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 definitions 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