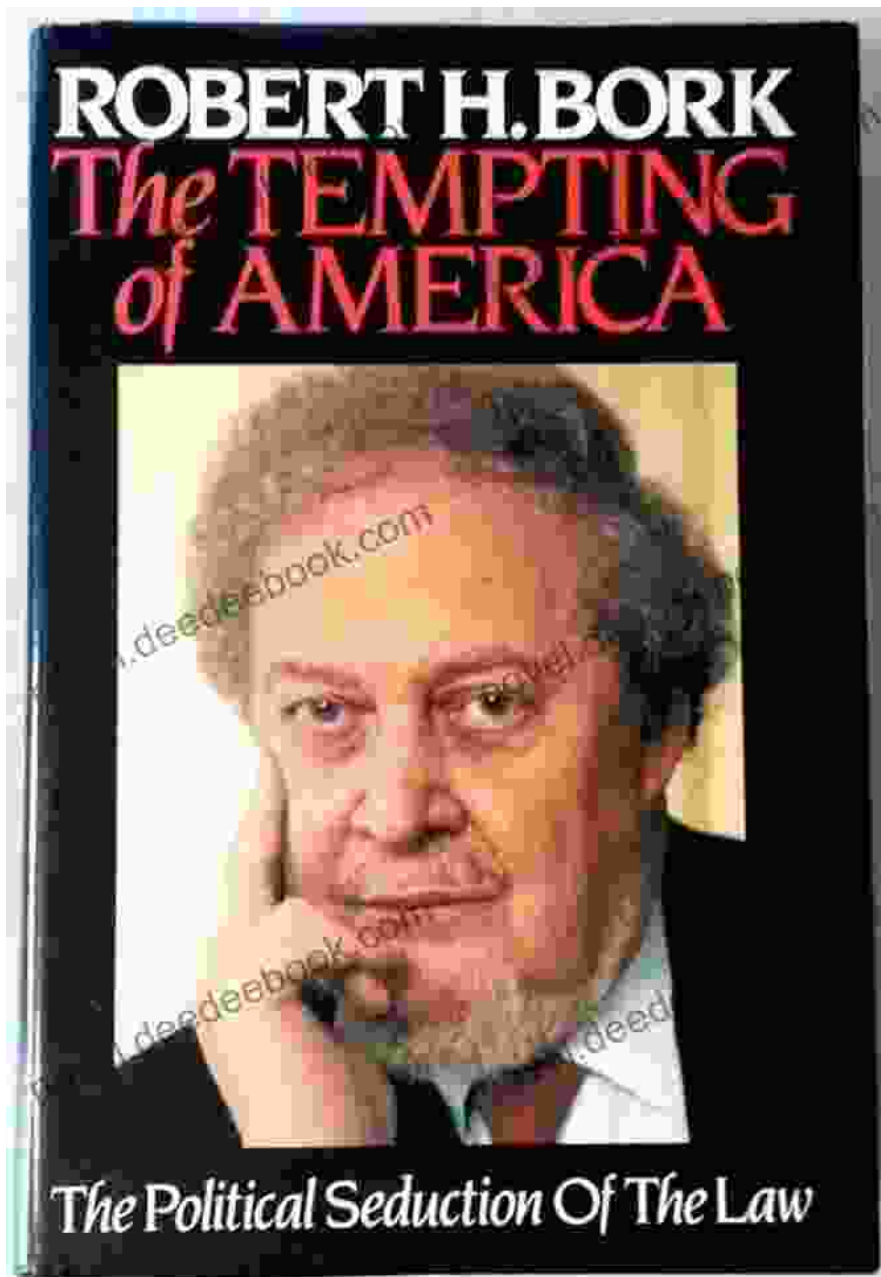


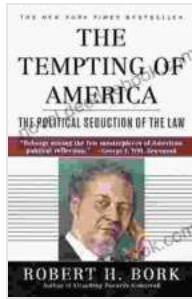
# The Temptations of America: The Supreme Court's Influence on Our Constitutional Character



**The Tempting of America** by Robert H. Bork

★★★★☆ 4.8 out of 5

Language : English



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|----------------------|-------------|
| File size            | : 957 KB    |
| Text-to-Speech       | : Enabled   |
| Screen Reader        | : Supported |
| Enhanced typesetting | : Enabled   |
| Word Wise            | : Enabled   |
| Print length         | : 450 pages |



In his seminal work, "The Temptations of America: The Supreme Court's Influence on Our Constitutional Character," renowned legal scholar Robert Bork offers a profound and provocative analysis of the Supreme Court's role in shaping American constitutional values and the implications for democratic governance.

## The Temptations of Power

Bork argues that the court, as the final arbiter of constitutional interpretation, faces inherent temptations to overreach beyond its legitimate authority. He identifies three primary temptations that have plagued the court throughout its history:

- **The Temptation of Originalism:** The belief that the Constitution should be interpreted solely based on its original meaning, as understood by its framers. This approach can lead to a rigid and anachronistic understanding of the Constitution, failing to account for evolving societal values and norms.
- **The Temptation of Legal Realism:** The belief that law is merely a reflection of social and political forces and that judges should simply

enforce the prevailing values of the day. This approach undermines the rule of law and the independence of the judiciary.

- **The Temptation of Judicial Activism:** The belief that judges should actively use their power to promote their own ideological or policy preferences, even when those preferences are not supported by the Constitution. This approach threatens the separation of powers and the principle of judicial restraint.

### **The Impact on Constitutional Character**

Bork contends that these temptations have had a corrosive effect on American constitutional character, undermining the principles of limited government, individual liberty, and the rule of law. He argues that the court's overreach has led to a decline in public trust in the institution and has fostered a politicalized and divisive atmosphere in American society.

### **The Future of the Court**

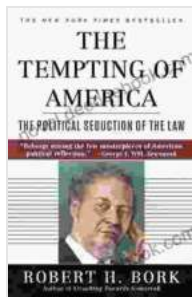
Bork concludes by offering a sobering assessment of the future of the Supreme Court. He warns that the court is facing a "crisis of legitimacy" and that its decisions are increasingly perceived as partisan and politically motivated. He calls for a return to judicial restraint and a renewed commitment to the principles that have guided the court for centuries.

### **Critical Reception and Legacy**

"The Temptations of America" has been widely hailed as a landmark work in constitutional jurisprudence. It has been praised for its clarity, intellectual rigor, and unflinching examination of the Supreme Court's role in American society. However, it has also been subject to criticism from scholars who have challenged Bork's originalist approach and his pessimistic view of the

court's future. Nonetheless, the book remains a seminal text in the field and continues to provoke debate and reflection on the enduring challenges facing the Supreme Court.

Robert Bork's "The Temptations of America" is an indispensable read for anyone interested in the Supreme Court, constitutional law, and the future of American democracy. Its insights into the temptations that have shaped the court's history offer a timely and insightful perspective into the ongoing struggle to preserve the delicate balance between judicial power and constitutional values.



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