This view undoubtedly expresses the need to study different legal systems, rather than just what belongs to the legal and cultural traditions of civil law or common law.

One could observe that a type of law requires X method; B law requires Y method and C law requires Z method.

According to Husa, "this kind of methodological mentality does not take into account legal pluralism in the true sense"

GLOBALIZATION, LEGAL PLURALISM AND VERTICAL COMPARISON

The opinion of some comparative lawyers on legal pluralism has led to the conclusion that "legal pluralism is a limited, exceptional and disappearing phenomenon" (Griffiths, 1986).

According to Michaels,

-the irreducible plurality of legal orders in the world,
-the coexistence of domestic state law with other legal orders,
-the absence of a hierarchically superior position transcending the differences,

all of these topics of legal pluralism reappear on the global sphere"

All legal systems, Western or non-Western, are plural and then it is necessary to consider legal pluralism as a global phenomenon.

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Why are comparative law and its methodologies useful, with respect to different forms of pluralism? From a global point of view, there are new factors in comparative studies, such as the emergence of new spheres of normativity, private powers and transnational actors in an international arena, a new configuration of political relations, and a criticism of the Western view of the relationship between centre and periphery.

To this element—defined "impact" or "enmeshment between the global and the local", it is necessary to add those of extensity, intensity and velocity, as traits of globalisation, **opening** up new frontiers in comparative law scholarship

The processes of globalisation are something more than the simple expansion of Western influence that comes across local and particular forms of resistance.

We cannot simplify the complexity of this phenomenon into a dichotomous opposition.

As Glenn notes, "each tradition, or at least each of the major ones, has within it the potential to globalize, to be used for purposes of domination in a way which suppresses, by manifold means, variant opinion" (Glenn, 2010).

With reference to the three main actors of globalisation—the West, Islam and East Asia, it is not possible to predict the development of this competition.

However, might one believe that comparative law can help in the creation of a **common ground, a common zone of impact**; an **intersection** set where to address the comparative analysis? In which set do different actors play their roles by using different procedures?

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In order to outline new directions in comparative law, we could say that legal comparison is mainly horizontal.

Legal scholars are used to compare legal systems or institutions belonging to the same level, both national (e.g. for comparative constitutional law) and international level (e.g. comparing international institutions) (Momirov & Naudé Fourie, 2009).

Many of these scholars are today devoted to the study of global law, highlighting the need to use the comparative method, and this does not necessarily mean that they have to consider only a horizontal form of legal comparison. This way could ignore the existence of legal transplants, as well as a develop-ment of principles and rights in a global space.

An imposition of global rules at the national level or the adoption in a global sphere of principles and values of a domestic legal system oblige legal scholars to rethink the use of comparative methodology.

However, we can shift our focus from horizontal to vertical methodology in comparative law.

For "**vertical comparison**", I mean not only the analysis of successive forms of the same legal system, but also the comparison between systems, or legal institutions, do not belong to the same level. We will talk about this second perspective.

From this point of view, comparative methodology can be vertical top-down or bottom-up. In the first case, we can use this mode of legal comparison "e.g. typically in the context of the *internalization* of international norms and regulations by national legal orders, whereby national law is required to incorporate international concepts into the national legal system"

In the second case, we can use vertical, bottom-up, legal comparison, analyzing "the transposition of legal concepts, or the ideas behind them, from national to international level".

For example, in constitutional law, the comparison is **horizontal** when one might take into account national legal systems (or their legal formants) or even national systems in relationship with supranational legal systems.

In terms of **vertical** comparison, there is a further approach used in cases in which international standards incorporate national principles

Some analytical studies on vertical comparative methodology are in the field of administrative law. A starting point for analysing this issue could be the paper by Felix Frankfurter, published in 1927 in the *University of Pennsylvania Law Review*, and entitled "The Task of Administrative Law".

When analysing the relationship between judicial review and administrative law, he notes that: "therefore, a subject like "judicial review", in any scientific development of administrative law, must be studied not only horizontally, but vertically, e.g., "judicial review" of Federal Commission orders, "judicial review" of postal fraud orders, "judicial review" of deportation warrants.

For judicial review in postal cases, for instance, is coloured by the whole structure of which it forms a part, just as in land office cases, or in immigration causes or in utility valuations or in insurance license

revocations, it derives significance from the nature of the subject matter under review as well as from the agency which is reviewed" (Frankfurter, 1926).

However, in the comparative process one might have to use different methodologies according to the function that one intends to carry through the comparison. The methods of comparative law have developed over time and comparatists are always in search of something new.

This is also justified by the fact that there are different categories of people who make use of comparative law: scholars or academic comparatists, legislative or reform comparatists and law-applying comparatists (Palmer, 2005).

They can use different methodologies because there are different purposes that the comparison pursues. Although the horizontal comparison is certainly more widespread, we will only consider forms of vertical comparison and, in particular, a top-down and a bottom-up approach. The former regards the mobility of legal concepts from national to international levels and *vice-versa*.

The reasons, we rethink the use of the comparative methodology, and, particularly, developing a cross-echelon comparison, are different. We will shortly describe two.

First, before the 90s, we use legal comparison and transpositions of legal concepts, from one legal system into another, by "horizontal" methodology. However, in the following years, transnational interactions, global commerce, a rapid development of web communication, such as the global economic crisis, have led to greater-complexity in the analysis of legal phenomena.

Consequently, this complexity had impact on the way to make legal comparison and circulation and integration of legal rules and models. In this regard, Gutteridge noted that "any relationship or kinship between comparative law and the law of nations must, therefore, be of a shadowy nature, and the only possible link between the two disciplines is to be found in the extent to which the comparative study of private law can be regarded as an instrument to be employed in promoting the growth and development of the law of nations" (Gutteridge, 1946).

We could consider that "the integration rules can present a high degree of complexity, mainly from the institution of new procedures that allow producing these rules. In any case, it does not propose changes on the closing of the system" (Pfersmann, 2001). This setting of the problem does not however help to analyze all those cases in which the mobility and the transplantation of legal concepts occur in different forms, and sometimes in a tacit form.

Second, vertical comparison could contribute to the development of a common zone of impact. By "im-pact"—or "enmeshment between the global and the local"—we mean that "local events can have global consequences, and that on the other hand global developments materialize locally".

The concept of *intersection of sets* can help clarify this. Let us take into consideration two sets: e.g. two actors in a global arena, denoted A and B.

For example, we consider Germany (state actor) (A) and World Bank (non-state actor) (B), e.g., with different economic procedural rules: those of country A {r, r1 , r2, ⋯, r_n} (which belong to set A), and those of institution B {x, x_1, x_2, ⋯, x_n} (which belong to set B).

Suppose that "a) r, r_1, r_2, ⋯, r_n ∈ A; b) r, r_1, r_2, ⋯, r_n ∉ B; c) x, x_1, x_2, ⋯, x_n ∈ σ B; d) x, x_1, x_2, ⋯, x_n ∉ A". It is possible to identify one or more element in the two sets (e.g., a rule, a procedure, or a legal formant, common to both sets), which could form part of an intersection between the two sets (I = A ∩ B), and may contain other elements common to A and B.

We can see this concept by Venn diagrams that enable the students to see the relationships between two or three sets. They can then identify similarities and differences.

The intersection of different sets graphically could represent a common zone of impact in a global space. From this point of view, bottom- up comparative law method—but the same we say for top-down—could be necessary for developing this set.

In this case, according to Gerber, we can show that "a comparative approach grounded in functionalism only tends to focus on the substantive aspects of law, while new comparative objectives also require an emphasis on e.g. procedural elements (Gerber, 1998)" and flexibility to construct a conceptual model.

CONCLUDING REMARKS

We follow the idea, perceived by many legal scholars that legal pluralism and the effects of globalization have required a different approach with the comparative methodology.

According to Husa, "if there is no legal centralism but pluralism what method(s) should one deploy?". **Comparison needs a plurality of lenses and more and more new focuses**, which can combine the dynamic profiles of legal traditions with the transition from the traditional study of nation-states to that of epistemic communities.

These communities can be characterised by people belonging to different cultural and normative traditions. However, it is possible

to find elements in common, which tie together these traditions and represent, on one hand, a common heritage of values and, on the other hand, their differences.

The fact is that through a functional approach—or a neo-functional perspective—it seems possible to identify these common elements even if belonging to different legal traditions: a common ground of traditions. In particular, this paper wants to indicate, however briefly, that the methodological tools used in comparative analyses are not completely suitable to study complex phenomena.

We need to consider the integration between horizontal and vertical methodologies in legal comparison, and, above all, that many legal scholars compared legal systems or institutions belonging to the same level, both national (e.g. for comparative constitutional law) and international level. For "vertical comparison", I mean not only the analysis of successive forms of the same legal system, but also the comparison between systems, or le-gal institutions, do not belong to the same level. This mode of comparison can be vertical top-down or bot-tom-up.

Vertical comparative methodology could have an impact on comparative process. Momirov and Naudé Fourie divide it in four stages:

a) formulation of hypothesis based on observation of *prima facie* similarities;

b) construction and verification of conceptual model—*tertium comparationis for vertical comparison*—through horizontal comparison;

c) conduction of vertical comparison (similarities and differences); d) synthesis (hypothesis proved/disproved, conclusions)

By way of summary, we indicate that vertical comparison could contribute to the development of a common zone of impact. It means that local events could have global consequences, and *vice-versa*.

Two different legal orders, analysed from a horizontal or vertical point of view, appear as a binary order, in which differences coexist with a set of common principles. A peaceful coexistence should substantially exclude the rigid positions of legal centralism and the idea of a state monopoly of the production of valid norms. However, a comparatist should get used to consider that legal mind should be more multivalent than bivalent, beyond a binary opposition.

Although the constitutions contain the principle of the hierarchy of sources of law and the mechanisms for resolving conflicts between legal norms, it may happen that a regional or global rule could interfere with these predictions.

From a comparative law point of view, the fields, in which this conflict can happen theoretically, are many. Constitutional values, jurisdiction, family law, criminal law, and public space of individual religious freedom, are fields of application of a cross-echelon mode of comparison.

This does not exclude, however, that one or more legal systems may not contain (or only marginally contain) common elements: sets have different characteristics, as opposed to the well-known classification schemes. If one imagines multiplying sets by transferring it to a black and white image, the negative could become a difference map in which the law in dissociation from the state could be visible.

According to Husa with reference to a normative pluralism, "*polynomia* necessarily means competence be-tween various norms-producers: national, international, European, transnational, local regional, indigenous, business-based and so on.

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To write "method" with a lower case and to reject legal centralism leads doing the same to legislator(s) even while some of the ramifications may be harmful from the point of view of democracy as it has been understood in western constitutional law (Husa, 2011)". Reflecting on global justice, Garcia introduces the concept of "Global Basic Package", containing a set of political, social and economic rights, guar-anteed by a global law.

Global institutions, supranational actors and national states, both public and private institutions, would give life to this common zone of impact

However, in the absence of significant changes of methodology, comparative law is not fully able to cope with the impact of globalisation on local legal traditions and develop a common global heritage.

To conclude, it is crucial to see that methodology, or methodologies, in comparative law, can help us to locate this middle ground, "a place: between cultures and peoples, between empires and the world of villages without-state, [...] where different peoples recompose their differences".

A comparative analysis, which takes place in this direction, highlights more and more cosmopolitan character, as well as the need to test the validity of the methods of comparative law in action within a global point of view.