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Adversary jurisprudence

by [Robert Bork](#)

The ninth in a series titled “The survival of culture.”

The outcome of the struggle for control of the courts will determine the future of the rule of law and hence the prospects for the survival of traditional American culture. Behavior and language are now routine that not long ago would have met not only with social disapproval but also with legal sanctions. No doubt public attitudes were changing in any event, but they could not have moved so far and so fast if the courts had not weakened moral curbs and made legal restraint impossible. In destroying those barriers, ... the Court has also fostered the immoral attitude that the individual will must be completely emancipated, no matter what the cost. Judicial activism ... properly refers to the practice of some judges of enunciating principles and reaching conclusions that cannot plausibly be derived from the Constitution they purport to be interpreting. Activism consists in the assumption by the judiciary of powers not entrusted to it by the document which alone justifies i ...

Robert Bork is **Robert H. Bork**'s most recent book is *A Country I Do Not Recognize: The Legal Assault on American Values* (Hoover).

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