

Simon, Julia

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Problematizing Modern Democracy in the United States:

An ‘Insurrection of Subjugated Knowledges’ in the Wake of the 2020 Presidential Election

Julia Simon

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Abstract Since Donald Trump’s presidency and the diverse efforts to undermine the transfer of power after the 2020 election, the risks of extreme polarization and democratic backsliding in the United States (US) have been highlighted in the literature. Yet the epistemic dimension of these developments remains underresearched. Embedded in a genealogical Foucauldian governmentality/counter-conduct approach, this contribution addresses the puzzle of how election denialism and related (violent) anti-system activity are being rationalized, legitimized, and anchored in political subjectivities as efforts to ‘protect’ American democracy. This perspective allows to inquire into liberalism’s authoritarian potential that can be mobilized through different forms of counter-conduct. The study analytically disentangles these forms based on their prime targets, modes of operation, and the forms of knowledge they rely on. Focusing on the swing state of Arizona, the empirical analysis furthermore highlights the role of the subnational level in interlinking counter-conduct and (autocratizing) governmental practices in a federal system. Conceptually, the study renders visible a profound struggle over the epistemic foundations of the current liberal constitutional and political order that clearly transcends the issue of the 2020 election, Donald Trump, and even the context of the United States. Indeed, similar patterns of subjectivation and counter-conduct can also be detected for example in Germany. Moreover, this paper expands the scope of the concept of counter-conduct to study radical right-wing contestations and related questions of epistemic (in)justice. It thereby seeks to encourage debate on how political science can address

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✉ Julia Simon

Institute of Political Science, Helmut Schmidt University Hamburg,
Holstenhofweg 85, 22043 Hamburg, Germany
E-Mail: simonj@hsu-hh.de

the pluralization and polarization of contents, standards, and forms of knowledge as they become relevant to democratic backsliding.

Keywords Democratic backsliding · Governmentality/counter-conduct · Radical right · Conspiracism · Polarization · Subjectivity

Zur Problematisierung der modernden Demokratie in den Vereinigten Staaten

Eine ‚insurrection of subjugated knowledges‘ nach der Präsidentschaftswahl 2020

Zusammenfassung Seit der Präsidentschaft Donald Trumps und der versuchten Verhinderung der Übergabe der Regierungsgeschäfte nach der Präsidentschaftswahl 2020 wurden die Risiken von extremer Polarisierung und *democratic backsliding* in den Vereinigten Staaten (USA) in der Literatur deutlich herausgearbeitet. Die epistemische Dimension dieser Entwicklungen wurde dabei jedoch vernachlässigt. Eingebettet in einen Foucaultschen *Governmentality/Counter-conduct*-Ansatz befasst sich dieser Beitrag mit der Frage, wie Wahlleugnung und daraus abgeleitete (gewalttätige) Anti-System-Aktivitäten rationalisiert, legitimiert und in politischen Subjektivitäten verankert werden können als Bestrebungen, die amerikanische Demokratie ‚zu schützen‘. Die gewählte Perspektive beleuchtet das autoritäre Potenzial des Liberalismus, das durch verschiedene *Counter-conduct*-Formen mobilisiert werden kann. Der Beitrag differenziert diese *counter-conducts* nach ihren Hauptzielen, Operationsmodi und den Wissensformen, aus denen sie sich speisen. Der empirische Fokus auf dem *swing state* Arizona verdeutlicht zudem die Rolle der subnationalen Ebene in der Verzahnung von *counter-conduct* und (autokratisierenden) gouvernementalen Praktiken in einem föderalen System. Konzeptuell bereichert die Studie die aktuelle Forschung, indem sie ein tiefgreifendes Ringen um die epistemischen Grundlagen der gegenwärtigen liberalen konstitutionellen und politischen Ordnung sichtbar macht, das über Donald Trump oder die Frage des Wahlergebnisses von 2020 – und sogar über den Kontext der USA – hinausreicht: Ähnliche Subjektivierungs- und *Counter-conduct*-Muster können zum Beispiel auch in Deutschland identifiziert werden. Darüber hinaus erweitert der Beitrag den Anwendungsbereich des *Counter-conduct*-Konzepts auf die Analyse von radikal rechter Kontestation und damit verbundenen Fragen der *epistemic (in)justice*. Dies soll eine Debatte darüber anstoßen, wie die Politikwissenschaft mit der Pluralisierung und Polarisierung von Wissensinhalten, -standards und -formen im politischen Prozess umgehen kann, insbesondere wenn sie im Sinne von *democratic backsliding* relevant werden.

Schlüsselwörter Democratic backsliding · Gouvernementalität/counter-conduct · Radikale Rechte · Verschwörungstheorien · Polarisierung · Subjektivitäten

1 Introduction: Contestations of American Democracy and the ‘Epistemic Gap’ in the Literature

In a democracy, how do we determine what reality is? Since the 2020 presidential election and the Big Lie¹ of election fraud established by the losing Republican candidate Donald J. Trump and much of his party and following, the United States (US) has become a case in which this question is particularly relevant. Although Trump had already alleged election rigging against him without providing evidence during his 2016 campaign, a notable change has increased the urgency of addressing this question: In the 2016 election cycle, many leaders in the Republican Party (Grand Old Party, GOP), albeit with differing intensity and directness, publicly pushed back on his allegations. Since then, diverse conspiracy “theories” with political connotations have developed substantial force and reach within the United States. Those coalescing in the Big Lie and the QAnon cult have ultimately been geared directly toward Trump as a savior figure (Bennhold 2020b). In 2022, more than 150 of the Republican midterm candidates who still openly denied the legitimacy and integrity of the 2020 election were (re)elected to Congress (Rosen et al. 2022).

Within political science, conspiracism and systematic disinformation have been flagged as serious dangers to modern democracy. As competing constructions of reality, they can shift attention away from relevant (distributive) issues (Hacker and Pierson 2021), compromise collective problem-solving capacities that depend on specialized knowledge (Muirhead and Rosenblum 2019; Chap. 5),² and render international cooperation precarious (Adler and Drieschova 2021). Even more, they undermine the deliberative nature of democracy (McKay and Tenove 2021) and serve as justifications for unwinding representative, liberal, and democratic norms (Muirhead and Rosenblum 2019; Chap. 4).

Nevertheless, conspiracism and systematic disinformation constitute a hitherto neglected factor in the research on democratic backsliding (e.g., Levitsky and Ziblatt 2018) and on the issue of political polarization that is related to it as a “central factor behind democratic breakdown” (Mickey et al. 2017, p. 24; Mettler and Lieberman 2020; cf. Levitsky and Ziblatt 2018, Chap. 9; but see the rare exceptions Muirhead and Rosenblum 2019; 2022). This glaring ‘epistemic gap’ is somewhat surprising given the extremely rich and diverse literature that exists on the context-specific development (e.g., Schickler 2016) and features of ideological and “affective” (Iyengar et al. 2019) polarization, on its asymmetric (e.g., Grossmann and Hopkins 2016; Hacker and Pierson 2006) character, and on its broader underlying mechanisms (Pierson and Schickler 2020).

Yet even as partisanship has by now become a “mega-identity” (Mason 2018, p. 14), partisan affiliations or politically motivated reasoning seem incomplete as explanations for a range of recent phenomena. These include institutionalized disinformation campaigns and the whitewashing of January 6 by the Republican estab-

¹ The Big Lie is capitalized to mark it as a contested concept of current political discourse. Former President Trump and some of his followers have attempted to instead denote President Biden’s legitimate democratic election win as a “big lie.”

² See Rauscher 2023 for a focus on disinformation and denialism with regard to climate change.

lishment (Republican National Committee 2021) as well as citizens' acceptance of political lies (Arcenau and Truex 2022) and their lacking readiness to electorally punish violations of democratic principles (Graham and Svobik 2020) or even acknowledge that such violations have been committed (Carey et al. 2019). Most of all, they are incomplete explanations for the common efforts by party leaders, activists, and citizens to stop the peaceful transfer of power after a democratic election.

The need to bolster such explanations is documented by the frequent references to the embeddedness of partisanship in a media sphere that is organized in "echo chambers" (Jamieson and Cappella 2008) and an increasingly radical "disinformation order" on the right (Bennett and Livingston 2020, p. xix; e.g., Benkler et al. 2018). Yet political science accounts have failed so far to address the profound "epistemic crisis" that such studies diagnose (Benkler et al. 2018, p. 4; Bennett and Livingston 2020).

In this sense, the most profound level of the current contestation from the radical right remains underexplored: the deep affinity for and shared roots with conspiratorial thinking (Harris 2022) that anti-government, nativist, authoritarian, populist, and reactionary right-wing movements have displayed, from the Tea Party (e.g., Parker and Barreto 2013; Skocpol and Williamson 2013) to Trump (Oliver and Rahn 2016; Parker 2018), and that set them apart from other forms of conservative (or progressive) opposition. Often, conspiracy-based activism continues to be trivialized, pathologized, or ridiculed (e.g., Parks 2021; Lamberty in Müller 2022) and thus understood only in terms of (deviant) individual attitudes and actions. This neglects the social nature of their collective frames of reference and justification that are today being (re)produced within the GOP.

Against this backdrop, the conspiratorial Big Lie of election fraud cannot simply be considered just another partisan cue—and the related "campaign to have [the election] results overturned" can by no means be understood to have been "doomed by the absence of credible evidence of voting irregularities remotely extensive enough to change the result in any state" (Jacobson 2021, p. 273). Such assessments remain firmly within the dominant modernist metrics of evaluating the seriousness and validity of truth claims and overlook the more profound epistemological contestation that, as will be shown, has become evident through the Big Lie conspiracist complex.

The present study thus addresses the puzzle of how election denialism and (violent) anti-system activity to undermine the transfer of power are being rationalized and legitimized as efforts to 'protect' American democracy. Thereby, it renders visible the patterns and mechanisms underlying the erosion of (a shared understanding of) the liberal-democratic system in the United States. Through its focus on the epistemic and epistemological layers of the current partisan conflicts and political and constitutional contestations, it closes a gap in the current research on democratic backsliding, radical right-wing activism, and the polarized environment in which these phenomena prosper.

For this purpose, the contribution draws on a genealogical Foucauldian governmentality/counter-conduct perspective that highlights the entanglement of (counter-) knowledge and relations of social power (section 2). Conceptually, the approach makes two main contributions: First, it allows us to put into perspective any idealizations of contemporary liberal-democratic government implied in notions like

backsliding by showing how disciplinary, illiberal, or undemocratic elements can be rooted in the authoritarian potential inherent in modern liberalism, especially in the developmental understanding of individuals and collectives. Second, employing the concept of counter-conduct for the first time in the study of radical right-wing activism expands its traditional scope of application in governmentality literature beyond (epistemic) contestation that *promotes* participation, inclusion, equality, and diversity to now include struggles *against* these very principles. Empirically studying perceived injustices and marginalizations that are asserted through “subjugated knowledges” expressed in the Big Lie allows us to address the complexities of the underlying notion of epistemic injustice in the contemporary liberal power/knowledge configuration. Subsequently, it allows us to reconsider on what basis Foucault has been locked in as a progressive “theorist of epistemic injustice” (Allen 2017, p. 187)—and to reemphasize his *genealogical* basis for social critique.

In section 3, the governmentality/counter-conduct approach will be applied to the example case of the state of Arizona. While the present conditions of extreme polarization are inextricably interlinked with processes of nationalization (Hopkins 2018; Pierson and Schickler 2020), states have become increasingly important as “laboratories” of democratic backsliding in the United States (Grumbach 2022; cf. Levitsky and Ziblatt 2018, p. 2). Given the states’ authority over the legal framework, administration, and certification of elections, it is especially relevant to zoom in on them in this context. As will be explained, Arizona in particular has been turned into ground zero of election denialism. This section will show how the Big Lie and the broader conspiracist umbrella it relates to function as a profound, ultimately epistemological contestation of the liberal-democratic constitutional order of the United States. Specifically, the section empirically disentangles a) different levels and targets of contestation, b) the construction of ‘resisting’ subjectivities—the *righteous patriot warrior* and the *fearless and incorruptible autonomous subject*—through which these contestations are rationalized and anchored, and c) the forms of counter-conduct into which they are translated. It also points out where governmental apparatuses in the federally organized political space are inspired by this reasoning that thereby immediately furthers institutional democratic backsliding.

The last section of the study presents important conclusions and outlines the relevance of applying this approach beyond the United States in order to track broader patterns and transnational interlinkings with regard to ongoing profound (epistemic) contestations in Western liberal-democratic societies.

2 The Struggle over Political Order from a Genealogical Governmentality Perspective

The symbolic date of January 6 reduces the struggles around the 2020 presidential election to its most violent manifestation. Yet it is important to build a more complete understanding of the extent and levels of contestation and of the transformations they have triggered. A Foucauldian governmentality perspective can add considerable texture to this understanding, as it analytically “gravitate[s] towards occasions of controversy and situations when the established ways of conducting affairs are called

into question” (Walters 2012, p. 57) and stabilized societal power relations are being challenged.

Elucidating the historically specific genesis of a range of different forms of (self-)government, Foucault shows that each one displays an idiosyncratic “formation of a whole series of specific governmental apparatuses” (Foucault 1991, p. 103) that (imperfectly) relate to “a whole complex of savoirs” (Foucault 1991: 103, cf. 2007a, b). During the past decades, governmentality studies have excessively focused on (neo)liberal governmental rationality and apparatuses, thereby often overstating their inevitability, purity, and coherence.³ As a result, governmentality studies have hitherto not contributed to the literature on processes of autocratization and deliberalization in the contemporary West—even though they are especially well positioned to do so: They allow us to see the actuality of contemporary government in a particular field as an articulation of a very specific combination of elements from different governmentalities (Dean 2010; cf. Foucault 1991, pp. 101–102) that can be differentiated and analyzed empirically. A *genealogical* governmentality perspective thereby emphasizes the complexity, hybridity, contestedness, and (capillary) transformations of present-day governmental practices that are always “rooted in competing and contested forms of knowledge” (Bevir 2016b, p. 12).

For example, having maintained the ability of disciplinary control and sovereign enforcement, the (neo)liberal conception of government also has a *built-in authoritarian potential* (Dean 2010, Chap. 7). Ultimately, this authoritarian potential draws on the liberal developmental understanding of individuals and collectives. It thereby connects to the centerpiece of governmentality: the form(ul)ation of the subjectivities of ‘the governed’ and of those striving to govern them. Thereby, governmentality studies “do not ask what the subject is but which forms of subjectivity have been invoked, which modes of knowledge have been mobilized to answer the question of the subject, and which procedures laid claim to” (Bröckling et al. 2011, p. 15, emphasis removed).

(Neo)liberal governmentality characteristically governs “at a distance,” by “autonomizing and responsabilizing” (Rose et al. 2006, p. 91) subjects to make the right choices within a ‘rationally’ pre-structured field of action (Foucault 1982, p. 790). Yet historically as well as presently, various kinds of knowledge have been drawn on to legitimize a productive distinction that marginalizes individuals or groups that do not qualify for this sort of freedom because they are not (yet) ascribed the capacity for autonomy and responsible and rational conduct. Following the liberal developmental logic, only a few are “hopeless cases” (Hindess 2001, p. 102, cf. 102–104) requiring “sovereign interventions to confine, to contain, to coerce and to eliminate, if only by prevention” (Dean 2010, p. 171). Others are expected to be able to rise to the liberal norm of responsible self-government through “more or less extended periods of discipline” in which non-liberal governmental practices can legitimately be applied to them (Hindess 2001, pp. 104–106, 108; Dean 2010, pp. 156–159). This subjectivation simultaneously reproduces a superior liberal governing subject that (only reluctantly, but dutifully) takes on the responsibility of the

³ See this criticism especially in Bevir (2016b), Biebricher (2015, pp. 149–150), and Bröckling et al. (2011), and see counterexamples in, for example, Bevir (2016a) and Bigo (2002).

“dirty work of [non-liberal] government” to bring about the improvement of the population (Hindess 2001, p. 106).

The present approach is thus able to visibilize such subjectivations and the mechanisms through which they can be drawn on to justify the application of illiberal or authoritarian measures to delineated segments of society, even within (neo)liberal governmental frames.

2.1 Counter-conduct and Epistemic Insurrections

The specific articulation of governmentality is always contested. Foucault captures such contestation in the concept of *counter-conduct*. It refers to behaviors asserting the will “not to be governed *like that*, by that, in the name of those principles, with such and such an objective in mind and by means of such procedures, not like that, not for that, not by them” (2007b, p. 44, emphasis in original, 200–201, 2007a, p. 194–195). This concept “embodies a fundamental genealogical insight” (Barrett 2020, p. 265) as it visibilizes a problematization, a *disjuncture* between governing practices and practices of self-making. Resistance to the imposition of a certain subjectivity (“*désassujettissement*” or *desubjugation*, Foucault 2007c, p. 39) is thereby productive: It creates the space to invert, subvert, or reinvent codes of conduct and to construct an *autre forme* of subjectivity. It thus allows active restructuring of the relationship to the self and, subsequently, to others (Foucault 2007a, p. 200; cf. also Davidson 2011). The “political potentiality” (Barrett 2020, p. 271) of counter-conduct is underlined in Foucault’s understanding that it ultimately refers to the “struggle against the processes implemented for conducting others” (Foucault 2007a, p. 201). Active interventions by which (constellations of) individuals reinterpret and challenge rule thereby clearly demonstrate claims to situated human agency that are sometimes understated (or opposed on the grounds of structuralist commitments) in governmentality studies (Bevir 2010: 425, 2016b, p. 4; cf. also Lorenzini 2016, p. 17; Foucault 1982, 2007c).

Given the interconnections between governing practices and knowledge complexes, *not* wanting to be *governed like that* can include “*not* accepting as true [...] what an authority tells you is true, or at least not accepting it because an authority tells you that it is true, but rather accepting it only if one considers valid the reasons for doing so” (Foucault 2007b, p. 46, emphasis in original). Meanings that inform our perception of reality and the governmental activities that shape them always relate to particular traditions and forms of knowledge in order to qualify as true. Acknowledging that these processes are always embedded in power relations (Foucault 2003), a genealogical perspective draws attention to “subjugated knowledges” (p. 7) on which (collective) self-fashioning practices and counter-conducts may draw. The notion of subjugated knowledges encompasses contents that have been “buried or masked” (Foucault 2003, p. 7) as well as standards or types of knowledge that have become stigmatized as “nonconceptual,” “naïve,” or “hierarchically inferior” and as “below the required level of erudition or scientificity” (p. 7). Subjugated knowledges can be derived from local contexts, from outside of ‘disciplined’ scholarship, from “people who remember against the grain” (Medina 2011, p. 12) or, in Foucault’s words, from “those who have no glory, or [...] those who have lost it and who now

find themselves, perhaps for a time—but probably for a long time—in darkness and silence” (2003, p. 70). In the subsequent Foucauldian conceptual literature, “insurrections of subjugated knowledges” (Foucault 2003, p. 9) are understood as a means to interrogate, resist, or disrupt “the centralizing, normalizing, and hierarchizing features of disciplinary power/knowledge regimes” (Allen 2017, p. 192; Medina 2011, p. 11). The subjugation of knowledges is thereby equated with epistemic injustice that can be rectified through such counter-conduct. This emancipatory thrust ascribed to the concept also characterizes the field of empirical research: Counter-conduct is only studied as the promotion of inclusion, equity, freedom, diversity, and social justice in fields of neoliberal or authoritarian conduction (e.g., Death 2010; Kaya and Ural 2017; Odysseos 2016; Sokhi-Bulley 2016).

However, as several authors rightly point out, in spite of the pluralist and roughly egalitarian values that traverse Foucault’s support for resistance (Davidson 2011, pp. 32–34), he himself “cannot lay down how or why one should struggle” (Pickett 1996, p. 461; cf. Biebricher 2008, p. 370; Fraser 1981), and his approach provides no “prescription for a radically democratic or progressive politics” (Death 2010, p. 248; Biebricher 2015, p. 151). From this perspective, there are no democratic or other norms that limit what counter-conduct can target or what forms of engagement and types of knowledge are acceptable (Pickett 1996, p. 465). Foucault merely suggests that each person needs to decide “what constitutes the greatest danger and struggle against it” (Pickett 1996, p. 461). Clearly, the pluralist aspirations conveyed in this approach can also encompass knowledges (including conspiracism⁴) that struggle against fact-based and especially modern epistemologies as well as liberal normative hegemonies in which, for instance, authoritarian rule, (biological) racism, and other essentialist forms of discrimination are increasingly marked as deviant and undesirable.

In line with Foucault’s philosophical conviction that even “liberal norms are themselves normalizing and instruments of domination” (Pickett 1996, p. 463), struggles may thus have an emancipatory as well as an authoritarian thrust when striving to resist or transform the particular combination of (non)liberal elements that are articulated in today’s rationality of rule. The literature’s focus on the emancipatory thrust may thus have been based on the normative orientation of the social critique that is being expressed and thus ultimately on a moral assessment of what *should* be struggled against. A *genealogical* basis for critique, however, allows visibilization of counter-conduct outside of this focus by shedding light on the contents and forms of knowledge that hierarchizing self-making practices, undemocratic governmental ambitions, and illiberal claims of (epistemic) injustice by Big Lie activists rely on. It thus allows us to zoom in on significant capillary shifts in interpretations and articulations of liberal democracy that broader authoritarian transformations continue to build on.

As counter-conduct takes different forms when addressing particular governmental practices and rationalities (Lilja and Vintagen 2014), the following analysis will map out what in particular 2020 election-challenging activists identify as the *great-*

⁴ Hofstadter (2008) will be drawn on in the empirical analysis to illuminate the historical roots of forms of knowledge presented in the empirical data.

est danger and how they *struggle against it*. This will constitute a first contribution from a counter-conduct perspective that illuminates decentralized political practices rationalizing democratic backsliding.

3 The Contemporary Political Order of the United States and a Profound *Disjuncture*

In the power/knowledge context of a liberal constitutional representative democracy, Donald Trump and his followers were offered an important, albeit temporary, subject-position after losing the 2020 presidential election: the one of a citizen who(se preferred candidate) did not prevail and who nevertheless supports a peaceful transfer of power. This prospect created a major *disjuncture*. Contradicting the expert knowledge on which the execution of the nationwide election relied, on election night Trump declared, “This is a fraud on the American public [...]. We were getting ready to win this election. Frankly, we did win this election.”⁵ The resulting Big Lie spells out the *desubjugation* based on which a coordinated and multi-pronged effort to keep Trump in power (Select Committee to Investigate the January 6th Attack on the United States Capitol 2022) was built. A detailed analysis of the case of the state of Arizona will shed light on how alternative subjectivities were fashioned in relation to the Big Lie and how they were mobilized in different strands of counter-conduct to reshape relationships in the political realm.

Arizona is a particularly relevant case, having fairly recently turned ‘purple’ and thus playing a paramount role in the Electoral College election process. Republican state (Senate) leadership as well as midterm candidates for the Senate, House of Representatives, and state offices have been closely aligned with Trump and his Big Lie, turning Arizona into the setting for an “Anti-Democracy Experiment” (Draper 2022). This includes the involvement of key state actors in a range of forms of election-challenging activism that has spread to other states and thereby affected the United States as a whole. The famous post-2020 Maricopa county Audit,⁶ for example, triggered similar ‘investigations’ in other states, including Michigan, Texas, and Pennsylvania. A national initiative was subsequently launched by state legislators in October 2021, demanding such Audits in every state and a subsequent decertification of “prematurely and inaccurately” certified 2020 electors.⁷ Moreover, Arizona is one of the states where false electors were fraudulently certified.

This study focuses on two Hearings⁸ on election fraud in which the Maricopa county Audit and other forms of election-denying activities were embedded and

⁵ Available at <https://www.youtube.com/watch?v=duE8tnrSmNc> (Accessed 28 December 2022).

⁶ This Audit is capitalized in order to distinguish this politically motivated, additional audit from the regular regular pre- and postelection auditing and verification processes in the state.

⁷ The open letter is available at <https://wendyrogers.org/92-legislators-from-multiple-states-write-a-letter-to-the-american-people-calling-for-a-50-state-audit-decertification-where-appropriate-and-possible-convening-of-the-us-house-of-representatives/> (Accessed 28 December 2022).

⁸ In the following, the first Hearing will be capitalized because it presented a partisan extraparlimentary event.

rationalized. Given that no parliamentary process had shaped the mandate for the Audit, the first of these events (30 November 2020) provides the only comprehensive first-hand information on the discourse through which party officials, Rudy Giuliani and Jenna Ellis, who referred to themselves as Trump’s “litigation team” (LT), as well as further activists and supporters in Arizona, formed their agency and conduct. Usually, such matters are communicated in depth only among those involved (e.g., in chat groups). Yet this comprehensive audiovisual material provides rare insight into discursive layers that are otherwise often inaccessible, preselected and condensed (e.g., in media sound bites), and restricted to statements by the most prominent public figures on the national stage. This, however, greatly understates the significance of local and state-level activists and politicians and their interconnections with national actors and discourses.

This first Hearing⁹ was initiated by its later chair, state House representative Mark Finchem—who is linked to QAnon and participated in the “Stop the Steal” rally in Washington, D.C. (Draper 2022; Godfrey 2022)—in cooperation with Giuliani. Thirteen Fact Witnesses (FW) and Expert Witnesses (E) were presented before an eight-member Panel (P) of Republican state senators and representatives.¹⁰ During the second hearing (24 September 2021) that was chaired by the GOP state senate president, five Experts involved in the implementation of the Audit presented their findings.¹¹

As both the starting premise and the conclusion of the November 2020 Hearing, its protagonists maintained that the presidential election was an “illegitimate election” (e.g., LT1:04:38, 6:45:12) and “an attempt to assassinate the American public’s true legal vote for our president Donald J. Trump” (E6:4:49). While this “invasion of our sacred right to vote” (LT9:53:22) was staked out as *the field of intervention*, it was considered only the latest manifestation of a *broadier problem*: an all-out “invasion on our freedom of religion, our freedom of speech” (LT1:11:19) by a Conspiracy¹² between the Democratic Party; “corrupt government officials across countless precincts and corrupt state officials and courts” (E6:5:27); economic elites, “Big Media,” and “Big Tech” (LT56:55; E6:5:20). Any form of authority relating to the established modern epistemic framework was thus considered to contribute to pervasive political oppression.

Regarding the election, the Conspirators were accused of having had a tight disciplinary grip from the local up to the national level. As Witnesses testified, in local voting and tabulation centers “many people were threatened” (FW9:03:18, cf. FW9:48:06), “suppressed” (FW9:6:36), or expelled just for “ask[ing] questions

⁹ The recording of the over ten hours long Hearing is available at <https://www.thegatewaypundit.com/2020/11/live-stream-video-arizona-state-legislature-holds-hearing-rudy-giuliani-jenna-ellis-stolen-election-11-eastern/> [Accessed 28 December 2022].

¹⁰ These acroyms will be used in the empirical analysis to indicate which category of actors is being cited. The designations Witnesses and Experts (and related concepts such as Testimony) are capitalized to mark their contested nature.

¹¹ The recording of the hearing, which is three hours long, is available at <https://www.youtube.com/watch?v=sAAu6O33rNE> (Accessed 28 December 2022).

¹² The terms Conspirators and Conspiracy are also capitalized to mark their contested nature.

about the process” (FW9:48:04).¹³ Witnesses also presented their assumptions that traps were set to fabricate reasons to replace inconveniently alert Republican poll watchers (FW9:45:57) or that an outage was faked (FW7:57:50) and intimidation “orchestrated” (FW6:28:58; FW7:48:20) to obstruct their observations.

On the national level, this “form of despotism” (LT58:18; cf. P10:52:28; P10:32:14) was claimed to have manifested itself in the uniform censoring of the “truth” (LT56:56) and the denial of the “opportunity to present in court” all of the evidence (LT10:6:25). This strictly policed regime of truth (“McCarthy era on steroids,” LT57:52) reportedly also permeated society as a whole: Social repercussions included job loss (LT58:12), “harassment” (LT57:38; P10:25:21), and “horrible threats, ridiculous things said about us” (LT9:59:20; cf., e.g., P10:27:30; P10:45:09).

As Hofstadter (2008) outlines, this idea of a Conspiracy that is “directed against a nation, a culture, a way of life” (p. 7) and supported by a diverse network of agents dispersed across all social institutions has significant precursors in history. Closely resembling the “paranoid style” of the modern American radical right, a feeling of dispossession by alien forces was also clearly communicated in the Hearing, including in anti-Semitic rhetoric: “This is *our* nation. This nation doesn’t belong to Belgium, doesn’t belong to George Soros, yeah, that’s right, I said the Soros-word” (P10:52:37).¹⁴ Furthermore, this feeling is combined with the absolute determination “to repossess it and to prevent the final destructive act of subversion” (Hofstadter 2008, p. 20). The election, in fact, is represented as just such an act: According to the panelists and Experts it is now “in plain sight that we’re under a coup” (P10:33:57). The fight over truth thereby makes it “an unconventional warfare scenario” that “the American populace is facing” (E1:29:20).

This construction of reality rendered the idea of handing over official power to the oppressive Conspirators unbearable (*greatest danger*) and the acceptance of the related subjectivity of democratic, autonomous, and free citizens under a Democratic administration impossible (*desubjugation*). Acceptance of the election result was rather understood to mean becoming a fearful subordinate subject of the Conspiracy, to “capitulate” (P10:25:53), “surrender” (P10:46:53), and become “suckers” (LT9:09:02). Fear (combined with selfishness) was identified as the only thinkable reason why some Republicans refused to fight (LT10:9:8); they were ridiculed as “hiding down the road, under their desk” (P10:11:25; LT1:10:45). Equating joining this fight with testifying against the mafia, the Litigation Team put moral pressure on the absent legislators to “[j]ust be a man! Or a woman. Not a sniveling coward. [...] [T]here is nothing that demeans you more than an act of cowardice” (LT10:2:16).

Against this backdrop, the construction of two alternative subjectivities was inductively detected throughout the analyzed data: the *righteous patriot warrior* and the *fearless and incorruptible autonomous subject*. Although they differ regarding

¹³ Through their Testimony, it actually becomes clear that they had vehemently claimed that machines were switching votes (FW9:2:39) or that they had knowingly committed a misdemeanor when secretly taking pictures of a voter casting their ballot (FW9:45:23).

¹⁴ In this particular instance, Belgium seems to serve as a rather arbitrary instance of such alien forces. The reference was not further explained as part of a particular conspiratorial plot during the Hearing.

the specific targets of contestation, the forms of knowledge they rely on, and the counter-conduct they are translated into, they coalesce around the very notion of *courage* that is rooted in the above desubjugation promoted by the conspiratorial Big Lie.

3.1 The Subjectivity of the *Righteous Patriot Warrior*...

The meaning of *courage* underlying the subjectivity of the *righteous patriot warrior* builds on a specific form of knowledge: a developmental liberal understanding of American history as having begun during the American Revolution. As the key point of reference, this revolution (which is often lumped together with the subsequent process of constitutionalization) is understood to have formed a timeless, inherently good nation that embodies infinite freedom.¹⁵ This freedom, however, is “under attack all the time. From the beginning of our republic until now, it’s under attack. Sometimes foreign enemies, sometimes domestic enemies, sometimes a combination of both” (LT10:00:28). The combination-assumption is another specific feature of the modern paranoid style (Hofstadter 2008). In the Hearing, the notion of foreign influences was embodied most consistently by the Canadian-based information technology firm Dominion (LT1:8:52; FW7:29:24) and alleged inter-linkings with states including North Korea, Venezuela, China, Italy, and Germany (e.g., E1:31:51; E2:39:58; E1:41:50; LT9:10:29). Moreover, the Litigation Team continuously pushed the allegation of “illegal aliens” casting votes (e.g., LT 5:20:37), even though almost no Witnesses by themselves touched upon this issue.

As during the American Revolution, this perceived present attack would be fought back with determination: “We’re gonna fight. [...] I will not lose the freedoms and the liberties that we’ve all been fighting for since day one” (P10:29:44; cf. P10:32:08). A direct patriot lineage to the Founders was drawn in these efforts to “defend” the right to vote “enshrined in our constitution [...] that was paid for with blood, with the blood of patriots” (P10:45:51). In this epistemic frame advanced by the activists, nothing short of repeating the Founders’ “incredible act of moral courage” (LT10:3:30) of forming a community pledging to each other “their lives, their fortunes and their sacred honor” (LT10:3:38; P10:45:26) to fight off oppression is seen as necessary today. The Litigation Team explicitly demanded readiness to make sacrifices: “It’s very very similar to losing your life on the battleground. But that’s really what is required right now” (LT1:13:27; cf. P10:27:31; LT10:2:16). Otherwise “[g]o[ing] down as the first group of Americans that didn’t have the courage to stand up when their freedoms were being taken away” (LT1:10:50) would mean cutting this patriotic bond and dishonoring the military, the forefathers, and even the individual’s own family (P10:46:17; cf. LT9:59:37). In this form of patriotic knowledge, the courageous patriot is an inherently knowledgeable subject: He [sic] cannot err when he is willing to sacrifice in order to save the country from the Conspirators’ attack.

¹⁵ Historical facts such as slavery, coverture, the dispossession and genocide of Native peoples, etc., are not part of this knowledge of the homogenous, virtuous nation as presented in the Hearing.

Repeatedly, (Christian) faith was furthermore evoked as another form of transcendental knowledge (e.g., P10:32:45; 41:36) that undergirds this understanding of the situation and justifies extraordinary measures to be taken by devoted and sacrificing patriots following their non-empirical moral truth. Toward the end of the Hearing, the Chair confirmed this again: “I am glad that you are fired up. But, Ladies and Gentlemen, this is a skirmish. You ain’t seen nothing yet because [...] when Satan wants to extinguish a light, he will stop at nothing. So be on your guard, put on the full armor of God and be prepared to fight!” (P10:54:40).

3.2 ... and Anti-Institutional Counter-conduct

This subjectivity and the forms of knowledge it relates to can be translated into different forms of counter-conduct that, in essence, carry a distinctly anti-institutionalist orientation.¹⁶ Rather at odds with the framework of a hearing, they fully justify the targeting of an idea of sovereign governmentality through (violent) agitation and rebellion.

Focusing on the conspiratorial “betrayal at home” (Hofstadter 2008, p. 17), this includes a profound, morally undergirded distinction and hierarchization among citizens and even Republican partisans. Believing “so strongly that this country is for a moral and virtuous people” (P10:32:40), those assumed to be part of the Conspiracy can be ostracized from that inherently virtuous people, as “it is *not* moral and *not* virtuous to *lie* and to *steal* and to take *away* our precious freedom of voting” (P10:33:02). They become the “enemy” from whose “attacks on those wanting to do the right thing” (41:41) divine protection is prayed for in an invocation at the beginning of the Hearing. Considered morally corrupt enemies, extraordinary, non-liberal measures can legitimately be applied to fight and discipline them.

Treated as historical precedent, the revolutionaries’ motives for violence are brought forth (“because they were sick and tired of tyranny,” P10:52:18) and related to the current situation: “What we’re experiencing right now is a form of tyranny that is insidious” (P10:52:25; cf. also “We are in a revolution,” P10:33:57). Foreshadowing January 6, at the end of the Hearing a member of the audience urged others to “gather and go to the Capitol *now*!” (10:56:03).

Furthermore, the Declaration of Independence was also invoked to do away with intraparty dissent or gatekeeping: Rejection of election challenging activism outside of the pursuit of legal remedies by individual Republican leaders was understood in terms of “a design to reduce them under absolute despotism” that imposes on people “the duty to *throw off* such Government. To throw off those leaders who are saying ‘no’!” (P10:13:26; cf. P10:21:19).

Even *after* January 6, such forms of counter-conduct continued to be pursued, for example when members of Congress represented the ongoing situation as “God’s battle and he has used Trump in a powerful way to expose the deceit, lies and

¹⁶ This subjectivity has precursors in the Tea Party movement that claimed historical events, symbols (such as the Gadsden flag), and “1776” references and attached a radical anti-establishment and increasingly nativist interpretation to them.

hypocrisy of the enemy” and proposed invoking martial law (in Walker and Yücel 2022; Walker et al. 2022).

3.3 The Subjectivity of the *Fearless and Incorruptible Autonomous Subject...*

As pointed out, a second subjectivity built around the *desubjugation* triggered by the election result that was also based on the notion of *courage* can be analytically distinguished. This second one is more aligned with the framework of a hearing. Here, testifying to support election fraud allegations—understood as speaking truth to power—was lauded as an expression of great courage (e.g., P10:27:03; P10:38:48). In a similar vein, the panel members themselves emphasized their own fearless, unbiased, and incorruptible nature, reiterating that they “are here for clarity and transparency” (P52:50) and merely wanted to “get to the bottom of the truth” (P46:52; e.g., P46:08; P44:55; LT1:18:57; F9:6:36) through an open-ended process in an “objective forum for constituents to hear testimony and see the evidence that supports or refutes allegations that the 2020 general election is legitimate or illegitimate” (P54:36; P55:36; P46:08). At the end of the Hearing, they were reassured of this identity feature: “[T]his panel has been so objective [...]. That’s strength! That’s courage!” (P10:53:18; LT57:28).

Thereby, the purportedly inquiring minds and their healthily skeptical practice of “asking questions” (e.g., P10:28:20) were considered to have been successful in unearthing the truth: After having processed the Facts presented to the panel by nine Fact Witnesses and four Expert Witnesses through Testimony often supported by PowerPoint slides showing statistical data and diagrams, it was concluded that the contents were now “no longer just anecdotal” (P10:23:39) or “speculative” (E4:59:20): “Numbers do not lie and all the evidence I have been wanting to hear I’ve heard exactly what I expected to hear. When I say numbers don’t lie, that’s how we put people on the moon, is by math. [...] What does the math tell us has gone on here? And that is what I have heard here today” (P10:10:18; e.g., P10:25:27). The authority bestowed upon the event through form and terminology was seemingly not impaired by the fact that the set-up in a privately rented hotel ballroom in downtown Phoenix (Draper 2022) did not satisfy established criteria for any form of systematic empirical, deliberative, or investigatory fact-finding proceeding or evidentiary hearing. Chairman Finchem, who initiated the Hearing in cooperation with the Litigation Team, himself pointed to but then simply brushed aside existing criticism, including “that there are not sworn witnesses or even that there is potential for hear-say to be portrayed as legitimate testimony” and that the “members of this panel were not elected to appoint or appointed by other officials” (P54:20).

While challenging the Conspiratorial (neo)liberal truth regime, throughout the Hearing the participants showcased another characteristically paranoid feature: the “imitation of the enemy,” striving to “outdo him in the apparatus of scholarship” (Hofstadter 2008, p. 27). Through “heroic strivings for ‘evidence’” that was “obsessively accumulate[d]” (p. 31), 769,903 “fraudulent” votes were identified (LT9:57:17) that would need to be subtracted from the 1,040,774 Biden votes in Maricopa county.

Thereby, the processes and standards for producing factual evidence and the requirements for assigning the status of knowledgeable subject or expert did not align with those established in the enlightenment tradition of contemporary power/knowledge.¹⁷ A large cluster of obvious disinformation and diverse conspiratorial allegations (including, e.g., “counterfeit ballots being shipped to Arizona from North Korea,” 2:39:35) were presented, in one instance relying solely on an anonymous email as a source (E1:48:22). Expert Witnesses were assumed to be able to speak with authority because they had “kind of earned the reputation lately of a data guy” (E5:9:25) or “like[d] math for fun” (E6:24:48). They confidently based their conclusions on a statistical analysis that “took [them] over 25 hours to do” (E6:14:54), on “research [they had] buried [themselves] in since election day” (E6:27:24), or on “reading countless articles, clips and videos over the past week” (E6:04:30).

Nevertheless, the Hearing rather cultivated an enormous level of doubt regarding ballots cast by persons who “[m]aybe don’t exist? Maybe are illegal? Maybe are felons? Or maybe voted ten times? There is no way to know!” (LT9:59:00). This was reflected also in the Witness Testimony (“When I checked my ballot, it was counted, but another question is: How do we know who we voted for?” F3:21:35; e.g., P10:46:07).

Against this backdrop, the premise of the Hearing was not just the rejection of the officially determined elections result. It was also the rationalization of that rejection through the outright challenging of all formal governmental and societal institutions that define the intellectual framework for understanding reality and that yield epistemic authority in the contemporary sociopolitical order: “We’re not guided by your [Republican!] governor, we’re not guided by your secretary of state, we’re not guided by Joe Biden, we’re not guided by the *New York Times* and we’re not guided by all those stations that call the election” (LT1:14:01). Such portrayals of untrustworthy epistemic authorities consistently throw the individual “back upon her own cognitive resources—and, no matter how clever she is, no matter how educated, these resources are meager” (Levy 2007, p. 190). In the Hearing, individuals were encouraged to instead rely on alternative epistemic resources such as personal experiences, intuitions, emotions, and preconceptions. These were validated as more dependable and as unproblematically generalizable.¹⁸ Hence, Testimony by (often first-time) poll workers or observers pointing to “some different activity that I just felt uncomfortable with” (F3:12:52; F6:36:53; F7:59:43) or stating “I don’t really know specifically what I should be looking for but it didn’t feel right” (F8:17:00; cf. F9:43:56; P10:28:2) was accepted as evidence corroborating serious fraud allegations.

Through this approach, the populist glorification of popular common sense as “the basis of all good” (Mudde 2004, p. 547) displays a political dimension: The “sense of what is ‘normal’ and, consequently, comfortable” (Taggart 1995, p. 37) can become *the truth* on which the acceptance of election results relies. The traditional liberal subjectivity of mature, autonomous citizens is thus stretched to include

¹⁷ The dominant criteria (and legitimizing effect) of formal, modernist expertise themselves are, in turn, neither neutral nor detached from power relations (cf. Bevir 2022, especially Chap. 5).

¹⁸ This practice is also more broadly supported in right-wing mass media (e.g., Hemmer 2016; Peck 2019).

epistemological autonomy, the ability to “decide for themselves what is true, what is false, and what amounts to a legitimate source of knowledge” (Harris 2022, p. 12). This can take the form of individuals either asserting themselves or—at their own discretion—identifying someone else as a sovereign epistemic authority.

In the first case, an individualized “over-inflat[ed] epistemic self-confidence” (Nguyen 2020, p. 144) can manifest itself in self-assigned expert status and the rather robustly asserted claim that information can only be true and processes only trustworthy if they can be comprehended, verified, and controlled by every individual and through the epistemic resources they deem appropriate. In this mindset, complaints like “we could see the machines but we could not see or observe the software behind the machine!” (F8:59:13) are meaningful, and fraud can be confirmed as a fact if a poll observer is not able or allowed to get a first-hand look into every step of the organizational and spatial divisions of labor or the technical elements in the vote (counting) process (e.g., F7:37:54; F8:40:30).

The second case is documented in the way the Big Lie has been tied to Trump himself. Epistemic patterns of anti-elitism and anti-intellectualism have long been present in the United States (Hofstadter 1963) and the GOP (Horwitz 2013), where they were reinforced through the Tea Party after 2009. Against this backdrop, Trump has displayed unusually high levels of both distrust of expertise and anti-elitism (Oliver and Rahn 2016) since his 2016 campaign. Combined with instances of racism, sexism, and ableism, these tendencies “allowed him to forge a unique bond of trust and ‘authenticity’” (Lee 2019, p. 381) by delineating himself from more moderate GOP leadership. Thereby, he successfully positioned himself as the voice of the people and thus the (only) arbiter of the ‘comfortable’ non-cognitive truth.

The resistance that draws on the subjectivity of the *incorruptible autonomous subject* is thus not a resistance against a singular “attack” but against a dependence on progressive elites and related epistemic authorities that are perceived to have built and legitimized a broad (economic, political, social, and normative) power imbalance to the disadvantage of non-college-educated, rural, white male conservatives (cf. Hochschild 2018). It is the perceived underlying disciplinary governmentality toward which Trump has consistently channeled the characteristic “long-standing phobia of the exercise of power” (Wells and Rochefort 2021, p. 353) in the United States.

3.4 ... and Extra-institutional and Intra-institutional Counter-conduct

Uncoupled from established forms of knowledge on the technical and administrative standards, methods, and practices applied in the election process, the only conclusion drawn from the Hearing that seemed reasonable to its protagonists was that hundreds of thousands of ballots “could have been cast all by Mickey Mouse. We have no idea. Those votes are completely null and void” (LT9:56:59). Against this backdrop, the self-fashioning of the *fearless and incorruptible autonomous subject* rationalized (nonviolent) action both within and outside of the institutional framework that a) targeted the *broader problem* of the allegedly conspiratorial truth regime and b) focused on the *immediate field of intervention*: the 2020 election. Due to the federal character of the United States, conduct countering national elections can even involve government officials on the state level.

Importantly, these forms of counter-conduct once more relied on the hierarchized distinction between ‘true’ and ‘legitimate’ as well as ‘fraudulent’ and ‘illegitimate’ vote(r)s. While this was morally undergirded by ‘historical’ and religious knowledge for the *righteous patriot warrior*, it is here understood as having been proven based on ‘evidence’. The subjectivity of the *autonomous, incorruptible*—and thus *trustworthy*—*subject* can thus necessarily only be applied to one part of the population. The other part (media, social and tech elites, administrative bodies, Democrats, and voters assumed to lean Democratic based on their group membership or preferred voting method) is *untrustworthy* because of its ascribed inherent criminal potential.

3.4.1 The Broader Problem of the Truth Regime

The Big Lie proponents translated this epistemologically autonomous subjectivity into counter-conduct targeting the enlightenment tradition power/knowledge they viewed as a problem and, ultimately, as the basis for large-scale oppression. Such detachment from established standards of reasoning, from its institutional support and from scientific processes and methods, thereby works as “a means to retaining or retaking control” (Harris 2022, p. 11). By delegitimizing the privileged, even monopolized, status of the established epistemic principles and institutions, independence from their knowledge (production) is secured. Adherence to the Big Lie and its web of conspiracy theories thereby functions as a litmus test: Supporters become community members with amplified “epistemic credentials,” and those resisting it are ignored or excluded “through epistemic discrediting” (Nguyen 2020, p. 146, emphases removed). Subsequently, ‘truths’ including the trustworthy/untrustworthy divide can no longer be disconfirmed by mere facts such as the piece of information that in two areas in which any inconsistencies in the election in Maricopa county could actually be connected to the vote for a particular candidate, it was Trump who benefited (second hearing E1:06:11, E1:07:40). Similarly, demands for an audit ignored the fact that the regular pre- and postelection auditing and verification processes had already been carried out by official bodies, including the nonpartisan County Elections Department and the bipartisan 4-1 Republican-controlled Board of Supervisors.

This counter-conduct in the form of epistemic discrediting and inoculation (Nguyen 2020, p. 147) builds on a broader pattern of producing the “epistemological insecurity” (Adler and Drieschova 2021, p. 35) and profound disorientation (Muirhead and Rosenblum 2019) that have become key features of the right-wing media sphere (e.g., Benkler et al. 2018; Bennett and Livingston 2020). The example of Maricopa county allows us to trace key elements of this pattern:

In the wake of the Hearing, two subpoenas issued by the Republican state senate leadership for all election equipment, data, and information finally initiated the Audit in December 2021. In two main ways, this Audit parallels and reinforces the approach highlighted in the Hearing itself, but also extends beyond it in an important sense.

First, just like the Hearing, the Audit ultimately constituted an unambiguously partisan and Trump-focused endeavor relying on private actors without any prior experience or traditional expertise in the field of elections (e.g., Committee on

Oversight and Reform 2021, p. 11–14). Nevertheless, as Auditors the latter were represented as trustworthy and transparent fact finders, capable of a neutral and technical assessment of the situation (second hearing P0:17).¹⁹ By contrast, the trustworthiness of official authorities, administrators, election staff, and the epistemic authority they represent was further discredited as they were officially turned into auditable objects.

Second, rather than finally settling the issue based on the Audit result that nevertheless confirmed Biden's victory, the Audit, just like the Hearing before it, further propelled the never-ending loop of epistemic insecurity: As the second hearing shows, refuted allegations were repeated, new sets of questions were raised, and another "full" Audit in fields such as signature verification was deemed "absolutely necessary" (E43:16). Validating the epistemic authority of the private partisan Auditing bodies, state senate Republicans endorsed this interpretation.²⁰ The Republican state senate president even echoed the conclusion that "we need to do audits [...]. We need to do bigger audits" (3:00:30).

The pattern of this endless loop is best exemplified in an exchange between Representatives Raskin (Democrat from Maryland) and Biggs (Republican from Arizona) in the House of Representatives Oversight Committee hearing in October 2021 (Committee on Oversight and Reform 2021, p. 10):

Mr. RASKIN. I never really understood Members from Arizona challenging the result by which they themselves were elected, in the exact same election where they were elected. And yet, still I believe—and perhaps Mr. Biggs can correct me if I am wrong—I hear him not even to be accepting the results of this audit, which say that Joe Biden got more votes than were lawfully recorded by the state. And so——

Mr. BIGGS. Will the gentleman yield? You have called me out and asked if I would respond, I am happy to respond.

Mr. RASKIN. Yes, by all means. Do you accept the—do you accept this audit would show that Joe Biden won and, indeed, by more votes than——

Mr. BIGGS. That is not what the audit concluded, Mr. Raskin. You know better than that. Have you read the whole audit, or you cherry-picked the line which talks about the recount versus the tabulation machines? That, we would have expected to be very similar, and it wasn't. So anything that might have inured to President Biden's——

Mr. RASKIN. Well, who won the election is my question, Mr. Biggs. I am happy to yield to you for that. Who won the election in Arizona, Donald Trump or——

Mr. BIGGS. We don't know. Because as the audit, it demonstrates very clearly, Mr. Raskin, there are a lot of issues with this election that took place. We are going to go through those today, but you can continue——

¹⁹ But see information on the ongoing lawsuit against them: <https://www.americanoversight.org/in-the-documents-cyber-ninjas-communications-with-election-deniers> (Accessed 28 December 2022).

²⁰ They provided all reports without commentary on their official website and also forwarded them to the state attorney general as the basis for a formal investigation (second hearing P2:59:08).

Mr. RASKIN. OK. I will reclaim my time. You see, Madam Chair, here is the problem.

Mr. BIGGS [continuing]. And speaking of the big lie, you can continue to perpetuate it as long as you want, but we are going to find out, I hope.

Election deniers thus once more concluded that the Audit empirically confirmed that mistrust was warranted. This rationalized further measures:

In extending their mandate, the private firm leading the Audit issued recommendations for legal reforms (which, after exploratory hearings, would traditionally be developed by the respective legislators themselves). By proposing new legal standards based on which the integrity of future elections could be verified (through new Audits!), they gave responsibility to the state parliament—a traditionally Republican-dominated and *political* body—instead of the audited administrative bodies, as would be expected in a neoliberal auditing tradition (cf. Power 1994). This, in effect, politicized voting rights and the administration of elections²¹ while presenting the proposed changes as neutral and necessary technicalities. Some of their recommendations have already been translated into law. While presented as an effort “to further protect Arizona voters,”²² new regulations are expected to complicate the voting process and have particular effects on certain segments of the electorate, including students and older, infrequent, mail-in, or early voters, with some provisions even challenging the *Arizona v. I.T.C* Supreme Court ruling (Corasaniti 2022). The specifics of the measures and the fact that the fraud allegations in Arizona are focused on Maricopa county—the most urban area in Arizona that has grown significantly more diverse and Democratic over the past 15 years²³—also raise the issue of a possible intertwining of the trustworthy/untrustworthy division and racial taxonomies. As Valverde points out, the non-liberal potential of liberal government can rely on the differentiation of “spaces of rule” that allow “contradictory modes of governance to peacefully coexist” without “directly challeng[ing] formal equality among persons” (1996, pp. 369, 368; Hindess 2001, p. 104). Instead of drawing on ‘biological’ knowledge as was traditionally done, demographic information provided by formalized social sciences can be (and has been) taken as a basis for such measures (such as gerrymandering) in partisan competition in the United States (Soffen 2016).

Even beyond that, as the process legitimizes preconceptions that the election-related behavior of potential Democratic voters and election officials needs to be further surveilled and policed, it rationalizes claims to the execution of more direct and illiberal techniques of discipline and control that have been asserted by private citizens. This includes “concerned citizens” (F6:31:21) who formed groups

²¹ Voting rights, especially in U.S. history, are not unpolitical as such. These recommendations, however, have a restrictive thrust that is noteworthy.

²² See an overview of new legislation on the Republican governors’ website: <https://azgovernor.gov/governor/news/2021/05/governor-ducey-signs-legislation-further-protect-arizona-voters> (Accessed 28 December 2022).

²³ See <https://usafacts.org/data/topics/people-society/population-and-demographics/our-changing-population/state/arizona/county/maricopa-county?endDate=2021-01-01&startDate=2010-01-01> (Accessed 28 December 2022).

to trace fellow citizens to check their identification and eligibility and record them without consent (E4:59:03; F6:31:27), as well as individuals who complained that the election software firm allowed random private citizens “no transparency of how the voter information is processed, moved and stored” and “refused to allow any type of inspection into their codes” (E1:32:25). The responsabilization of citizens to ‘protect’ the ‘integrity’ of the voting process blurs the public/private division and may easily transgress the institutional boundaries of this form of counter-conduct. A recent call by Secretary of State candidate Finchem on Twitter—“WATCH ALL DROP BOXES. PERIOD. SAVE THE REPUBLIC” (20 October 2022)—may have inspired the formation of (armed) “election-monitoring groups” (Bensiger 2022; Sanchez 2022) to do the “dirty work” (Hindess 2001, p. 106) of non-liberal government.

3.4.2 *The 2020 Election as the Immediate Field of Intervention*

Most directly, the Litigation Team proposed another form of counter-conduct in the Hearing on the very day the Arizona Biden electors had been officially certified: Drawing on the Eastman memorandum and *McPherson v. Blacker*, they maintained that Article 2 Section 1 Clause 2 of the constitution “says that *you*, the legislature of Arizona have the plenary power to regulate the selection of electors” (LT1:14:25). Even more bluntly, they emphasized that the legislators should “make that finding that you’re reclaiming your delegates [...], that is *your* authority and don’t let *anyone* tell you differently because that is our United States Constitution that was specifically provided by our Founders” (LT10:8:32, 1:15:28).

In shaping this particular form of conduct countering the election result, the subjectivities of the *fearless and incorruptible autonomous subject* and the *righteous patriot warrior* are reconnected around the notion of courage—and assigned directly to the Arizona legislators. Repeatedly, it was insinuated that the Founders (including Hamilton) had viewed the state legislature as “a body that is separate from that corruption and could look *honestly* at what happened and be fact-finders. You have been fact-finders here today!” (10:5:29). As such, the legislators now needed to (in this case nonviolently) exercise their historical duty and activate the “constitutional provisions that our Founders so keenly foresaw would be necessary for today” (LT1:18:50). Insisting that state legislators “have the ability and the authority to act, it’s just a matter of courage” (LT10:9.8), the Litigation Team added that “it’s impossible to tell who gets called upon to make sacrifices. You think of all the young men and women we’ve lost overseas. [...] But right now, you’re being called upon to make a sacrifice; the members of this legislature. The constitution of the United States put the finger on *you*. Our founding fathers put the finger on you. You’re our salvation” (LT1:1:30).

The activation of the warrior subjectivity in a formally intrainstitutional form of counter-conduct is noteworthy. As it noticeably mobilized the activist audience in the room (and certainly also beyond), it may have served to put pressure on the legislators. Any such effect would furthermore have been reinforced when then-President Trump himself called into the Hearing (from 8:32:30 on) to repeat diverse conspiratorial allegations, to emphasize that he was watching, and to assure the legislators

they were “becoming legends for taking this on” (8:36:55). At the end of the hearing, one legislator publicly proclaimed that she was “ready to go and appoint the electors” (P10:34:08).

The scheme to appoint false electors was indeed carried out with the involvement of two Arizona state representatives and the Arizona GOP chair. On January 6, the scheme coalesced with several other intra- and extrainstitutional forms of counter-conduct such as official objections to the electoral vote count and the violent breach of the Capitol. Several strands of counter-conduct have furthermore continued to this day, especially the discrediting of public and media institutions and epistemic authorities and even the efforts to effectively reassign the final decision over the presidential electors to the state legislatures. This independent state legislature theory has since progressed through the constitutional infrastructure: It is currently pending before the Supreme Court as *Moore v. Harper*.

4 Conclusions

A genealogical governmentality perspective allows us to enrich the current research on democratic backsliding by analytically capturing the “ways in which changes in power relate to changes in knowledge” (Bevir 2016b, p. 1). Drawing on a Foucauldian governmentality/counter-conduct perspective, this study thus conceptualized the current contestations rooted in election denialism as a struggle over the dominant articulation of the combination of complexes of *savoirs* and governmental apparatuses in the United States.

Subsequently, it empirically disentangled different strands of counter-conduct based on their prime targets, modes of operation, and the forms of knowledge they draw on in the process of fashioning two distinct subjectivities: the *righteous patriot warrior* and the *fearless, incorruptible, and autonomous subject*. This showed that the scope of some forms of counter-conduct clearly reach beyond the 2020 election or Donald Trump. Rather, they constitute a profound contestation of institutions, agents, procedures, and logics represented not only as corrupt but also as asserting all-encompassing disciplinary and even tyrannical dominance, thus marking the professionalized, specialized, juridified, democratizing, and increasingly inclusive New Deal liberal administrative state as the *greatest danger* (cf. Muirhead and Rosenblum 2022, p. 517). Even more, especially the *incorruptible and autonomous subject*’s counter-conduct targets the enlightenment tradition of reasoning and knowing, specifically the “[m]odernist social sciences [that] helped to create the conditions for the administrative state” (Bevir 2022, p. 43) in the first place.

Studying democratic backsliding as a struggle over (il)liberal governmentality has proved especially useful in the federally organized American context: First, in this sense this contribution enriches our understanding of *how* state-level governmental actors work with national coalitions in and outside of the traditional legislative arena in ways that are relevant to democratic erosion. In addition, it also demonstrates how and on what epistemic basis the created subjectivities reject (*righteous patriot warrior*) and render impossible (*incorruptible and autonomous subject*) intraparty gatekeeping that Levitsky and Ziblatt (2018) posit as a mechanism to rein

in or ostracize radical or authoritarian actors.²⁴ In the process, these subjectivities increasingly blur different categories of actors and create new constellations that have so far not been captured in traditional (concepts of) party structures.²⁵

Second, this approach allows us to trace how strands of counter-conduct that target the national governmental arrangement and truth regime become interlinked with technologies of sovereign and (neo)liberal governmentality—such as Audits, Hearings, or election law reforms—on the state level.²⁶ The sometimes cumbersome translation of anti-modernist forms of knowledges into (otherwise rejected) modern administrative terminology and techniques (visibilizes and) seeks to imitate the legitimacy and capillary power effects perceived to have been garnered through (neo)liberal governmentality. The continued focus of activism on the state level is thereby not only an expression of venue shopping (Grumbach 2022, pp. 152–153; Hertel-Fernandez 2019) but also an alternative patriotic frame of reference for the anchoring of ‘resisting’ subjectivities.

As the promoted non-cognitive, anti-modernist truth regime is being woven into governmental apparatuses on the state level, liberalism’s authoritarian potential is clearly activated in the way relationships to the self and, subsequently, to others in the political realm are reshaped. Building on a robust assertion of the liberal subject’s autonomy and freedom of choice—and, indeed, on the extension of this autonomy and freedom of choice to the epistemic realm—a productive, hierarchical division of the population was established: Based on a ‘proven’ complicity in the oppressive Conspiracy as well as a lack of trustworthiness and (self-)govern-ability, nonliberal interventions vis-à-vis parts of the population were legitimized as defence measures. This hierarchized division was thereby not only undergirded morally (by the *righteous patriot warrior*) but also fortified epistemically (by the *incorruptible and autonomous subject*).

This makes evident how resurrecting “those who have no glory, or those who have lost it” from the “darkness and silence” (Foucault 2003, p. 70) to which they believe to have been confined can also serve to *preserve, reestablish, or extend* subject-positions of social, political, and economic privilege. Claims of (epistemic) injustice deemed proven in non-factual forms of knowledge can also serve to *sustain* mechanisms of (non-liberal, undemocratic) power and to *secure* inequality and social injustice when it challenges the basic foundations of self-government among equals.²⁷ This has previously not been taken up in the literature on governmentality/counter-conduct. This study’s genealogical orientation thus for the first time allowed the identification and study of authoritarian counter-conduct and exposure of its contingent and power-related foundations.

²⁴ Below the epistemic level, legal, financial, institutional, and organizational conditions have already diminished the traditional GOP leadership’s gatekeeping potential (e.g., Galvin 2020; La Raja and Schaffner 2015; Skocpol and Hertel-Fernandez 2016; Rauch and La Raja 2017).

²⁵ This includes the fact that these national coalitions can (cf. Hertel-Fernandez 2019), but do not necessarily have to, consist of intense policy demanders.

²⁶ Such techniques have been applied in other U.S. states as well. For example, in Florida, a new executive body—an “election police force”—has been established.

²⁷ See Bebout (2019) on the “discursive maneuver” of “weaponized victimhood.”

The present approach also provided a visibilization of the current situation as an epistemic struggle that transcends the particular question of election denialism. This dimension of the current contestation from the radical right has become part of the regular party politics in the most encompassing and profound form of *epistemological polarization* (see also Muirhead and Rosenblum 2019, p. 129). This seems to undermine any remedies to democratic backsliding that have hitherto been identified (e.g., Levitsky and Ziblatt 2018, Chap. 9).

Importantly, while the subjectivities of the *righteous patriot warrior* and the *incorruptible and autonomous subject* have been inserted into partisan competition through the Big Lie, they cannot be understood as merely partisan identities. These subjectivities are no mere narratives or performances for the public alone. This has become clear through the Hearings as well as through the (now public) internal communication of the then-president's inner circle in the aftermath of the 2020 election (e.g., Philo and Walker 2022; Walker et al. 2022). When adopting and reproducing these subjectivities, individuals no longer rely on the dominant fact-based, cognitive, modern, normative democratic rationality that can identify lies and violations of democratic principles and that holds the expectation of subsequent rejection or electoral punishment.

The identification of a second analytically distinguishable target (the modernist truth regime) shows that the ongoing contestations in the United States transgress the immediate focus on the 2020 presidential election. Furthermore, they also seem to extend into and/or occur simultaneously in other Western societies.

For example, QAnon has its largest following outside the English-speaking world in Germany (Bennhold 2020c). Especially the sovereignist *Reichsbürger* (literally, citizen of the German Empire) have drawn on symbols and allegations promoted by the Big Lie and QAnon (Bennhold 2020b; Bennhold and Solomon 2022), including in connection with the attempted storming of the parliament building in Berlin (Bennhold 2020a). In December 2022, a *Reichsbürger* group was even arrested and charged with plotting a violent coup against the federal government which, based on their beliefs, was controlled by the "Deep State" (Prosecutor General's office 2022). Moreover, during the pandemic, the *Querdenker* (literally, those who think against the tide) have led the (epistemic) resistance against the 'tyranny' of public health measures. This manifested, for instance, in collective "strolls" and rallies (during which attacks on journalists were recorded) as well as in the self-victimizing display of the Star of David with the word "unvaccinated."

Both movements have displayed a wide range of (non)violent forms of counterconduct that need to be studied more systematically, as well as in terms of the subjectivities and types of knowledge they draw on to rationalize and legitimize such practices. Studies on the *Querdenker* movement (e.g., Amlinger and Nachtwey 2022) suggest that self-fashioning as *incorruptible and autonomous subjects* is especially relevant here as well. The analytical approach presented in this study is highly *reisefähig* (literally, fit to travel) because it not only allows inquiry into how such subjectivities are potentially reproduced and customized in relation to local, national, and historical frames of reference (such as the German Empire, Nazi rule, and the autocratic former German Democratic Republic in the above examples), but it also allows us to inductively identify further subjectivations and underlying knowledge

formations. As a result, the approach will be highly useful for enriching our understanding of the broader transnational patterns, parallels, and interlinkings between groups and actors that seek to mobilize, justify, and socially anchor ‘insurrections of subjugated knowledges’ that profoundly contest the contemporary epistemic, constitutional, and sociopolitical order in different countries.

Lastly, this study’s findings raise a broader question that requires more attention: How will political science—conceptually and analytically—address the escalating *pluralization and polarization of contents, standards, and even forms of knowledge* that constitute a significant basis for democratic backsliding and radical, potentially even violent, contestations of reality in the political space?

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