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I was born in Kenya into an Indian family; my grandfather arrived there around the turn of the 19th century. Kenya then was, racially, a highly segregated and hierarchical society. My first friendships with Kenya blacks and whites were made in Oxford. Some of my earliest memories were connected with humiliations. I, along with many Asians and Africans, suffered at the hands of Europeans and the colonial administration. So I developed early an aversion to colonial rule and examined in my first book (*Public Law and Political Change in Kenya*, 1970) the legal mechanisms Britain employed to establish and sustain colonial rule and economy. I also became interested in what was then called race relations, and my second book (*Asians in East Africa: Portrait of a Minority,* 1971) dealt in part with the relations of Asians with Africans and Europeans and the place Britain assigned to them in the politics and economics of the colonial order.

I was trained as a lawyer, at Oxford and Harvard, and was called to the English Bar by the Middle Temple in London. Legal education was then not available in East Africa: since the time of Gandhi and Nehru, Britain had an aversion to it since it produced political agitators! Consequently I was able to participate in the founding of the first institution for legal education in that region—the Faculty of Law at the University of East Africa, based in Dar es Salaam, at the insistence of the first president of Tanzania, Julius Nyerere, who considered that, with hardly any black lawyer in his country, Britain had ill-equipped Tanganyika for the rule of law and constitutionalism. Looking back on it after years of academic and other activities, it was the most exhilarating period of my life. There was not only the challenge of designing, with an extraordinarily talented and imaginative team, a law school (initially to serve five countries in East and Central Africa), making it relevant to the enormous tasks of the rule of law, social and economic development, state and nation building, but I was exposed to a very stimulating environment in which the most critical issues of development (the ruling ideology of the period) were explored through multi-disciplinary discourses.

Having had a most traditional, black letter legal education at Oxford, I quickly lost my innocence as a lawyer (which paradoxically as it seemed then, was shattered also by a brief stint as a legal practitioner). I realised that law could not be compartmentalised, examined in isolation from other social forces. And yet, there was also the danger that law might dissolve in too much multi-disciplinary flirtations, (the hall mark of the Dar es Salaam campus at that time). Lacking any systematic knowledge of social theory, my difficulty was how to maintain the distinctiveness of law as discipline and technique while exploring the wider world in which it operated. The difficulties were compounded by the fact that the dominant intellectual paradigm for inter-disciplinary discourses was Marxism (which rather swallows law in economy and ideology) and that few of our social science colleagues showed any interest in or understanding of law. Several years later I was asked to reflect on the intellectual impulses of that period ('Legal Radicalism, Professionalism and Social Action: Reflections on Law Teaching in Dar es Salaam' in I Shivji (ed.) *Limits of Legal Radicalism: Reflections on Teaching Law at the University of Dar es Salaam, (*Dar es Salaam, 1986).

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But there is no doubt that the period in Dar es Salaam (1963-1973) left a deep impression on me and made me the legal academic and practitioner that I became. I realised that, give or take a few technicalities, law could not be understood except in a societal context. Together with Robin Luckham (a political scientist) and Francis Synder (lawyer/anthropologist), I published a book (mostly readings) on the societal role of, and influences on, law (*The Political Economy of Law: A Third World Reader,* (Delhi:

Oxford University Press, 1987)—as part of a series on Law and Social Change of which I was the general editor.

This was also a period when I became interested in constitutional law, as African countries were seeking a political order that would answer their (or rather their leaders') needs. Constitutions have been and are today my abiding interest, a window onto the dynamics of society. The forms and functions of constitutions have changed greatly since I first became interested in them, starting with colonial constitutions and then the negotiated constitutions that brought independence. In Africa (and elsewhere as well) constitutions mutated into instruments of military rule or one party regimes, beneficiaries in one sense of the Cold War. The end of that war set constitutions on a new trajectory—democratisation via liberalism, and democratisation through a species of consociation. My particular interest has been in the latter (although I also have an interest in what I call constitutions for 'right development', i.e., based on human and community rights; I have a chapter on the difficulties of adopting such constitutions in a forthcoming book on *The Right to Development* edited by Steven Marks and Andreas Baarth (Harvard U P). A particular variation of what often becomes the consociation constitution is 'constitutions out of conflict', which addresses the role of constitution negotiations and constitution making in conflict situations. All these constitutional developments have radically changed perceptions and understandings of concepts like state sovereignty, rights, and communities. And constitutions are not so much imposed as negotiated instruments, with profound implications for the process of making them. I have reviewed these developments in the first Beinart lecture at the University of Cape Town, 'A Journey Around Constitutions: Reflections on Contemporary Constitutions' (a sort of intellectual biography, much longer than the present version! Dec. 2005 *South African Law Journal*).

From Dar es Salaam I went to the Yale Law School as a visiting professor for two years, then five years as research fellow at the law school at Uppsala. In 1978 I took up an appointment at Warwick University and stayed there until 1989 when I left for Hong Kong (to join the University of Hong Kong—I relinquished my chair in public law last December). The transfer to Hong Kong opened new constitutional vistas for me, although in some respects reminiscent of my earlier years at Dar es Salaam where I first taught elements of colonial constitutions. So did I in Hong Kong, in an unreal world, in the shadow of the transfer of sovereignty to China. My primary interest was then the Basic Law of the Hong Kong Special Administrative Region which was being finalised, based on the Sino-British Joint Declaration, setting the future of Hong Kong and its constitutional relationship with Beijing. The *leitmotiv* of that document, as Deng Xiaoping told us, was autonomy, indeed 'a high degree of autonomy'. My research led me to a different conclusion, which saw the Basic Law, under the hegemony of the Chinese Communist Party, as providing a framework for the separation of Hong Kong's capitalism from China's command economy (although the portents of the marketisation of China were already evident). I have devoted years to understanding the background to the Basic Law and its unfolding, even before Chris Patten, the last governor of Hong Kong, had left its shores (*Hong Kong's New Constitutional Order: The Resumption of Chinese Sovereignty and Basic Law* (Hong Kong: Hong Kong University Press, 1997) (second edition, 1998, I am currently completing the third edition).

My research led me to explore two topics in some detail. The first is the nature of a communist regime in modern times, with the pervasiveness of the ideology and mechanisms of local and global markets. The second is autonomy and its potential, as Deng remarked, to solve the problems of the world. Hong Kong's use of autonomy is of course somewhat unusual; the primary interest for most scholars and policy makers in autonomy is its potential to accommodate ethnic diversity in modern states. This led me to my older concerns with the legal and constitutional regimes of multi-ethnic societies. I edited a book based on various case studies of countries practising or seeking autonomies or even of failed autonomies, including Canada, India, China, Spain, Sri Lanka, Ethiopia, the former Yugoslavia, Papua New Guinea and Cyprus and tried to draw some hypotheses on rules for the structuring, securing and operations of autonomies (*Autonomy and Ethnicity: Negotiating Claims in Multi-ethnic States*, Cambridge University Press, 2001). I am now in the final stages of completing an edited ms on the institutional aspects of autonomy.

I have been able to combine my teaching and research with practical advice. I have advised on the negotiating or making of constitutions in about 15 countries, sometimes as a reasonably major player and sometimes on the periphery, drawn in for specialist advice. My advice has involved what used to be the nuts and bolts of constitutionalism — the composition of state institutions, the separation of powers, the independence of the judiciary, a workable (and therefore rather modest) bill of rights. In the 1967 constitution of Tanzania, my special mandate was to recommend on institutions of participation and accountability in what was decided would be the constitution for a one party system. In more recent instances, a major focus almost always has been the ethnic issue — Fiji, Afghanistan, Iraq, Sri Lanka, Kenya, Papua New Guinea/Bougainville, for example. From Dec. 2000 to June 2004 I chaired the Kenya constitution review process, as chair of both the constitution commission and our version of the constituent assembly.

Following are some examples of the issues that I had to advise on in my work on constitutions: schemes of autonomy and federalism, regime of personal laws (including the relationship between customary laws and human rights), accommodation of Islamic principles and their relationship to other constitutional principles and values, affirmative action, representation for and protection of minorities, power sharing, the insertion of human rights in peace processes, land and natural resources, and the degree of entrenchment and guarantees. Increasingly I find myself advising on the constitution review process, the transitional arrangements while constitutional negotiations are completed, and the disposal of arms.

My practical work has given me much food for thought on the meaning of reviewing or making constitutions, on the nature of public power in multi-ethnic societies, the feasibility of solutions worked out in the hothouse environment of present international negotiations, and so on. My current research focuses on these issues. My (lawyer's) interest in ethnicity has compelled me to reflect on the divisibility of sovereignty, forms of representation, the nature of human and community rights, the diverse forms of accommodation, the complexity of decision-making explicit in so many recent settlements, and indeed the very nature of ethnicity. I believe too much policy is made by people who only have a dim (and fallacious) understanding of the dynamics of what are labeled ethnic issues/conflict—and with it all a sense of despair.