The Growth of Pseudolaw and Sovereign Citizens in Aotearoa New Zealand Courts

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I. INTRODUCTION

Hundreds of cases are heard in the High Court of New Zealand each year. Only a few receive attention in the media. One of those cases was handed down in August 2022. On appeal, in *James v District Court at Whanganui* [2022] NZHC 2196 (31 August 2022), a self-represented litigant argued that he did not have to register his dog under s 42 of the *Dog Control Act 1996*, because 'Connor' – a Hungarian Vizsla – was a legal person, and a 'Person does not have to Register with a Local Authority or wear a collar or be restrained by a leash' (at [3]). As Gwyn J noted, two themes underlaid the applicant's submissions: that he is a 'sovereign person' beyond the jurisdiction of the Court, and that the Court requires consent for legitimacy, and he has not given his consent to be bound by its processes (at [13]). Unfortunately for the applicant, his case was dismissed, and he was ordered to pay costs. The case of *James* is but one example of a growing number of cases concerning 'pseudolaw' – where litigants misuse the forms of legal argumentation while advancing strange and fanciful substantive arguments. Cases involving pseudolaw are increasingly posing a challenge to the smooth operation of courts on both sides of the Tasman Sea.

If you are a practitioner, registrar, or judge, you have probably run across a pseudolegal argument in some capacity. Often initial amusement or perplexity is quickly replaced by concern and frustration. Who are these people, is it a growing movement, and how should lawyers, judges, and court officers respond? Our research suggests that the last three years has seen a growth in such pseudolegal arguments, and that it is increasingly necessary that the broader legal profession is familiar with the contours of this phenomenon and have appropriate strategies to deal with it. This article provides an overview of the types of argumentative patterns utilised by pseudolaw adherents, and suggests some initial thoughts on how to respond to it.

There are good reasons to think that the recent rise in the phenomenon of psuedolaw is a direct result of the societal upheaval caused by the Covid-19 pandemic. The pandemic affected courts and the legal profession in many ways. Electronic filing was prioritised, hearings were moved to online platforms, and juries were replaced by judge-alone trials. Another effect has been the growth of alternative legal theories. Public health measures introduced to protect against the coronavirus imposed considerable restrictions on all our lives. For some people, personal discomfort turned to anger, and even protest. In our study of New Zealand and Australian responses to the pandemic, we have found that some of those who sought to challenge public power turned to 'pseudolaw'.

We define pseudolaw is a phenomenon where the *form* but not the *substance* of legal argumentation is used to advance a party's position. This short article maps some of the "doctrinal" contours of pseudolaw in courts of Aotearoa New Zealand. We hope that this helps litigants attracted to pseudolegal argumentation, as well as practitioners who are confronted with these arguments.

We write because pseudolaw is damaging. It hurts litigants, their families (whānau), and friends. Litigants waste time and money. They forego the opportunity to obtain capable legal representation. It creates opportunities for scammers and charlatans. It is also harmful to the proper administration of justice. Legitimate legal issues may be buried under pseudolegal gibberish and could be dismissed too hastily (see *Republic Arms Ltd v Corporation Trading as New Zealand Police* [2022] NZHC 3185 [3]).

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This can lead to convictions being appealed or even set aside (see *Hainaut v Queensland Police Service* [2019] QDC 223 (8 November 2019)). Perhaps even more concerning is the fact that pseudolaw represents the tip of the iceberg of broader social and political unease. The proliferation of pseudolegal argumentation points to systemic issues that are not adequately addressed within our society. For these reasons, it is important that judges, registrars, and practitioners deal calmly with pseudolegal claimants by patiently explaining how legal arguments and court processes work, even if the claimants seem unreceptive and their claims are mostly nonsense.

II. PSEUDOLAW AND THE SOVEREIGN CITIZEN MOVEMENT

As our friend with the Hungarian Vizsla suggests, pseudolaw is distinct from ordinary misunderstanding or misapplication of legal rules (whether statutory or doctrinal). According to Donald Netolitzky, the term 'pseudolaw' refers to a phenomenon whereby 'a collection of legal-sounding but false rules that purport to be law' are deployed ('A Rebellion of Furious Paper: Pseudolaw as a Revolutionary System' (Paper delivered to the Centre d'expertise et de formation sur les intégrismes religieux et la radicalisation (CEFIR) symposium: 'Sovereign Citizens in Canada', Montreal, 3 May 2018)). Pseudolegal arguments might look like law, but they do not have legal merit. Reflecting this fact, Rooke ACJ of the Alberta Court of King's Bench in *Meads v Meads* described pseudolaw as 'obvious nonsense' ((2012) ABQB 571, [40]) while Le Miere J of the Western Australia Supreme Court called it legal 'gibberish' (*Deputy Commissioner of Taxation v Casley* [2017] WASC 161, [15]). But pseudolaw is not a misunderstanding or misapplication of legal rules. As Netolitzky has argued, it is an 'integrated and separate legal apparatus' distinct from the state legal system ('A Rebellion of Furious Paper'). It mirrors and co-opts the *language*, *forms* and *structures* of legal reasoning, but it lacks the substantive engagement with the core norms, principles and methods of legal reasoning. Proponents of pseudolaw appear to have a genuine belief that their doctrines represent the 'true' position of the law where more 'mainstream' approaches have become illegitimate for some reason(s). This means that adherents can disregard existing legal norms while simultaneously retaining a self-conception of lawfulness and righteousness.

Pseudolaw pre-existed Covid-19, but it has become more prominent through the rise of misinformation and disinformation and the growth of the Sovereign Citizen or 'SovCit' movement. The SovCit movement emerged in the United States in the 1990s as a confluence of several overlapping right-wing and militia groups. Although significant, it is just one group that employs pseudolaw. SovCits are closely related to other pseudolegal anti-government movements, such as freemen on the land, and the borders between these groups are fluid. The relationship and overlap between pseudolegal movements has not been comprehensively articulated. Nevertheless, their presence in Aotearoa New Zealand is visible in the media and through their use of pseudolaw.

A basic SovCit belief is that individuals are 'sovereign' and not bound by the laws of the jurisdiction they live in unless they waive their innate rights by accepting a contract with the government. By reciting certain phrases (such as 'I am living being' or 'I do not consent'), adherents believe they can *lawfully* avoid obligations to obey laws or regulations. In litigation, adherents may also write their name in non-standard ways to demonstrate they do not consent to the court's authority. Although muddled and confusing, courts are becoming increasingly familiar with this seemingly technical legal language that is devoid of legal merit.

Given their belief in law, some SovCits boldly (mis)use the legal system to antagonize their opponents. In the United States, adherents have filed thousands of false liens, frivolous lawsuits, and fake letters of credit to intimidate and harass public officials in what is called 'paper terrorism' (see Robert Chamberlain and Donald Haider-Markel, '"Lien on Me": State Policy Innovation in Response to Paper Terrorism' (2005) 58(3) *Political Insight* 449). They might also file fabricated returns with taxation authorities, falsely accuse their opponents of failing to report income and bankruptcy petitions to ruin their credit ('Paper Terrorism', *Intelligence Report* (online, 8 August 2017) <https://www.splcenter.org/fighting-hate/intelligence-report/2017/paper-terrorism>). Victims of these actions must hire lawyers to fight these charges or disprove these bogus legal challenges. Harassment

is not always limited to court filings. The United States Federal Bureau of Investigation has characterised SovCits as 'anti-government extremists' and classified the movement as a 'domestic terrorist threat' ('Domestic Terrorism: The Sovereign Citizen Movement' (13 April 2010) <https://perma.cc/L8SQ-2K42>). Police in New South Wales have also described SovCits as a potential terrorist threat. Very recently, two SovCits were identified as the murderers of two police officers and a farmer in rural Queensland (Jack the Insider, 'Murders a Wake Up Call on the Dangers of Sovereign Citizen Cults', *The Australian*, 14 December 2022). This has intensified focus on the relationship between disinformation amplified by the pandemic and radicalisation. While not all SovCits are so violent, a spreading distrust in state legality and a faith in pseudolaw emboldens extremists.

The SovCit movement started in North America, but it has found receptive audiences in Aotearoa New Zealand and Australia. People have likely seen videos on social media of adherents. *Newshub* recently played a video taken by a self-identifying anti-masker wanting to form a 'militia' to perform a citizens arrest and 'seize' Covid-19 vaccines ('Auckland anti-masker incites "militia" to perform citizens' arrests and "seize" COVID-19 vaccines', *Newshub* (online, 27 January 2022)). In its migration to these shores, however, pseudolaw has been adapted to suit local legal discourses. In particular, adherents appropriate the language of Indigenous sovereignty. The Hungarian Vizsla from our introduction, for instance, was apparently made a 'legal person' 'by the same mechanism that the Whanganui River was made a Person' (*James v District Court at Whanganui* [2022] NZHC 2196 (31 August 2022) [9]).

Other examples are more concerning. In November 2021, anti-vaccine mandate protestors began a months-long occupation outside Parliament in Wellington. One journalist noted that many drew inspiration from QAnon and believed 'ivermectin cured Covid, the virus is a hoax, that the UN agenda conspiracy is out to get us all, that new Nuremberg trials were coming' and so on (Toby Manhire, 'The Protest that Revealed a New, Ugly, Dangerous Side to our Country', *The Spinoff* (online, 10 November 2021) <https://thespinoff.co.nz/society/10-11-2021/protest-covid-vaccine-wellington>). Interestingly, the occupation created unique problems for Māori. The participants – including some who were Māori – largely co-opted the language and strategies of Māori activists, sometimes in opposition to the customary authority of traditional Māori communities. These demonstrations illustrate that adherents are using pseudolaw in ways that appropriate the language of Indigenous sovereignty to support their 'ideas about gun control, anti-Māori sentiment, anti-LGBTQIA+, conservative ideals around family and family structure, misogyny, [and] anti-immigration' (Kata Hannah, Sanjana Hattotuwa and Kayli Taylor, 'Working Paper: Mis- and Disinformation in Aotearoa New Zealand from 17 August to 5 November 2021' (The Disinformation Project, November 2021) 9). In doing so, pseudolaw can channel important, forceful, and legitimate political claims into spurious pseudolegal arguments that will not succeed. So how do these pseudolegal arguments manifest in court?

III. PSEUDOLAW PATTERNS

Articulating what constitutes pseudolegal argument is difficult because there is 'no leader, no central repository for ideas, and no unifying collective mission' (Caesar Kalinowski IV, 'A Legal Response to the Sovereign Citizen Movement' (2019) 80 *Montana Law Review* 153, 155). It is especially difficult in Aotearoa New Zealand as there has not been a comprehensive judicial survey, like the one Rooke ACJ of the Alberta Court of King's Bench provided in *Meads v Meads*, to summarize and address pseudolaw. However, in our review of pseudolaw in Aotearoa New Zealand and Australia, we have identified three pseudolaw patterns:

(1) The Strawman: the law only applies to 'artificial' or corporate persons who possess a separate legal personality from real or natural people;
(2) Absence of Consent or Contract: when real or natural people have not consented to government or legislative authority or there is no contract demonstrating consent, then that authority is illegitimate or cannot be applied to them; and/or
(3) Defective State Law: there is some reason that the law or state legitimacy is invalid or defective, so it has no legal effect.

These arguments are more fluid – or jumbled – than the following review suggests. But these three patterns are valuable framing devices for identifying when someone is making a pseudolegal argument.

A. The Strawman

The most common argument is some variation of the 'strawman' or 'split-person' argument. The basis of this contention is that there are natural individuals and some sort of 'artificial', corporate or fictive legal personality. As mentioned above, adherents believe that every person is an individual sovereign. Because every person has inalienable, natural rights, governments must assert their authority over natural or 'flesh and blood' persons to make them subjects. Governments do that, for example, when a birth certificate, bank account, driver's license or government identity is issued. Those actions create an 'artificial' person – a legal person, personality, corporation, or 'strawman' – over whom the government and its agencies, which are parallel corporate forms, has jurisdiction. The crucial aspect is that the natural or living man or woman is freed from government subjection when they assert their status, claim it, and prove it.

There are numerous examples from Aotearoa New Zealand. In *Niwa v Commissioner of Inland Revenue*, Mr Niwa sought judicial review to challenge penalties owed resulting from a tax assessment (*Revenue* [2019] NZHC 853, [3], citing *Commissioner of Inland Revenue v Niwa* [2016] NZDC 14075). In his arguments, Mr Niwa attempted to distinguish '"Donald-James of the family Niwa" and DONALD NIWA™' to argue that 'the judge failed to ask whether the living individual would accept the role of the defendant' (at [5]). Mr Niwa claimed that he did not consent and, as such, the court lacked jurisdiction over him. This is one of many similar cases (See eg *Smith v Chief Executive of the Department of Corrections* [2019] NZCA 362; *Scott William Larsen v New Zealand Police* [2020] NZHC 2520 [1]). This one is notable because Ellis J's opinion clearly connects this argument to those seen in North America, observing that 'practices of the kind now employed by Mr Niwa in his pleading come before the Courts not infrequently' and 'they are generally given short shrift' (at [7]). Ellis J drew on the Canadian case of *Meads v Meads* to identify that Mr Niwa was making a 'double/split persons' or 'strawman' argument that has 'no legal effect' (at [14], citing *Meads* [445]). Mr Niwa's claims were struck out (at [15]).

While *Niwa* shows how the strawman argument is used in tax cases, it is also frequently used in attempts to avoid criminal responsibility. In *Martin v Chief Executive of the Department of Corrections* [2016] NZHC 2811, Mr Robin Dion Leslie Martin sent a letter to the court, as a writ of habeas corpus. He claimed that he was unlawfully detained under 'birth registration – form in nature is a lawfull [sic] contract between the parties. Therefore it is a fraud to conceal a fraud' (at [8]). The confusing letter was sent with memoranda that included Mr Martin's birth certificate, copy of notice sent to the Prime Minister 'of a maxim of law', an assertion that he a 'freeman of the land not subject to any Act of parliament house', a 'Notice of Understanding and Intent and Claim of Right' stating that he is not subject to the *Crimes Act 1961*, and other documents. Justice Muir summarised the application as one based on the strawman duality. Mr Martin sought to explain that he 'was charged under the name "Robin Leslie Martin" where his full name, as proved by the birth certificate filed with the application, is "Robin Dion Leslie Martin"' (at [8]). Essentially, Mr Martin claimed he is not the same person the government has identified as committing the crime.

Martin's Case reveals how the strawman argument can overlap with the second pattern, a refusal to consent to jurisdiction. Mr Martin said that 'he did not give his consent to the name used in the charging documents before me, and he did not consent to the name shown on his birth certificate' (at [18]). Because he had not consented to being identified in that way, Mr Martin claimed he was unlawfully detained. Unfortunately for Mr. Martin, Muir J and then Toogood J for the High Court found that had been lawfully detained (at [19]-[20]). Once again, there are many similar cases. This is worth mentioning because Toogood J noted that:

> I record that this Court receives far too many applications of this kind, apparently prepared in a formulaic way with many of the applicants simply copying documents

> from other prisoners with whom they are acquainted and arranging for them to be sent to the Court… I am told by the Registrar of this Court that since September there have been seven applications for writs of habeas corpus filed in this Court in a similar way, five of them from Spring Hill Prison (at [23]).

The proliferation of these claims reveals deeper issues within Aotearoa New Zealand's criminal law and incarceration system. These cases also show how the strawman argument has become inflected with local discourses in Aotearoa and how the strawman argument overlaps with the other two principle patterns of pseudolaw.

B. Absence of Consent or Contract

The second pseudolaw pattern we have identified revolves around the idea of consent or contract. It stems from the belief that all legislation or authority is a form of contract or predicated on contractual relations. Because the claimant has not consented to that contract (legislation), they are not subject to its authority or jurisdiction. These types of cases often involve the strawman argument, but they also belie a literal attempt to enforce the social contract or an overinflated notion of legal contractualism.

In the United States, SovCits have claimed that individuals only accept the authority of the government when they consent to federal citizenship. If an individual renounces their citizenship, and divests from their legally fictitious duplicate, they become free from the state's authority and jurisdiction. They may claim they are a 'freeman-on-the-land' or individually sovereign unless they explicitly and affirmatively consent to that legislation (*Serious Fraud Office v Smith* [2019] NZDC 3068 (22 February 2019) [11]). In Australia, claimants sometimes argue that state constitutions are contracts that have been breached, somehow, by the Commonwealth because the states of Australia pre-date the formation of the federal Commonwealth (*Shaw v Attorney-General (WA)* [2004] WASC 144 [11]-[12]).

Because Aotearoa New Zealand has an un-entrenched constitution and no federal government, the 'consent' argument is more directly applied. In *Simon v Chief Executive of the Department of Corrections* [2022] NZCA 222 [4], Mr Simon was detained on sexual violence changes and filed a writ of habeas corpus arguing, again, that there 'is a distinction between himself, as a "natural person" and the "legal person/corpus bod" named in the warrant'. That is the strawman argument. However, he also argued 'that he could not be compelled to enter into any contract'. The court 'infer[ed] that he regards the authority for the court as a matter of consent by him and that since he does not consent to be bound by the authority of the Court, the warrant is not a valid basis on which to detain him' (at [4]). Unsurprisingly, the court dismissed such a finding as having 'no legal basis', because all 'persons in New Zealand are subject to the laws made by the New Zealand Parliament and to the authority of the courts in enforcing those laws' (at [5]). Obviously, the defendant's consent is not needed to lawfully detain them. This type of argument also arises in a tax cases.

It can also involve aspects that connect to claims of Indigenous sovereignty. In *Tamihere v Commissioner of Inland Revenue* [2017] NZHC 2949 [2], for example, 'Tamihere: Robin Noema Hughes' filed proceedings to establish that he was known as 'Marshal Robin', 'the Living Man' and as 'a Diplomatic Federal Marshal to the independent Polynesian Kingdom of Atooi and as unemployed of Tuakau'. In addition to the uncertain Indigenous sovereignty angle, the proceedings involved the strawman argument and contractual/consent issues. The District Court declined the 'applicants request for a copy of "the contract" between Crown Counsel and the Commission' and 'request for disclosure of materials proving the Court had jurisdiction' (at [2]). On appeal, Palmer J agreed and struck the proceeding as 'frivolous, vexatious and an abuse of court' (at [13]).

C. Defective State Law

The third pseudolaw pattern in Aotearoa New Zealand is a claim that the law is invalid or defective. A common variant of this claim elsewhere is that the relevant law or state action violates Magna Carta. Magna Carta has little direct legal application in the United Kingdom today, even if it occasionally cited

in court there, or in Aotearoa New Zealand. In Aotearoa New Zealand it is more likely that assertions of state invalidity arise when strawman arguments intersect with Indigenous sovereignty and rights claims. Indigenous peoples' right to exercise their own forms of political authority is recognisable as law, and has been recognised in international law. Nevertheless, courts in Aotearoa New Zealand do not recognise that basis to find that they lack jurisdiction, especially when these claims are intermixed with pseudolegal arguments.

Although there are older examples (*R v McKinnon* (2004) 20 CRNZ 709 (HC) at 712), some recent criminal cases draw on Indigenous sovereignty claims and sovereign citizen or pseudolegal arguments. For instance, after a court denied Mr Jay Wallace's writ of habeas corpus challenging his conviction and incarceration, he refiled his claim in the New Zealand High Court. As part of this, he submitted an 'affidavit of identity' that was issued by the Māori Chief Registrar of Maunga Hikurangi Koporeihana Māori (a company registered in New Zealand) (*Warahi v Chief Executive of the Department of Corrections* [2020] NZHC 2917). The affidavit states that the claimants 'Christian name is Jay Maui: with the initial letters capitalised as required by the Rules of English Grammar for the writing of names of sovereign soul flesh and blood people'; 'That the name JAY MAUI WALLACE or any other drivitation [sic] of that name is a dead fictitious foreign situs trust or quasi corporation/legal entity not the sovereign soul flesh and blood Mari [sic] that I am' and so on (at [5]). It has all the hallmarks of a typical SovCit case, but the affidavit was issued by a Māori corporation registered under Aotearoa New Zealand law. Similar arguments have arisen – and been dismissed – in other cases too (see *Delamere v Attorney General* [2022] NZHC 699 [2]).

Another variant of the state law is defective argument revolves around gold as the only legal tender. Hobbs and Williams note that this type of argument is made by US SovCits who claim the government went bankrupt in 1933 when it abandoned the gold standard and (apparently) began using citizens – or artificial identities – as collateral for debt (See Harry Hobbs and George Williams, *Micronations and the Search for Sovereignty* (Cambridge University Press, 2022) 69). There is a lot to this conspiracy that we cannot explain here. It has inspired Australian cases that are variations of the gold tender argument (see *Skyring v Commissioner of Taxation* [1983] QSC 399 (19 August 1983) 3-4; *Jones v Skyring* [1992] HCA 39 [29] (Toohey J)). It has also, in some odd way, started influencing people in Aotearoa New Zealand. In 2022, it was reported that someone was arrested after refusing a roadside breath test. At trial, he stated – among other things – that 'he was a "living man who presides within himself", and that police owed him $6000 – to be paid in gold bullion – for the time they had detained him' (Guy Williams. 'Man Demands $6000 From Police in Bizarre "Sovereign Citizen" Argument', *Otago Daily Times* (online, 12 November 2022) <https://www.odt.co.nz/regions/queenstown/man-demands-6000-police-bizarre-sovereign-citizen-argument?s=09#laelwtnaufrxt8ljsrl>). This is the strawman argument overlapped with a claim for payment in gold for detention. He was not successful.

The three pseudolaw patterns we have identified are the most common in Aotearoa New Zealand. Courts do not and will not accept those arguments. Undoubtedly, some state actions are questionable, laws can be problematic, and some people have legitimate complaints about state authority. But the judiciary has a limited role in vetting those issues. Even if courts make law in some contexts, they apply rights and obligations according to established legal authority. So how should courts and practitioners respond to pseudolaw and sovereign citizens?

IV. HOW SHOULD COURTS AND PRACTITIONERS RESPOND ?

Some SovCits are domestic terrorists. The most infamous SovCit is Terry Nichols, an accomplice in the 1995 Oklahoma City bombing that killed at least 168 people. There is evidence that Gareth Train, involved in the recent Queensland police killings, held extremist SovCit views (Lucy Stone and Kevin Nguyen, 'Extremist views of Gareth, Stacey and Nathaniel Train exposed in YouTube videos from night of police shooting' (online, 16 December 2022) <https://www.abc.net.au/news/2022-12-16/qld-police-shooting-gareth-nathaniel-stacey-train-conspiracy/101778102>). Our concerns with that type of violence motivates our research. But not all people who use pseudolaware violent or even associated

with the SovCit movement. The proliferation of these arguments, however, indicates growing social unrest and support for movements like the SovCits.

There is, though, an opportunity for judges and practitioners to respond to pseudolaw in ways that may help deflate interest and support in the SovCit movement or others like it. Many pseudolaw adherents genuinely believe that their arguments represent the correct and true form of law. Some are looking for a fight, but others misunderstand basic structures of the legal system and government and, unsurprisingly, substantive aspects of law. This genuine but misinformed belief should affect how courts deal with such litigants. It requires a patient but thorough form of engagement, not mockery and minimalization.

In our review of these cases, we were pleased to find that judges' treat these litigants fairly and take their claims seriously. In some cases, judges patiently explain why the pseudolegal arguments made are not likely to be upheld. The best practices have judges speak directly to the litigant, hoping that they can spark a realisation that their pseudolegal arguments will not work. For instance, Robert Sudy has noted that he abandoned his SovCit ideology after New South Wales Magistrate David Heilpern explained why his pseudolegal arguments fail (see Robert Sudy, 'Freeman Delusion' <https://freemandelusion.com/>). Since then, Sudy has been documenting pseudolegal arguments and working to help break the spell. That is a best practice. It is time consuming and labor intensive. It will not always work, but it may be the help these litigants need for them to leave the path they have found themselves on.

It is generally a good technique to acknowledge that the litigant has legitimate interests and concerns, but then explain why pseudolegal arguments will not advance those interests. Instead, it is worth explaining that it is in their interests to avoid these arguments: they do not work and can increase costs for the individual. In the South Australian case of *Rossiter v Adelaide City Council* [2020] SASC 61, (23 April 2020), Livesey J remarked:

> It is regrettable that the appellant has advocated the various pseudolegal arguments underpinning this appeal. If he has acted on the advice of others, he is well advised to stop doing so. His decision to defend has resulted in a trivial parking fine escalating to a financial burden exceeding $2,000 (at [52]).

We cannot know with certainty what would happen if the affected individual had made legitimate legal arguments. We do know they bear the full weight of legal judgment more directly because they relied on pseudolaw.

Given the growth of pseudolaw, there might be quick procedural fixes that can avoid the more time intensive solutions. For instance, after *Meads*, the Alberta Court of King's Bench made a list of 'stereotypic and unique pseudolaw motifs' like 'weird name formatting, ink fingerprints' (Personal communication from Donald J Netolitzky, 5 December 20222 (on file with authors)). The Court issued an order allowing clerks to reject filings with any of those motifs if they return it to the litigant and 'circle the prohibited defect on a list'. They found that quickly rejecting these documents and asking them to refile them correctly can put an end to potentially abusive litigation without much hassle.

However, pseudolaw also generates risks if responses are inadequate or hasty. It is understandable that courts and judicial officers may grow tired of fossicking through legal gibberish, but it is important that they engage carefully. Legitimate legal claims and complaints can be buried under pseudolegal argument. In *Republic Arms Ltd v Corporation Trading as New Zealand Police* [2022] NZHC 3185, Isac J observed that the plaintiff's claims were 'steeped in sovereign citizen theory', but from that was able to excavate a claim for breach of contract (at [3]). The plaintiff explained to the court they could not afford to hire competent legal counsel (at [6]). This gestures to larger issues. Another risk is that a judge gets tired of hearing that the defendant is not the person that they are, lets them leave the hearing, and then rules on the issue only to have it overturned on appeal (see *Hainaut v Queensland Police Service* [2019] QDC 223 (8 November 2019)).

The best approach for judges and practitioners is to patiently describe why pseudolaw will not work. That is because lack of affordable legal support and knowledge of and access to the legal system has a radicalising effect. In her recent paper on conspiracy theory, Kate Leader states that many litigants in person turn to the internet and are exposed to advice networks that advance conspiracist ideation when they lack 'formal and accessible legal advice' (Kate Leader, 'Conspiracy! Or when bad things happen to good Litigants in Person' (2022) (15 November 2022) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4277751>, 4-9). Legal systems have a tendency to alienate sections of the population from meaningful engagement with the judiciary as they fail to recognise and redress the effects of alienation. It is therefore foreseeable that litigants who cannot access good quality legal information and face harsh or hasty judgments will interpret their negative experiences as being symptomatic of a malevolent and shadowy system. In 2016, when Toogood J noted that the registrar received five formulaic pseudolegal arguments came from Spring Hill Prison, it indicated ongoing unrest in that prison.

Pseudolegal arguments are a response to the state and its judicial systems, but they are also a consequence of it. The spread of pseudolaw is indicative of social unrest, disaffection, and inequality. Unfortunately, people looking for answers can quickly and easily find misinformation and disinformation online and on social media. The SovCit movement is capitalising on that. We are not surprised that pseudolaw has grown in response to the Covid-19 pandemic, public health measures, temporary suspension of liberties, and the economic risks to many livelihoods. When these arguments arise in court, judges and practitioners should be thorough and patient. However, while this approach can help individuals, these broader, systemic issues require a more holistic strategy. Access to justice requires education and information about government, law, politics, and economics as well as clearly accessible information on government functions and legal processes. This requires planning, funding, and resources to support individuals and communities at risk of social and economic dislocation. Responding appropriately and adequately to pseudolaw will take more than just courts and practitioners.