Verfassungsblog
ON MATTERS CONSTITUTIONAL

The Human Trick

Scholarship from Somewhere

Eva Maria Bredler

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Today, on May Day, is a good day to reflect on the work we do ourselves. By that I mean not only our editorial team, but you, too: scholars, lawyers, students.

Here at the Verfassungsblog editorial desk, we can clearly feel that something is shifting. More and more of the texts arriving in our inboxes read as oddly smooth, dull, antithetical ("It's not about X, but about Y"). There are no rough edges, no friction; everything has been algorithmically polished. And so the eye slides off as well. Often, these smooth, glossy phrases are nothing more than pretty pearls strung onto a thin thread that snaps at the slightest tug.

These AI-(de)generated texts come from a brave new world, but they have no real origin. They were prompted, yes, but born outside the body, without pregnancy: without the long, laborious process of conceiving an idea, nourishing it, and bringing it into the world. What they lack is a person who has experienced something, read something, really thought it through.

And yet – isn't this exactly what perfect scholarship is supposed to be? Objective insight from nowhere – it doesn't get more neutral than this. The pesky human, finally out of the equation, leaving only raw truth, pure insight! Donna Haraway already criticised this view of scholarship back in the late 1980s as the "god trick": scholarly "objectivity", she argued, pretends there is an objective view "of seeing everything from nowhere". Instead, Haraway makes the case for what she calls "feminist objectivity": contestable, situated knowledge "from somewhere". Through situatedness, accountability emerges, because situated knowledge can be traced back. "Situated Knowledges", as her essay is titled, call for a practice of positioning that reflects on which bodies the knowledge comes from and how the embodied actor is situated (in particular, which power relations bear upon them). In Haraway's words: "[O]bjectivity turns out to be about particular and specific embodiment".

So for Haraway, positionality is not the opposite of objectivity but its very precondition. Only a text that lays open its perspective can be examined, criticised, taken further. Human scholarship is still trying its hand at the god trick and failing – with a masquerade of passive constructions and veiled biases. AI-generated texts now seem to deliver technically what cannot be delivered by human means. And, interestingly enough, that is precisely why they fail as scholarship.

And it is a magnificent, illuminating failure. Because it forces us to articulate what we value in good (scholarly) texts: the lived experience distilled into them, the mistakes, the irritations, in short – the human, not the god.

This in no way means that AI is some inhuman devilry we ought to keep our hands off. Quite the opposite. AI can take over the drudgery and ease the creative process. It can be a midwife – but it cannot and should not bear the pregnancy for us. I'm not writing this out of romanticism. Doing scholarly work means growing, becoming, in the process – in relation to the elegant essay we've just read, to our own experiences, to the objections of our colleagues, to the countless intellectual mothers and fathers who haunt our heads and whisper how we ought to think and write. Haraway has clever thoughts on this, too (she haunts me quite a lot): she wrote that we only become who we are in relation to others. Writing, thinking, research – a constant "becoming-with". When we have AI generate a text for us, we don't become someone new. On the contrary. We lose a piece of the person we have already become: we think less; we distrust our

own knowledge and our own thoughts; we outsource responsibility.

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Zwei Stellen als wissenschaftliche Mitarbeiterin/ Wissenschaftlicher Mitarbeiter (m/w/d)

*Für das **Europa-Institut**, insb. am Lehrstuhl für Öffentliches Recht, Europarecht und Völkerrecht (**Prof. Dr. Till Patrik Holterhus**, MLE., LL.M. (Yale), Direktor des Europa-Instituts) sucht die Universität des Saarlandes zum nächstmöglichen Zeitpunkt bzw. nach Absprache zwei verantwortungsvolle, motivierte und engagierte Mitarbeiter*innen (E13, 3 Jahre, Beschäftigungsumfang: 50 % der tariflichen Arbeitszeit).*

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Alles weitere hier.

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It doesn't have to be this way. Just as with our headstrong colleagues, we can also enter into a relationship with AI: try out ideas, question our certainties, struggle for formulations, discover new sources. I can test half-baked thoughts on the machine and let it push me to formulate more precisely. I can ask it for sources and notice, when I check them, what is hallucinated and what holds. And I can prompt up more informed pushback than my colleague would ever offer. If we use AI in this way, the writing process remains one in which we rub against the machine and against the material, and transform ourselves in the doing.

The labour movement did not just demand an eight-hour day with more time off. It also took aim at work that does not belong to us, because we are absent from it. Scholarly writing is work in which we can be present. We write about things that move us, and that can move something in the world. Let's not hand it over.

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Editor's Pick

by MAXIM BÖNNEMANN

London has undergone countless transformations over the course of its history. Among the most consequential is its emergence as a nexus of international high finance, shadowy oligarchs, and a thriving criminal underworld. It is through this London that Patrick Radden Keefe guides us in a breathtakingly rendered work of narrative nonfiction, reconstructing the death of nineteen-year-old Zac Brettler, who in 2019 jumped from the balcony of a luxury apartment building on the Thames and drowned in the river below. A security camera at MI6 headquarters directly across the water captured him on that fifth-floor balcony moments before he fell; yet the more that comes to light about Brettler's life, the more his death resists easy explanation. Keefe assembles conversations, interrogation transcripts, family histories, and message threads into a portrait where businessmen, cold-blooded criminals, and a teenager desperate to belong converge. Like the city's own history, this is a story that is transnational, entangled, and dark – and Keefe tells it with equal measures of precision and empathy.

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The Week on Verfassungsblog

summarised by EVA MARIA BREDLER

And with that, let's get to work: the historic ruling in ***Commission v. Hungary*** continues to occupy us this week. The CJEU declared a Hungarian law stigmatising LGBTIQ+ persons incompatible with EU law – and held that the values listed in Art. 2 TEU are legally binding. ARMIN VON BOGDANDY and LUKE DIMITRIOS SPIEKER (ENG) praise this as innovative: "the Court advances a *collective singular* to which it attributes the EU legal order: European society." LENA KAISER (ENG), by contrast, sees the decision as "heavy artillery with light reasoning".

Not only Commission v. Hungary was making history, but also the electoral victory of the **Tisza party** in **Hungary**. That, MARK VARSZEGI (GER) argues, is precisely why political restraint is in order: behind the two-thirds majority lies not merely a social consensus, but an electoral law that further amplifies whichever political force happens to be strongest – as a glance at history since 1989 makes clear.

History could also be in the making in **Belgium**: for the first time, a Belgian court may rule on individual responsibility for the 1961 assassination of Patrice **Lumumba**. But JÉRÉMIAH NIRINA VERVOORT (ENG) warns that this could become an act of self-absolution rather than an honest reckoning with Belgium's colonial past.

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Heidelberger Salon: Cities, Climate Change and the IPCC

11.05.2026 | 18:00 – 20:00 | Humboldt-Universität zu Berlin, Auditorium Jacob-und-Wilhelm-Grimm-Zentrum, Geschwister-Scholl-Str. 1-3, 10117 Berlin

Cities are key drivers of climate change, but also central to its mitigation and adaptation. As urban areas face increasing risks, from heatwaves to flooding, they also offer opportunities for innovative sustainability policies. An interdisciplinary panel discussion with ***Helmut Philipp Aust*** *(Berlin / Heidelberg),* ***Christoph Bernhardt*** *(Berlin),* ***Matthias Garschagen*** *(Bonn),* ***Priya S. Gupta*** *(Montreal),* ***Anne Holsten*** *(Stuttgart),* ***Angela Schwerdtfeger*** *(Berlin), moderated by* ***Alexandra Kemmerer*** *(Berlin / Heidelberg).*

Further information and registration here.

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Meanwhile, Advocate General Ćapeta has delivered her Opinion in *Medel* – reviving the question of **NGO standing**.Since the CJEU's 1963 ruling in ***Plaumann***, NGOs have been barred from bringing actions for annulment. LAURA HILDT (ENG) shows how Ćapeta's Opinion in Medel offers a way to finally revisit this jurisprudence.

The **European Commission**, too, appears intent on rethinking something. Its communication "A Simpler, Clearer and Better Enforced EU Rulebook" promises an ambitious reform. ALBERTO ALEMANNO (ENG) is not convinced – and detects a constitutionally problematic logic at its core.

Constitutionally problematic might also be the logic of the **EU AI Act**. The EU plans to roll out AI systems for automated decision-making in migration and asylum procedures across the board. WILLIAM H. ALEXIS (ENG) explains how this system reproduces binary structures and thus excludes trans women and others from its underlying architecture.

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War on the European continent, doubts about US support – how can Europe build a genuine **Defence Union** without amending the Treaties? STEVEN BLOCKMANS and KARSTEN MEIJER (ENG) map three possible legal pathways and consider an intergovernmental agreement the most solid one.

Until then, European states are relying on NATO to hold the line – and on a US troop presence whose reduction Trump has once again floated this week. For now, **Ramstein Air Base** remains a logistical hub for

the US Air Force. MICHAEL RIEGNER (GER) sees in it "also the epicentre of a creeping erosion of the constitutional commitment to peace in the wake of the Iran war" and calls for a parliamentary reservation for any support of allied operations from German soil.

A constitutional question of a different kind recently reached the Federal Administrative Court: may a municipality remain a member of an **"Alliance against Right-Wing Extremism"** when statements critical of the AfD are made there? BERNHARD STÜER and MICHAEL BUTTLER (GER) find it misleading how the court attributes private statements to the city without further ado.

Misleading, too, is a new piece of American diagnostic vocabulary: **"Trump Derangement Syndrome"**. Critics who accuse the Trump administration of dismantling democratic structures are no longer rebutted but declared ill, and some are even diagnosing themselves with TDS. AOIFE O'DONOGHUE (ENG) traces this "tyrannophobia" back to Hobbes and shows how the TDS serves to silence the public realm and forestall necessary constitutional and political action – so that tyranny can no longer be named.

And naming matters: words have power. The magical force of law is the best example. Bruce Lee is said to have remarked: "words cast spells, that's why it's called spelling". So even if you have no plans to take up martial arts, take care how you speak – about yourself and others.

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That's it for this week. Take care and all the best!

Yours,

the Verfassungsblog Team

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