

## EDITORIAL

### THE THEORY OF ENCRYPTION OF POWER: Itinerary if an idea

*Ricardo Sanín-Restrepo*<sup>1</sup>

Instituto Tecnológico Autónomo de México

*Marinella Machado Araujo*<sup>2</sup>

Pontifícia Universidade Católica de Minas Gerais

#### 1 INTRODUCTION

The theory has been debated and enhanced in many international forums such as the Critical legal Conference and the Caribbean Philosophical Association Annual Meeting where special streams and panels have been organized in the last six or seven years. A collective book, entitled Decrypting Power (Sanín-Restrepo 2018), that gathered a multiplicity of academics speaking from different theoretical concerns was recently published through Rowman and Littlefield, in it, the reader may find a state of the art of the theory that converses in many levels with the present dossier.

Nevertheless, a tipping point for the theory, especially for Latin America, came in 2019 when The Instituto Tecnológico Autónomo de Mexico (ITAM) through the dean of its school of law, Jorge Cerdio, proposed to the editors of this Dossier the organization of an international conference devoted entirely to the theory of encryption of power, (from now on TEP), having international scholars debating it rigorously. Thus, the international seminar entitled “Constitutional Critical Theory: The Theory of Encryption of Power”, was held in ITAM the 24<sup>th</sup> and 25<sup>th</sup> of April 2019. To a great extent the articles presented here are the fruit of such an enterprise.

In order to make this dossier more comprehensible, we have chosen to divide it into two parts. In what follows, Ricardo Sanín-Restrepo outlines the theoretical blueprints of the theory up to the day. In a second movement, Marinella Machado Araújo will briefly introduce the texts that make up this dossier, each one, individually, and regarded as a commonality of ideas, powerfully complement, transform, award a new functionality, but fundamentally bring a new life to the TEP.

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<sup>1</sup> ORCID: 0000-0001-8262-1414

<sup>2</sup> ORCID: 0000-0002-1701-1481

## 2 ENCRYPTION, A FIRST DEFINITION

What is the theory of encryption of power? Well, it is many diverse potentialities, that cover a great multiplicity of disciplinary fields. There is no consensus today as to its caliber or its categorization as either a concept, a theory, a poetics, a praxis or an allegory. What can this mean? Well, that the theory as an idea has obtained a life of its own, it now lives and carves out its own path, it breathes in an autonomous setting of itself as a form to understand the world and it no longer belongs to any particular author. We could say, with philosophical pomp and circumstance, that the idea as reason and imagination has been actualized in a concept... but this is just one particular and simple way to regard the problem that in no way exhausts it.

Allow us to test a first and still very abstract and ad-hoc hypothesis of the what the encryption of power means. *It is the imposition of institutional simulations of difference that condition, neutralize or prohibit political agency, reducing difference to static and solid models of identity that pose as the only form of power.* As any abstraction this one may be difficult to grasp, but it contains many of the building blocks of a definition.

We could choose another set of words and yet another angle: to encrypt (power) is to simulate power (democratic, constituent) and to prohibit or condition being while collapsing political agency (constituent power, resistance) into fixed, final, transcendent and solid structures (constituted power, law).

From this extraction we can work with three constitutive conceptual parts of encryption. The concept of encryption (*what it means*), *what is encrypted* (power, beingness, the people, democracy) and the *forms of encryption* (the simulacrum, that is closely tied to sovereignty).

## 3 WHAT IT MEANS

Encryption, in its most general definition, consists in hiding a message at plain sight. The message is intended to be understood (decrypted) by someone else who possesses either the same knowledge of the encryptor, or at least holds the codes to decrypt the message (Sanín-Restrepo 2020a).

As we have emphatically maintained, encryption as an intentional way of hiding the meanings of a symbolic system is an inherent characteristic of any language, it is this that makes all language elastic, mobile, resistant, poetic, imaginative, therefore, this is not disputed by the theory (Sanín-Restrepo and Araujo 2020).

However, we are faced with a completely different typology when we deal with encryption “of power”. Here, we are facing a primordial prohibition (political, legal, racial), to access the programming and the uses of communication (as the first common of difference) through permanent qualifications and conditions<sup>3</sup> for the exercise of power and, therefore, a rigid stratification for belonging to any possible world.

The theory of the *decryption* of power seeks the conditions of a political ontology and finds that these conditions are only offered by democracy as an order of immanent difference. Thus, it discovers an axiom that it pushes to its ultimate consequences: there can only be a world when it is the result of the production of every being that produces difference with no other qualification or finality beyond difference itself (Sanín-Restrepo 2016, 2018, 2020a).

Here we are before an intense accumulation of elements that constitute encryption: immanence, finalities, difference, stratification, qualifications, communication, prohibitions to exercise power and the constitution of the world. In this crossroads there are at least three problematic, but central concepts of encryption: What do we call the world? What is meant by power? And, what role do transcendent models play in encryption?

### 3.1 What “World” Means

Everything that can exist and communicate its difference, we call *the world*. There is only world when it is made up of all the differences that can produce and communicate difference (Sanín-Restrepo 2016, 2018, 2020a). Henceforth, power is either the exercise of immanent difference or its privation. When power is nested in the privation of difference it is domination; a primordial denial of power, a false construct of existence and its potentialities that we name *potestas* (Sanín-Restrepo 2016). Any and every denial of difference is thus a denial of the world. This denial produces a *simulacrum* of the world.

### 3.2 What Power Means

We are still left with a difficult task, to clarify what is meant by power or by exercising power? Let us put it as simply as possible: power and beingness are one and the same thing. To be is to exercise power, power is consubstantial to beingness.

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<sup>3</sup> As we also have made evident (Sanín-Restrepo 2014, 2016, 2018, 2020), many of the qualifications and conditions imposed regularly pass as a “finality” (to be virtuous, righteous, that generally hide “To be white” to be “Male”).

TEP takes its key of understanding of power from a rich philosophical tradition that swerves in between Heraclitus, Aristotle, Spinoza, Buber, Deleuze, Levinas, Fanon and Nancy among others, where, as we stated before, to be is to have power. Hence power rests not only in the magnificent structures (the state, the law, the economy) but palpitates in the potency of every being. Hence, any being (a neutrino, a baby, a star, a cell) exercises power as it exists. The potentiality of the condensation of water, a hug, a bomb, a law, a bullet, are all expressions of power, they alter the world in its conditions of possibility and recognition. To exist is to be in a relation, to be in a relation is to give and receive power<sup>4</sup>.

Power can vary its intensity, disposition, and formula as any act (a law, a kiss) may be inserted into ethical and aesthetic networks of meaning. But this insertion is also a primordial expression of power (deciding “what counts” is a paramount act of power, a decision that is at root unfounded). Human institutions thrive on concentrating, organizing, and determining intensities of power, in one phrase, in building structures of power. What is essential to understand, regarding structures of power (the state, for example) is not their corporality, but their expressions. As Michel Foucault proved, the description of their structures will always be superficial and fragile compared to the fields of reality they create (Foucault 1978).

Henceforth, a differentiation that the TEP uses is key to all its deployment and discoveries. One thing is power as *potentia* that belongs and is exercised by every being of difference, with no distinction and finality whatsoever. Another is power as *potestas* as the operation of absorbing the multiplicity of power, its abundance and horizontal productions into structures of uniformity that solidify it, conditioning and qualifying life as its mainstay (Sanín-Restrepo 2020a).

Qualifying life, imposing harsh conditions as well as finalities and hierarchizations for the exercise of power are thus, in brief, the main pipelines of encryption of power.

### 3.3 What Transcendent Models Mean

Where there is encryption of lexicons there is hierarchy of beings and objects in the world. As stated in “Decolonizing Democracy”:

Encryption does not consist solely in hiding the true meaning of things but hiding them in a way in which the meaning becomes a non-meaning or absolute meaninglessness. What encryption inhibits is the bare possibility of communication of meanings that are not programmed from a model where the political lexicon is fully hierarchized (Sanín-Restrepo 2016, 11)

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<sup>4</sup> Cardinal concepts to understand the theory of encryption are found in the Aristotelean differentiation between Potentia and actuality and between *Energeia* and *Entelecheia* (finality). Perhaps, it is in between these concepts that the theory finds its most powerful philosophical foundations, due to space constraints we will not follow here this line of thinking which is thoroughly studied in Sanín-Restrepo (2016, 2020).

Here a third element arises, the role played by “transcendent models”, as the core of the machine that executes the qualifications and conditions of life and thus of power. What is the position of a transcendent model? To dictate, from a vanishing point of invisibility, outside language and any relation, the conditions to which every and any form of beingness must abide in order to be.

Being (all beings, being a woman, a voter, a protester, a lover, being virtuous or foul), in order to be, must be identical to what the transcendent model (the bible, the law, the spectacle) dictates to it. For difference to be recognized as difference it must be exercised under the precise constrictions of the model. Hamlet’s classical question would be thus resolved. “To be or not to be?”. According to the encryption through a transcendent model, the answer is “to be... according to a readymade form of being that is exterior to being, according to a predefined model of life that conditions not only ‘to exist’, but to exist in one’s own terms”. Also, “know thyself” turns into “know what the model commands you to know of thyself”.

What constitutes a transcendent model? The machines of death, whether they are deployed in war or in law are manufactured by abstract, mystical and inscrutable ideas, such as “homeland”, “nation”, “man”, “race”, “rights”<sup>5</sup>.

Power is existing, existing is the potential to be different and is always in a relation, that relation cannot have a triangulation to a transcendent model that determines the relation or else we are before the primordial form of encryption. A fundamental trait of power, as understood by the theory is that there are never individual things standing on their own or arranged by a hand in a place where they can represent or guide reality but there are only multiple and heterogeneous relations. Difference is thus the only condition of power and thus of the world.

### **3.4 The Elements of Encryption of Power**

Let us put all the previous elements together.

First, potestas works through a primary violence, that of establishing qualifications or conditions (racial, national, economic, gender based) to belong to the world. What does it mean? Second, said impositions are garnered through a direct submission of difference to hidden transcendental models of unity and identity that control and police the world of difference. Whenever we are before qualifications to belong, we are before hierarchical institutions (private

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<sup>5</sup> Again, these are key features of encryption that are not treated here fully due to space constraints; they are thoroughly developed in Sanín-Restrepo (2014,2016,2020).

clubs and such) but not before politics, and certainly not democracy. Democracy is the utter lack of qualifications in order to belong to the body politic (Sanín-Restrepo 2016, 100). And third, and this is the coagulating element of power in our time, once it prohibits and qualifies, encryption hides and through concealment it transforms the meanings and bearings of politics. Thus, the third operation as a conclusion of the first two, creates a simulated dimension, not only of reality, a simulacrum of democracy, but also of tight knit concepts such as conflict and ‘the people’ as constituent power.

## **4 WHAT IS ENCRYPTED AND THE SIMULACRUM**

### **4.1 Encryption as the Essence of Power**

When the ‘theory of encryption of power’ is used as a conceptual leverage of political philosophy it unveils something unique. The orders of globalization through the hegemony of capitalism based on coloniality exists as a whole because they produce a specific form of power: the encryption of power! Hence, the encryption of power is not a secondary aspect of the organization of power as domination of our times, it is its defining and central feature. Encryption is a form of power that has only existed within these networks, within this history (Sanín-Restrepo 2020a).

Allow us to be emphatic, running the risk of being repetitive. The TEP is thus not (only) a strategy or a tool to approximate and clarify the entanglements of power in our times, but rather, it unveils the essence of power (as domination) of our time. Power as potestas (as domination) depends uniquely in its capacity to encrypt itself and the world it defines as a stringent and unchangeable totality.

The most sophisticated encryption machine in coloniality is the constitutional idea. Through it, hierarchies (racial, gender, national) are established, the commons are privatized, and democracy is destroyed in its own name, while capitalism is installed as the only global truth (Méndez-Hincapié and Sanín-Restrepo 2018). Why is the constitution the most perfect machine? because it welds together the people, democracy, as agency and structure in one formidable and watertight machine. Let us explore this further.

### **4.2 The Hidden People or The People as a Synecdoche**

As we have held, what encryption “guarantees is an absolute hierarchical social and political control over the areas of conflict that are debatable and the empirical and normative bases that can arise in any discourse” (Sanín-Restrepo 2018, xviii). That is why, for the encryption of power, it is fundamental to create the idea of a totality that is previous and superior to any interaction that may emerge. The totality holds within it the design of parts that are integral to it, creating simultaneously the mechanism to calculate the emergence of every possible relation.

The fundamental totality of the aegis of modernity, capitalism and coloniality is both a subject and an agency, “the people” (Sanín-Restrepo 2016, 43). Nevertheless, it is a totality that is split at its core. In modernity the key to encryption is the conversion of the concept of the people into a synecdoche. Accordingly, a false totality (the people of human rights and constitutions, the included) become to symbolize and falsely represent an impossible infinity (the excluded, the hidden people).

As we have previously established (Sanín-Restrepo and Araujo 2020), the people as a totality is a *pars pro toto* synecdoche. An absolutely arbitrarily part (white people within a nation state) defines an unattainable infinity (the marginalized people, the forced migrant). The people as a synecdoche joins a part that is an excrement of the (simulated) totality and what the totality lacks in order to become a true totality. As the unrepresentable excess of liberal democracies, the hidden people escape all forms of representation and symbolize what exists beyond the representable (Sanín-Restrepo 2016, 19; 40). However, the hidden people have to be falsely included to give consistency to the fantasy of the totality. The crucial point is that the people as a whole can only exist and exercise power, if and only if, it keeps that other zone of the people “hidden”. (Sanín-Restrepo 2016, 44). The constitutive ambivalence is as follows:

We stand before the constitutive paradox of the legitimacy of liberal constitutionalism. On the one hand, we discover the rigid zone of codified law, of codified reality, that manifests itself in archetypal concepts such as the totality of the people as constituent power (We the People), or the totality of the human rights model (everyone) that announces an abrasive universality that holds together the fruit of reality. On the other hand, we have the excess that is compulsory in order to make such totality work as such, the all but one, the all minus one, as the exact mathematical formula of liberalism, the totality minus what it needs to exclude to keep itself immaculate. (Sanín-Restrepo 2016, 35).

The hidden people, as the separation of inclusion and exclusion, is therefore the paradox of power and sovereignty. Henceforth, we must add sovereignty to the problem of power if we are to understand its constitutive political connection.

Sovereignty has traditionally meant either a supreme and absolute power (Aristotle, Bodin 1980/1596, Hobbes 2000/1651); or, in a contemporary definition, the sovereign is the one who

decides on the exception, from within the exception. (Schmitt 2006; Agamben 2005). In either case sovereignty's home has traditionally been the nation state and the law has been its vehicle. According to Hardt and Negri (2005) we may no longer invoke sovereignty to define power since traditional Westphalian sovereignty has become detached from the national state as its core; hence, law is no longer its only matrix of power.

Though it is true that sovereignty has shifted and neither the state nor its law are its main constituent parts, however, and diametrically opposed to Hardt and Negri, the same cannot be said of sovereignty as a power of domination (absolute and exceptional power). Independently of geopolitical shifts, sovereignty continues to define the shape of the world from the definition of the exceptional. Power in coloniality depends on one thing alone, the creation of a hidden people as the exception, a feat that can only be achieved through the exercise of sovereignty (Sanín-Restrepo 2016, 198). The supreme decision on the exception remains the core of the power machine as domination. Hardt and Negri's consideration of sovereignty is extremely formal, as they reduce it to its bond to the nation-state and its particular legal form. However, this bond is not consubstantial to sovereignty. What is axiomatic to the definition of sovereignty is an absolute power that decides on the exception from within the exception (Méndez-Hincapié and Sanín-Restrepo 2018; Sanín-Restrepo and Araujo 2020).

There is a defining transformation in the modern concept of sovereignty that ties together the theory of encryption and the hidden people. This constitutive alteration requires us to create a new concept to explain and delimit the portentous and elusive realities that it creates, this concept is the "simulacrum" (Sanín-Restrepo 2016, 200). The galvanization between coloniality and liberalism creates the most sophisticated and impermeable machine of power in history. We can formulate it simply: "the people must be both the exception and the (simulated) sovereign!". Coloniality achieves the most extraordinary exploit: it establishes the people as sovereign as it immediately seizes their sovereignty as absolute power (constituent power). All of this is done while maintaining the simulacrum of popular sovereignty as the political and legal axiom of the people. Therefore, it paradoxically merges the hidden people as sovereign and exception (Sanín-Restrepo 2016, 202). What is achieved with this fusion is the perfect and most abominable machine of domination that rests on the firm support of the universal recognition of the hidden people and in turn guarantees that the latter can be destroyed at any time evoking its name as the moral and ethical justification of its own destruction. This perfect machine is programmed so that every time we attack it, we make it more powerful and immune.

The ambush of the power of the people follows a simple logic: make the people the sovereign, devolve sovereignty to a norm, deactivate the people within the norm, capture



its energy in legality, deny their access to language, and expel their bodies to the tritulating machine of the market. (Sanín-Restrepo 2016, 40).

Henceforth, we can only talk about politics as the creation of democracy when the hidden people become universal, that is, when the simulation of the false universality of liberal inclusion is decrypted.

## 5 DECRYPTION

As announced above, a central configuration of encryption is that transcendent models always impose a finality to beings as a condition or qualification to belong to the body politic (the world). Hence, what would the “decryption of power” entail? The fundamental rejection of politics as any finality established by invisible and untouchable models run by elites working on their behalf (or for a smaller unit), in the name and through a simulated totality (Sanín-Restrepo 2020a). Decryption of power is then the fundamental rejection of politics as the imposition of any conditions, qualifications or purpose (*Entelecheia*) founded by invisible and untouchable models.

Hence, the only ontological and thence ethical condition of politics is that there are absolutely no conditions or qualifications beyond difference to decide what politics means (Sanín-Restrepo 2016, 44-45). Since politics can only be considered when every being that makes a difference is considered as the condition of its existence, *with no further qualification*, then it follows that we cannot even name politics when its meaning is not available to be created by all. (Sanín-Restrepo 2016, 105).

If language, that is the first common of communication is encrypted, what would decryption pursue? Certainly not to descend upon a secret chamber to unveil the true meaning of language as if it lay there in a pure uncontaminated state. There is no central design of language, or a DNA informatic sequence that we must untangle and in doing so we recover an original language (Sanín-Restrepo 2018). Thinking decryption in this manner is simply thinking encryption in another. We liberate the capacity to use language through its revolutionary practice. As we have stated before:

Decryption is not about honing out the true meaning out of a proposition controlled by a given context, but finding out how that given context, that “language game”, was built through a primordial exclusion of difference. (Sanín-Restrepo 2018, xx).

Hence, decryption is fixed in liberating the production of language, in clearing hierarchies for its programming and abolishing qualifications for its use. The philosophical bones of decryption

are laid out to bring flesh to politics as the place where meaning is yet to be decided, and where there is no final decision upon any final meaning (Sanín-Restrepo 2020b).

## 6 THE DOSSIER

### 6.1 James Martel

In the first article of the dossier James Martel explores and exploits all the power and beauty of which the theory of encryption is capable of as he executes an unprecedented twist to the works of Thomas Hobbes. When the name of Thomas Hobbes is introduced into any field covering the phenomena of power we intuitively invoke the majestic father figure of modern encryption as he is the almighty creator of the modern state that holds in its structural design the omnipotent and seamless form of sovereignty. But Martel invites us to walk off the beaten path of Hobbes strenuous political theory and into the unexpected and revealing path of its theological origins, there, Martel tells us:

Hobbes offers us, the origins of language itself, of human decision and the preservation thereby of our immanent differences, we can see that the architect of modern encryption has once again placed a secret key--a secret that works against the secrecy of encryption, and thus an anti-secret, a form of life that undoes the crypt at the heart of that system of control—at the center of that same basis of authority (Martel, Dossier)

Hobbes is perhaps the most well-known source of what Martel likes to call *archism*, “a mode of politics that engages in hierarchy, order and taxonomization and which is, at least in its Western mode, highly concordant with the idea of encryption” (Martel, Dossier). The author will show us, not only each form and material from which Hobbes has built power and sovereignty as the paradigms of modernity but also how, in the same gesture, he offers us the materials to resist said power. The twist is breathtaking. Even as Hobbes monumentally constructs sovereignty as a supreme form of authority, Martel unearths how those forms are produced, in a sense, from nothing.

Martel demonstrates that the base of modern politics and law rests on two separate genealogies stemming from Hobbes’ work. The first one emerges with the story of the social contract, the leap of humanity (or at least a part of it) out of a barbaric state of nature into the bosom of a sovereign that guarantees safety and peace but is not itself bound in any case by the contract. But it is the second origin, a theological origin seldomly explored in Hobbes, where Martel finds a rich arsenal to turn Hobbes’ theory inside out. In this second genealogy, Martel discovers

something uncanny, theologically, sovereignty can be nothing else but a void, and where language finds a void there is always creativity.

For Hobbes, God may therefore be the source of language but the practice of it is a wholly human phenomenon. God doesn't tell Adam what to name things; that remains something for Adam, Eve and their descendants to figure out on their own. But even as they do this, it is both God's original mandate to name things, as well as God's ongoing silence which both requires and allows for human judgment and decision. (Martel, Dossier)

The second genealogy is buttressed in the silence of God and the emptiness of sovereignty. While in the first genealogy Hobbes focuses in the physical or logical figure of the sovereign, the Leviathan, and in the coverup of sovereignty through a civil contract, in the second he focuses on the void at the heart of sovereignty itself. Hobbes uncovers God's silence as the cusp of every authority, but it is a cusp that is empty as divine truth cannot be discovered, hence God's silence, the absence of any instruction is the vacuum and the opening for humans to collectively create their own language and values in their own terms. The mere fact of the potentiality to create from scratch, not only shows the emptiness of sovereignty, but immediately undermines it. The link between language and theology in Hobbes is thus primordial. As Martel demonstrates, "language is as a vast anarchic network in which collectivities of people mutually agree on the significance of words and meanings" (Martel, Dossier). Of course, the key reading here is that "anarchic" stands as the antonym of "archism" or what is built by a transcendent model and supposes a creator that is dislodged and alien to the creation. The conclusion is astonishing and creates a powerful ripple effect in the history of political ideas, Hobbes can be read as a radical theorist and a theorist who creates the conditions to resist encryption that he, at the same time, is responsible for producing.

## 6.2 Angus McDonald

In the second article of the dossier, Angus McDonald takes at heart the three main questions of encryption, what is encryption? What is encrypted? And, how is encryption accomplished? He does so by employing a cluster of philosophical, poetic and architectural instances that breathe a new life to the theory, or rather, as he is enticing us, to consider the theory of encryption as an instance of a practice of *criticism by allegory*.

The article is not renouncing the capacity of the TEP to act as a theory, that is, to determine a regime of visibility (a gaze) of an object, of a world. Rather, it is recognizing that the theory has more density and intensity to offer than a traditional theory. Crucially, the article recognizes a capacity not only to impose a form of observing (theory in its most classical sense) but of creating

a decentered position where new narratives and new forms of language may be programed against the grain of established languages and narratives.

McDonald delicately enhances the allegorical productivity of the theory by weaving in between its hard linguistical and symbolic components (the crypt) and unpacking all the power encapsulated in its allegorical compound. What is fundamental in McDonald's enterprise is that in doing so he never lets go of the hand of the theory's ability to carry out immanent critique but rather takes this feature into answering the question: What, ultimately, is the productivity of this theory? And it is here that he answers that the theory is more fecund as a metaphor than as a simple theory. The allegorical and thus the metaphorical capacity of the theory is drawn from Walter Benjamin's distinction between the allegorical and the symbolic meaning. What McDonald is telling us is that the theory has the capacity not only to penetrate and analyze its immediate problematic surroundings, but to create, through its use, the very possibility of transformation of these surroundings. Thus, it does not only expose the simulacrum that obscures democracy, or denounces the impostor that takes the place of the people but is able, in the same act, to create new meanings and new possibilities of the world and for the world. The allegorical imprint of the TEP is able to change the very same organization of time that through the trick of necessity pulverizes agency and solidifies structures. McDonald provides a clear answer to the fundamental hunger of every critique, a steppingstone of where we can begin to imagine "What is to be done?"

The author has already advanced significantly in deeming and using the TEP as a critique by allegory (McDonald 2018). In this article he creates a novel space to do so as he closely examines the problem of visibility (germane to encryption), through the role played by the body of the people and of the dead in the life of people. The article takes up different architectural and thus fully metaphorical and political forms to commemorate, conceal, publicize, represent, and celebrate the body as presence, representation and absence. In his words:

This gives this paper its title: Crypt, Mausoleum, Cenotaph, and, adding the fourth term, Sepulchre. From these four terms, metaphors of encryption, will be derived a certain narrative pertaining to the body of the people, its encryption, in a combinatory form which links presence and absence, enclosing and disclosing, hiding and proclaiming. (All features of the encryption theory's analysis of the constitution, its operation on the people, the work of/for power). (McDonald, Dossier).

Accomplishing what he had promised us, employing the TEP as critique by allegory, the author executes a magnificent final philosophical and poetic turn. After building beautiful pathways through literature McDonald arrives at a fourth form, the sepulchre (specifically where the body of Christ is deposited but is also absent) as an enrichment of the theory that catapults it to new dimensions of critique and new capacities to transform what it denounces.

### 6.3 Ariadna Estevez

If there is a thriving presence and a driving force in this dossier it is the concept of the hidden people. Thence, one of the successes of the dossier is explicating its nature while extending the capacity of its meaning to new political and ethical realms.

It is within the concept of the hidden people and its dodgy light where Ariadna Estevez makes a huge contribution to the theory tackling heteropatriarchy through the #MeeToo movement installing in it all the potential of the TEP.

The article is thus focused on two main aspects. One, to open the TEP to a new dialogue that it deems has been missing until now, a dialogue with new waves of feminism. And, second, once the latter is accomplished, to use the theory to study the Mexican #MeeToo movement within the scope of digital justice as a conforming part of fourth wave or 4.0 feminism. For the first endeavor Estevez sets up a fluid dialogue between TEP and the works of Silvia Federici and Rita Segato. In a second movement the article tackles a highly polemic form of justice stemming from the #MeeToo Movement, Digital justice

as a process mediated by digital platforms, in which, in the utter absence of a functional and efficient system of justice, victims of a crime or violation of human rights, especially victims of sexual and gender-based violence, narrate their experiences under a hashtag with the expectation that it will become a trending topic and its massiveness and virality will have the effect of making the alleged perpetrator visible. (Estevez, Dossier).

The horizon opened is one where the TEP is fully equipped to penetrate and thus decrypt heteropatriarchy in its core. Another interesting aspect of the article is that it draws a complete outline of the TEP and its provenance and affinities with studies of coloniality, subaltern studies, and the group of modernity/coloniality (the coloniality of power), thus the reader that is not familiar with these movements may access them without difficulty.

### 6.4 Gabriel Méndez-Hincapié

Today there is intellectual confusion if not a clear lag to bring into focus the extremely problematic relations brought upon by diffuse and novel events such as the automatization of work and the potentialities of artificial intelligence to apparently solid concepts such as work, democracy and the economy. The most complex “traditional” or even metaphysical questions are entrenched in this problematic (what is nature? What is the value of things? What is artificial? Who creates meaning?). In our times these “traditional” problems are launched into a universe of uncertainty

but also of possibility by unsuspected protagonist such as infinite networks of knowledge and the robotization of minds creating a confusion (and the lag) that arches between apocalyptic panic and utopian promises of emancipation. Nevertheless, the problem, we believe, is not one of a lack of consensus but of theoretical soundness and political audacity.

Méndez-Hincapíe develops a daring thesis. Only through the proper union of TEP and Marx's epistemology (seen through the concept of the social brain), may we fully understand and therefore develop an alternative to the links between capital, big data, labour and democracy that are the tenets of power in our day.

Méndez-Hincapíe leads us through the meandering tunnel of Marx's epistemology, a practical niche seldomly explored in present day academia. At the end of a vibrant intellectual journey it will become evident that it has bore its precious fruit as Marx's ideas are actualized and put in direct conversation with the most challenging events of our days such as the significance of artificial intelligence, the internet of things and big data. Nevertheless, Méndez-Hincapíe not only guides this conversation with a steady hand but opens up a whole new field of meanings, the main one being a novel order between democracy (as the order of difference) and the social brain. As we have been adamant in explaining and relentless in proving, the main target of the TEP is to open up the conditions of democracy as the true order of difference, and this is precisely what Méndez-Hincapíe delivers in his article.

The profundity of the article is evinced in its ease to capture and bring to light the most difficult conceptual hardware around such as the meaning of the theory of the general intellect and its plays with big data, the theory of value as an epistemology and the connections between artificial intelligence and knowledge, and from there to the vitality that the automatization of work imposes on the transformations of human relations in every level. Nevertheless, the article brings these slippery and complex concepts and relations into a new and clear light, that, according to the author can only be accomplished through the use of the TEP.

We have then a set of apparently unsolvable problems, that cascade into one monstrous form of encryption of power, that the article solves. First, the obstinate and obtrusive problem of the relations between capital and democracy, a contradiction at the heart of liberalism and coloniality. Second, Marx's epistemology that seems outdated because, third, of the mind-bending accelerations of political and economic relations among humans and between humans and things (work and value, nature and culture, potentia and actuality) brought upon by the automatization of work and artificial intelligence which seem to overflow the first and second problem. Nonetheless, and here is Méndez-Hincapíe's, wager the three problems cannot only be molded and solved through the TEP but a new reality of power can be realized through it.

### 6.5 Gabriela Morales-Vega

Gabriela Morales-Vega uses decryption in its uttermost decolonial potentiality. She takes at heart the political centrality of the forced migrant as the overdetermining agency of our times and the endless effort of the machines of encryption to neutralize and tame said agency as they see in it a monumental fissure in the main (encrypted) crops of modernity such as the national state and the citizen along with its law and identity.

Morales Vega offers us a sophisticated case study where the theory of encryption is used in the practical field of forced migration. The article performs a necessary highlighting of the complex hinges and crossings between national security and forced migration. She uses the theory and all its conceptual agility to show how concrete and distinctive legal frameworks are erected to deal with migration under the encrypted auspices of the discourse of human rights.

Morales-Vega not only performs a tactical demolition of the discourses that encrypt the beingness and political potentialities of the migrant as subject and agency but demonstrates, in detail, how the encryption is carried out step by step within a concrete legal makeup (the law of national security in Mexico). One of the driving forces of the article is how it reveals the diverse forms in which legality becomes a revolving door and a game of shadows in the hands of the encryptor of power. Thus, the article follows a mainstay of the theory, when it expresses that encryption creates a kind of impenetrability of the meanings of the law. Nevertheless, the article lands this insight into precise demonstrations as it clarifies that this impenetrability is highly sophisticated and does not end with programming the use of words with multiple meanings or with the mere quality of imposing an authorized interpreter. For the case under study, Morales-Vega finds encryption is most effective when the law of national security and immigration is turned into a kind of normative maze in which the interpreter cannot gain any footing within a law that is utterly hidden within a system that is centralized. Nevertheless, in the very same maneuver she is laying down one of the most difficult traits of encryption. The grade of encryption of the law under study is highly sophisticated, it is garnered through very subtle forms, so elaborate that the contents effectively remain hidden, hence they are not only impenetrable, but leave very small leeway of perceiving the impenetrability itself. Gabriela is therefore handing us a tremendous practical gift, the forms in which law is made impenetrable through the appearance of its utter penetrability.

## 7 REFERENCES

- Agamben, Giorgio. 2005. *State of Exception*. Chicago: Chicago University Press.
- Aristotle. 2015 *Metaphysics*. Perseus Digital Library. <http://www.perseus.tufts.edu/hopper/>.
- Aristotle. 2015. *Nicomachean Ethics*. Perseus Digital Library. <http://www.perseus.tufts.edu/hopper/>.
- Bodin, Jean. 1980. *Selected Writings on Philosophy, Religion and Politics*. Queensland: Librairie Droz in association with James Cook University of North Queensland.
- Foucault, Michel. 1978. *The History of Sexuality Volume I: An Introduction*. New York: Pantheon Books.
- Hardt, Michael, and Antonio Negri. 2005. *Imperio*. Buenos Aires: Editorial Paidós.
- Hardt, Michael and Antonio Negri. 2009. *Commonwealth*. Cambridge Ms: Harvard Press.
- Hobbes, Thomas. 2000/1651. *De Cive*. London: Blackmask.
- McDonald, Angus. 2018. The equivocation that lies like truth. In Sanín-Restrepo, *Decrypting Power*. London & New York: Rowman and Littlefield.
- Sanín-Restrepo, Ricardo. 2014. *Teoría Crítica Constitucional: La Democracia a la Enésima Potencia*. Valencia: Tirant lo Blanch.
- Sanín-Restrepo, Ricardo. 2016. *Decolonizing Democracy: Power in a Solid State*. London & New York: Rowman and Littlefield.
- Sanín-Restrepo, Ricardo. 2018. “The Meaning of the Encryption of Power as the Razor’s Edge of Politics”. In: Sanín-Restrepo, Ricardo. *Decrypting Power*. London & New York: Rowman and Littlefield.
- Sanín-Restrepo, Ricardo. 2020a. *Being and Contingency: Decrypting Heidegger’s Terminology*. London & New York: Rowman and Littlefield International. (Forthcoming).
- Sanín-Restrepo, Ricardo. 2020b. Decrypting the City: The Global Process of Urbanization Against Democracy. In “*The Built Environment in Emerging Economies: Cities, Space and Transformation*” Amira Osman (Ed.) BEinEE Book Series Johannesburg, South Africa. (Forthcoming).
- Sanín-Restrepo, Ricardo and Marinella Machado Araujo. 2020. “Is the Constitution the Trap? Decryption and Revolution in Chile.” *Law and Critique*, Vol 31, issue 1 2020.
- Schmitt, Carl. 2006. *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*. Translated and annotated by G. L. Ulmen. New York: Telos Press Publishing.