

ORIGINAL ARTICLE

Law and conspiracy theory: sovereign citizens, freemen on the land, and pseudolaw

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Abstract

This article examines the ‘sovereign citizen’ and ‘freemen on the land’ movements and the operation of ‘pseudolaw’. Against a predominant judicial, governmental, and academic approach that portrays sovereign citizen beliefs as ‘irrational’ and ‘nonsensical’, I argue that such beliefs should be understood in terms of conflicts within the socio-historical production of ‘legitimate’ knowledge across the public sphere and popular culture. Conspiratorial sovereign citizen beliefs articulate, albeit very problematically, social concerns and suspicions in relation to transnational economic, political, and legal power. Further, such beliefs should be understood within the context of the rise to prominence and contemporary normalization of neoliberal, authoritarian populism, and a discourse of ‘inverted oppression’. Through this, a range of anti-egalitarian, ethno-nationalist, and racist beliefs are hidden behind and justified via a conspiratorial worldview that uses a supposedly ‘neutral’ pseudolegal rhetoric to defend individual liberty against a perceived social reality constituted by ongoing and extreme oppression.

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1 | INTRODUCTION

The combination of the Donald Trump presidency in the United States (US) and the global COVID-19 pandemic has done a great deal to bring the bizarre world of conspiracy theory to public prominence. Trump's assertion that the 2020 US presidential election was rigged, amplified by major news media such as Fox News and echoed and intensified across social media, played a key role in provoking the violent attacks on the US Capitol Building in January 2021. The pandemic brought with it public policies of mass vaccinations and lockdowns. In response, formerly marginal anti-vax conspiracy theories went mainstream in countries such as the US, the United Kingdom (UK), Canada, and Australia, and were accompanied by widespread anti-lockdown protests. Anti-vax and anti-lockdown standpoints were often articulated through multiple complex and contradictory conspiracy theories. In these, the COVID-19 virus, vaccinations, and lockdowns were portrayed as all being manufactured as part of a global conspiracy – sometimes referred to as the Great Reset – to destroy and enslave populations and to consolidate the global power of a shadowy secret elite reminiscent of older conspiracy theories such as the New World Order, the Illuminati, and the Protocols of the Elders of Zion.

It is in the context of the contemporary popularization of conspiracy theory that this article examines the phenomenon of groups and individuals who are commonly called 'sovereign citizens' or 'freemen on the land'.¹ Generally, sovereign citizens claim not to be bound by the law due to a lack of 'consent', articulate a view of the unwavering 'sovereignty' of individual autonomy, and claim instead to follow the higher authority of the US Constitution or the *Magna Carta*. Sovereign citizens also use a convoluted quasi-legal language often referred to as 'pseudolaw'² and sometimes resort to violence to enact their beliefs. Throughout and following the pandemic, sovereign citizen beliefs have become more widespread, mixing readily in an online world flush with conspiracy theories that rail against the destruction of human freedom.

The predominant judicial, governmental, and academic approach is to portray sovereign citizen beliefs as 'irrational' and 'nonsensical'. Sovereign citizens are sometimes viewed as expressing a sentiment of social disillusionment; however, ultimately, they are understood either as a peculiar form of paranoid nuisance, as engaging in financial scams, or as embodying a dangerous form of extremism.³ While such accounts are important, this dominant and sometimes overly legalistic framing of sovereign citizen beliefs and pseudolegal strategies often overlooks crucial elements of the phenomenon due to a lack of attention to historical, cultural, social, and political context.

In this article, drawing on critical scholarship on conspiracy theory, I show how sovereign citizens should be understood in terms of the socio-historical production of what counts as 'legitimate' knowledge across the public sphere and popular culture. I argue that conspiratorial

¹ For sake of ease, I use the term 'sovereign citizens' throughout. There are a range of different names and terminologies describing a variety of groups who broadly share a similar set of conspiratorial beliefs and use pseudolegal strategies. These include 'freemen', 'freemen on the land', 'American state nationals', 'constitutionalists', and 'Reichsbürgers'.

² The term 'pseudolaw' covers a range of strategies used by these groups. Pseudolegal strategies are often used by individuals who are not members of or believers in any particular movement, and pseudolaw has emerged as an online resource used for a variety of different reasons. Sometimes it is referred to as 'organised pseudolegal commercial arguments' (OPCA).

³ See for example D. Netolitzky, 'A Revolting Itch: Pseudolaw as Social Adjuvant' (2021) 22 *Politics, Religion and Ideology* 164; C. M. Sarteschi, 'Sovereign Citizens: A Narrative Review with Implications of Violence towards Law Enforcement' (2021) 60 *Aggression and Violent Behaviour* 101509; H. Hobbs et al., 'The Internationalisation of Pseudolaw: The Growth of Sovereign Citizen Arguments in Australia and Aotearoa New Zealand' (2024) 47 *University of New South Wales Law J.* 309.

sovereign citizen beliefs represent a form of ‘stigmatised knowledge’⁴ in conflict with the liberal-democratic state and that they articulate, albeit very problematically, social concerns and suspicions in relation to transnational economic, political, and legal power. Further, I position the development of conspiratorial sovereign citizen beliefs and pseudolegal strategies within the context of the rise to prominence and contemporary normalization of neoliberal, authoritarian populism. I argue that sovereign citizen beliefs, bound up with authoritarian populism, should be understood as embodying a discourse of ‘inverted oppression’. Through this, a range of anti-egalitarian, ethno-nationalist, and racist beliefs are hidden behind and are justified via a conspiratorial worldview that uses a supposedly ‘neutral’ pseudolegal rhetoric to defend individual liberty against a perceived social reality constituted by ongoing and extreme oppression.

A key aim of this article is to show how the conspiratorial sovereign citizen and pseudolegal standpoint, which is commonly dismissed as ‘irrational’, ‘crazy’, ‘ignorant’, and ‘stupid’, is actually today very *normal*. Such a standpoint is normal in a number of ways. It is historically normal in the sense that conspiracy theory operated as a popular and widespread mode of understanding the world from the eighteenth century to the middle of the twentieth century. While conspiracy theory has since then been stigmatized as a faulty and ‘illegitimate’ form of knowledge by modern social science, critical theory, and liberal legal and constitutional thought, it has persisted at the fringes of public discourse, often articulating sentiments of ‘agency panic’.⁵ With the rise of the internet, conspiracy theory has become increasingly widespread today. Further, conspiracy theory commonly appears across popular culture in mass media entertainment via fiction – in conspiratorial and heroic narratives in books, films, and television shows; in the tabloid news media; and now in the online world of social media. Most crucially, conspiratorial standpoints have been increasingly normalized over the late twentieth and early twenty-first centuries by right-wing authoritarian populist movements and agitators within neoliberal, capitalist societies.

By placing the legal understanding of sovereign citizen beliefs and pseudolegal tactics within the broader social and historical context of knowledge production and agency panic, and within the political and ideological context of the rise of right-wing authoritarian populism, I am trying to help us to better understand those who are too often quickly dismissed or ridiculed. For many of those articulating conspiratorial sovereign citizen and pseudolegal beliefs, these beliefs are seen as incredibly normal and viewed as ‘legitimate’; they are ‘researched’ on the internet, reinforced by right-wing authoritarian populist agitators, and nurtured via a neoliberal political and civic education provided by tabloid news, sensationalist mass media, the entertainment industry, and the algorithms and echo chambers of social media.

However, the attempt to better understand conspiratorial sovereign citizen beliefs and pseudolegal strategies does not mean that I am defending them or recognizing in them any degree of legitimacy – quite the opposite; too often these views are wrapped up with and espouse anti-egalitarian, racist, misogynist, and antisemitic sentiments and worldviews that should rightly be condemned. Indeed, a key part of my argument is that we should not disconnect sovereign citizen and pseudolegal beliefs from their historical development out of the Posse Comitatus movement in the US in the 1960s, which formed part of a broader, longer counter-revolution of the anti-egalitarian and racist radical right stretching from that period to today. By positioning sovereign citizen and pseudolegal beliefs within the broader historical and intellectual context, my account demonstrates how a legal phenomenon that troubles judges, police officers, tax and

⁴ M. Barkun, *The Culture of Conspiracy: Apocalyptic Visions in Contemporary America* (2013) 2.

⁵ T. Melley, *Empire of Conspiracy: The Culture of Paranoia in Postwar America* (2000); T. Melley, ‘The Conspiracy Imaginary’ (2022) 89 *Social Research* 757.

council officials, banks, bailiffs, and parking attendants forms part of a much wider movement of the authoritarian populist radical right.

Often the attractiveness to those who articulate sovereign citizen beliefs and use pseudolegal strategies is in the presentation of an abstract, 'neutral' legal set of claims of supposedly ancient individual rights and 'common law' obligations that look like a quirky mix of secret constitutional and financial knowledge, and libertarianism. However, this neoliberal, hyper-individualistic claim to 'sovereignty' rests on a set of disturbing conspiratorial, theological, and pseudohistorical narratives and imagined communities often embedded within a racist, anti-semitic, and anti-egalitarian worldview. In understanding the sovereign citizen standpoint, the deeply engrained racism of this intellectual tradition needs to be stressed and condemned. Such embedded racism and anti-egalitarianism should also be stressed when thinking of the operation of inverted oppression: the manner in which sovereign citizen and pseudolegal arguments adopt a standpoint that flips the historical relationship between victims and perpetrators. By claiming the position of the victim of a world-historical conspiratorial plot, sovereign citizen beliefs lead their adherents to a blindness to the complexities of suffering and oppression within the social world.

The combination of a supposedly 'neutral' pseudolegal language focused on ancient rights and freedoms and the historical illegitimacy of the state, combined with a sense of conspiratorial victimhood and inverted oppression, may be quite appealing to those who seek quick financial gain or cannot afford a lawyer and source their legal research from the internet. Yet, while such a discourse has been increasingly normalized and articulates a range of suspicions and criticisms of the contemporary liberal-democratic state and transnational capitalism, the conspiratorial outlook of sovereign citizen beliefs is inadequate for understanding and navigating the modern world.

My own standpoint is that of critical theory, which offers both a critique of forms of social, economic, legal, and political power and a critical reflection on the limitations of modern forms of 'rationality' and forms of knowledge mobilized in both discourses of thinking, institutions, and political struggle and action.⁶ From the perspective of critical theory, the stigmatized form of knowledge embodied in conspiratorial sovereign citizen beliefs, while suspicious of the liberal-democratic state, offers a fundamentally inadequate form of critique. Such beliefs crucially lack moments of critical self-reflection; they misunderstand complex social processes; they resort to an arrogant anti-intellectualism that dismisses social science and critical theory as 'woke ideology'; they offer a depoliticized, pseudohistorical account of laws and constitutions; and they explain the world through a racist portrayal of shadowy, demonic villains pulling the strings. In short, conspiratorial sovereign citizen beliefs offer only endless narratives of suspicion, hyper-individualism, easy wealth creation, enmity, and hate; they offer nothing by way of a historical and social understanding of exploitation, alienation, and oppression.

In what follows, I open with an account of the background and development of sovereign citizen beliefs and pseudolegal strategies. I then consider the treatment of conspiratorial beliefs in terms

⁶ In speaking of 'critical theory', I am thinking very generally of a tradition that builds on the work of German scholars such as Theodor W. Adorno and French scholars such as Michel Foucault, and then of a subsequent generation of scholars who broaden the tradition of critical theory in a variety of different directions, such as Stuart Hall, Nancy Fraser, and Wendy Brown. I use the term throughout as a kind of imperfect shorthand to help to navigate around the different standpoints that I discuss. For excellent critical theory accounts of conspiracy theory, see Leo Löwenthal and Norbert Guterman's *Prophets of Deceit*, written in the late 1940s, and Naomi Klein's *Doppelgänger*, written in the 2020s. Both highlight the intellectual limitations of conspiracy theory and contrast it with alternative critical resources through which we can understand the world. L. Löwenthal and N. Guterman, *Prophets of Deceit: A Study of the Techniques of the American Agitator* (1949); N. Klein, *Doppelgänger: A Trip into the Mirror World* (2023).

of the ‘paranoid style’⁷ and how this influences mainstream legal approaches. Next, I contextualize this in terms of a historical account of conspiracy theory as a form of stigmatized knowledge, noting the role of suspicion and agency panic. I then go on to place sovereign citizen beliefs within the context of right-wing authoritarian populism and the operation of a discourse of inverted oppression. In concluding, I offer some reflections on the issue of how to respond to sovereign citizen beliefs and the spread of pseudolaw.

The aim of the article is to help us to better understand the prevalence, limitations, and dangers of conspiratorial sovereign citizen beliefs and pseudolegal strategies. I do not concentrate on detailed analysis of case law across multiple jurisdictions as this is provided adequately in the small but growing literature. Instead, the work of the article is the reconsideration of a legal issue within the broader historical and social context by drawing on the resources of critical, political, and cultural theory.

2 | THE EMERGENCE OF SOVEREIGN CITIZENS

While there are various and often conflicting and contradictory versions of what is put forward by sovereign citizen and freemen on the land groups, their core ideas were developed by William Potter Gale and the Posse Comitatus movement in the US in the 1960s and 1970s. Linked with the Christian Identity movement, Gale’s writing and advocacy sat within a context of racist and anti-semitic conspiracy theory widespread across the radical right in the US in the 1950s and 1960s. Gale claimed that social democratic New Deal intervention by the US federal government initiated by the Roosevelt administration from 1933 was part of a wider Satanic global conspiracy in which social democrats, socialists, and communists were Jews in disguise acting to subvert the ‘true’ Christian values of white supremacy and the white supremacist original intent of the US Constitution. In response to this, Gale invoked the medieval Anglo-Saxon practice of ‘Posse Comitatus’ (‘power of the county’), which was still, to an extent, operative within the US.⁸ Traditionally, Posse Comitatus involved the idea of a local sheriff calling on a group of armed, adult freemen to help to keep the peace, pursue and arrest lawbreakers, and mobilize a militia to resist foreign invasion.⁹ Gale took this idea and inverted it to justify resistance to the ‘corrupt’ state and to legitimize armed, violent insurrection against it. For Gale, anyone could call out the Posse and use violence to arrest government officials who enforced ‘illegal’ legislation and put them on trial by a citizens’ jury.¹⁰

Daniel Levitas argues that Gale’s importance lay in the way in which he managed to disseminate a set of ideas to a mass audience beyond a narrow band of Christian Identity believers and tax protesters. Gale set out the core elements of a belief system central to the Christian Patriot and militia movements that had wide appeal based on a legalistic rhetoric invoking the US Constitution, the *Magna Carta*, the ‘common law’, and natural rights.¹¹ Levitas argues that Gale

⁷ R. Hofstadter, *The Paranoid Style in American Politics and Other Essays* (1966).

⁸ D. Levitas, *The Terrorist Next Door: The Militia Movement and the Radical Right* (2002) 2, 383–391.

⁹ D. Kopel, ‘The Posse Comitatus and the Office of Sheriff: Armed Citizens Summoned to the Aid of Law Enforcement’ (2015) 104 *J. of Criminal Law and Criminology* 761.

¹⁰ Levitas, op. cit., n. 8, p. 2.

¹¹ Id., p. 3.

fashioned an elaborate, American-sounding ideology that married uncompromising antisemitism, anticommunism, and white supremacy with the appealing notion of the extreme sovereignty of the people. By emphasising the idea that white Anglo-Saxon Christians were joined together by natural and 'lawful' rights that trumped those of a (racially) corrupt state, Bill Gale's Posse Comitatus reached a new constituency of conservatives who would have been reluctant to embrace an ideology that revolved solely around crude bigotry.¹²

Gale's views spun off in multiple directions, with groups and individuals invoking Posse Comitatus-style ideas to form militias, violently resisting arrest, kidnapping federal employees, and often flooding courts and government administrative agencies with endless pseudolegal documents and lawsuits.¹³ Most drastically, Posse Comitatus-style ideas formed a key part of the worldview that informed Terry Nichols, one of the co-conspirators of the 1995 Oklahoma City bombing.¹⁴

Across the 1980s and 1990s, less openly violent Posse Comitatus rhetoric was also taken up by Christian Patriot groups and those calling themselves sovereign citizens and freemen on the land.¹⁵ These beliefs cross-fertilized with other tax-protester, libertarian, constitutionalist, conspiracy theory, and militia groups, organizations, and ministers, as well as gurus and entrepreneurs making money selling pseudolegal advice and templates.¹⁶ Broadly, sovereign citizens advocated and distributed advice on 'legal' tactics, claiming that individuals could withdraw their 'consent' or rescind their 'contract' with the state, and therefore free themselves from governmental and legal authority. Through the filing of 'common law liens' with courts and government officers, and the production of sovereign citizen birth certificates, driver's licences, and car number plates, adherents believed that they could legitimately evade criminal liability, the payment of taxes, foreclosure, bankruptcy, divorce proceedings, fines, and prison.¹⁷

With the rise of the internet since the 2000s, sovereign citizen beliefs and pseudolegal tactics have spread globally and have found a home outside the US in Canada, the UK, Ireland, Australia, New Zealand, and even Germany.¹⁸ Sovereign citizens, who portray themselves as 'truth seekers' and 'true citizens', are less a defined political movement and more a range of groups, proponents, entrepreneurs, and individual agents who share a loose collection of often contradictory beliefs, and whose forms of resistance to state and legal authority are generally highly individualized.¹⁹ Sovereign citizen beliefs rely on a highly literal understanding of social contract theory that exempts believers from the obligations of national citizenship. Adherents often see themselves

¹² Id., pp. 3–4.

¹³ C. Loeser, 'From Paper Terrorists to Cop Killers: The Sovereign Citizen Threat' (2015) 93 *North Carolina Law Rev.* 1106; Sarteschi, op. cit., n. 3.

¹⁴ Levitas, op. cit., n. 8.

¹⁵ Id., pp. 257–258.

¹⁶ D. Levin, 'When Good Lockians Go Bad: Common Law Courts, the Classical Liberal Tradition, and Resistance to the Modern Administrative State' (2001) 34 *Polity* 141; E. Hodge, 'The Sovereign Ascendant: Financial Collapse, Status Anxiety, and the Rebirth of the Sovereign Citizen Movement' (2019) 4 *Frontiers in Sociology* 1.

¹⁷ Levitas, op. cit., n. 8, pp. 257–258.

¹⁸ Netolitzky, op. cit., n. 3; Hobbs et al., op. cit., n. 3; S. Kent, 'Freemen, Sovereign Citizens, and the Challenge to Public Order in British Heritage Countries' (2015) 6 *International J. of Cultic Studies* 1; P. Taplin et al., 'The Sovereign Citizen Superconspiracy: Contemporary Issues in Native Title Anthropology' (2023) 34 *Aus. J. of Anthropology* 110.

¹⁹ Hodge, op. cit., n. 16, pp. 6–7.

as members of a phantom polity in which personal and property rights can be defended by pseudolegal tactics, claims to ancient and higher legal authorities, and so-called ‘common law’ courts.²⁰

3 | SOVEREIGN CITIZENS AND CONTEMPORARY CONSPIRACY THEORIES

The emergence of the COVID-19 pandemic led to numerous responses across a range of conspiracy theories, often echoed by parts of the authoritarian populist right, in which the pandemic was portrayed as a hoax and as a planned assault by secretive global elites intent on curtailing and eroding individual liberties.²¹ Sovereign citizen beliefs formed part an overlapping online world of conspiracy theories from anti-vaxxers, the alt-right, and QAnon, variably articulating the Great Reset and racist Great Replacement theories, supposed plots by ‘cultural Marxists’, and ‘deep state’ conspiracies, as well as New World Order-style conspiracy theories promulgated by Alex Jones and David Icke.²² As Naomi Klein argues, the open vocalization of conspiracy theories by figures such as Steve Bannon, Naomi Wolf, Tucker Carlson, and Russell Brand demonstrated the smooth crossover between formerly ‘mainstream’ political and media figures and online platforms with millions of viewers and ‘followers’.²³ For Clare Birchall and Peter Knight, this mix of conspiracy theory operated like a ‘coalition of distrust’, whereby the perceived assault on ‘freedom’ became the rallying cry of anti-lockdown protests across the Anglophone world.²⁴

Sovereign citizen beliefs – claiming a lack of ‘consent’, the illegitimacy of the administrative state’s attempt to lock down populations, and the higher authority of an ancient and still existing law (the US Constitution, the *Magna Carta*, the ‘common law’, and natural rights) – found a wider audience among those who opposed and sought to resist lockdowns, social distancing, mask mandates, and vaccination programmes. Sovereign citizen beliefs were articulated at anti-lockdown protests across the UK,²⁵ the US,²⁶ and Australia,²⁷ and played a prominent role in the Freedom Convoy, the Canadian truckers’ protest.²⁸ In the UK during the pandemic, there were numerous reports of sovereign citizens ‘serving notice’ in protests outside schools and vaccination

²⁰ Levin, op. cit., n. 16, pp. 144–146.

²¹ Klein, op. cit., n. 6, pp. 100–103.

²² C. Birchall and P. Knight, *Conspiracy Theories in the Time of COVID-19* (2023) 116–124.

²³ Klein, op. cit., n. 6.

²⁴ Birchall and Knight, op. cit., n. 22, pp. 116, 132.

²⁵ A. Coleman and S. Sardarizadeh, ‘Anti-Vax Protests: “Sovereign Citizens” Fight UK COVID Vaccine Rollout’ *BBC News*, 18 January 2022, at <<https://www.bbc.co.uk/news/59870550>>.

²⁶ Southern Poverty Law Center, ‘Sovereign Citizens Movement’ *Southern Poverty Law Center*, at <<https://www.splcenter.org/fighting-hate/extremist-files/ideology/sovereign-citizens-movement>>; C. Sarteschi, ‘Sovereign Citizens: More than Paper Terrorists’ *Just Security*, 5 July 2021, at <<https://www.justsecurity.org/77328/sovereign-citizens-more-than-paper-terrorists/>>.

²⁷ J. Roose, ‘How “Freedom Rally” Protesters and Populist Right-Wing Politics May Play a Role in the Federal Election’ *The Conversation*, 14 February 2022, at <<https://theconversation.com/how-freedom-rally-protesters-and-populist-right-wing-politics-may-play-a-role-in-the-federal-election-176533>>.

²⁸ G. Monbiot, ‘There’s No Solidarity in “Sovereign Citizen” Protests — Only Incoherent Rage’ *Guardian*, 16 February 2022, at <<https://www.theguardian.com/commentisfree/2022/feb/16/solidarity-sovereign-citizen-protests-ottawa-truck-blockade>>.

centres, as well as incidents in which people claiming to be ‘common law constables’ attempted to rescue patients from COVID-19 wards in hospitals.²⁹ Scotland saw an attempt by a small group to ‘storm’ Edinburgh Castle in protest, citing the authority of Chapter 61 of the *Magna Carta*.³⁰ Across the UK, sovereign citizen groups offered seminars on becoming common law constables, and on militia tactics and combat training under the banner of Alpha Men Assemble.³¹

The UK also saw a number of small businesses such as hairdressers, tattoo parlours, and gyms refuse to close down and sometimes fined for breaching COVID-19 regulations. Often posting a standardized online pseudolegal template in their shop window, they claimed the freedom to carry on their business on the basis of the ‘common law’, via Chapter 61 of the *Magna Carta* authorizing ‘lawful dissent’, and through the withdrawal of their ‘consent’ to be regulated by the state.³² Following the pandemic, sovereign citizen beliefs have not disappeared in the UK; on the contrary, they have been articulated in protests against ‘15-minute cities’, low-traffic neighbourhoods, and London’s Ultra Low Emission Zone (ULEZ).³³ Within this context, sovereign citizen beliefs form part of a broader web of conspiracy theories that view global warming as a hoax, part of the Great Reset, and a pretext for the erosion of liberty.³⁴ Further, in response to the increased prevalence of sovereign citizen beliefs, many local councils across the UK have prominent information pages on their websites debunking pseudolegal claims in relation to the non-payment of council tax.³⁵

Prior to and following the pandemic, courts in the US, Canada, the UK, Ireland, Australia, and New Zealand have dealt with defendants and litigants who express sovereign citizen beliefs and present complicated pseudolegal arguments.³⁶ While they share a common set of beliefs, the

²⁹ Coleman and Sardarizadeh, op. cit., n. 25.

³⁰ N. Badshah, ‘Protesters Claim to “Seize” Edinburgh Castle Citing *Magna Carta*’ *Guardian*, 17 August 2021, at <<https://www.theguardian.com/uk-news/2021/aug/17/protesters-claim-to-seize-edinburgh-castle-citing-magna-carta>>.

³¹ T. Hume, ‘I Trained to Become a Fake Cop with COVID Conspiracists’ *Vice News*, 14 April 2022, at <<https://www.vice.com/en/article/y3v9vg/covid-peace-constable>>; M. Townsend, ‘Concern for UK Security as Anti-Vaxxer Groups Evolve towards US-Style Militias’ *Guardian*, 15 January 2022, at <<https://www.theguardian.com/uk-news/2022/jan/15/concern-for-uk-security-as-anti-vaxxer-groups-evolve-towards-us-style-militias>>; T. Hume, ‘Sovereign Citizens Are Trying to Set Up Their Own Anti-Vax Schools in the UK’ *Vice News*, 1 October 2021, at <<https://www.vice.com/en/article/bvz9n4/sovereign-citizens-are-trying-to-set-up-their-own-anti-vax-schools-in-the-uk>>; T. Hume, ‘Anti-Vaxxers Can’t Just Dress Up as Cops, Court Rules’ *Vice News*, 18 March 2022, at <<https://www.vice.com/en/article/pkpwx/antivax-police-peace-constable>>.

³² A. Coleman, ‘COVID Lockdown: Why *Magna Carta* Won’t Exempt You from the Rules’ *BBC News*, 6 March 2021, at <<https://www.bbc.co.uk/news/56295261>>; The Secret Barrister, ‘Can *Magna Carta* and “Common Law” Give You Immunity from COVID Regulations?’ *The Secret Barrister*, 28 November 2020, at <<https://thesecretbarrister.com/2020/11/28/can-magna-carta-and-common-law-give-you-immunity-from-covid-regulations/>>.

³³ A. Barnett and S. Bright, ‘Anti-ULEZ Protest Group Promotes Conspiracy Theories and Climate Science Denial’ *DeSmog*, 2 September 2023, at <<https://www.desmog.com/2023/09/02/action-against-ulez-expansion-facebook-protest-group-conspiracy-theories-climate-science-denial/>>; P. Sethi, ‘ULEZ: How Conspiracy Theories Pollute London’s Clean Air Policy’ *Logically Facts*, 28 August 2023, at <<https://www.logicallyfacts.com/en/analysis/ulez-how-conspiracy-theories-pollute-londons-clean-air-policy>>.

³⁴ B. Quinn, ‘Far Right Trying to Infiltrate UK’s Low-Traffic Protests, Campaigners Warn’ *Guardian*, 24 February 2023, at <<https://www.theguardian.com/world/2023/feb/24/far-right-trying-to-infiltrate-low-traffic-protests-campaigners-warn>>; E. Addley, ‘“This Is Political Expediency”: How the Tories Turned on 15-Minute Cities’ *Guardian*, 7 October 2023, at <<https://www.theguardian.com/cities/2023/oct/07/15-minute-cities-rishi-sunak-tories-conspiracy-theory>>.

³⁵ See for example Arun District Council, ‘Council Tax and Freeman on the Land’ *Arun.gov.uk*, at <<https://www.arun.gov.uk/freeman-on-the-land/>>.

³⁶ See generally Netolitzky, op. cit., n. 3; Hobbs et al., op. cit., n. 3; Kent, op. cit., n. 18; S. Koniak, ‘When Law Risks Madness’ (1996) 8 *Cardozo Studies in Law and Literature* 65; C. McRoberts, ‘Tinfoil Hats and Powdered Wigs: Thoughts on

precise content of the pseudolegal arguments varies from case to case, involving nuances particular to national jurisdictions, and these have often been adapted over time by various online gurus, pseudolegal advocates, and online communities. Typically, pseudolegal arguments claim the authority of a higher law, which is both ancient and still in force, and do so by referencing variably the US Constitution, the *Magna Carta*, the ‘common law’, ‘God’s law’, and natural rights. Proponents commonly express a lack of ‘consent’ to being bound by any legal obligations to the state and treat all such obligations as if they were a contract that required express consent to come into force.³⁷

Many pseudolegal proponents denounce the legitimacy and jurisdiction of the courts and often rely on an elaborate conspiracy theory according to which the state’s legitimacy was ‘corrupted’ at some point in the past. Central to this story is the ‘corruption’ of the original legitimacy of the US Constitution by the federal government during the post-Civil War reconstruction in the 1860s protecting the newly extended citizenship of Black former slaves.³⁸ Central also is the use of federal government ‘emergency powers’ and New Deal legislation enacted by the Roosevelt administration during the Great Depression of the 1930s. The conspiracy theory further involves the Roosevelt administration taking the US off the gold standard and supposedly handing ‘the power of the people’ over to international Jewish bankers.³⁹ These accounts are often varied according to how they are used in different national jurisdictions. However, at its core, sovereign citizen conspiracy theory generally claims that since at least the 1930s a state’s original constitutional legal authority and the supposed old authority of the ‘common law’ were replaced by an ‘illegitimate’ system of ‘admiralty law’ that formed part of an Illuminati- or New World Order-style secretive, networked organization of global power.⁴⁰

Linked to such an account is the use of ‘redemption theory’. On some versions of this theory, it is claimed that the US federal government (and by extension the governments of the UK, Canada, Australia, and so on) went bankrupt in the 1930s and used their citizens as collateral with foreign nations and international banking networks.⁴¹ On this theory, individuals have two identities: a ‘strawman’ or ‘corporate’ identity, and a ‘real’, ‘flesh-and-blood’, ‘common law’ identity. The strawman identity is seen as an artificial form of legal personality in which the state coercively regulates individuals through taxes, administration, and criminal law. Proponents claim that they are not bound by the ‘illegitimate’ strawman identity, which can be renounced by the correct ‘legal’ use of language. On some versions of this theory, a secret bank account is set up for each citizen at birth as a security for foreign debt. This is apparently connected to an individual’s real, flesh-and-blood identity and can be claimed via the correct use of pseudolegal language.⁴² On the curious nature of strawman theory, Donald J. Netolitzky argues:

Pseudolaw’ (2019) 58 *Washburn Law J.* 637; D. Griffin, “‘I Hereby and Herein Claim Liberties’: Identity and Power in Sovereign Citizen Pseudolegal Courtroom Filings’ (2023) 6 *International J. of Coercion, Abuse, and Manipulation* 16; B. M. Arnold and E. M. Fletcher, ‘Whose Constitution: Sovereign Citizenship, Rights Talk, and Rhetorics of Constitutionalism in Australia’ (2023) 14 *Jindal Global Law Rev.* 99.

³⁷ Netolitzky, op. cit., n. 3, pp. 168–169.

³⁸ Koniak, op. cit., n. 36, pp. 77–83.

³⁹ Id.

⁴⁰ Loeser, op. cit., n. 13, p. 1120. See also Netolitzky, op. cit., n. 3, pp. 169–170; *Meads v. Meads* [2012] ABQB 571 (CanLII); *AVI and MHVB and Jacqueline Robinson, a.k.a. Jacquie Phoenix (Third Party and Unauthorised Alleged Representative)* [2020] ABQB 489.

⁴¹ Loeser, op. cit., n. 13, pp. 1121–1124.

⁴² Id.

‘Strawman Theory’ claims that individuals have two linked but separate aspects, a ‘flesh and blood’ human, and an immaterial ‘legal person’, or ‘Strawman’. This duality is allegedly concealed by state actors because the state has no authority over the ‘flesh and blood’ human, except where that authority chains through the Strawman to the human by one or more birth documentation contracts. The two aspects are distinguished by letter case (and sometimes punctuation): ‘ROBERT ARTHUR MENARD’ is the Strawman component, while ‘Robert-Arthur: Menard’ is a human being. Functionally, the Strawman operates much like a form of demonic possession. With the correct paperwork, the Strawman may be ‘exorcised’, freeing an individual from any state authority.⁴³

In the UK, a number of recent cases refer to the use of sovereign citizen-style arguments and pseudolegal tactics often involving the assertion of the lack of ‘consent’.⁴⁴ The 2024 High Court case of *Stamp & Ors v. Capital Home Loans Ltd* involved over 200 near-identical claims drafted in pseudolegal language, invoking a host of authorities such as the *Magna Carta*. In the background sat a financial scam run by a pseudolegal guru using sovereign citizen redemption theory and strawman identity to convince a range of followers to pay into a get-rich-quick scheme. In the judgement, Master Gidden said:

The totality of claims that are the subject of this judgment have not revealed the full extent of the source, and nature, of encouragement and co-ordination that lies behind them but there is every appearance of deceit, of abuse and contempt of Court, and it is a matter of time before a full picture of these comes to light. Anyone drawn into bringing claims like this should be cautious. Those that promote them are duly warned. Claims that are presented with these characteristics can expect the Court’s mercy and forbearance to be particularly limited ... Claimants that rely upon stock templates that are purchased by or given to them and that are nonsensical can expect to incur the Court’s displeasure.⁴⁵

While in the UK there are no published empirical studies tracking the extent of sovereign citizen and pseudolegal arguments used to interact with banks, administrative agencies, local councils, bailiffs, debt collectors, and courts, the use of such tactics is potentially relatively widespread. In most interactions, the assertion of sovereign citizen claims and pseudolegal arguments is simply not recorded.

⁴³ Netolitzky, op. cit., n. 3, p. 169.

⁴⁴ See generally *Salmon v. Leeds Crown Court* [2021] EWHC 1076 (Admin); *Ulster Bank/National Westminster Bank Plc v. Pollock* [2021] NICH 23 – NI; *R. (on the application of Popovic) v. Ealing Magistrates Court* [2023] EWHC 1875 (Admin); *Lewis v. West Bromwich Building Society* [2023] EWHC 1361 (KB); *Foster v. McPeake & Ors.* [2015] NIMaster 14; *London Borough of Lambeth v. Grant & Ors* [2021] EWHC 1962 (QB); *Kofa v. Oldham* [2024] EWHC 685 (Admin). See also Crime Girl, ‘Pseudo-Law; Freeman on The Land, OPCAs and Magic Hats’ *Crime Girl’s Blog*, 21 October 2023, at <<https://crimegirl.co.uk/2023/10/21/pseudo-law-freemen-on-the-land-opcas-and-magic-hats/>>; Y. Greenberg, ‘How to Approach Sovereign Citizens and a Freeman-on-the-Land’ *Local Government Lawyer*, 12 May 2023, at <<https://www.localgovernmentlawyer.co.uk/litigation-and-enforcement/311-litigation-features/53797-how-to-approach-sovereign-citizens-and-a-freeman-on-the-land>>.

⁴⁵ *Stamp & Ors v. Capital Home Loans Ltd & Ors* [2024] EWHC 1092 (KB) 37. See also D. Dimitriadis, ‘Facebook Still Allowing “Unauthorised” Wealth Scheme Adverts’ *Open Democracy*, 13 February 2023, at <<https://www.opendemocracy.net/en/unauthorised-wealth-scheme-matrix-freedom-advertising-facebook-instagram-meta-action-fraud/>>; D. Neidle, ‘Matrix Freedom – the Scam Conspiracy Theory that Makes £500k a Month from the Vulnerable’ *Tax Policy Associates*, 8 June 2024, at <https://taxpolicy.org.uk/2024/06/08/matrix_freedom_scamming_vulnerable_people/>.

4 | CONSPIRACY THEORY AND THE ‘PARANOID STYLE’

Given that sovereign citizen beliefs draw on and sit within a wider conspiracy theory framework, it is useful to think about how different approaches to the issue of conspiracy theory help to frame how sovereign citizen arguments are understood and addressed. In North America and Western Europe, the dominant liberal approach to conspiracy theory broadly continues an account made prominent by Richard Hofstadter in the 1960s.⁴⁶ Responding to the widespread operation of conspiracy theory in the US public sphere through the McCarthy era and the radical right in the 1950s and 1960s, Hofstadter denounced proponents of conspiracy theory as exhibiting a ‘paranoid style’. For Hofstadter, this style involved a ‘pathological’ sense of persecution, suspicion, and enmity, manifesting in a ‘distorted judgement’ of what counts as political reality.⁴⁷

Hofstadter argued that conspiracy theorists saw the world in apocalyptic terms and viewed all conflict as an absolute battle between good and evil. In this respect, they occupied an ‘irrational’ position situated outside the ‘rational’ world of liberal politics, which was ordinarily made up of political conflict, disagreement, negotiation, and compromise.⁴⁸ Echoing such a position today, the prominent political and constitutional commentator Jan-Werner Müller places the use of conspiracy theory within a broader political framework of right-wing populism as typified by figures such as Trump and Viktor Orbán.⁴⁹ Müller argues that while many paranoid, conspiratorial beliefs often draw on a sense of political alienation and economic dissatisfaction, they stand outside and threaten to tear down the ‘rational’ world of liberal-democratic political and constitutional deliberation.⁵⁰

Unsurprisingly, such a liberal framing of conspiracy theory dominates many of the responses by governments and courts to sovereign citizen claims and pseudolegal arguments. This can be seen in the leading Canadian case of *Meads v. Meads*, which has also been influential in the UK and Australia. In this case, Associate Chief Justice Rooke described pseudolegal advocates as often holding ‘highly conspiratorial perspectives’, the belief that they have been ‘unfairly cheated,’ and the perception of themselves as having the right to ‘retaliate against their oppressors’.⁵¹ With respect to the general ‘irrationality’ of what he terms ‘organised pseudolegal commercial arguments’ (OPCA), Rooke ACJ noted:

These claims are, of course, pseudolegal nonsense. A judge who encounters and reviews OPCA concepts will find their errors are obvious and manifest, once one strips away the layers of peculiar language [and] irrelevant references, and decipher the often bizarre documentation which accompanies an OPCA scheme. When reduced to their conceptual core, most OPCA concepts are contemptibly stupid.⁵²

For Rooke ACJ, pseudolegal arguments are ‘little more than scams that abuse legal processes’ and are typically unsuccessful for and harmful to those who argue them. Further, as ‘nonsense’,

⁴⁶ Hofstadter, op. cit., n. 7.

⁴⁷ Id., pp. 3–9.

⁴⁸ Id., pp. 29–32.

⁴⁹ J.-W. Müller, *What Is Populism?* (2016).

⁵⁰ Id.

⁵¹ *Meads*, op. cit., n. 40, p. 16.

⁵² Id., p. 17.

pseudolegal arguments ‘stand outside the rules and law’ and are commonly dismissed by courts without written reasons.⁵³ In a similar vein, Netolitzky argues that such a ‘paranoid’ and ‘conspiratorial’ pseudolegal mindset promotes conflict, resistance to authority, and, at its most extreme, extra-legal violence.⁵⁴ Indeed, in the US, where there is a long history of violence carried out by sovereign citizen groups, the Federal Bureau of Investigation (FBI) has characterized the use of pseudolegal tactics as ‘paper terrorism’ and labelled sovereign citizen groups as ‘extremist’ and a ‘domestic terrorist threat’.⁵⁵ Most recently, a number of people involved in the violent attack on the US Capitol Building in 2021 have had their sovereign citizen arguments dismissed by the courts.⁵⁶

Generally, within the liberal-democratic polity, sovereign citizen claims and pseudolegal tactics are primarily understood and portrayed by courts and government agencies as ‘irrational’ and ‘illegitimate’. Colin McRoberts argues that sovereign citizen claims operate as a form of ‘replacement law’ designed to subvert legal processes and therefore cannot be seen by the state or courts to coexist with mainstream understandings of law.⁵⁷ The response of government agencies and courts is to prosecute breaches of the law, throw out or refuse to accept pseudolegal documentation, and counter misinformation and raise awareness so as to prevent the manipulation of vulnerable people by gurus who promote pseudolegal tactics for profit.

The standard liberal response to sovereign citizen claims is in many ways understandable. It is a response by courts and government agencies who have their time wasted, and it is a response by the state to the threat and exercise of violence against it. It is also a response to a situation where individuals suffer harm as a result of advancing unrecognized legal and constitutional arguments sourced from the internet, or from falling for financial scams. Yet, the dismissal of sovereign citizen beliefs and the broad range of pseudolegal arguments as ‘irrational’ and ‘nonsensical’ perhaps misses something important about this phenomenon, especially given the spreading of these beliefs in the wake of the pandemic. In this respect, it is worth thinking more about sovereign citizen beliefs by drawing on the critical literature on conspiracy theory. Doing so helps to problematize the liberal framing of conspiracy theory as ‘irrational’ and positions conspiracy theory as a form of stigmatized knowledge.

5 | KNOWLEDGE PRODUCTION AND STIGMATIZED KNOWLEDGE

Today, it is quite common to dismiss conspiracy theories as ‘irrational’ – as a wacky and confused way of understanding the world. Yet, across North America and Western Europe, conspiracy theories previously formed a common, widespread discourse and ‘legitimate’ form of knowledge within the public sphere from the eighteenth century up until the middle of the twentieth

⁵³ Id., p. 16.

⁵⁴ Netolitzky, op. cit., n. 3, p. 179.

⁵⁵ Sarteschi, op. cit., n. 3; C. Sarteschi, ‘Growing Threat of Sovereign Citizen Extremism Spans Borders and Ideologies’ *Homeland Security Today*, 19 April 2022, at <<https://www.hstoday.us/featured/perspective-growing-threat-of-sovereign-citizen-extremism-spans-borders-and-ideologies/>>.

⁵⁶ K. Weill, ‘Jan. Sixers Are Using Sovereign Citizen Defences to Try and Get Out of Prison’ *Daily Beast*, 26 December 2022, at <<https://www.thedailybeast.com/jan-six-rioters-are-using-sovereign-citizen-defenses-to-try-to-get-out-of-prison>>; M. Pengelly, ‘January 6 Rioter Found Guilty after Judge Calls Defence Argument “Gobbledegook”’ *Guardian*, 22 November 2023, at <<https://www.theguardian.com/us-news/2023/nov/22/taylor-james-johnatakis-guilty-jan-6-rioter>>.

⁵⁷ McRoberts, op. cit., n. 36, p. 644.

century. As Gordon Wood argues, conspiratorial thinking developed in the seventeenth and eighteenth centuries as an 'Enlightened' way of understanding and explaining social and political events.⁵⁸ Through the idea of conspiracy, human agency was positioned at the centre of social and political change, and this helped to displace concepts of fate, tragedy, divine providence, and the omnipotence of God.⁵⁹ Conspiracy thinking often operated as a 'rational' and secular way of understanding social processes in terms of human agency, will, moral accountability, and the political operation of deception. It involved the uncovering of the 'real', secret intention of individuals whose 'immoral' plots and plans lay hidden behind what was publicly discussed.⁶⁰

Yet, as Wood notes, by the end of the eighteenth century, alternative ways of understanding and explaining complex social events, changes, and systems were developed by thinkers such as Adam Ferguson and Adam Smith (and subsequently then by G. W. F. Hegel, Jeremy Bentham, and Karl Marx), which paved the way towards modern forms of social science. Social science attempted to explain the complexity of events such as the French Revolution not in terms of conspiratorial plots of secret societies such as the Illuminati, but by outlining complicated social, political, and economic causes, consequences, movements, beliefs, and systems.⁶¹ Across the nineteenth and early twentieth centuries, conspiracy theory and social science perspectives, alongside religion, played a role within multiple public spheres as conflicting and competing forms of knowledge. Indeed, as Michael Butter notes, many conspiracy theories readily mixed the secular focus on individual moral agency with more religious understandings of the battle between good and evil, spiritual renewal, and apocalyptic 'end of times' narratives.⁶² However, by the mid-twentieth century, conspiratorial interpretations were being pushed to the margins of the public sphere and becoming widely delegitimized.⁶³

As Katharina Thalman shows, the story of conspiracy theory sits within a broader historical framework of knowledge production across culture and public discourse in North America and Western Europe.⁶⁴ In this, conspiracy theory is constructed as a form of what Michael Barkun calls 'stigmatized knowledge'.⁶⁵ In the middle of the twentieth century, prominent liberal intellectuals from the social sciences such as Hofstadter, Karl Popper, and Edward Shils actively denounced and stigmatized conspiracy theory as 'irrational' and 'illegitimate'. Their account portrayed conspiracy theory as an overly simplistic means of understanding the political and social world that was especially dangerous when taken up by the uneducated masses.⁶⁶ For Thalman, it was this view of conspiracy theory as stigmatized knowledge that came to dominate the public spheres of liberal-democratic states. She argues that by the 1970s conspiracy theorists had increasingly come to accept their marginal position in opposition to mainstream culture. This led to the construction

⁵⁸ G. Wood, 'Conspiracy in the Paranoid Style' (1982) *William and Mary Q.* 408.

⁵⁹ Id., pp. 408–414.

⁶⁰ Id., pp. 420–427.

⁶¹ Id., pp. 429–431.

⁶² M. Butter, *Plots, Designs and Schemes: American Conspiracy Theory from the Puritans to the Present* (2014). See also Barkun, op. cit., n. 4.

⁶³ Wood, op. cit., n. 58, pp. 438–440.

⁶⁴ K. Thalman, *The Stigmatisation of Conspiracy Theory since the 1950s: 'A Plot to Make Us Look Foolish'* (2019). See also C. Birchall, *Knowledge Goes Pop: From Conspiracy Theory to Gossip* (2006); P. Knight, *Conspiracy Theory: From Kennedy to the X-Files* (2000).

⁶⁵ Barkun, op. cit., n. 4, p. 2.

⁶⁶ Thalman, op. cit., n. 64, pp. 6–8. See also Butter, op. cit., n. 62; P. Jones, *Critical Theory and Demagogic Populism* (2020); N. Guillot, 'Conspiracies and the Liberal Imagination' (2022) 89 *Social Research* 628.

of new ‘counter-knowledge industries’ in which conspiracy theorists celebrated and marketed themselves via their marginalized, outsider status.⁶⁷ Crucially, from the position of marginalization, the conspiracy theorist interpreted their dismissal as the ultimate proof of the theory’s validity.⁶⁸

Understanding conspiracy theory thus involves appreciating a broader historical and sociological context of knowledge production constituted by struggles for power over what counts as ‘legitimate’ as opposed to ‘illegitimate’ knowledge, and the policing of these boundaries across the state, civil society, and public sphere. As Nicholas Guilhot argues, such acts of policing, as exemplified by Hofstadter’s pejorative term ‘paranoid style’, has painted in timeless, psychological terms a set of political concerns that are then dismissed and delegitimized. For Guilhot, since the Cold War, this has been a key tactic used to discredit many of liberalism’s critics, portraying as ‘irrational’ those who advocate political claims in terms of economic, gender, racial, and sexual equality and Indigenous sovereignty.⁶⁹ Institutions within liberal-democratic states, especially security agencies and courts, are often blind to the historical and contemporary policing of the boundaries of ‘legitimate’ knowledge and the political consequences of this. Being more aware of this history means not completely dismissing conspiratorial views. Instead, it is important to recognize the forms of suspicion and criticism buried within an often bizarre and unsettling combination of ideas.

6 | SUSPICION, AGENCY PANIC, AND POPULAR CULTURE

Conspiracy theory can be understood as a form of thinking sceptically about the operation of state and corporate power within the context of transnational, globalized capitalism and the information age of the internet. Conspiracy theories can articulate a sense of distrust and suspicion with the lack of openness of government and private corporations.⁷⁰ Conspiracy theories also voice a feeling of ‘malaise’, an oppressive sense that all is not right in the world, that institutions are captured, corrupt, or do not work, and that private interests are enriched at the expense of the people’s welfare.⁷¹ In this respect, Timothy Melley argues:

While the salacious narrative allegations of conspiracy theories get most of the critical attention, the often-overlooked grounding assumptions may in fact be more important reflections of the relation between institutional power and public knowledge. They point to the effects of state secrecy in times of covert warfare, disinformation operations, extraordinary rendition, and torture; the corruption of democracy by campaign donations, gerrymandering, [and] corporate and foreign influence; an increasingly fractured mass media driven by advertising revenue, political bias, and elite ownership; the relentless subordination of public interest to the profit motives of corporations, universities, medical organizations, lawyers, and so on.⁷²

⁶⁷ Thalman, op. cit., n. 64, pp. 7–13.

⁶⁸ Id., p. 13.

⁶⁹ Guilhot, op. cit., n. 66. See also M. Rogin, *Ronald Reagan the Movie: And Other Episodes in Political Demonology* (1987).

⁷⁰ J. Dean, *Publicity’s Secret: How Technoculture Capitalises on Democracy* (2002) 52–53. See also Knight, op. cit., n. 64, p. 25; M. Fenster, *Conspiracy Theories: Secrecy and Power in American Culture* (2008) 10.

⁷¹ Löwenthal and Guterman, op. cit., n. 6.

⁷² Melley, op. cit. (2022), n. 5, p. 764.

Viewed from the perspective of critical theory, conspiracy theory represents a sense of suspicion but, importantly, offers only a very limited and inadequate form of analysis. Conspiracy theories reduce complex systematic social problems of class, democracy, power, communication, capitalism, and globalization to the result of individual immoral acts and intentions and spiritual conflicts between the powers of good and evil.⁷³ This means that while conspiracy theories signal in an obtuse way many of the problems and limitations of the liberal-democratic state, they lack the intellectual sophistication to adequately explain the operation of power in the modern world.

For Melley, the limited response of conspiracy theory to the modern world represents a 'nostalgic conception of agency' and a form of agency panic.⁷⁴ In this, conspiracy theories offer a degree of comfort in an uncertain age, a 'master narrative' that helps to explain complex events. Conspiracy theories reassert the importance of the individual self – of classical, liberal individual agency – in a world organized and governed by diverse social and technological systems and impersonal forms of power.⁷⁵ Melley argues that by making social and technological systems 'enemies of the self', the conspiratorial view functions less as a defence of any clear political position and more as a nostalgic defence of individualism and individual sovereignty.⁷⁶

Melley claims that one key reason why conspiracy theory remains widespread is because of its deep entrenchment within popular culture via mass media, not only in fiction presented in books, television, and film, but also in the 'thrilling revelations' of sensationalist and tabloid news media.⁷⁷ He notes that, given that fiction helps to shape our understanding of our world and political power, the persistence of endless 'conspiracy melodrama' pumped out by mass media replays a set of conspiratorial plots, romanticizes conspiratorial reason, and normalizes a fantasy of 'public sphere heroism' in which we celebrate the moral hero's individual sovereign agency in the uncovering of a secret plot that underpins 'illegitimate' state or corporate power.⁷⁸ Melley argues that, within this context, Trump's claim that the 2020 US presidential election was rigged and his relentless complaint against the corruption of democracy by 'fake news' draws together a suspicion of the problematic workings of state and public power with the narrative of conspiracy that has been normalized by fiction across public culture.⁷⁹

With the rise of the internet and social media, the heroic narrative of the conspiracy theorist within fiction is often taken seriously by the online truth seeker uncovering for themselves the supposed 'truth' about a rigged election, a COVID-19 vaccine, or lockdown policy, and the connection of these within a 'super conspiracy' underpinning global power relations.⁸⁰ While the twentieth century saw the delegitimization and stigmatization of conspiracy theory as a form of knowledge, the emergence of the internet and digital and social media in the twenty-first century has led to a much greater fragmentation of the public sphere in which various 'counterpublics' view conspiracy as a 'legitimate' form of knowledge and public discourse.⁸¹ Amplified by partisan news

⁷³ Löwenthal and Guterman, op. cit., n. 6; Fenster, op. cit., n. 70.

⁷⁴ Melley, op. cit. (2000), n. 5; Melley, op. cit. (2022), n. 5, p. 765.

⁷⁵ Melley, op. cit. (2000), n. 5, pp. 6–13.

⁷⁶ Id., p. 11.

⁷⁷ Melley, op. cit. (2022), n. 5, pp. 765–767. For differing accounts, see Knight, op. cit., n. 64; Birchall, op. cit., n. 64; Fenster, op. cit., n. 70.

⁷⁸ Melley, op. cit. (2022), n. 5, pp. 770–775.

⁷⁹ Id., pp. 775–776.

⁸⁰ Birchall and Knight, op. cit., n. 22; Klein, op. cit., n. 6.

⁸¹ M. Butter, 'Conspiracy Theory after Trump' (2022) 89 *Social Research* 787, at 802.

media such as Fox News and GB News, right-wing populists such as Steve Bannon, and online conspiracy theorist entrepreneurs such as Alex Jones, and recycled across social media by fraudsters, celebrity influencers, and computational algorithms, conspiracy theory is thriving within online echo chambers and counterpublics.⁸² Conspiracy theory is now a highly normalized – albeit incredibly inadequate and often racist – form of suspicion, critique, analysis, and knowledge.

7 | SOVEREIGN CITIZEN BELIEFS AS NORMALIZED BUT INADEQUATE KNOWLEDGE

It is worth revising, then, the commonly held liberal conception of sovereign citizen beliefs, embedded in a world of conspiracy theory, as ‘irrational’, ‘paranoid’, and ‘nonsensical’. Sovereign citizen beliefs express a form of stigmatized knowledge, drawing on conspiracy theory and an abstract concept of individual sovereign agency as a means of critiquing the state and transnational power relations. They reflect an older form of knowledge focused on individual immoral actors hiding in secret and plotting, controlling, and directing events.

Viewed from the perspectives of contemporary social science and critical theory, this form of knowledge is dysfunctional and inadequate. However, given the reach and dynamics of popular culture, the entertainment industry, and the internet and social media, this inadequate form of conspiratorial knowledge used by sovereign citizens is today incredibly common and incredibly *normal* for many segments of the population. Sovereign citizen beliefs thus represent an obtuse articulation of outrage and suspicion, and an overly simplistic, inadequate form of political analysis combined with a highly problematic, and often deeply racist, mode of legal intervention.

Given this background, the task of those thinking about and engaging with sovereign citizens has to be more than mere dismissal; it has to be an attempt to understand. This was the approach of Susan P. Koniak writing about sovereign citizens in the US in the 1990s. She viewed sovereign citizens as having their own idea of ‘law’, one that they were prepared to live and die by and realize through concrete forms of action.⁸³ For Koniak, sovereign citizens suffered the violence of the state, and were willing, at times, to engage in violence to preserve their own law, their ‘courts’, and their flawed vision of a ‘true’ constitution. In adopting such a position, she took seriously the task of recognizing the ethical and legal claims of the ‘other’, even if their underlying racist and antisemitic views rightly scared and repelled her.⁸⁴

In a broad sense, then, sovereign citizens can be seen as asserting a conspiratorial form of knowledge over and against a liberal form of knowledge of the state and its courts. This takes place as a contestation of rival legal knowledges, each suspicious and dismissive of the other, where objections remain unheard and where dismissal reinforces a self-belief in a sense of legitimacy. From the perspective of critical theory, the dominant liberal approach to speaking about conspiracy theories and sovereign citizens in terms of the binary of ‘rational’/‘irrational’ is unhelpful because it ignores the mythologies and ungrounded ‘irrational’ abstractions built into liberal modes of thinking. In this sense, both liberal and conspiratorial conceptions of law have their blind spots and limitations.

However, this does not mean that the effort to understand the conspiratorial mindset of sovereign citizens within the context of power-knowledge conflicts develops into a form of

⁸² Birchall and Knight, op. cit., n. 22.

⁸³ Koniak, op. cit., n. 36, pp. 87–88.

⁸⁴ Id., pp. 96–104.

value-free, moral relativism. While conspiracy theories in general might signal suspicion, the conspiratorial standpoint of sovereign citizens emerges historically out of an anti-egalitarian, racist, and antisemitic political ideology of the radical right. In this respect, the sovereign citizen contestation of the liberal-democratic state and its law is always, however hidden or disguised, an attack from the traditions of the radical right on the liberal-democratic ideals of formal equality and human rights – an attack that can be understood but should ultimately be challenged and condemned.

8 | THE RADICAL RIGHT AND AUTHORITARIAN POPULISM

The conceptualization of conspiracy theory in terms of Melley's notion of agency panic is helpful in thinking about sovereign citizen beliefs that assert an extreme idea of individual sovereignty bound only by laws to which the individual has provided their consent. Yet, such a framing – which places the conspiratorial view within the context of disillusionment with modernity, or as a result of social, economic, and cultural changes leading to deprivation, anxiety, and alienation – does not, crucially, explain why people turn to a viewpoint that stresses individual sovereignty rather than one that expresses, for example, social solidarity. In seeking to understand why people respond to conditions of social dislocation in different ways, it is important to consider how support for distinct political positions and identities is mobilized successfully and strategically by ideology and political rhetoric.⁸⁵ In this sense, as argued by Mark Fenster and Michael Butter, contemporary conspiracy theory needs to be understood within the context of right-wing authoritarian populism and the construction of authoritarian populist identities.⁸⁶

The emergence of a long counter-revolution of the radical right articulating an ideology of authoritarian populism has been well described by a number of critical social theorists such as Leo Löwenthal and Norbert Guterman, Stuart Hall, Michael Kazin, Joseph Lowndes, and Wendy Brown.⁸⁷ Authoritarian populism emerged in the US as a key ideology of the radical right in the 1940s, 1950s, and 1960s in response to the social democratic welfare state, Keynesian economic consensus, and egalitarian social policies in relation to race and gender, and in opposition to socially progressive discourses of social solidarity, equality, sexual freedom, and anti-colonialism articulated across the public sphere. Authoritarian populism expresses a contradictory ideology that encompasses conflicting elements of anti-socialism, neoliberal economic and social policy, ethno-nationalism, racism, xenophobia, militarism, and the promotion of the 'morality' of individual responsibility, Christianity, traditional gender roles, patriarchy, and the nuclear family.⁸⁸ By the 1980s, authoritarian populism had moved to the centre of the political landscape in the US

⁸⁵ R. Wodak, *The Politics of Fear: What Right-Wing Populist Discourses Mean* (2015); H. Betz, 'Forty Years of Radical Right-Wing Populism' in *Global Resurgence of the Right: Conceptual and Regional Perspectives*, eds. G. Doval and G. Souroujon (2021) 7.

⁸⁶ Fenster, op. cit., n. 70; Butter, op. cit., n. 62.

⁸⁷ Löwenthal and Guterman, op. cit., n. 6; S. Hall, *The Hard Road to Renewal: Thatcherism and the Crisis of the Left* (1988); M. Kazin, *The Populist Persuasion: An American History* (2017); J. E. Lowndes, *From the New Deal to the New Right: Race and the Southern Origins of Modern Conservatism* (2008); W. Brown, *In the Ruins of Neoliberalism: The Rise of Antidemocratic Politics in the West* (2019).

⁸⁸ See my account in T. Kochi, 'Authoritarian Populism, Democracy, and the Long Counter-Revolution of the Radical Right' (2023) 22 *Contemporary Political Theory* 439.

and the UK through the Reagan and Thatcher administrations.⁸⁹ From the 1990s through to the present, the ideology of authoritarian populism has slowly moved from the fringes to the centre of Western European and Australian political discourses.⁹⁰

Across the UK, North America, Western Europe, and Australia, this contradictory ideology of right-wing authoritarian populism has been fully normalized. It has been enacted by government policy, dominates tabloid and right-wing media, and saturates the public sphere through incessant ‘culture wars’ against the social democratic legacy, against racial, gender, sexual, and social equality, against ‘woke’ culture, against multiculturalism, and against so-called ‘globalists’.⁹¹ Further, while some aspects of authoritarian populism rhetorically feign a degree of criticism of neoliberalism, as Wendy Brown and Colin Crouch show, the legacy of authoritarian populism is one that is fully bound up with neoliberalism, involving the roll-back of the social democratic welfare state, the limitation of any radical, democratic participatory politics, and the production across all levels of society of neoliberal subjectivity and neoliberal rationality.⁹²

A key element of authoritarian populism is the simplification of the political world and the construction of a political identity around an antagonistic relation between ‘the people’ and those who perpetually cheat and threaten them: a corrupt ‘elite’ and dangerous, demonized ‘others’.⁹³ In this respect, authoritarian populism mobilizes political support and constructs a form of political subjectivity and self-understanding based on fear, enmity, hate, and scapegoating.⁹⁴ As such, agency panic is something that is cultivated, mobilized, and supercharged by an ideology of authoritarian populism.⁹⁵ This mobilization stretches across mainstream and social media and popular culture, reinforcing the self-conception of being oppressed, under attack, and undermined by corrupt elites, ‘woke’ experts, government bureaucrats, judges, immigrants, and racial and sexual minorities.

As Fenster notes, conspiracy theory has had a long and varied relationship with different fascist and authoritarian populist movements. He sees conspiracy theory as a ‘particularly unstable element’ within authoritarian populism, helping to mobilize profound fear and suspicion and distorting conventional understandings of political reality.⁹⁶ Similarly, for Butter, conspiracy theory does a great deal of cultural work in helping to construct authoritarian populist identities. It does so by distorting class and social struggles and re-narrating them as timeless battles between good and evil, and by deflecting from key issues through scapegoating, othering, and generating alternative, complex accounts of reality.⁹⁷ Further, conspiracy theory generalizes a key form of authoritarian populist strategy identified by Löwenthal and Guterman, and also by Ruth Wodak: ‘victim-perpetrator reversal’. Here, the mobilization of enmity, fear, and hate against corrupt elites

⁸⁹ J. Himmelstein, *To the Right: The Transformation of American Conservatism* (1990); A. Gamble, *The Free Economy and the Strong State: The Politics of Thatcherism* (1988).

⁹⁰ Betz, op. cit., n. 85; B. Moffitt, *The Global Rise of Populism: Performance, Political Style, and Representation* (2016); A. Mondon, ‘Really Existing Liberalism, the Bulwark Fantasy, and the Enabling of Reactionary, Far Right Politics’ (2024) *Constellations* 1.

⁹¹ Brown, op. cit., n. 87; C. Crouch, *Post-Democracy after the Crises* (2020). See also N. Fraser, *Cannibal Capitalism: How Our System Is Devouring Democracy, Care, and the Planet – and What We Can Do about It* (2023).

⁹² Id.

⁹³ E. Laclau, *On Populist Reason* (2018).

⁹⁴ Wodak, op. cit., n. 85.

⁹⁵ Löwenthal and Guterman, op. cit., n. 6, pp. 13–24.

⁹⁶ Fenster, op. cit., n. 70, pp. 84–89.

⁹⁷ Butter, op. cit., n. 62, pp. 13–21.

and racialized others is defended and justified by the claim that these very opponents are conspiring against the persecuted, oppressed truth seekers, the morally upright ‘people’.⁹⁸ Through such a rhetorical strategy, the authoritarian populist politician, media commentator, or internet agitator manages to propagate hate – often against already disadvantaged minorities – while at the same time positioning themselves as a victim.⁹⁹ A similar sense of inversion is noted by Klein, whereby authoritarian populist conspiracy theories occur as a ‘doppelganger’ and a ‘mirror world’, in which the critique of capitalism is turned on its head and morphed into a conspiratorial fantasy, and victimhood is upended and reasserted through hyper-individualistic, neoliberal declarations in the name of ‘freedom’.¹⁰⁰

In this respect, conspiracy theory, understood within the context of an ideology of authoritarian populism, enacts a discourse and mode of subjectivity characterized by inverted oppression. Conspiracy theory promotes a self-understanding of victimhood regardless of social circumstances and historical, political, and economic context. In this, all other forms of oppression – socio-economic, gendered, racial, colonial, sexual, ecological – are swept away by the vast conspiracy narrative that circles back to reinforce the endless oppression of the neoliberal, highly individualized subject. A discourse of inverted oppression, rather than a concept of paranoia, helps us to move away from thinking about the conspiratorial perspective in terms of supposedly ‘irrational’, social-psychological conditions that since Hofstadter have dominated mainstream views and continue to influence legal approaches to sovereign citizens. Holding onto a discourse of inverted oppression means thinking about sovereign citizens in terms of the production of a particular form of modern subjectivity and identity – one that has taken place through the emergence and normalization of neoliberal, authoritarian populism since the middle of the twentieth century.

9 | INVERTED OPPRESSION AND SOVEREIGN CITIZENS

Sovereign citizen beliefs, their conspiratorial worldview, and their pseudolegal claims about the absolute nature of individual sovereignty, the role of individual ‘consent’, and the higher legal authorities of the US Constitution, the *Magna Carta*, and the ‘common law’ historically form part of the long counter-revolution of the radical right from the mid-twentieth century to today. The ideas set out by Gale and the Posse Comitatus movement in the 1960s and 1970s dovetail with other forms of right-wing conspiracy theories prominent at the time, such as those promoted by the John Birch Society, which both fed off and fed into discourses of authoritarian populism.¹⁰¹ Within this context, the radical account of possessive individualism presented within sovereign citizen beliefs forms part of a broader co-option and elevation of an abstract idea of individual ‘freedom’ against egalitarianism central to the radical right’s overturning of social democracy through neoliberalism and authoritarian populism. Crucially, for sovereign citizens,

⁹⁸ Löwenthal and Guterman, op. cit., n. 6, pp. 66–68; Wodak, op. cit., n. 85, pp. 12–14.

⁹⁹ Victim–perpetrator reversal is also common to perpetrators of sexual abuse and sexual violence and the misogynistic discourses surrounding this: see J. J. Freyd, ‘Violations of Power, Adaptive Blindness and Betrayal Trauma Theory’ (1997) 7 *Feminism and Psychology* 22. It is also prevalent in discourses of nationalism and settler colonialism: see A. B. Lerner, ‘Uses and Abuses of Victimhood Nationalism in International Politics’ (2020) 26 *European J. of International Relations* 62.

¹⁰⁰ Klein, op. cit., n. 6, pp. 124–126, 234, 264–266. The combination of authoritarian populism and conspiracy theory played a clear role in the recent wave of violent, racist, ethno-nationalist riots across the UK in 2024.

¹⁰¹ Fenster, op. cit., n. 70, pp. 55–83.

this anti-egalitarian, hyper-individualization is fully justified by the conspiratorial operation of a discourse of inverted oppression.

Sovereign citizen beliefs are sometimes thought of as a form of relatively harmless, quirky libertarianism. Yet, caught within and vocalizing an authoritarian populist discourse of inverted oppression, sovereign citizen beliefs act to inhibit a critical social analysis of the past and current events. The conspiratorial viewpoint sitting within sovereign citizen beliefs offers suspicion but ultimately obscures and dismisses alternative understandings of transnational legal, political, and economic power and the multiple pressures on individual autonomy and human agency. Blocked and obscured also are any critical socio-legal accounts of the problems and failings of multiple legal systems and any policy responses to these. The sovereign citizen, caught in the world of conspiratorial shadowy plots, remains stuck in the perpetual feeling of oppression but with little way out other than the use of secret pseudolegal codes, strawman theories, get-rich-quick schemes, and, for some, violence.

Going back to Gale and the Posse Comitatus movement, what made sovereign citizen ideas appealing for many was the use of a language of ancient constitutional legitimacy and pseudolegal procedure, mixed with classical liberal ideas of possessive individualism and individual sovereign agency, bound together with a republican theory of an imagined community, a mythical 'people', and all underlaid by a complex web of conspiracy theory that both simplified political reality and demonstrated a complex understanding of the truth seeker's position. This standpoint used a 'neutral', legalistic, and rights-based language to mask a political programme of the radical right, which was anti-egalitarian, anti-socialist, white supremacist, racist, xenophobic, patriarchal, and antisemitic.

Today, with the thoroughgoing normalization of authoritarian populism and the discourse of inverted oppression across the mainstream political and constitutional landscape, and within the context of an increased prevalence of conspiracy theory as a form of knowledge across popular culture and the fragmented public spheres of traditional and social media, it remains an open question as to how many of those who articulate sovereign citizen ideas and pseudolegal claims also hold many of the anti-egalitarian, racist, and xenophobic beliefs typical of the radical right. The example of the small business owners in the UK during the pandemic who used sovereign citizen-style pseudolegal templates in an attempt to remain open through lockdown raises the question of how opportunistic the use of sovereign citizen strategies might be. Without detailed empirical research on the issue, it is a very difficult task to distinguish between 'true believers', economic entrepreneurs, fraudsters and scammers, opportunistic users of a readily available legal rhetoric, and those who through desperation and a sense of powerlessness turn to sovereign citizen ideas in the attempt to claw back some degree of agency, autonomy, and dignity.

In the absence of empirical studies, it nonetheless remains clear enough that in the wake of the pandemic and within the context of authoritarian populism and widespread popular conspiratorial imaginaries, it is precisely the apparently 'neutral', legalistic, hyper-individualist language of sovereign citizen ideas that makes them so troubling. A whole host of anti-egalitarian, ethno-nationalist, and racist beliefs and conspiracy theories such as the Great Reset and the Great Replacement can be hidden within a legal rhetoric that speaks in terms of the 'common sense' defence of individual liberty, agency, and ancient constitutional values against the illegitimacy of ongoing and extreme 'oppression'. For those calling out the Posse, and for those following its call, the idea of acting in accordance with an ancient, higher law against oppression must feel noble, selfless, and dignified. For the rest of us watching on, such a call is a dangerous coded set of messages that too often uses a constitutional language to promote racist, ethno-nationalist, and anti-egalitarian ideas.

10 | CONCLUSION: SOME REFLECTIONS ON HOW TO RESPOND

The answer to the question of how to respond to the invocation of sovereign citizen beliefs and the adoption of pseudolegal strategies depends in part on the manner of their deployment. In the US, where sovereign citizen-style beliefs have long been associated with branches of the militia movement that have carried out armed violence against police officers and public officials, the response of the state has often been to adopt a security approach and to respond at times with violence and imprisonment. So far in the UK, Australia, and to an extent Canada, the expression of sovereign citizen beliefs has been much less violent. Yet, as the uncovering of the attempted ‘coup’ in Germany in 2022 by the Reichsbürger movement has shown, sovereign citizen-style beliefs can readily be used by far-right groups to attempt to legitimize open violence against the state.¹⁰²

However, sovereign citizen beliefs are often expressed not by organized violent militias but by unrepresented litigants in courts and in disputes with administrative agencies and local councils. With regard to individuals who articulate conspiratorial beliefs, Kate Leader makes the very important point that judges and officials should not simply dismiss litigants and pathologize them as delusional, ‘crazy’, or psychologically incompetent individuals. She argues that this too often involves a ‘silencing’ of them and a failure to investigate the substance of their claims.¹⁰³ In this respect, Leader’s approach to unrepresented litigants shares a set of concerns with the approach that I have so far outlined: that of moving past a moment of quick dismissal and of attempting to understand the concerns that are problematically articulated through the languages of conspiracy and pseudolaw.

A similar outlook focused on understanding the proponents of sovereign citizen beliefs and pseudolaw is expressed by Harry Hobbs, Stephen Young, and Joe McIntyre, who draw together what they see as positive court practices that have developed in Canada, Australia, and New Zealand.¹⁰⁴ They emphasize the importance of the judge listening and attempting to understand the litigant, rather than mocking them, particularly when it is clear that the individual has a sincere but misinformed view of the workings of the legal system.¹⁰⁵ Hobbs, Young, and McIntyre note the importance of judges treating such litigants with dignity and taking the time to engage with pseudolegal views, with the aim of explaining to litigants the problems and limitations of their arguments. However, they also note also how time consuming such an approach is and how an attempt to enter into a discussion with a litigant who is a firm believer, a fraudster, or a vexatious litigant intent on wasting the court’s time may end up being counter-productive.¹⁰⁶

Nevertheless, in responding to unrepresented litigants, courts and administrative officials should take the time to engage, discuss, and explain. This is particularly important in situations where those articulating sovereign citizen beliefs and pseudolegal strategies from a position of desperation, vulnerability, and lack of financial means have stumbled into the online world of sovereign citizen beliefs, have formed part of an online community, or have paid for misleading advice from a pseudolegal entrepreneur, guru, or scammer. However, given the nature of conspiracy theory and depending on the level of belief, such discursive attempts might simply be folded

¹⁰² C. Burchett, ‘What Is the Reichsbürger Movement Accused of Trying to Overthrow the German Government?’ *The Conversation*, 8 December 2022, at <<https://theconversation.com/what-is-the-reichsburger-movement-accused-of-trying-to-throw-the-german-government-196233>>.

¹⁰³ K. Leader, ‘Conspiracy! Or, When Bad Things Happen to Good Litigants in Person’ (2024) 44 *Legal Studies* 498.

¹⁰⁴ Hobbs et al., op. cit., n. 3.

¹⁰⁵ Id., pp. 339–340.

¹⁰⁶ Id.

back into the conspiratorial narrative – with the judge or administrative official interpreted as being either actively or blindly part of a systematic conspiracy against the litigant. In situations where the sovereign citizen believer is actively attempting to challenge the authority of a court or administrative body via the invocation of a supposedly higher law, then the attempt to engage may be rebuffed or ignored.

Similarly, there are good arguments for broadening current public information campaigns aimed at outlining the limitations of conspiratorial sovereign citizen beliefs and pseudolegal strategies.¹⁰⁷ Governments, local councils, national law societies, anti-extremist and anti-fascist non-governmental organizations (NGOs), community-based legal advice services, and even university law clinics can use whatever physical and online reach they have to criticize, fact-check, and debunk pseudolegal theories. This is similar to the increasing role that public service media such as the British Broadcasting Corporation (BBC) play in attempting to fact-check and debunk wildly unsupported and conspiratorial political statements.¹⁰⁸ However, it is important to recognize the huge limitations of such an approach given the current and ever-growing fragmentation of the public sphere and the presence across both commercial mass media and algorithmic social media of multiple, competing counterpublics. Operating as silos, echo chambers, and closed communities, these are often immune to and untouched by the fact-checking and debunking efforts of public service media and public information campaigns.

Given the account that I have developed so far – which has positioned sovereign citizen beliefs and pseudolegal strategies within the historical, social, cultural, and political context of the normalization of conspiracy theory as a form of widespread, albeit problematic, knowledge, and the normalization of such beliefs through the growth of right-wing authoritarian populism – there are severe structural limitations affecting how courts or administrative bodies might respond. The rise of sovereign citizens is part of a broader social problem linked to knowledge production and political ideology, so responses need to be taken at the level of public policy and must involve some reflection on current political realities.

For example, the turn to pseudolegal strategies by unrepresented litigants relates to wider questions about lack of access to legal aid and the exorbitant costs of obtaining legal representation.¹⁰⁹ The response by courts or governments cannot simply be that individuals should obtain ‘proper legal advice’ when within the contemporary neoliberal state access to legal and procedural justice is out of reach for many people. Similarly, the denunciation of those holding conspiratorial sovereign citizen views as ‘crazy’ cannot be uncoupled from the fact that quality educational opportunities have been structurally denied to large parts of the population living within neoliberal, capitalist states. These are populations who are also constantly bombarded by conspiratorial disinformation via tabloid and social media, and who are incessantly targeted by authoritarian populist politicians who often hold public office.

In this article, I have sought to position the issue of sovereign citizens and pseudolaw within the context of a wider set of problems involving knowledge production and political ideology. In this respect, there are no quick and effective exclusively legal responses to this issue because conspiratorial sovereign citizen beliefs and pseudolegal strategies – whether adopted by unrepresented litigants or violent militias – are wrapped up with a broader set of political and social problems. Understanding this may be slightly frustrating, but it is important.

¹⁰⁷ Id., p. 341.

¹⁰⁸ Jones, op. cit., n. 66, p. 255. See also M. Spring, *Among the Trolls: My Journey through Conspiracyland* (2024).

¹⁰⁹ Leader, op. cit., n. 103.

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