Humans have this extraordinary cognitive ability: they imagine nonexistent objects, they treat them as if they were real and by doing so make them real. With their imaginative power, they give rise to a shared virtual reality that enables them to cooperate in ways that would be impossible, otherwise. Nothing like this, to our knowledge, exists in any other species. This very remarkable feature of human cognition has been widely discussed in the social sciences. In this paper, we would like to give a contribution to the understanding of this topic by examining the account that H.L.A. Hart [1994] has proposed. The aim of the practice of collective imagination that makes a legal system possible. We try to provide an explanation of what Hart calls the “internal point of view”, on the basis of experiments on institutional concepts that have been conducted at the Legal Theory and Cognitive Science Laboratory at the University of Bologna, drawing on the paradigm known as “embodied cognition”.

1. EXPERTS IN LAW AND THE INTERNAL POINT OF VIEW

If we read social philosophers other than Hart who have dealt with the topic, we may get the idea that institutional reality comes into existence in virtue of a set of mental representations that are identical in each and every member of the relevant community. For example, we may convince ourselves that property exists in our institutional reality in virtue of the fact that we all have the minimal requirements to this standard picture.

Experts in law.

The conceptual machinery that allows a community to operate as a legal system is characterised by a division of cognitive labor. Every developed legal system has various officials who are able to use legal notions in a way in which common people are not, and this usage is fundamental, in the sense that without it the legal system could not even exist.

The internal point of view. Mastering an institutional concept is not necessarily a matter of entertaining a mental representation, but also of having a special disposition to use them as standards. In order to have a legal system, it is insufficient for the community to be able to have a mental representation of such things as obligations, rights, the State and so on, it is also necessary for at least some of them to act upon them.

We propose a further amendment.

Institutional vs. Meta-institutional concepts. Some institutional concepts are more fundamental than others. Notions like “norm” “duty” “responsibility” “validity” form a background against which other institutional concepts are understood.

2. EMBODIED COGNITION

Hart’s intuitions resonate with recent findings in embodied cognition. Research on human conceptualisation for a long time has adopted the working assumption that our ability to form categories and think in terms of them is the result of fixed, abstract, symbolic representations of these categories, somehow encoded in our brains. Concepts were traditionally thought to be representations of this kind, and were described as the product of a sort of translation: a translation from the sensorimotor language to what we can define an “a-modal” language, i.e. a language made of symbols which (much like words written in a non-ideogrammatic alphabet) do not bear any trace of the sensory modality involved in the practical interaction with the represented object or in the process of perceptual acquisition of the representation itself.

Concepts were conceived as disembodied and detached from the mechanisms all let to perception and action. According to this view, our concept of a chair for example has nothing to do with the visual image of a chair, the experience of sitting down or the physical and social environment where we employ the notion of chair. Recent research however has been gathering more and more evidence that this traditional view is misguided (Barsalou, 1999). Concepts have been shown to be deeply embodied. This is in keeping with the idea that possessing institutional concepts may entail possessing not just propositional knowledge but rather a certain types of mental representations of this kind, and these representations are the product of a sort of translation: a translation from the sensorimotor language to what we can define as “a-modal” language, i.e. a language made of symbols which (much like words written in a non-ideogrammatic alphabet) do not bear any trace of the sensory modality involved in the practical interaction with the represented object or in the process of perceptual acquisition of the representation itself.

Concepts were traditionally thought to be representations of this kind, and were described as the product of a sort of translation: a translation from the sensorimotor language to what we can define an “a-modal” language, i.e. a language made of symbols which (much like words written in a non-ideogrammatic alphabet) do not bear any trace of the sensory modality involved in the practical interaction with the represented object or in the process of perceptual acquisition of the representation itself. Concepts were conceived as disembodied and detached from the mechanisms all let to perception and action. According to this view, our concept of a chair for example has nothing to do with the visual image of a chair, the experience of sitting down or the physical and social environment where we employ the notion of chair. Recent research however has been gathering more and more evidence that this traditional view is misguided (Barsalou, 1999). Concepts have been shown to be deeply embodied. This is in keeping with the idea that possessing institutional concepts may entail possessing not just propositional knowledge but rather a certain types of mental representations of this kind, and these representations are the product of a sort of translation: a translation from the sensorimotor language to what we can define as “a-modal” language, i.e. a language made of symbols which (much like words written in a non-ideogrammatic alphabet) do not bear any trace of the sensory modality involved in the practical interaction with the represented object or in the process of perceptual acquisition of the representation itself.

Concepts were conceived as disembodied and detached from the mechanisms all let to perception and action. According to this view, our concept of a chair for example has nothing to do with the visual image of a chair, the experience of sitting down or the physical and social environment where we employ the notion of chair. Recent research however has been gathering more and more evidence that this traditional view is misguided (Barsalou, 1999). Concepts have been shown to be deeply embodied. This is in keeping with the idea that possessing institutional concepts may entail possessing not just propositional knowledge but rather a certain types of mental representations of this kind, and these representations are the product of a sort of translation: a translation from the sensorimotor language to what we can define as “a-modal” language, i.e. a language made of symbols which (much like words written in a non-ideogrammatic alphabet) do not bear any trace of the sensory modality involved in the practical interaction with the represented object or in the process of perceptual acquisition of the representation itself.

Concepts were conceived as disembodied and detached from the mechanisms all let to perception and action. According to this view, our concept of a chair for example has nothing to do with the visual image of a chair, the experience of sitting down or the physical and social environment where we employ the notion of chair. Recent research however has been gathering more and more evidence that this traditional view is misguided (Barsalou, 1999). Concepts have been shown to be deeply embodied. This is in keeping with the idea that possessing institutional concepts may entail possessing not just propositional knowledge but rather a certain types of mental representations of this kind, and these representations are the product of a sort of translation: a translation from the sensorimotor language to what we can define as “a-modal” language, i.e. a language made of symbols which (much like words written in a non-ideogrammatic alphabet) do not bear any trace of the sensory modality involved in the practical interaction with the represented object or in the process of perceptual acquisition of the representation itself.

Concepts were conceived as disembodied and detached from the mechanisms all let to perception and action. According to this view, our concept of a chair for example has nothing to do with the visual image of a chair, the experience of sitting down or the physical and social environment where we employ the notion of chair. Recent research however has been gathering more and more evidence that this traditional view is misguided (Barsalou, 1999). Concepts have been shown to be deeply embodied. This is in keeping with the idea that possessing institutional concepts may entail possessing not just propositional knowledge but rather a certain types of mental representations of this kind, and these representations are the product of a sort of translation: a translation from the sensorimotor language to what we can define as “a-modal” language, i.e. a language made of symbols which (much like words written in a non-ideogrammatic alphabet) do not bear any trace of the sensory modality involved in the practical interaction with the represented object or in the process of perceptual acquisition of the representation itself.