

SideBar Welcomes Professors Joy Milligan and Bertrall Ross to Discuss Interpreting an Undemocratic Constitution

Law Professors Joy Milligan and Bertrall Ross discuss how we should interpret a constitution that was not written for or drafted by "We the People".

MONTEREY, CA, UNITED STATES, April 1, 2024 /EINPresswire.com/ -- [SideBar](#) podcast on The Legal Talk Network welcomes Law Professors Joy Milligan and Bertrall Ross to discuss how we should interpret a constitution that was not written for or drafted by "We the People". Their recent article in the Texas Law Review (2023) is titled, "We (Who Are Not) the People: Interpreting the Undemocratic Constitution". Their SideBar episode with cohosts Jackie Gardina and Mitchel Winick will be published on the Legal Talk Network on Tuesday, April 2, 2024.



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How should we interpret a Constitution that was not written for us? For most of American history, 'We the People' excluded women and racial minorities.”

*Law Professors Joy Milligan
and Bertrall Ross*

As stated by Milligan, “The original constitution excluded women and racial minorities. The drafters and the commentators of the period were exclusively white men.” Ross added, “Many of the subsequent amendments were adopted under ‘undemocratic’ conditions and interpreted by courts that did not fairly reflect the population then, or now. However, there is evidence that the language and intent of the drafters was to leave ‘space’ for future interpretation.”

Cohost Mitch Winick stated that he is fully supportive of their proposition that "We the People" will only be protected by the Constitution if the "history and tradition" of ALL the people are considered in Supreme Court interpretations.

Cohost Jackie Gardina noted that “Joy Milligan brings such a rich understanding of these issues to our program. She has studied the intersection of law and inequality with a particular focus on race-based economic inequality. Her scholarship is interdisciplinary, drawing on social science theory and methods.” Milligan has been published in the Yale Law Journal, Virginia Law Review, UCLA Law Review, NYU Law Review, Annual Review of Law & Social Science, and the Journal of Legal Education.

Cohost Mitch Winick added that “Bertrall Ross’ research is driven by a concern about the inclusion of marginalized communities in the consideration of constitutional protections and political processes.” His past scholarship has been published in the Columbia Law Review, New York University Law Review, and the University of Chicago Law Review. Two of his articles were selected by the Yale/Harvard/Stanford Junior Faculty Forum.

To listen to Joy Milligan and Bertrall Ross’ SideBar episode with law deans Jackie Gardina and Mitch Winick, hear previous episodes, read our blog, learn about future guests, and to contact the co-hosts with ideas, comments, or questions, go to www.sidebarmedia.org.

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Dean Mitchel Winick



Dean Jackie Gardina



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