

*IN PURSUIT OF PRIVACY:  
Law, Ethics, and the  
Rise of Technology.*

By Judith Wagner DeCew.

Cornell Univ. Press. 208 pp.

Cloth \$39.95, paper \$15.95

In the Supreme Court's right-to-die decisions last June, not one justice treated assisted suicide as a "fundamental right" deserving the same constitutional protection as marriage, procreation, and abortion. This outcome was not foreordained. Only five years ago, a majority of the Court declared, in *Planned Parenthood v. Casey* (1992), that "at the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life." The constitutional right to unravel the mystery of life, we now know, does not include a right to seek help in ending it.

Although DeCew finished her book before the recent decisions, there's no doubt she would have found them dismaying. A philosophy professor at Clark University, she advances a notion of privacy even more expansive than that set out in *Casey*. Surveying legal and philosophical approaches to privacy, DeCew rejects narrow defini-

tions based on such justifications as keeping personal information secret or preventing state interference in "particularly intimate and personal choices." Instead, DeCew deems privacy "a cluster concept" that includes one's interests in maintaining independence, controlling information, and forming relationships. In her view, the state should breach this broad sphere of privacy only when absolutely necessary.

DeCew is most successful when applying her theory to such policy debates as that surrounding Caller ID (which, as she notes, discourages not only telephone stalkers but also anonymous calls to drug treatment centers and shelters for battered women). She is on weaker ground when she takes on the Supreme Court. By focusing almost exclusively on the substantive protection that the Court gives privacy, and applauding or attacking rulings on that basis, DeCew glosses over the more significant jurisprudential debate of the past 30 years: *who* should craft our law on privacy, elected legislators or appointed judges? To DeCew, it's a task for the courts. But as this year's right-to-die cases have shown—and not for the first time—many in the judiciary believe otherwise.

—Arnon Siegel

## Arts & Letters

*BURNING THE DAYS.*

By James Salter. Random House.

384 pp. \$24

"We are each of us an eventual tragedy," writes James Salter near the end of his elegant, moving memoir. Salter uses memory to convey a sense of the mortality common to all lives. He might as well have called the book *Loss*, for that is the quality that rules these recollections. Things fall away; the closest friends of a moment, or of years, drop from sight, and their fate is often a matter of hearsay or conjecture only. One by one, individuals who touch Salter's life—the famous (Irwin Shaw, Robert Phelps, Roman Polanski, Sharon Tate) and the private—assume a place in the same stern process of fading attachment.

Salter was born in 1925 and grew up on Manhattan's East Side. He attended West Point, as had his father, and graduated in 1945, just as World War II was ending. For

the next 12 years, he was a pilot in the air force, and his war was the Korean War. When he left the military, it was to pursue a full-time writing career, as a screenwriter (*Downhill Racer* is the best of his films) and as the author of a volume of short stories and five novels, at least two of which, *A Sport and a Pastime* (1967) and *Light Years* (1975), have the feel of classics. The fiction is not extensive, but it is extraordinarily accomplished.

Salter's recurrent theme, in this memoir as in the novels, is the fall from grace in all its guises—the diminishment of physical beauty and mental vitality; the accommodation of talent to craft; the fragility and inevitable severing, willful or inadvertent, of personal ties; the surrender of moral authority. But coming before the loss are aspiration and occasional glory, and they too shape the remembered life: "To write of someone thoroughly is to destroy them, use them up. I

suppose this is true of experience as well—in describing a world you extinguish it—and in a book of recollection much is reduced to ruin.”

Salter’s memoir divides into two parts. A rough chronology is discernible in the first, to the end of his fighter pilot’s career—“the great days of youth when you are mispronouncing foreign words and trading dreams.” But chronology never calls the shots, and time in this book, as in Salter’s best work, does not order lives so much as it undoes them. The pages on flight (“we dropped from the sky into distant countries”) and on the meaning of heroism and comradeship are superb, in a class with the aviation books of Saint-Exupéry. Of the astronauts Virgil Grissom and Edward White, who died in an accident at Cape Canaveral in 1967 and whom Salter knew, he writes: “Over the threshold they stepped, into their sepulcher. The capsule had become a reliquary, a furnace. They had inhaled fire, their lungs had turned to ash.”

The book splits as the life does. From the air the author falls to earth and undertakes a life of celebrity, in a world of deals and maneuvers and compromise: “I was a *poule* for 10 years, 15. I might easily have gone on longer. There was wreckage all around, but like the refuse piled behind restaurants I did not consider it—in front they were bowing and showing me to the table.” Much of this life is lived in France, which Salter adores, and Italy, and the book celebrates the reality of an image Americans had of Europe in the ’50s, ’60s, and ’70s. This is not the efficient latter-day Europe of Brussels but the worldly-wise continent of Fellini and Antonioni, of Cannes and the Via Veneto, of cafés and parties till dawn, easy passion, practiced enervation, and irresistible clichés—fast drives in open cars on narrow coast roads above the glittering sea. From the “vertical civilization” of Europe, old and deep, Salter hoped to learn what he might hope, what he should do, who he was. In the end he gives up the screen for the book: “It is only in books that one finds perfection, only in books that it cannot be spoiled. Art, in a sense, is life brought to a standstill, rescued from time. The secret of making it is

simple: discard everything that is good enough.” In this book, Salter has kept only what is very good indeed.

—James M. Morris

**PUNCH:**  
*The Lively Youth of a British Institution, 1841–1851.*

By Richard D. Altick. Ohio State Univ. Press. 762 pp. \$60

“Who knocked up Jerry Hall?” ran the headline on a midsummer edition of *Punch*, the satirical British weekly and dentist’s waiting-room accessory raised from the dead under new management last year, some four years after declining revenues forced its closure. Which tells you all you need to know about Mr. Punch’s sense of late-1990s humor.

Long gone are the days when the magazine was the alternative journal of record for the Victorian ruling class. Those days gave the world Charles Pooter, the long-suffering hero of that comic masterpiece

*The Diary of a Nobody*, first serialized in the periodical in 1888. While Pooter was recounting his misadventures in suburban north London, *Punch*’s celebrated cartoonist John Tenniel (who

drew the classic *Alice in Wonderland* illustrations) evoked the drama of Bismarck’s fall from power in the oft-reproduced sketch, “Dropping the Pilot” (1890). Shaped by an editorial board that at one point included William Makepeace Thackeray, *Punch* commanded attention. In spite of its frequently condescending view of the United States, the magazine’s American admirers included Ralph Waldo Emerson and Henry Wadsworth Longfellow.

In his history of *Punch*’s first decade, Altick, a professor of English at Ohio State University, recounts how the magazine covered issues as varied as the monarchy, the Irish question, the railway boom, early consumer advertising, capital punishment, and the Victorian equivalent of blockbuster fiction (memorably parodied in Thackeray’s series, “Prize Novelists”). He also charts *Punch*’s steady progress from outspoken radicalism to a more measured liberal humanitarianism, succinctly defined by John Ruskin

