DAVID LEVY ON PERVERSION

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ABSTRACT

LEY ON PERVISION

In "Perversion and the Unnatural as Moral Categories" (Ethics, 90:191-202, January 1980) David Levy argues against a number of theories of perversion by means of the method of counter-example. This is inappropriate since many familiar accounts are not attempts to provide a "one-over-many" formula for a core of clear cases. Rather, like Levy himself, many understand perversions as "unnatural" or "non-human" actions, i.e. as distortions of human nature. Here there is agreement on the intension of the term. Differences in the extension arise in virtue of the relational character of the meaning. For what counts as a distortion of human nature depends on the paradigm of human nature one endorses. In these cases the appropriate way to decide between competing lists of perversions is to evaluate the competing paradigms of human nature on which they rest. Typically these paradigms embody important value assumptions.
David Levy On Perversion

Underlying David Levy's account of perversion and the unnatural is an important truth about the logic of those concepts. Unfortunately, however, this truth is obscured both by Levy's method of criticizing alternative theories and by his failure to distinguish clearly and accurately between two aspects of his own positive theory. One main purpose of this paper is to rescue this truth from that obscurity.

Levy begins his paper by attacking seven accounts of perversion found in the philosophical and psychological literature. His method here is the method of counter-example. Thus, he attempts to show that each of the accounts he considers either fails to include phenomena generally acknowledged to be perversions or includes phenomena generally acknowledged not to be perversions. Insofar as these criticisms are to the point, they presuppose that there is a generally agreed upon extension to the term "perversion" (a core of clear cases) and that all the writers in question are attempting to state a principle that explains this extension. As I shall argue presently, both of these presuppositions are false. And the latter presupposition is false not only of the theories Levy criticizes but of his own positive theory of perversion as well.

Not everyone who offers a theory of perversion is attempting to articulate a formula that explains the extension of "perversion." There are at least two other possibilities. To begin with, some use "perversion" as a technical term. One thinks here of psychoanalytic accounts. In this case, no attempt is made to articulate a principle that conforms to ordinary usage; indeed, for this purpose there need be no consistent pattern of ordinary usage at all. Thus, while the method of counter-example may legitimately be used to combat the illicit appeal to such accounts

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outside the special context for which they are intended, it cannot properly be employed to attack these accounts themselves. Secondly, and more interestingly, one may offer a non-technical account of perversion against the background of a set of general beliefs about human nature. On the basis of such an account, moreover, one might deny that "perversion" is properly used in ordinary discourse, i.e., one might argue that what are typically accepted as clear cases are not in fact instances of perversion at all. One might make this argument on the ground that ordinary usage is grounded in certain mistaken beliefs about or flawed theories of human nature. Interestingly enough, moreover, one may do so without introducing a new definition of "perversion," and without recommending a change in the extension of that term. For as I understand it, at least, the logic of "perversion" is such that the meaning does not by itself fix the extension of that term. What determines the extension of that term are beliefs about what is unnatural for human beings, i.e., beliefs about and theories of what it is to be a human being. That the "extension" of perversion is intimately tied to theories of human nature is the important truth that underlies Levy's account.

For Levy, perversion is a specie of the "unnatural." Roughly speaking, "unnatural acts" are acts that deny a person some basic human good without necessity; that is, "without having to do so in order to prevent losing some other basic good." Basic human goods, for Levy, include life, health, control of one's bodily and psychic functions, and the capacity for love and knowledge. According to Levy, it is essential to our being human that we value these goods. Any action that is grounded in a principled lack of concern for them violates our nature and is therefore unnatural. Indeed, Levy holds that "a principled lack of concern for [these basic goods] by a creature is a sufficient condition of the creature's non-humanity."

According to Levy, moreover, perversion is a matter of acting unnaturally for the sake of pleasure. And sexual perversion is a matter of acting unnaturally for the sake of sexual pleasure.

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It is clear from this that Levy's own positive account is not an attempt to find a formula to fit the extension of the ordinary use of "perversion." Indeed, he is explicit about this (although he appears oblivious to the fact that this is what he demands of others). He is instead providing us with an account of "perversion" that might lead us to classify the phenomena in a new way. But he is not doing this by stipulating a new definition of that term. Rather, he is providing us with: (1) an account of the meaning of that term such that the extension depends on the theory of human nature we adopt; and (2) an account of the theory of human nature that we ought to adopt (viz., his Basic Goods Theory of human nature).

Levy's definition of "perversion" consists in: (1) identifying perversion as a specie of the unnatural; and (2) identifying the unnatural, in this context, with the non-human. This seems on the right track. A perversion is a perversion of something. And it seems reasonable that in the human context it is our humanity (our human nature) that is perverted or warped. Those forms of sexual activity that constitute such a warping, then, are sexual perversions. On this view, of course, what counts as a perversion may vary from thinker to thinker (culture to culture) in accordance with various theories of what it is to be a human being. And indeed, it seems to me that very often they do so vary. Philosophers such as Levy who identify being human with holding certain values will describe unnatural any actions that

4Levy describes what he is doing as separating "analysis of the concepts of perversion and the unnatural from the discussion of the criteria to be employed in applying these terms in particular cases." (p. 197) But this is all that he says and he does not explain what he means by this. Moreover, his procedures leaves one wondering what aspects are criteria-related. Thus, he writes "To define the unnatural...I shall first need to make a distinction between a limited set of basic human goods, on the one hand, and an indefinitely large set of non-basic, non-essential goods on the other." (p. 199, italics mine). Here, the theory of basic human goods is presented as part of the definition of the unnatural (and hence, the perverted). As I understand what Levy has done (or, if you prefer, what he ought to have done), that theory is part of the paradigm.
are grounded in a denial of those values. Psychologists such as Freud, who understand human nature in relation to a theory of normal psychological growth or functioning, identify perversions as departures from normal patterns of psychological development. Theologians of various persuasions identify perversions on the basis of still other theories of what it is to be human. If this account of the meaning of "perversion" is correct, moreover, those who deny that there is such a thing as human nature must also deny that there are such things as perversions (i.e., must hold that "perversion" has no extension). In each of these cases, the meaning of "perversion" is the same (or very nearly the same), but the extension of "perversion" and the moral implications of an action's being perverted may differ importantly.

Levy obscures this simple but important insight that is implicit in his own positive account both by his use of the method of counter-example and by his failure to distinguish clearly enough between the intensional and extensional aspects of his own theory. These problems are not unrelated. Had he distinguished with sufficient clarity between the definitional and extensional aspects of his theory, he would have recognized that although "perversion" has one meaning, the extension of that term varies in accordance with theories of what it is to be human. Since there are many such theories in our culture, we can expect no consensus on even the so-called clear cases of "perversion." This being the case, the attempt to find a "one-over-many" formula for "perversion" is wrong-headed, and the method of counter-example is an inappropriate technique for criticizing accounts in the literature. Once we recognize that the extension of "perversion" varies with theories of what it is to be human, we are in a position to understand various lists of perversions found in the literature. A first step in coming to understand the differences between such lists is to identify the different theories of what it is to be human in which they are grounded.

Once we appreciate the connection between human nature and perversion that Levy points out, we are in a better position to assess the value of the concept of perversion. With the possible exception of Freudian theory, it is clear that the purpose of that concept is to condemn certain forms
of behavior in a moral or a quasi-moral way. \(^5\) But precisely what sort of condemnation is this? How does the logic of perversion differ from the logic of more familiar moral condemnations such as "wrong" and "bad?" The connection Levy points out between perversion and other moral categories puts us in a position to answer this question and—consequently—to assess the advantages and disadvantages of including "perversion" in our moral vocabulary. Moreover, by pointing out the connection between theories of human nature and the concept of perversion, Levy puts us in a position to reflect on certain meta-ethical and other presuppositions to which perversion theorists are committed. In the space remaining, I will speak briefly to both of these issues.

\(^{5}\) Some Freüdi ans, of course, maintain that their use of "perversion" is not condemnatory, i.e., that "perversion" is a medical category with no more moral significance than any such category. On this view, lists of perversions are indeed drawn up on the basis of a theory of human nature but the point of that theory, and the list that it generates, is therapeutic. Both the theory and the list, then, are to be evaluated in relation to their therapeutic success. It is important to notice, however, that even those who endorse this medical model will concede that perversions are undesirable behaviors, i.e., that they are foreign to an healthy personality. Thus, though these theorists might dispute the claim that individuals ought to be judged morally or quasi-morally for their perversions, they nonetheless maintain that perversions are deficiencies and, other things being equal, ought to be eliminated. Accordingly, even were we to accept the medical model of psychotherapy, there are important similarities between the use of "perversion" in that context and its use in more judgmental contexts. It is also important to note that if we reject the medical model and maintain that "perversion" is really an evaluative term in psychotherapeutic theory, we cannot conclude that "perversion" has the same use here as it has outside this special context. For psychotherapists are not opposed to behaviors they regard as perversions simply on the ground that they are unnatural; they are opposed to them because they believe these behaviors interfere with normal functioning in a manner that diminishes our capacity for gratification. In the last analysis, I think, their complaint against these behaviors is utilitarian.
How does condemning an action as a perversion differ from condemning it as bad or wrong? The connection Levy makes between perversion and human nature suggests a partial answer. Perversions—as departures from what it is to be human—are forms of behavior that are unfit for human beings per se. This being the case, given some particular theory of human nature, lists of perversions have a kind of unqualified character that lists of wrong behaviors—at comparable levels of descriptive specificity—lack. Thus, while stealing, killing, breaking promises, and so forth are wrong prima facie or ceterus paribus, perversions are always fully perversions. This is not to say that perversions are always wrong. A perversion theorist may hold that there are times when it is morally obligatory to engage in a perversion (e.g., to save lives, acquire military secrets, and so forth). Nonetheless, even where it is morally required that one engage in them, they do not cease to be perversions. This is why those who take the concept of perversion seriously will hold that we are always to some degree disgraced or demeaned if we engage in them with pleasure and gusto. For to engage in such activities in this spirit—even where morality requires that we engage in it—is proof of our own perverted nature. Perversions are importantly different from prima facie wrongs in this regard. There is nothing necessarily untoward about enjoying performing some prima facie wrong action—e.g., stealing—one is morally required to perform it. Thus, we do not hold it against Robin Hood that he enjoyed armed robbery and ambushes (and not merely because of the good he was achieving by them; i.e., at least in part because of the excitement intrinsic to the acts themselves). Again, however, it seems to me that those who take the concept of perversion seriously will maintain that to enjoy the perverted activity itself is to be a pervert; and perhaps to engage in such an activity at all is to be demeaned or disgraced to some degree. In assessing the value of the concept of a perversion we must consider whether it is useful or fair to condemn people in this way when they are doing what is morally required of them. I shall not

6 This problem may be avoided by characterizing perversions in such a way that one could not act rightly by committing a perversion. It might even be argued that Levy has succeeded in doing this by maintaining that perversions are actions grounded in a principled lack of concern for some basic human good. For could any action that is so grounded be right? This position, of course, too closely identifies the rightness
attempt to answer this rather complex question here. I want only to point out that it is a virtue of Levy's account that it enables us to raise the issue.

It also follows from Levy's account that, given a particular theory of human nature, what counts as a perversion will be universal—i.e., will not vary from culture to culture. What count as prima facie duties and obligations, however, is not universal in this way. In any case, at least most philosophers agree that prohibitions and requirements that are justified in relation to one set of historical circumstances may not be justified in relation to others. Thus, for example, few would condemn the obligation to voluntary suicide among the aged where this is necessary for social survival; but most of us would condemn it under less hostile circumstances. Given a specific theory of human nature, at least, lists of perversions are less variable. Since human nature is the same for all human beings, regardless of culture, so are perversions. Accordingly, in evaluating the concept of a perversion we also need to ask ourselves whether moralities ought to include unconditional prohibitions as concrete and specific, as lists of perversions tend to be.

If one accepts Levy's analysis, and one believes that there is such a thing as human nature, one could argue that any adequate morality will indeed include such prohibitions. But what sort of theory of human nature is capable of grounding such prohibitions? And what sorts of presuppositions are involved in the claim that such unconditional condemnations can be grounded in such theories. Roughly, we might distinguish between three types of theories by human nature: (1) empirical; (2) teleological; (3) explicitly normative. I will conclude briefly by discussing the consequences of attempting to ground such prohibitions in theories of each sort.

By empirical theories I mean the sorts of theories one finds in the social and biological sciences. Roughly, such of an action with the motives of the agent to appeal to most moral philosophers. Moreover, since it so closely identifies perversions with the agents' motives, it precludes the possibility of our drawing up neat and specific lists of perversions. Whether a particular type of action—e.g., bestiality—is a perversion or not will not depend on the spirit in which it is undertaken.
theories aim to describe features of human life or activity true of all or almost all *homo sapiens*. Now, given certain value presuppositions, it is easy to see how moral prohibitions or requirements could be justified by appeal to such theories. But lists of perversions are not derived with the aid of value premises; a perversion is simply a departure from human nature. To claim that lists of perversions can be justified by appeal to empirical theories, then, is to claim that one can derive moral prohibitions from empirical generalizations, i.e., that one can derive "oughts" from "is's." Moreover, since no perversion theorist is willing to call every departure from statistical norms a perversion, those who would attempt to derive lists of perversions from empirical theories are committed to the view that there is a non-arbitrary way to distinguish normatively significant statistical norms from normatively insignificant ones. And they are committed to the view that we can do this without appealing to some normative standard.

Teleological theories of human nature provide accounts of human nature centered around the telos, goal, or purpose of human existence. On such theories a being realizes its good qua the sort of being it is by realizing its end or *telos*. Some teleological theories are naturalistic; others are situated within a religious or mythological framework. In the former case, the telos of a natural being is determined by what mature members of its specie become under normal conditions. In this case, the idea of a telos synthesizes the idea of the normal with the idea of the good. Naturalistic teleologies, then, presuppose the legitimacy of this synthesis. Moreover, they presuppose that it is possible to identify "normal conditions of human existence." For if we are to exclude as part of our telos potentialities developed under other conditions, we must have grounds for declaring the former arrangements normal and the latter not. The alternative is to identify normal conditions with the conditions of social life *per se* and identify our telos with those capacities required by social life *simpliciter*. But given the diversity by societies, it is doubtful that such a conception would enable us to arrive at a list of willful departures from human nature that is nearly as specific as lists of perversions tend to be. Moreover, such a list would have almost nothing in common with lists of perversions with which we are familiar.
It is possible, of course, to identify the goal or end of human beings in relation to a Divine Plan or a mythologically conceived world-order. In this case, normal conditions may be those conditions under which human beings are disposed to play their appropriate role in the universe. Conditions under which we are not so disposed may be said to warp or pervert our natures. And at least some of our refusals to play the role intended for us may be regarded as unnatural acts or perversions. Alternatively, it may be held simply that certain human powers (or organs) were intended for certain uses, and to use them otherwise is to use them in a perverted manner. Within the context of this sort of theory, I think, the concept of a perversion is a natural one. In any case, such theories provide a foundation for distinguishing between lists of ordinary moral prohibitions, on the one hand, and lists of perversions, on the other. Of course, members on each list may be said to involve misuses of natural powers. But even so, if it is possible to describe certain activities as abuses unconditionally and to hold that other activities (e.g., stealing) are abuses ceterus paribus we may distinguish between the two sorts of prohibitions in question. To defend this way of characterizing perversions, however, is to commit oneself to some particular religious or quasi-religious world-view.

Finally, there are theories of human nature that are grounded in certain normative claims. These are perhaps better described as theories of what it is to be human (or to act in a human way). Levy offers one such theory, viz., that to be human is to act out of a principled concern for Basic Human Goods. Anyone who acts out of a principled lack of concern for these, on Levy's view, acts inhumanely, i.e., pervertedly. Clearly, any such theory presupposes that it is possible to defend some conception of the human good. And, more interestingly, it presupposes that there is something important to be gained by identifying the natural with the Good in this way. It is important to notice that Levy is not maintaining that it is natural to act in pursuit of our own good, or even that it is natural to act for the sake of our conception of the human good; rather, he maintains that it is natural for us to act out of concern for those Basic Human Goods that he enumerates. To defend his theory, Levy needs to defend this connection.
It is not unusual for human beings to mistake the social arrangements of their time for the conditions of human life in general, and to identify human nature with "the local rules for being human." Once we have made this move, characteristics of human beings that are constitutive of a certain form of life may be taken to be constitutive of human life in general. Accordingly, they may be said to be natural. Thus, if the nuclear or extended family is central to a form of life, we might expect feelings of respect, love, or gratitude toward one's parents to be considered natural, and acts grounded in the absence of these to be regarded as unnatural (e.g., matricide or patricide). In the absence of such feelings, human life as we know it could not be. Similarly, it might be argued that human life as we know it could not be were there widespread lack of concern for Levy's Basic Human Goods (i.e., were these Goods denied all value whatsoever). Most moral uses of "natural" and "unnatural" that are made from a secular standpoint, it seems to me, presuppose a form of life in this way. If this is so, these uses are questionable. For to call a practice or sentiment natural or unnatural is at least strongly to suggest that it is fitting or unfitting for us as members of the human specie. That this practice or sentiment is constitutive of an historically variable form of life is weak grounds for such a suggestion. To use the historically variable as a criterion of the natural in this way is to suggest that it is something more than historically variable.