the preceding paragraphs, but utilised reasoning that is identifiable as having a pseudolaw conceptualisation. Given that pseudolaw is mainly defined by the mode and form of argument,[178] it is not surprising that there is a broad range of ways in which pseudolaw manifests. In total 19 cases (28%) fell within this category, 13 (19%) of which were coded into the 'other' category and not into any other category.

An illustration of the type of argument which fell into the 'other' category is the 'weights and measures' style argument used in cases such as *Jameson v Police*,[179] and *Kuipers-Lloyd v Police*.[180] This familiar pseudolaw argument, which arises in the context of traffic law, argues that speed cameras do not conform with the *National Measurement Act 1960* (Cth).[181] Though it may appear as a traditional issue of statutory interpretation, the manner and mode of these arguments are recognised as a form of pseudolegal argumentation in Australia.[182]

6 *Substantive Pseudolaw Adjacent*

While coding the dataset, several matters arose that did not display any characteristics of the pseudolaw arguments outlined in the other categories but still retained some connection to pseudolegal argumentation. As outlined above, there were good reasons to believe that the case is either actuated by pseudolaw beliefs or may have involved such arguments, but this did not appear on the face of the record. For example, some cases (n=10) involved individuals previously associated with pseudolaw or other pseudolaw-related cases — whether as party, witness, or in some other role. This recognised the tendency of adherents to engage in repeated litigation using these arguments. A second set (n=10) involved challenges to traffic law, such as involving the *National Measurement Act 1960* (Cth),[183] in ways that reflect pseudolaw claims but where the connection to pseudolaw is not directly apparent in

177 *Rowe v Bishop (No 4)* (n 173) [3]. See also *Rowe v Bishop (No 1)* (n 173).

178 Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3).

179 [2016] SASC 5.

180 [2013] SASC 137.

181 This form of argument was also made in *Best* (n 159) 40.

182 See Heilpern (n 132).

183 *Moran v Police* [2010] SASC 269; *Police v Young* [2012] SASC 210.

the judgment.[184] Other cases were identified by reference to legal phrases, such as 'coram non judice'[185] and 'original sovereign',[186] that appear out of context and are suggestive of pseudolaw elements.

Essentially, these are cases where the distinguishing pseudolaw feature is found in an aspect other than the core substantive argument being advanced, reflecting one of the modes of argumentation identified above. In seeking to identify pseudolegal behaviours beyond simply the form of arguments, this category sought to reflect the view that, in many respects, pseudolaw is best understood through the 'behaviours and attitudes of its followers, rather than simply through the style and content of arguments used'.[187] The difficulty of positively identifying pseudolegal cases purely on the text of the judgment was highlighted with *Georganas*,[188] which, despite being an almost archetypal pseudolaw case, does not display any identifying characteristics in the judgment. This final category sought to utilise other modes to identify cases that are likely to have involved significant pseudolegal elements.

An example of the way in which the identity of a party was used to help identify these cases is provided by the seven cases in which Mr Kon Kiparoglou was the litigant. However, only two cases fell into a substantive pseudolaw category on the basis of the argument advanced (one private prosecution, one state law is defective). The remaining cases were coded as 'pseudolaw adjacent' as they displayed pseudolaw behaviours but did not disclose a substantive pseudolaw argument.

Pseudolaw adherents often operate in networks. We were able to identify some cases by recognising these networks. One example is *Lindner v Scheer*,[189] a case concerning deliberate parking violations intended to provoke litigation as an opportunity to challenge the legitimacy of the relevant parking regime. In that case, the defendant Lindner consulted maps at the town clerk's office and conferred with Mr Gordon Howie before parking in the designated bays in an attempt to get infringement notices that could then be challenged on a number of grounds.[190] Mr Howie, who was listed as a witness for the appellant, is a frequent pseudolaw litigant who is a party in five cases listed in the dataset. This case displays the deliberate challenges to the authority of the court and the misguided reliance on the forms of legal argumentation that are the hallmark of pseudolaw, even though it does not fall neatly into one of the established substantive categories.

184 See generally Heilpern (n 132).

185 *Haughton v Chang* [2023] SASCA 112.

186 *IAQ* (n 121).

187 McIntyre, 'Pareidolic Illusions of Meaning: ChatGPT, Pseudolaw and the Triumph of Form over Substance' (n 33) 33.

188 *Georganas* (n 1).

189 (1986) 61 LGRA 137.

190 The judgment states, '[a]fter checking relevant maps at the town clerk's office and *conferring with Mr Howie,* the appellant parked in the middle standing bay on each of the days charged': ibid 142 (Von Doussa J) (emphasis added).

In total, nearly a third of all cases in the dataset (n=22, 32%) involved just four pseudolaw adherents as a party. This illustrates how individuals can have a disproportionate impact on the operation of the legal system.

V Conclusion

The data collected and analysed by this first-of-its-kind study clearly demonstrates the emergence of pseudolaw as a distinct and growing phenomenon. Not only does this research cement the themes introduced by anecdotal evidence, but the empirical doctrinal analysis provides a rich insight into the scale and form of pseudolaw in South Australia.

Pseudolaw arguments — often invoked by self-represented litigants — seek to undermine established principles through claims that laws are invalid or inapplicable, usually based on alternative interpretations of legal doctrines or conspiracy-based ideologies. In Australia, and indeed South Australia, the prevalence of such arguments in legal proceedings has attracted increasing attention due to the potential for significant disruption to legal processes and outcomes.[191] This study supports several key findings with respect to the research questions outlined earlier in the piece: (1) that pseudolaw is increasingly prevalent in reported judgments in South Australia; (2) that pseudolaw arguments are being used in a diverse set of circumstances; (3) and that pseudolaw arguments are broad and diverse.

This research confirms some key information about pseudolaw. It grew during the pandemic. Males are primarily involved in litigating pseudolaw. Many of these cases involve traffic law. They never win on the merits. Supreme Court cases are published more than non-appellate cases, which is methodologically problematic for understanding the breadth and impact of pseudolaw. Regarding the substance of pseudolaw, it is clear that pseudolaw activity is much broader than the arguments that are made. The three most identifiable arguments — strawman, state law is defective, and law is a contract — were demonstrated in less than half of the identified cases. Private prosecutions arose with some frequency. Most importantly, some arguments could not easily be categorised, and there is an area of pseudolaw that is not identified as pseudolaw at all, warranting a re-conceptualisation of what counts as pseudolaw.

This study has significantly contributed to the emerging scholarship on the phenomenon of pseudolaw. However, further progress is needed if we are to counter the impact of these fundamentally misguided individuals on our judicial processes.

191 Cash (n 25); Hobbs, Young and McIntyre, 'The Internationalisation of Pseudolaw' (n 3).