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### **Advance Praise for *Coercing Virtue* by Robert H. Bork**

“*Coercing Virtue* is an important work for anyone interested in the expansion of governmental power over society and culture, the rule of law, and the growing internationalization of our politics. Judge Robert Bork is our nation’s most intelligent and forceful critic of the role of judges in modern American society. In this compelling new book, he focuses on the legalization of international affairs and the politics of Western nations. Judge Bork argues that judicial review has become an all-too-ready tool for elites who wish to avoid the democratic process to impose their favored values upon societies.”

—**John Yoo**, professor of law, University of California at Berkeley School of Law

“Robert Bork has spent decades defending American democracy against the ambitions of activist courts. *Coercing Virtue* highlights new threats posed by recent trends in international law—and shows why these threats, drawing on foreign sponsorship, may be harder to contain than previous distortions of our own Constitution.”

—**Jeremy A. Rabkin**, professor of government, Cornell University

## **COERCING VIRTUE The Worldwide Rule of Judges Robert H. Bork**

Robert Bork’s previous books, *The Tempting of America* and *Slouching Toward Gomorrah*, engendered national debate and affirmed his status as a pivotal figure in the culture wars. In his new book, *Coercing Virtue: The Worldwide Rule of Judges* (AEI Press/September 15, 2003), Bork warns that Western nations are experiencing revolutionary changes in government and culture as a result of the judiciary usurping powers that belong to the people and their elected representatives. *Coercing Virtue* shows how courts—comprised of unelected, unaccountable committees of lawyers—have become the most powerful influence in a long-running and now global culture war between the cultural left and the great mass of citizens who tend to be traditionalists.

After failing to win popular or legislative support in the United States for their ideas and agenda, this “New Class” of liberal activists has changed tactics. Aided and abetted by the lobbying and maneuvering of lawyers—and playing on the often myopic resentment of Americans abroad—the New Class has shaped international law through organizations such as the United Nations and the World Court. The laws and rulings of these international organizations are beginning to boomerang back to the United States and to influence American court rulings, as they did, for example, in the two most important Supreme Court cases of the recently completed term—the court’s rulings permitting race-conscious admissions in higher education and abolishing state prohibitions on private, consensual, homosexual

conduct. Supreme Court justices are now even citing the decisions of foreign courts (such as Zimbabwe's courts) in applying their own interpretations of our Constitution.

Bork argues that American judges are now abusing the judicial review process in order to override decisions of other branches of government and, ultimately, the will of the people. While acknowledging that judicial review has done much to protect essential freedoms, Bork illustrates how judges now use it to deny the fundamental freedoms that the Constitution was designed to protect. Courts have largely abandoned traditional methods of interpreting the Constitution's text, history, and structure in favor of an activist approach that finds rights where none were contemplated by the Framers, while abandoning Constitutional freedoms that were clearly understood two centuries ago.

Here are some of the consequences of this unprecedented judicial incursion:

- The Supreme Court has inverted the First Amendment's speech clause so that pornography and calls for violence and lawbreaking are better protected than political speech, including, for example, contributing to a campaign.
- The Court shows outright hostility to religion by having outlawed public religious displays and student-led, nonsectarian, nonproselytizing prayer at school functions.
- International courts and organizations demonstrate their hostility to U.S. sovereignty when applying politicized international law to condemn as illegal virtually any use of force by the United States unless explicitly sanctioned by the United Nations.
- The International Criminal Court (ICC) may claim jurisdiction over American military personnel based overseas even though the United States rejected the ICC Treaty. Service members tried by the ICC would be subject to vague standards, unaccountable prosecutors, and would not have the protection of the Constitution.

*Coercing Virtue* is certain to play an important role in the national debate about the role of the judiciary in America and abroad.

**Robert H. Bork** received undergraduate and law degrees from the University of Chicago and served in the United States Marine Corps. He has been a partner in a major law firm, taught constitutional law as the Alexander M. Bickel Professor of Public Law at the Yale Law School, and served as solicitor general, acting attorney general of the United States, and as a circuit judge on the U.S. Court of Appeals for the District of Columbia Circuit. President Reagan nominated him to the Supreme Court in 1987. He is the author of two *New York Times* bestsellers, *The Tempting of America* and *Slouching towards Gomorrah*. He is a senior fellow at the American Enterprise Institute, where he writes on constitutional law, antitrust law, and cultural issues. He and his wife live in McLean, VA.

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