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Chapter 2 - Sovereign Citizen: Pseudolaw as a gateway to extremism in Ireland

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Extremism, pseudolegal, fraud, violence, conspiracies

Abstract

Organised Pseudolegal Commercial Arguments used by sovereign citizens who deny the authority of the state are presented in courts and in interactions with legal authorities in Ireland and around the world. Sovereign citizens claim special knowledge that exempt them from the laws and rules governing others including the repayment of monies owed and use pseudolegal arguments designed to appear legitimate but are meaningless verbiage. Vulnerable people led to believe these pseudolegal theories have seen many lay litigants facing home repossession, often unnecessarily. Using the Internet as the primary mode of transfer, these theories capitalise on widespread dissatisfaction resulting from current events such as the financial crash of 2008 or the Covid pandemic and interplay with other conspiracy theories. Organised Pseudolegal Commercial Arguments often claim that there is some nefarious power who exerts real – but hidden – control and insist that sovereign citizens can withdraw from the sphere of normal legal governance by withdrawing their consent. Some adherents of the ideology claim to be immune from all laws including road traffic laws and thereby refuse to cooperate with law enforcement, frequently leading to unnecessary adverse outcomes and even violent confrontations. While the sovereign citizen movement does not itself advocate violence, the ideologies are amenable to other groups who contest the legitimacy of the state so there is considerable overlap with other conspiracy theories and with right-wing ideologies, in particular. This chapter examines the Irish sovereign citizen movement as it provides both a gateway and ideological cover to more extremist behaviour.

Intro

It is a human phenomenon that social upheavals result in bizarre behaviour. For instance, the European One Hundred Years War led to thousands of executions of people accused of witchcraft (Sagan, 1995). Economic upheaval is particularly difficult in our modern age. The aftermaths of the 1929 and 2008 financial crashes resulted in dire financial circumstances for many ordinary people. An almost inevitable consequence is the spread of conspiracy theories with simple causal narratives, many offering hope of redemption. The Sovereign Citizen Movement (SCM), which originated in the United States (US), offers both. Worldwide, the SCM has many alternative names including Freeman, natural man, and common-law citizen (Sarteschi, 2021). SCM claims are formally categorised as Organised Pseudolegal Commercial Arguments (OPCA) following a court case in Alberta, Canada (Meads v Meads [2012] ABQB 571). As noted by this court, these pseudolegal arguments are meaningless although these 'magic hat' strategies are designed to appear legitimate and often spread by 'gurus' who prey on the vulnerable and naïve (Meads v Meads [2012] ABQB 571, para.77).[1] Elements of the SCM also claim immunity from all government authority and laws and insist that law enforcement officers (LEOs) have no powers over them (DHS, 2021). Consequently, the refusal to pay any form of tax, to register vehicles, to maintain insurance, or to obtain driving licenses while using public roads ensures that LEOs often confront sovereign citizens in such situations. In the US the SCM has been responsible for the deaths and injuries of LEOs (DHS, 2021; Loeser, 2014; Sarteschi, 2021). The SCM ideology is therefore a contributor to a highly toxic ecosystem that easily merges with other more militant groups (Baldino & Lucas, 2019).

Most people involved in the SCM are not extremists. In general, most adherents to the SCM doctrine are people in desperate financial situations, but there are many grifters capitalising on this desperation to seek personal advantage. The anomie that results from crises such as the Covid pandemic, the water tax protests in Ireland, or claims of an immigration crisis

[1] The Meads judgement has been cited with approval in Ireland and other countries including CH v SSWP (JSA) (No.2) [2018] UKUT 320 (AAC); Watson v Lord Advocate (Sherriff Court of Glasgow & Srathkelvin) [2013] 5 WLUK 590; and Ulster Bank Ltd v Dace Properties Ltd [2017] NICh 10.

mean that these false beliefs gain currency with a wider cohort of people. As a result, push, pull and personal factors are all working towards the spreading of misinformation and distrust in government. Unsurprisingly, there is a correlation between rising inequality and a deterioration in social trust and social capital (Gould & Hijzen, 2016). This is especially acute for trust in government and public institutions by people on lower incomes (Buffel et al., 2023; WHO, 2023). In this context, the sovereign citizen doctrine is beneficial to any anti-state group or ideology as it provides justification to undermine lawful behaviour amongst many citizens who otherwise have no interest in unlawful behaviour, while providing pathways into more extremist behaviour as the breakdown in trust develops. This chapter looks at the sovereign doctrine and traces an evolution in increasing radical behaviour globally but with a particular focus on Ireland. Social media is the key enabler of the transfer of American ideologies throughout the world, allowing real time communication and engagement with like-minded individuals. As these ideologies are adapted to the local market they can mutate or be adapted by other subversive groups to fit into their own narratives and ideologies and are used to rationalise and justify their actions. This allows the sovereign citizen movement to serve as a core ideology to many other conspiracy theories – many more violent or extreme. There is an almost inevitability that such ideologies lead to actual violence in the real-world as idealistic conspiracy theorists come to believe these false beliefs and come to logical conclusions to take action to defend themselves or disrupt the malevolent actors of their worldview.

The sovereign doctrine and pseudolaw

The SCM beliefs are nebulous so are highly adaptable to individual jurisdictions. The SCM has no leadership structure, no central repository of ideas, and no unifying collective mission (Kalinowski, 2019: 155). Donald Netolitzky (2018) lists the common memeplex of ideas unifying the movement as:

1) everything is a contract,
2) silence means agreement,
3) legal action requires an injured party,
4) government authority is defective or limited,

5) the “Strawman” duality, and

6) monetary and banking conspiracy theories.

Using these as a basic template, it simply requires some tailoring to individual jurisdictions around the world as the concepts transfer easily. Most of this memeplex originated in older US anti-tax and anti-government protesters such as the Tax Protester movement, the Posse Comitatus, and the Patriot movement (Baldino & Lucas, 2019; Kalinowski, 2019). The Posse Comitatus created ‘common-law’ courts to prosecute public officials who allegedly acted in dereliction of the US Constitution and used the US Uniform Commercial Code to file false liens against bankers, LEOs, IRS agents, and other public officials who displeased them in what is now called *paper terrorism* (Loeser, 2014: 1112). The American militia movement is an important influence on SCM sharing extreme right wing ideologies that regards most government authority as illegitimate that must be resisted by any means necessary (Ebin, 2021). Moreover, the lack of a defined belief system readily permits a fusion with other conspiratorial beliefs such as QAnon beliefs which is now a central gateway to the sovereign citizen world as is the anti-vax movement (SPLC, 2022). Therefore, while the SCM itself is complex and non-uniform, it is fair to describe the predominant historical character of this group in the US as “conservative, white, libertarian, rural, and holding fundamentalist Christian beliefs” (Netolitzky, 2021: 165).

Paradoxically however, and illustrative of its malleability and adaptability, the SCM also appeals to a different demographic who use their unique heritage to make separate sovereignty claims, such as the Moors, a movement growing in popularity amongst African-Americans (Dew, 2016). According to the Southern Poverty Law Centre this group “espouse an interpretation of sovereign doctrine that African Americans constitute an elite class within American society with special rights and privileges that convey on them a sovereign immunity placing them beyond federal and state authority” (SPLC, n.d.). Other identity groups include the Aware Group, Washitaw Nation, Sons of Liberty, and Aryan Nation in the US (Loeser, 2014: 1119) or the Kaitiaki nationals in New Zealand (Ridout, Chin, & Sivignon, 2022).

The memeplex uses obscure or esoteric sources for validation. Historical legal texts such the US 1787 Constitution and the 1215 Magna Carta are often cited along with Brehon law in

Ireland (Netolitzky, 2018).[2] The SCM doctrine allegedly allows someone to formally withdraw consent to orthodox forms of government control as it is only a contract which they may renounce or remove their consent to (Hodge, 2019). Therefore, lawful demands such as to appear in court, complete the census, or the payment of fines, or other debts are simply invitations that can be declined (Barry & O'Drisceoil, 2017: 44). Other peculiarities that allow this renunciation of civic obligations include the 'strawman' duality that a person has two separate identities, one a physical or living person, and the other a legal or corporate identity (Kalinowski, 2019: 158). This claims that once a newborn birth is registered with the State a contract is entered into that gives the legal title of the baby to the State – the 'strawman'; the 'strawman' is owned by the State and used as collateral in commercial transactions to raise funds (Barry & Ó Drisceoil, 2017: 44). This 'strawman' then allegedly repays government debt through his or her taxes although if certain tactics are employed, the sovereign citizen can redeem the large cash sum associated with the 'strawman' identity (Kalinowski, 2019; Loeser, 2014: 1121). Consequently, many in the SCM are involved in non-violent criminal behaviour such as identity and financial fraud and identity theft, often targeting the government (DHS, 2021: 8). Most UK Freemen appear to have an economic focus, and deploy pseudolaw to evade paying taxes, licensing fees, mortgages, and other debts (Netolitzky, 2021). In Australia and New Zealand sovereign citizens have invented principalities, declared themselves sovereign, and refuse to pay any type of tax (Baldino & Lucas, 2019: 251). Thus, immunity from all legislation, access to free money, and "an unprecedented authority for individuals to force obligations on others" (Netolitzky, 2018: nonpaginated) is offered to followers. The self-styled 'gurus' preach their own adapted versions of the SCM doctrine online although some travel around the world holding educational seminars (Baldino & Lucas, 2019: 254). The group demographics suggest the SCM is dominated by middle aged or older men, most having at least a high school education although higher education is not uncommon, with many seeming to have some personal financial difficulties (Fiebig & Koehler, 2022: 40; Sarteschi, 2021). Education and

[2] The Meads case also noted the importance of an American legal text *Black's Law Dictionary,* particularly the free second edition available online, that has become somewhat of a bible to SCM, with passages often being recited in courts worldwide (Meads v Meads 2012 ABQB 571 para. 334).

intelligence can therefore be judged as failing to immunize anyone from false beliefs.[3] In a modern world where many are unmoored from society, some will find meaning in extremist beliefs. More specifically, Hannah Arendt's (1951) analysis of the rise of twentieth century totalitarianism focused on the role of the excluded from society, 'the mob' that comes to despise society, and is willing to believe any lies to destroy that society.

Pseudolaw

All legal systems have the same inherent purpose of regulating and harmonising human activity within a society, ultimately becoming entwined in the culture and civilisation as well as the history and life of the people (Dainow, 1966). Ireland's common law legal system was originally introduced through colonialisation but remained following independence and adoption of the 1922 and 1937 Constitution. Ireland's legal system therefore continues to employ an adversarial system of justice, precedent of previous legal decisions, as well as legislation introduced through government to decide the law.[4] The Irish legal system permits lay litigants to represent themselves in court with an onus on judges to provide some assistance to them to ensure that they can present their cases as fully as possible, with fairness to all sides an important aspect (Biehler, McGrath, & McGrath, 2018: 6-166; Stafford, 2020). Most lay litigants are not sovereign citizens with up to one in 20 cases in the High Court and one in three in the Court of Appeal being lay litigants (Stafford, 2020). One reason for high self-representation levels may be the unpredictable cost of professional legal advice in Ireland, as well as a rise in organised lay litigant support groups (Keys, 2014a, 2014b).

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[3] George Orwell was somewhat blunter in his assessment that those who live in the world of ideas are even further removed from reality than ordinary people and come to believe all levels of foolishness, see Orwell (1945) "Notes on Nationalism" *Polemic: A Magazine of Philosophy, Psychology & Aesthetics*, Issue 1 p.882.

[4] Ireland is also party to a number of international Treaties such as the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. All countries are bound by laws created internationally and, as Ireland is part of Europe, we are obliged to take notice of laws created in Europe (Ni Raifeartaigh, 2004). Furthermore, the European Court of Human Rights is an important contributor to modern Irish law. The European convention of Human Rights became part of domestic law when Ireland passed the European Convention of Human Rights Act 2003 adopting the ECHR on a sub-constitutional level under Irish domestic law.

The sovereign citizen arguments in Irish courts became prevalent following the collapse of the Irish property market in 2008 and was indicative of "the desperate straits in which some litigants" found themselves (McCarthy v Bank of Scotland [2014] IEHC 340: para.9). In court, SCM lay litigants use pseudolaw to ground their arguments, either alone or with the assistance of a 'guru' who accompanies the litigant to court. Such arguments include claims that paper money is purely fictious and while it is never denied that the borrower received monies to begin with, the need to repay is denied (Barry & Ó Drisceoil, 2017). Other claims such as the lender 'illegally' created the money often join this argument, but all such legal tactics fail in this jurisdiction.[5] Other 'guru' tactics include suggesting that people in mortgage arrears sue their lender for damages for such things as "negligent lending, fraud and creating money" (Keys, 2014b: 257). Other suggested tactics such as a tort of 'reckless lending' are rejected because no such tort exists in Irish law.[6] In 2013, it was reported that over 100 lay litigants had used SCM arguments in Irish courts in that year alone (Gartland, 2013). In one case, six loans related to property investments were obtained by one borrower from KBC bank who then sued the bank and its chief executive *inter alia* for the "illegal creation of currency", for failing to prove that the bank was solvent, and for false representation (Kearney v KBC bank [2014] IEHC 260). In rejecting these arguments, presiding judge, Bingham J., held that these arguments were frivolous and vexatious and were so unmeritorious as to amount to an abuse of process and bound to fail.

Despite SCM claims to the contrary, no legal loopholes exist that allow somebody to refuse to repay a mortgage received from a lender and the Financial Ombudsman Service in the UK have warned contrary Internet claims have no basis in law and many people have lost their homes relying on them (Mortimer, 2023). In the UK, the Financial Conduct Authority (FCA) warned against ongoing fraud being perpetuated against people in financial difficulty by SCM gurus who add to financial distress by charging fees for bad advice (FCA, 2022). Some 'guru' websites even advised people to instruct employers to cease withholding income tax

[5] For example, Freeman v Bank of Scotland (Ireland) Ltd (No. 1) [2013] IEHC 371: para. 30; see also: Harrold v Nua Mortgages [2015] IEHC 15; McCarthy & others v Bank of Scotland PLC [2014] IEHC 340; Kearney v KBC Bank Ireland PLC [2014] IEHC 260.

[6] For example, Harrold v Nua Mortgages [2015] IEHC 15; ICS Building v Grant [2010] IEHC 17; McConnon v President of Ireland [2012] IEHC 184.

on their pay and provided a structured form of words to do so, leading to some embarrassment and potential loss for those attempting to utilise this advice (Keys, 2014b). Lay litigants or accused persons can be permitted to bring a companion to court with them known as a 'McKenzie friend' who is there to provide support but is who is not a qualified solicitor or barrister and should not be permitted to address the court (Baker, 2017; Coonan, O'Toole, & O'Toole, 2021). McKenzie friends should not receive a financial reimbursement (Stafford, 2020: 150). In recent years, sovereign citizen 'gurus' have used the McKenzie friend role as an opportunity to occupy counsels' seat next to the litigant and act as an advisor during the proceedings. Such McKenzie friends do lay litigants "a considerable disservice" by giving poor quality advice that is likely to cause further pain and may lead to unnecessarily negative outcomes causing concern that lay litigants are being "preyed upon by unscrupulous individuals" (Fennell v Collins [2019] IEHC 572). The Irish courts are responding by showing less tolerance to serial McKenzie friends. One "serial litigant" reported as involved in 16 separate legal actions against banks was banned from acting as a McKenzie friend in any future court proceedings (Gallagher, 2019; O'Faolain, 2019). The trend of lay litigants advancing arguments that legally "make absolutely no sense" nevertheless continues and High Court judge, Mr Justice Brian O'Moore was reported as being concerned with the number of legal claims made that are frivolous, vexatious, bound to fail and an abuse of process and regretted that the people peddling such arguments to lay litigants have "not yet themselves been made accountable for the pointless legal costs and expense which their activities have generated" (O'Riodain, 2023).

Extremism and violence

One dimension of the SCM is therefore one of grifters taking advantage of vulnerable and financially desperate people. Like many extremist ideologies, however, some people take the false beliefs being spread seriously. Other sovereign citizen arguments hold that there is no need to register a vehicle, pay motor tax, hold a valid driving licence or insurance when driving on public roads. The UK Courts and Tribunal Service issued a warning about fake motorcar insurance based on the SCM ideology claiming to be 'common law' insurance that is being sold online (HMCTS, 2023). UK police forces report an increase in the number of

motorists who attempt to avoid traffic legislation including speeding offences, no driving licences, valid insurance, MOT, or road tax by citing "medieval rights and customs" (Warwickshire Police, 2023). On an individual basis, the SCM therefore can pose unique threats to LEOs because of their reluctance to follow basic road traffic laws, and if stopped can be argumentative and uncooperative. These encounters have become violent with the deaths of a number of LEOs who had stopped, or tried to stop, sovereign citizens including the 2010 killing of two West Memphis LEOs in 2010 by father and son sovereign citizens after a traffic stop (Challacombe & Lucas, 2019; Loeser, 2014; Sarteschi, 2021). Three other LEOs were killed by a sovereign citizen in Louisiana in 2016 (Challacombe & Lucas, 2019; Sarteschi, 2021).

The SCM claim that any interaction with Gardaí or any State agencies is contractual in nature and that an individual must consent before any obligation can be enforced (Keys, 2014a: 232). A Dublin man, involved in a 2021 traffic collision, told the Garda at the scene that he was a sovereign citizen "and did not abide by Road Traffic Legislation" and subsequently failed to appear for the court hearing where he was nonetheless convicted of having no insurance, no driving licence and careless driving (Leinster Express, 2023). Online YouTube videos show a host of such interactions in Ireland and other jurisdictions around the world that follow a consistent pattern. The individual sovereign's makes claims *inter alia* such that he or she is not consenting to the authority of the LEO, the LEO is not within their legal jurisdiction, the sovereign citizen is a diplomat, that the sovereign citizen is not driving but 'travelling' and does not therefore need a licence, and insisting road traffic law does not apply to him or her. Windows may not be fully opened, and drivers may state that they do not wish to talk or contract, often refusing penalty tickets or citations because they believe them covert contracts. Utilising such arguments, sovereign citizens refuse to provide any pertinent information. In Ireland, as in many countries, there is requirement to produce a valid driving licence or alternatively to give a name and address when demanded by a LEO.[7] Failure or refusal to give a valid name creates a power of arrest. In other words, the actions of sovereign citizens often culminate in an arrest. Frequently, this arrest is also often contested with physical resistance common. Examples of Irish reports include a Co. Sligo

[7] In Ireland, section 40 of the Road Traffic Act 1961 provides for a demand by a garda of this information.

man who claimed to be a sovereign citizen and who had to be forcibly removed from his vehicle and arrested after he refused to talk to Gardaí about his non-existent NCT certificate and road tax (McLaughlin, 2012). Another man was convicted having a DIY false registration plate of LIB3RTY, false insurance disc, a tax disc claiming to be exempt because of a self-declared diplomatic status, and no driving licence. He had attempted to sue the gardai concerned for 'stealing' his car when they seized it (Dunphy, 2024). He had previous offences and failed to appear in court, so a bench warrant was issued for his arrest. A traffic stop for relatively minor matters thus can quickly escalate leading to deaths and injuries, both of LEOs and citizens themselves.

The SCM generally does not espouse a violence strategy, and it has been argued that the instances of deaths and injuries of LEOs were reactionary rather than strategic (Baldino & Lucas, 2019; Fiebig & Koehler, 2022: 42). Nonetheless, where an ideology preaches complete freedom from the law and all civic obligations then unsurprisingly individuals will decide that no law binds them. The SCM ideology is creating high risks for LEOs enforcing laws and the SCM threat level now represents one of the most serious perceived domestic terrorism threat by LEOs in the US (Carter, Chermak, Carter, & Drew, 2014: 7, DHS 2021). As ever more extreme examples of criminal defendants adopting a sovereign citizen type stance arise, the rule of law is being further undermined. One case from New Zealand, a criminal allegation concerning the death of a 10 month-old-child, was answered by the sovereign citizen defence that as an indigenous Māori, Crown law did not apply to him and the court had no jurisdiction over him (Bathgate, 2019). A 58-year-old man in England charged with possession of a weapon and criminal damage claimed that it was his birth certificate persona that was the man charged with the crimes, not himself as a living man. He further claimed: "They [referring to police] abducted me, they kidnapped me and they cuffed me and they locked me up and they tortured me - they are committing treason, they are criminals" (Harland, 2023). Charles Barefoot, a sovereign citizen and former Ku Klux Klan leader, was sentenced to 15 years for conspiring to blow up the Sampson County sheriff's office in North Carolina (U.S. v. Barefoot, Jr., No. 13-4108 (4th Cir. 2014)). In the US, other LEO deaths have resulted from efforts to serve documentation on private property and other incidents included a 2017 attempt to kidnap a LEO and a judge, and a foiled mass shooting attempt in Texas in 2017 (DHS, 2021). Other efforts as part of the 'common law' ideology of the SCM include the claim to be able to hold public officials to account by kidnapping them and

bringing before a common law tribunal (SPLC, 2022). A routine sovereign citizen tactic is alleging treason against politicians, judges, and other public officials, often accompanied by threats of execution such as hanging (Baldino & Lucas, 2019: 252). In England, several hundred freemen stormed a Birkenhead court in an effort to arrest the sitting judge (Le Sueur in Barry & O'Drisceoil, 2017: 46). A Las Vegas couple planned to abduct LEOs engaged in traffic policing, keep them in an improvised jail, and hold trials for alleged civil rights violations before they were thwarted and arrested (Loeser, 2014: 1108).

Sovereign citizen ideology is adaptable to suit any other ideological framework as pseudolaw purports to replace conventional law entirely with a shift of authority away from state and institutional actors onto individuals and as such is an attractive ideology to all dissident groups who resist conventional authority (Netolitzky, 2021: 164). The evolving nature of extremist movements is there will be some who will move towards more extremist interpretations of their ideologies believing moderation or compromise to be a failed strategy (Sageman, 2017). A leaked Australian Federal Police report showed information sharing, encouragement, and even financial assistance from international sovereign citizen groups to Australian sovereigns with a major overlap of extremist groups including anti-vaccine and far-right movements (Wilson, 2023). In December 2022 in Australia, two police officers were killed and two injured when three sovereign citizens lured them to an ambush at a residence. A neighbour who came to investigate was also killed (Milligan, 2023). The culprits, two male and a female, were also Christian fundamentalists, Covid deniers, and QAnon believers. One was a former school principal who had lost his job when he refused the Covid vaccine (Agius, 2023). All three subsequently died in a firefight with a police tactical unit.

Therefore, although much of the SCM is focused on individualism and libertarian worldviews with many having little interest in coordinating behaviour with others because of a profound dislike for any type of authority (Hodge, 2019: 7), it is inevitable that others will find meaning and a cause in a more cooperative and collaborative sovereign movement. An attempted coup in Germany in late 2022 is a good example of how the SCM ideology can evolve. The coup was an effort by members of the German SCM, the Reichsbürger – together with other groups such as QAnon and Querdenken – to overthrow the legitimate government and to restore the German Empire by plotting an armed attack on parliament, to seize lawmakers, purge disloyal officials, and carry out executions (Dunne, 2023; Fiebig &

Koehler, 2022). Such a case demonstrates how sovereign movements and others including white supremacists, “share a communal frustration with, or open hostility towards, modern bureaucracy as well as an instinct for historical or legal arguments to rationalise how the government is illegitimate” (Baldino & Lucas, 2019: 251).

SCM evolution in Ireland

In Ireland, opportunities beyond the financial crash to spread sovereign ideologies included the anti-water rate protests beginning in 2014 with their slogan of “No Consent” followed by the Covid-19 pandemic. More recently, it has been reported that under the influence of the US, different conspiracy theory groups including anti-migration groups, anti-vaccination groups and others such as anti-LGBTQ+ groups are all sharing memes and members in organising demonstrations into libraries to destroy books (The Journal, 2023). The Covid pandemic was an important inspiration for conspiracy theorising capitalising on an already existing mistrust of science generally and expert authority in particular (Hansson, 2018), as well as hostility at government efforts to control it. Many protesters and anti-vaxxers thus became embroiled in other conspiracy theories and it brought people who heretofore had not been involved in activism into the conspiracy fold. One Irish group claiming to represent teachers combined anti-mask criticisms with sovereign citizen language and called for protests outside schools and principals offices (Edwards, 2021). Another group claiming to call itself ‘We the Sovereign People’ protested vaccinations outside the home of Taoiseach Leo Varadkar in Autumn 2021 and threatened to target the homes of GPs (Gallagher, 2021a). A UCD professor who publicly denied both the existence of Covid-19 and the efficacy of vaccines was reported as claiming to be “working on building structures for a ‘new world’” and said she has been “working with retired police officers, lawyers and military around the world ‘to prepare for the system when the current system has to be replaced’” (Edwards, 2022). In September 2021, it was reported that a seriously ill covid patient was removed from Letterkenny hospital by members of the ‘Common Law Information Centre’ and brought home where he later lapsed into a coma before passing away shortly after readmittance to hospital (Gallagher, 2021b). The UCD professor was allegedly instrumental in organising this action (Edwards, 2022). Antonio Mureddu, one of the men reportedly

involved in removing the Covid patient and posting videos of it online (Gallagher, 2021b) was subsequently convicted of road traffic offences in October 2021 including no insurance, false registration plates and failing to provide information to gardaí (Donegal Daily, 2023). Mureddu had allegedly claimed to gardaí that his personalised vehicle registration plates were "official plates as regards conveyance rules." After arrest, Mureddu had replied to the charges put to him: "I do not consent to anything. I do not want to be in a contract. I do not want to interact with you" (Donegal Daily, 2023). Similar traffic offences in Northern Ireland in 2022 lead to seven days imprisonment after Mureddu, representing himself, told the judge about the court of common law (Bracken & O'Neill, 2022). A "petition for the writ of habeas corpus" by Mureddu contesting his detention using common law arguments was also dismissed (McGowan and Mureddu v District Court (Magistrates Court) Mcelholm [2022] NIQB 62).

The Common Law Information Centre – formerly known as Helping Hands – was established in Ballybofey, Co. Donegal in 2018 (Walsh, 2018). The PRO of the Common Law Information Centre, Tom Dignam, was reported as claiming they had discovered "the biggest secret in the history of mankind. Banks do not lend money; all they do is facilitate men and women access to their own credit" (Duffy, 2021). He further claimed that if banks are unable to "verify their claims under full unlimited commercial liability, they lose" and that the law centre would be teaching their version of common law at weekly classes (ibid). The Common Law Information Center also provided support to people facing repossessions, including organising physical protests at the sites. This included at a small 12 acre farm in Falsk, Stokestown, Co. Roscommon where KBC bank obtained repossession orders for an outstanding debt of €430,000 including €190,000 in arrears (Phelan, 2020). In December 2018 the bank moved to repossess (Brennan, 2023). Other groups involved in the anti-possession protests included the Anti-Corruption Taskforce, and the National Land League (Phelan, 2020). A security company was therefore tasked with safeguarding the property after the repossession. In the early hours of the 18th of December 2018, approximately 40 men travelled in a convoy and attacked the members of this security company who failed to escape. Four of the security detail were falsely imprisoned with their hands cable tied for some time during which they were physically abused and had their three vehicles burnt out. Evidence was given at the trial that one of the attackers was holding a running chainsaw, while baseball bats, meat cleavers, and possibly a firearm were also used to intimidate and

assault the security guards. Three of the four men subsequently prosecuted (58-year-old Martin O'Toole from Co Mayo, 44-year-old Patrick Sweeney from Co Donegal, and 56-year-old Paul Beirne from Co Roscommon) were convicted (Brennan & Dodd, 2023; Reynolds, 2023b). Mr. O'Toole chose to represent himself and told the judge he did not recognise the court and called her a 'corporate banker' as well as alleging that jury members did not come from Ireland and "did not understand what a sovereign man was" (Brennan, 2023). He further claimed: "Mr O'Toole only exists on paper," also telling the judge: "It's a kangaroo court. Do what you like you traitor" (Reynolds, 2023a). All three were subsequently sentenced to 15 years imprisonment.

Despite the attack, protests and efforts to thwart the repossession continued. The Common Law Information Centre PRO Tom Dignam was reported as saying that the "family are not moving today or any other day" (Examiner, 2019). In November 2020, a High Court ordered the arrest of three people who continued to occupy the property despite undertakings to vacate (Shannonside News, 2020). One of these included the former owner and a former garda previously reported as associated with the Common Law Information Centre (Duffy, 2021). In October, 2022, then 72 year old Tom Dignam, was convicted of threatening behaviour and harassment on Facebook of a man involved in the security company at the Falsk property (McNulty, 2022). Following his arrest and detention for questioning in relation to the alleged offence, evidence was given at trial that Mr. Dignam told investigators "I do not consent to this. As a result, I am under duress." Mr. Dignam represented himself in court and when offered opportunities to cross-examine witnesses and make a closing speech, Mr. Dignam merely responded "I don't understand": a total of 22 times. During his trial Mr. Dignam told the judge "I am a living man. You have no jurisdiction over a living man." The jury found him guilty, and he was sentenced to three and half years imprisonment (Doherty, 2023). In another disputed repossession in 2022, another three men were sent to prison for refusing to abide by a High Court Order which sought to prevent them from reoccupying their home which was repossessed (Healy, 2022). During the hearing, the men similarly challenged the authority of the court and called on the judge to prove she was a judge. Unsurprisingly, in a worldview dominated by secret plots, shadowy global controlling organisations, and intentional malevolence, it becomes almost logical to engage in political extremism and illegal action (Imhoff, Dieterle, & Lamberty, 2021).

Conclusion

Conspiracy theories such as SCM undermine the rule of law in multiple jurisdictions simultaneously. In this regard, the SCM adds considerably to the toxic ecosystem available on the Internet and attracts people frustrated and alienated from modern society. The dismaying fact that we seem to have forgotten lessons about how attractive totalitarianism is to alienated people is a sad indictment of modern education. The breakdown in trust in democratic institutions cannot be addressed through minor reforms as they are a symptom of a deeper malaise in modern society. The SCM is only one of many modern conspiracy theories that push an anti-science, even an anti-expert agenda, with a disregard for democratic government, a rise in radicalisation, a rise in fundamentalist religion, and the demise of democratic values and rights both in Europe and the US.

The SCM itself is a blend of pseudolaw, disappointments, marginal political ideas, a suspicion of state institutions, economic difficulties, a feeling of helplessness, a shallow and biased understanding of history, a profound misunderstanding of the purpose of laws and human rights, a relief being in a likeminded group, and a pleasure in solving mystery that has merged into a cultic milieu that is now part of the toxic online conspiratorial ecosystem. This ecosystem is driven partly by self-interested individuals, many grifters and fraudsters, who sense an opportunity amidst the chaos of the upheaval brought about by new technologies to take advantage of the naïve or the vulnerable. These modern snake-oil salesmen are joined by more idealistic and ideologically driven individuals in spreading a false narrative. Some of these are hyper wealthy individuals who have the influence through their own media presence to direct policy and frame narratives. Other important actors are antagonistic global states who are happy to see the demise of liberal democracies and who fuel social chaos to discredit the democratic model itself as well as weaken perceived competitors for hegemony on the world stage.

Rule by the majority works only so long as everyone agrees to abide by what the majority want and share a common perception of reality. When a powerful minority disagrees with the majority values, rather than try to convince more people legitimately they can simply try to subvert the entire democratic process. Some people in democratic countries appear more

than willing to tolerate authoritarianism, once it is their own brand of authoritarianism. Once the bulwark that the law provides is removed, power has no limits.

This cycle is not new, even if the transmission vector is. Unfortunately, we may not have the time to relearn old lessons as we move further into world that needs a global consensus approach to potentially existential problems such as climate change or the regulation of artificial intelligence. In these there is an imperative for global consensus that is currently impossible as knowledge and truth remain negotiable concepts that misinformation successively subverts. In the meantime, we bear witness to the simultaneous rise of the mob in democratic countries who undermine all lawful institutions at every level and who choose an almost logical escalation path to extremism.

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