

On Finkelstein's account of the distinction between conscious and unconscious states of mind¹

[DRAFT: Please do not quote]

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1. Introduction

Some of my mental states are conscious – all my sensations, presumably, and many beliefs, hopes, fears, emotions, and so on. Others of my mental states, it seems, and I will assume, are unconscious. I may be consciously angry with my father, but I might be unconsciously so instead. An account of what it is for a mental state of mine to be conscious should make sense of certain marked dissimilarities between my relation to my own conscious states and my relation to other people's. For whether or not I can be mistaken about my own conscious states, I do not *seem* to know about them, when I do, on the basis of anything like evidence, and there *seems* to be something strained and implausible in the idea that I know about them from anything like observation. Whereas evidence and observation are of course very much to the point in my ascriptions of conscious states to other people, and theirs to me. This 'first-/third-person asymmetry' has led some philosophers to try to think of (at least some) first-person avowals of conscious mental states as first and foremost *expressions* of them, so that "I have a headache" expresses my pain in something like the way a groan would. This certainly gives us asymmetry: I can hardly express *someone else's* pain in that sort of way. But this sort of account seems to miss out something else important: what the first-person avowal and third-person ascription have in common. For they *both* seem to be ascriptions: when you tell someone else that I have a headache, you seem to be ascribing the same state to me as I ascribe to myself when I say I have a headache; and both ascriptions seem to be made true by the same state of affairs, namely, my having a headache. But the more closely my avowal is assimilated to a groan, the less sense it makes to suppose that it could be made *true* by my having a headache, or indeed by any state of affairs at all. This problem with the view of avowals as expressions may incline us, in turn, to think of them as straightforward self-ascriptions on a par with "I have a rash on my arm"; but then we seem to lose sight of the first-/third-person asymmetry. If the self-ascription is made true by the presence of the same conscious state as the corresponding third-person ascription, we are tempted to suppose that the first-person relation to the state is a kind of super-reliable version of the third-person relation, and so we are led to postulate a special observation-like faculty of introspection that threatens to raise many more philosophical problems than we started out with.

¹ I would like to thank Jim Conant, David Finkelstein, James Ladyman and participants in the University of Chicago Wittgenstein Workshop for helpful comments on earlier versions of this paper.

2. Finkelstein's view of the nature of conscious states

In his book *Expression and the Inner*, David Finkelstein presents a novel and interesting account of the distinction between conscious and unconscious mental states. He begins by considering what he calls the simple account of consciousness put forward by Colin McGinn: your mental state is conscious if you know that you are in it, and unconscious if you don't know that you are in it.² Finkelstein notes that this is shown to be false by the fact that I can be in an unconscious state I nevertheless know about – for example, if I have been rationally persuaded I am in it by an analyst who herself knows about it and whom I know to be reliable. So the ability to self-ascribe a mental state, even from knowledge, is not sufficient for that state's being conscious; and my relation to an unconscious state I self-ascribe seems to belong on the third-person side of the first-/third-person asymmetry: I gain access to the state through evidence, observation, testimony, or some combination of these. But nor is the ability to express the state *sufficient* for consciousness. For just as I may come to know about my anger toward my father from my analyst, so may I express that anger by forgetting his birthday; and in neither case does my anger attain to consciousness. Finkelstein's account *combines* the conditions: first-person avowals of conscious states simultaneously express and self-ascribe those states, and they express them in virtue of self-ascribing them.

This account is attractive because it enjoys the advantages of both sorts of view mentioned above, while cancelling out their defects. The account says that first-person avowals are to be understood as truth-apt, and as made true by the same state of affairs as makes true the corresponding third-person avowal. Nevertheless I have a very special relation to the conscious state I self-ascribe. This relation is not a special way I have of knowing about it, but a special capacity I have for expressing it: only I can express the state *by* self-ascribing it. Furthermore, I only have this expressive ability with regard to those mental states of mine which are conscious, and my having this ability is in fact *what it is* for the relevant state to be conscious:

Someone's mental state is conscious if he has an ability to express it simply by self-ascribing it. If he lacks such an ability with respect to one of his mental states, it is unconscious (120).

So for example, if I am angry with my father consciously, I can express that anger by saying "I am angry with him" (or saying to him "I am angry with you"); but if I am angry with him unconsciously, while I can still ascribe this anger to myself, eg because I have learnt about it from a reliable analyst, I cannot *express* it when I so ascribe it to myself, any more than I can express another's anger in ascribing it to him.³

² David H Finkelstein, *Expression and the Inner* (Cambridge, Mass: Harvard University Press, 2003). Page references to this work will be included parenthetically in the text. See also Finkelstein's "On the distinction between conscious and unconscious states of mind," *American Philosophical Quarterly* vol 36 no 2 (April 1999). McGinn proposes the simple account, at least for the so-called propositional attitudes, in his "Action and Its Explanation," in N Bolton (ed), *Philosophical Problems in Psychology* (New York: Methuen & Co, 1979), 37, cited in Finkelstein, *Expression and the Inner*, 115n.

³ I may consciously express anger toward my father in the self-ascription, but if the anger I intend to ascribe to myself is unconscious and real, *that* is not the anger I am expressing. See J Lear, "Avowal and Unfreedom," *Philosophy and Phenomenological Research* vol 69 no 2 (September 2004), 448-454.

3. Finkelstein's blasé line on the issue of knowledge

McGinn was clearly wrong to think that my knowledge that I am in a mental state is *sufficient* for its being conscious, but it's natural to suppose that it's *necessary*: isn't it obvious that I *know* I'm in those mental states I'm conscious of? Wittgenstein (as some interpret him) was the first to challenge this idea, at least for the case of sensations,⁴ roughly on the grounds that we are *too* closely and securely related to our conscious states to count as knowing about them. In his own account, Finkelstein doesn't mention our status as knowers in relation to these states. This is neither because he thinks the necessity of knowledge too obvious to mention in the aftermath of his refutation of McGinn's simple account, nor from a Wittgensteinian suspicion of the idea that we know that we're in these states. It turns out that, although Finkelstein does want to deny that our self-ascriptions of (eg) pain are 'epistemically justified', he does not want to insist that they don't count as expressions of knowledge. He doesn't insist either way: he is *blasé* about the issue of knowledge. He considers the case of Hank, who reads in a medical journal that someone who gets a sharp pain in the back of his knee is more likely than the average American to get Green's disease, and later experiences just such a pain and so infers, and perhaps knows, that he's more likely than the average American to get Green's disease. Finkelstein writes (this is the final paragraph of his book):

Imagine three philosophers who are talking about Hank's case. The first says: "Hank has a sharp pain in the back of his knee, but it's wrong to speak of him as either *knowing* or *not knowing* about it. Such talk is, at best, unnatural and misleading and, at worst, sheer nonsense." The second philosopher says: "Hank has ascribed a pain to himself, and he is entitled to make inferences on the basis of this self-ascription. But such an ascription of pain is not epistemically justified; he *doesn't know* that he is in pain." The third says: "Hank *does* know that he's in pain; we *can* say this about him. The mistake is to think that knowledge always requires epistemic justification. He knows that he's in pain, but knowing this isn't like knowing that one has termites in one's basement." I don't see that these philosophers need be disagreeing about anything of genuine philosophical import. Moreover, it seems to me that all three of them might agree with everything I've said in this book (151-2).

4. My claims

In this paper, I argue that: (i) Finkelstein cannot afford to be so *blasé* about the issue of knowledge: if he is basically right about the nature of conscious states, these philosophers *are* disagreeing about something of genuine philosophical import – at least, the first two are disagreeing with the third about something important, *viz* whether Hank knows he is in pain. (ii) In fact, *none* of these philosophers can consistently agree with everything Finkelstein says in his book, since (iii) if Finkelstein is basically right about the nature of conscious states, the first two of these three philosophers are entirely wrong, while the third, although less wrong, is still insufficiently hospitable to knowledge-talk in connection with our conscious mental

⁴ L Wittgenstein, *Philosophical Investigations* (third edition, trans G E M Anscombe; Malden, MA: Blackwell, 2001), §246; cf Anscombe's extraordinary claim that "being able to say where one feels pain is [not] a case of something known" (G E M Anscombe, *Intention* (second edition; Cambridge, Mass: Harvard University Press, 2000), §8).

states. In particular (again, if Finkelstein is basically right), knowing that one is in pain must be in at least some important respect *like* knowing that one has termites in one's basement. (We will get clearer later on about what this respect is.)

In short: If Finkelstein wants to hold onto his account of the nature of conscious mental states, he cannot afford to be *blasé* about the knowledge issue – he must insist that we *do* know that we're in those mental states of ours that are conscious –, and so (contraposing), if he wants to be *blasé* about the knowledge issue, he needs a different account of the states.

5. Problems for Finkelstein's account of the nature of conscious mental states

I shall first make an assumption about what Finkelstein means by an *ability* to express a state through self-ascription: namely, that if someone *does* express a state in this way, it follows that she has such an ability. This may seem to follow *a fortiori*, but my assumption may be challenged, and I will call it into question in section 8 below. But for now it is an assumption; I will call it *the Assumption*.

In a fascinating paper on the Socratic method and psychoanalysis, Jonathan Lear writes:

When analysands start to talk explicitly about how to live, they are often using their capacity for intellectual thought to maintain a distance from what is really on their minds. When they talk about some psychological trait they have – “I have this obsessive need to...” – it is usually in the service of staying with pat formulations, and thereby avoiding any genuine insight into what they are like. It may even be that the content of what they are saying is true; the problem is that it does not connect to their lives in a living sort of way. Psychoanalysts call these *resistances* to genuine analysis. In short, “raising the question of how to live” can be a way of avoiding the question of how to live.⁵

I am interested in a special subset of this sort of case in which, in a further ironic twist, the analysand avoids the problem by identifying it and self-ascribing it correctly, *and the avoidance manifests the problem*. These cases show that Finkelstein was wrong to say “while it is possible for someone to ascribe an unconscious belief to himself, he does not thereby express the belief?” (121 n10). Hence,

Resistance

ANALYSAND: I have this obsessive need to label, categorise and intellectualise my problems as a way of distancing myself from them.

In such a case the analysand is (correctly, we may assume) ascribing a mental state to herself, a certain obsessive inclination, and in the process of the self-ascription, she is also expressing it: the purported identification of the inclination is itself an instance of distancing intellectualisation. On Finkelstein's account, it follows that the state in question is conscious. The difficulty, of course, is that it's not. If it were, the ascription would not count as a kind of *resistance* whereby, in terms of Finkelstein's crucial distinction (115-6), the analysand has

⁵ J Lear, “The Socratic Method and Psychoanalysis,” in S Ahbel-Rappe and R Kamtekar (eds), *A Companion to Socrates* (Chichester: Blackwell, 2009), 447; see also his *Therapeutic Action: an Earnest Plea for Irony* (New York: Other Press, 2003).

become conscious (that is, aware) *of* this intellectualising episode without however making it a case of *intellectualising consciously*. Call this sort of counterexample a *resistance case*. Such cases can be multiplied:

Positive Transference

ANALYST: I sometimes wonder whether you might have an unconscious urge to take any opportunity that presents itself to seize upon anything I say about your condition, even if it's a rather airy speculation, and treat it as though it were a profound insight of fundamental importance. It's as if you believed that I was virtually infallible.

ANALYSAND: You know something? *You're right!* I *do* have such an urge! It's amazing – you've really put your finger on something there. And in a funny sort of way, I suppose I *do* think that you're virtually infallible.

Negative Transference

ANALYST: I'm starting to think you have an aversion to contradicting me.

ANALYSAND: Rubbish! I learnt from my previous analyst that I do tend to contradict in therapy when it's my condition that's at issue.⁶

As I intend these cases to be understood, in the moment, I think I am simply expressing and endorsing the analyst's insight; indeed, I *am* expressing and endorsing it, but I am also expressing the condition this is an insight into, and this escapes me.⁷

6. The "adverbial" defence: Finkelstein's "clipped tone of voice" case

Finkelstein anticipates and pre-emptively responds to a counter-example that may look similar to these. To the summary of his account quoted above, "*Someone's mental state is conscious if he has an ability to express it merely by self-ascribing it*" (120), he appends a footnote:

⁶ These exchanges are a travesty of the psychoanalytic aspiration of avoiding suggestion, and are at best cartoonish representations of transference and resistance; their only point here is to draw attention to a certain kind of psychological possibility. I call them 'resistance cases', but actually the relevant kind of possibility can be illustrated by cases in which the state in question isn't neurotic or otherwise problematic:

Judiciousness

ANALYST: You know, I'm starting to think that you have a strong tendency, whenever I speculate about your condition, to consider the matter very carefully before you come down for or against.

ANALYSAND: [*long pause*] I dare say you're right about that.

Decisiveness

ANALYST: When I speculate about your condition, your response is always Yes or No, isn't it? – there's no grey area.

ANALYSAND: Yes.

⁷ The resistance cases actually provide circumstantial evidence for the centrality of expression-through-self-ascription to the status of mental states as conscious. For this is where a good part of the irony derives from: the states that drive my resistance are *that close* to being conscious, but my true and justified self-ascription is still an expression of my problem rather than a solution to it. Expression through self-ascription is central to consciousness, but by itself it is not enough.

The word “merely” as I’m using it here is meant to forestall an objection that might be put as follows: “Imagine that you occasionally express your unconscious anger toward your sister by speaking in a peculiar, clipped tone of voice. One day, while speaking in this tone of voice, you say, “My therapist tells me that I’m unconsciously angry with my sister, and I suppose she must be right.” Through your tone of voice, you express your anger toward your sister in a self-ascription of it, even though the anger is unconscious. What this case shows is that being able to express your state of mind by self-ascribing it is not a sufficient condition for the state’s being conscious.” When I say that someone’s state of mind is conscious if he has an ability to express it *merely* by ascribing it to himself, I mean this: the sort of ability at issue is one that enables a person to express his state of mind in a self-ascription of it, where what matters – what carries the expressive force – isn’t his tone of voice (or whether he is tapping his foot, or what he is wearing, or to whom he happens to be speaking), but simply the fact that he is giving voice to his sincere judgment about his own state of mind. That I might manage to express my unconscious anger in a self-ascription of it *via a clipped tone of voice* doesn’t show that I have the relevant sort of expressive ability. When I am consciously angry, I can say in a neutral tone of voice, “I’m angry,” and thereby express my anger (*ibid* n9).

Now it is true that my cases include such ‘adverbial’ features. In *Positive Transference*, for example, I had to make the analysand’s line an exclamation, in order to make it express the affective component of the self-ascribed condition: she has to *seize upon* the analyst’s suggestion. But my point can be conveyed by cases that lack any such adverbial dimension. Consider

Positive Transference II

ANALYST: You seem to have an inclination to agree with my speculations about your condition.

ANALYSAND: You’re right. I do.

We may imagine the analysand replying here in an emotionally colourless way, since the case hinges entirely on the content of what she says. Since the unconscious condition in question is an inclination to agree with the analyst, it is enough, for the analysand to express it, that she simply agree with him; and this agreement is entirely a matter of the content of her assertion – that it be the same as his. She expresses her condition, in Finkelstein’s words, “*merely* by ascribing it to herself, . . . where what matters – what carries the expressive force – isn’t her tone of voice (or whether she is tapping her foot, or what she is wearing, or to whom she happens to be speaking⁸), but simply the fact that she is giving voice to her sincere judgment about her own state of mind.” Since *Positive Transference II* eludes the adverbial defence, it will serve as our representative counterexample from now on.

⁸ Well, of course, it does matter that she’s talking to the analyst, but only because (i) she uses the second person (“You’re right”) and (ii) the relevant unconscious condition is an inclination to agree with *him*. The same condition could be expressed in a self-ascription addressed to a third party in which the third person of the same verb was used: “He said I’m inclined to agree with him. And he’s right.” The condition can still remain unconscious.

7. *The knowledge requirement*

My claim, to repeat, is not that *Positive Transference II*, or resistance cases generally, discredit the basic idea behind Finkelstein's account of the nature of conscious states, but that they show that he cannot be *blasé* about the issue of knowledge: his account must include the requirement that, for a subject's state to count as conscious, she must know that she is in that state – and, in fact, her self-ascription must be *from knowledge*. I will refer to this as the *knowledge requirement*. So the revised account reads

Someone's mental state is conscious if he has an ability to express it simply by self-ascribing it from knowledge. If he lacks such an ability with respect to one of his mental states, it is unconscious.

If Finkelstein's account is modified to include the knowledge requirement, *Positive Transference II* seems no longer to work as a counterexample to it. Why not? The basic thought is this: the idea of speaking from knowledge excludes the possibility that the thoughts one is expressing are simultaneously determined by psychological forces beyond one's knowledge and control. If the analysand in *Positive Transference II* is expressing an inclination to agree with her analyst that remains *unconscious*, the fact that she is expressing the inclination must be likewise unconscious. Since her thoughts are to this extent not under her conscious control, she cannot be speaking from (her utterance cannot be explained as an expression of) *knowledge*; while, conversely, if she really is speaking from knowledge, then *either* she is not expressing the unconscious state she knowledgeably self-ascribes (as in the case by appeal to which Finkelstein refuted McGinn's simple view), *or* she expresses it in the way that Finkelstein's original account was intended to capture – in the way, that is, that one expresses a conscious state. The fishy thing about the resistance cases was that the analysand expressed her condition by some *extrinsic* feature of her self-ascription. She does not express her condition via a self-ascription of it *under that description*, or *as such*. Her self-ascription in *Positive Transference II*, for example, counts as an expression of the ascribed condition, in the first instance, because it is a case of her *agreeing with her analyst*. Her expression of agreement is only a self-ascription of the inclination to agree because that inclination is what her analyst happens to have just ascribed to her! The expressed condition coincides with the self-ascribed condition only given the radical contingency that *that* was the analyst's immediately preceding judgement. Her agreement with any other judgement of the analyst's (about her condition) would have served just as well, as an expression of the inclination to agree. The fact that the object of her agreement is an ascription of the inclination to agree gives the exchange an extra ironic twist, but it's only a self-ascription of *that* inclination, so to say, *per accidens*. What's doing the expressive work is the fact of agreement, not the content that's agreed to. The knowledge requirement blocks the resistance counterexamples because, if the analysand is self-ascribing from *knowledge*, the content of her judgement, considered as such (and not merely in virtue of some extrinsic feature) is bound to express the self-ascribed condition in just the way that indicates its status as conscious, for the expressibility through knowledgeable self-ascription just is the hallmark of a conscious state. Finkelstein thought that the lesson of McGinn's failed simple view was that the expressive condition should *replace* the knowledge condition. But the lesson of the resistance cases is that it should *supplement* it. The case of learning from my analyst shows that if the state is conscious the self-ascription must express it, and the resistance cases show that this expressive self-ascription must be from knowledge.

If the knowledge requirement is in place, then, conscious states turn out to be all and only those the subject can express in (knowledgeable) self-ascription, and the basic shape of Finkelstein's account is preserved.⁹ Furthermore, it looks as though *only* the knowledge requirement can block the resistance counterexamples. So long as the subject does not know she is in the state, the possibility will remain that in self-ascribing it she is expressing it in a way that escapes her.

8. Dropping the Assumption

The Assumption was, that if the subject expresses the mental state by self-ascribing it, then she *ipso facto*, and so trivially, has the *ability* to do so, where this ability, on Finkelstein's original account, is what guarantees that the state is among the conscious states of the subject. But not all abilities are governed by such an Assumption. My ability to metabolise glucose is so governed: my metabolising it trivially entitles me to claim the ability to do so. But my ability to wiggle my ears, as this is usually understood, is not so governed: if I wiggle them by a fluke, it doesn't count, because this is an ability that is essentially exercised *at will*. Some of the things Finkelstein says about the ability suggest that he is thinking of it as an ability that is exercised at will.¹⁰

⁹ Someone might worry that Finkelstein's account is now altered beyond recognition. That account was distinctively 'non-epistemic': it sought to explain what it is for a state to be conscious without invoking the idea of a 'special way of knowing', which has started to look to many like a philosophical dead-end. Am I not re-introducing knowledge by the back door and so compromising the account's main selling point? No: to insist on the subject's knowledge of her conscious states as a condition of their being conscious is not to concede anything to the view that a special *kind* of knowledge on the subject's part has anything to do with what *makes* the states conscious. This is an important point: we will see below that the concept of knowledge, as applicable indifferently to conscious states and things observed, must be considered a unity precisely because the revised account does not invoke any such special way of knowing, any more than Finkelstein's original version did.

I would like to record here a residual worry that, even with the knowledge requirement, Finkelstein's account may still be vulnerable to the resistance counterexamples. My claim that the knowledge requirement enables us to deny that the state expressed in self-ascription in (eg) *Positive Transference II* is conscious depends upon the principle that we cannot be said to know what we are (even partly) unconsciously impelled to affirm. But certain cases of teaching and learning make this principle look insecure: the authority of a teacher may instil an unconscious inclination to believe what he says, and yet he may still exploit this inclination to impart *knowledge*. See Augustine, *De Magistro* and *De Utilitate Credendi*.

¹⁰ The potential Harpo counterexample ("Objection 2" in Finkelstein's paper "On the distinction between conscious and unconscious states of mind," 94-5) is dealt with by describing Harpo as *possessing* the ability to express his anger at his brother by self-ascribing it, but not exercising this ability because he is afraid to; and Finkelstein clearly means that the fear is functioning as a reason and not as (mere) cause. I cannot stop metabolising glucose for fear that something bad may happen if I continue to do so, since I cannot (normally) *decide* to stop metabolising glucose for any reason at all; contrast wiggling my ears.

If Finkelstein's account is understood in this way, it is not vulnerable to the resistance counterexamples, which turn out to be irrelevant because my ability in those cases to express my unconscious inclination, being itself exercised unconsciously, is therefore exercised independently of my will. Nevertheless, dropping the Assumption is not a way for Finkelstein's account to avoid having to incorporate the knowledge requirement. For (i) dropping the Assumption from the account actually amounts to adding in the knowledge requirement and more; and (ii) the more that is added in makes the account implausible, because the conditions it places on a mental state's being conscious are now far too stringent. I will take these two points in turn.

(i) The ability to do something at will (say, wiggle my ears) is the ability to do that thing intentionally. Anscombe argued that if I intentionally ϕ under that description, I must know without observation that the description ϕ -ing applies to what I am doing.¹¹ Davidson shows that this isn't quite right: "A man may be making ten carbon copies as he writes, and this may be intentional; yet he may not know that he is; all he knows is that he is trying."¹² Such a man need not even *believe* that he is succeeding! And similarly, someone might intentionally express their state through self-ascription, even though all they knew was that that was what they were *trying* to do.¹³ But if we transpose our talk from actions to abilities, something like Anscombe's claim looks right. It is hard to see how we could credit someone with an *ability* to ϕ at will if they did not know, when they were ϕ -ing, that they were ϕ -ing. So if the Assumption is dropped, whenever I express a mental state by ascribing it to myself in the way that constitutes that state as conscious, I must at least know that I am expressing it. (It is not enough for me to know merely that I am self-ascribing it. An account with this weaker requirement would once again be vulnerable to the resistance counterexamples it was the point of dropping the Assumption to avoid.) But I cannot express a mental state I am not in, so any doubt about my being in the state will invalidate my claim to know that I'm expressing it. It follows that on Finkelstein's account minus the Assumption, any mental state of mine that is conscious must be one I know I am in when I express it, and which I know I am expressing, and which I therefore express from knowledge. Such an account therefore recognises the knowledge requirement.

(ii) The argument of (i) showed that, on Finkelstein's account minus the Assumption, if I am exercising the right sort of ability to express a state in self-ascription (ie an ability exercised intentionally), I must know, not only that I am in the state, but also *that I am expressing it in self-ascription*. The ability is supposed to confer the status *conscious* on the state in question, so any conscious state requires an ability whose exercise involves all this knowledge. But this is surely too much. There are plenty of people who enjoy all manner of conscious states, but don't even grasp the concept of *expressing a state*, never mind the highly arcane *expressing a state through self-ascription*. Dropping the Assumption from Finkelstein's account leaves it with conditions on mental states' being conscious that are far too stringent.¹⁴

¹¹ *Intention*, §6.

¹² "Agency," in Davidson, *Essays on Actions and Events* (Oxford: Oxford University Press, 1980), 50.

¹³ A message in a bottle might be an example of this, or trying to speak a foreign language one has not yet mastered.

¹⁴ The conditions may be too stringent in another way, too. When one ϕ s intentionally, one knows that one is ϕ ing *without observation* if one knows this at all (see Anscombe, *Intention*, §28). I suspect that our best account of intentional action here effectively presupposes the idea of a state (eg the belief or

9. *The knowledge requirement can only do its job if the relevant concept of knowledge is a unity*

Someone who had worries (eg deriving from *Philosophical Investigations* §246) about talking of knowing that one is in those of one's mental states that are conscious, but (like Finkelstein's third philosopher) didn't want to ban such talk, might say: here the concept of knowledge is given application merely homonymously or by courtesy. But someone who held this view could not build knowledge into the account of conscious states, because they could only understand the concept disjunctively: *either* the relation to the fact about termites, *or* the relation to the fact about the conscious state. But if the covering-concept of knowledge is understood as cobbled together in this way it cannot be deployed in an account of conscious states, because the second disjunct presupposes an understanding of our relation to them. This is what I meant when I said that knowing that one is in pain must be in at least some important respect *like* knowing that one has termites in one's basement. Yet, so far as I can see, we may still deny, with Finkelstein, that the former kind of knowledge involves *justification*.

REFERENCES

- Anscombe, G E M. 2000. *Intention*. Second ed. Cambridge, Mass: Harvard University Press.
- Augustine. *De Magistro*
- _____. *De Utilitate Credendi*
- Davidson, Donald. 1980. Agency. In his *Essays on Actions and Events*. Oxford: Oxford University Press.
- Finkelstein, David H. 1999. On the distinction between conscious and unconscious states of mind. *American Philosophical Quarterly* vol 36 no 2
- _____. 2003. *Expression and the Inner*. Cambridge, Mass: Harvard University Press.
- Lear, Jonathan. 2003. *Therapeutic Action: an Earnest Plea for Irony*. New York: Other Press.
- _____. 2004. Avowal and Unfreedom. *Philosophy and Phenomenological Research* vol 69 no 2.
- _____. 2009. The Socratic Method and Psychoanalysis. In *A Companion to Socrates*, edited by S Ahbel-Rappe and R Kamtekar. Chichester: Blackwell.
- McGinn, Colin. 1979. Action and Its Explanation. In *Philosophical Problems in Psychology*, edited by N Bolton. New York: Methuen & Co.
- Wittgenstein, Ludwig. 2001. *Philosophical Investigations*. Third edition. Translated by G E M Anscombe. Malden, MA: Blackwell.

knowledge that one is ϕ ing or trying to ϕ) *being conscious*. If so, Finkelstein's account minus the Assumption, invoking as it does the concept of intentional action, would risk triviality. But I cannot pursue this issue here.