

## Academic Biography

As with Oedipus, it takes some time before we reach that first, pre-ordained, critical juncture in our lives. My first fork in the road arrived when, in my senior year of high school, I ultimately had to choose between Columbia University and Wesleyan University for my undergraduate studies. We consulted a close family friend, Arthur Hertzberg, then Professor of History at Columbia and Dartmouth. Arthur dismissed Wesleyan, a little Ivy, as 'group therapy'. To Wesleyan, I went.

Why?

They had a bio-psych degree – perfectly suited to someone inclined to pursue medicine, and perhaps psychiatry, as a career. Was it the day that my mother and I drove up for an interview and the single lane state highway leading to campus covered us in a crystal canopy of ice-ensconced trees that sparkled in the sun? Perhaps Arthur was on to something else.

Group therapy? Not exactly. My peers, *supremely gifted and intrinsically interested in their course of studies*, did not (otherwise) seem markedly different from undergraduates at other institutions. Arthur's intuition cum insight captured another quality of this gem. My professors treated me as an end-in-myself. They welcomed me into their homes. There, talk of *The Iliad*, mitochondrial DNA, pareto optimality, Albert Speer's architecture or Australopithecus yielded to more mundane discussions about affairs of the day or life at Wesleyan. Their care for me taught me to care for others, and the infinitely interesting world I inhabit. I absorbed their ethic of responsibility and enthusiasm and made it my own. The next most important fork in the road came in my final year. My mentor, Richie Adelstein, encouraged me to pursue a thesis that attempted to synthesize the socio-biology, epistemology, social theory and political economy of the Noble Laureate FA Hayek. Under his watchful eye, I accomplished something that had yet to be done. But completing my first book in the last semester of college was the least of it. (Moreover securing *honours in philosophy* (the only student to do so) and graduating *Phi Beta Kappa* (highest national undergraduate academic award) must be viewed as the tail wagging the dog. Epiphenomenal.) Richie had revealed the richness of academic life. The vocation of academia was truly a calling, an avocation in which you enriched the lives of others at the same time as you pursued your own multiplicity ends. For Richie, that meant playing baseball and talking Maynard Keynes with me, at the same time as he raised a lovely family, mastered the piano (and with it, the Goldberg Variations) at the late age of 40, and strived mightily with his legally trained cum qualitative economist's mind to make of the ideas and actions that shaped our world. If *this* course of studies was what Arthur had meant by his cavalier characterization of Wesleyan as 'group therapy', then Wesleyan had succeeded on its own terms, Arthur's terms and mine.

1985. The groundwork had been laid. My life lay ahead.

I pursued a joint JD/PhD in philosophy and law at Columbia, a nod to both my mentor and my rabbi. Those five years in New York City, at Columbia, set me ineluctably on my path. To have something concrete (law) to write about as a philosopher; to master a discipline (law) that could bring about constructive change in the world; and to possess a skill (and membership in a profession) that might pay the bills should money ever become a problem. Thirty years down the road, this choice seems prescient. But it was no more than luck.

After a brief stint in practice designed to pay down my debt, I had the good fortune of finding funding to work on the Goldstone Commission, and the even more fortuitous break of being hired to teach jurisprudence and constitutional law at Wits. 1993. Halcyon days indeed. Writing memoranda that influenced directly the contours of South Africa's interim constitution and that ensured that the first Judicial Services Commission conducted open hearings for persons nominated for the highest court. An award for most promising lecturer was followed, in 1996, by the University of the Witwatersrand's Vice-Chancellor's Award for Best Researcher under 40 – making me the first legal academic to win that prize. My creation of *Constitutional Law of South Africa* was followed by John Dugard's successful attempt to prevent me from starting a new journal – the *Constitutional Court Review*. Thoroughly co-opted, I accepted his offer of an editorship at the august *South African Journal on Human Rights*.

I counted myself lucky. I loved teaching. (Wesleyan had primed me for that.) My peers and other important actors took careful note of what I wrote. My work, both academic and practical, could be seen to make a discernible difference in the world. I enjoyed the community of scholars and the broader community of South Africans committed to the liberation of the country through a (relatively) peaceful transition to constitutional democracy. I revelled in the rough and tumble of my new home – and worked long in to the night in an effort to make the world just a little bit better. South Africa writ small and large taught me that second lesson. Work so as to hold this fragile place together, and build relationships and institutions (through one's research and the ethically charged interactions of everyday life) that make our society ever more just and fair.

Now luck is a funny thing. Some balls bounce your way. Others bounce away.

In 1997, family demands and an auto-immune disorder required a brief return to my family and New York. During this brief period of filial responsibility and convalescence, I had the good fortune to teach at Columbia Law School, work for the United Nations Human Rights Committee and learn something eminently practical at a small firm that married new technology to be found in New York's Silicon Alley to the old and voracious financial investment banking houses of Wall Street and the more reflective and less risk averse doyens of venture capital.

By 2001, I was back where I belonged. South Africa. I resuscitated the then moribund *Constitutional Law of South Africa* – and turned it into the deep, rewarding and challenging 5 volumeworld class treatise that I had always imagined it would be. In addition to the standard doctrinal work of my trade, I began to collaborate with scholars in other disciplines (education, medicine, public health, development, HIV/AIDS law and policy, international human rights and corporate social responsibility, venture capital and new technology, patents and intellectual property) undertaking empirically more grounded work. Articles on education law, policy and practice led to the first (and only) monograph on the subject: *The Constitution in the Classroom*. Articles on HIV/AIDS law, policy and practice and case studies of firms engaged in polycentric solutions to wicked problems sponsored by the United Nations Development Programme paved the way to a very different, but still unique, work: *The Business of Sustainable Development in Africa* (winner of the 2010 Hindiggh-Currie Award). Articles (and book chapters) on the jurisprudence of dignity, and further study of Kant's ethics, led to the publication of *The Dignity Jurisprudence of the Constitutional Court of South Africa*. Each of these aforementioned books – and the 100 odd articles and book chapters that had led to their respective creation – fed and filled out a monograph long in gestation and truly close to my heart: *The Selfless Constitution: Experimentalism and Flourishing as Foundations of South Africa's Basic Law*. My training as a philosopher and a constitutional lawyer – with no sense of disciplinary boundaries and years of working around a set of related problems in the natural sciences, social sciences and law -- enabled me to write South Africa's first empirically well-grounded *philosophical* monograph on constitutional law. While written in an 'olde' Scottish Enlightenment style, it mines novel findings in neuroscience, consciousness studies, behavioural psychology, social capital theory, development economics and experimental governance in a manner that is utterly unprecedented and cashes out in a fashion our courts, politicians and citizens may find fruitful, use and consistent with many of their own intuitions.

That's my biography. In the 'self-assessment of my research' free text box, I return to issues of influence, recognition and citation number crunching – the numbers are also available on an Excel Spread Sheet on the dedicated NRF Website, from being one of the most widely cited constitutional law scholar in South Africa over the last 8 years (and thereby shaping the contours of constitutional law, education policy and development theory discourse), to writing and to editing two best sellers (*CLoSA* and *The Business of Sustainable Development in Africa*) to the awards that follow hard work (from the VC's Award for best researcher under 40 at Wits, to Pretoria's award of Extraordinary University Researcher to a best book award from the University of South Africa.)

For now, let's strip away this discussion of influence and a dense latticework of networks and reflect back upon what attracted me to academia: that justice is done day by day, by answering the calls of students, colleagues and collaborators, who, like me, respond to the moral salience of everyday life in South Africa. This constellation of students and scholars, domestic and international, takes Hillel's imperative ('If I am not for others, who am I?') seriously, and understands that our work, by design, must hold things together, whilst striving to improve the lot of others.

Arthur Hertzberg was right. Wesleyan was a form of 'group therapy'. But if my career is any measure, then such group therapy is a necessary condition for forging productive academics in love with the world. The numerous books, articles, book chapter and editorial work undertaken over the last 8 years are the natural outcome of such love.