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## Interlegal reasoning as a mandatory consideration: interface doctrines

### Abstract

This paper presents interface doctrines as legal standards that enshrine mandatory considerations relating to more than one legal order. Alien legal norms are treated as potentially applicable standards, and not only as important facts or sources of inspiration. This places us within the domain of legal reasoning under the circumstances of interlegality or, for short: interlegal reasoning.

First I contextualize interlegal reasoning. Then, I present some of its normative and doctrinal questions. After discussing insights from legal argumentation theory and Sieckmann's theory of balancing, I propose a taxonomy of interface doctrines categorized by their "kind" (merits vs. formal) and "degree" (scope and force).

**Keywords:** interface doctrines, alien legalities, standards, interlegal reasoning, interlegal balancing

### Introduction

This paper conceptualizes interface doctrines, addressing mainly the analytical level of legal reasoning. Interface doctrines are standards enshrining mandatory

considerations relating to more than one legal order. Alien<sup>1</sup> legal norms are treated as potentially applicable standards, not merely as facts or sources of inspiration. This places us within the domain of interlegal reasoning.

First, I contextualize interlegal reasoning. Then, I present some of its normative and doctrinal questions. Finally, I outline a structure of interface doctrines.

The main research thesis for this article is that there is a distinct category of legal norms and arguments which can be conceptualized as “interface doctrines”. This paper presents “interface doctrines” as a legal concept, assuming mainly an analytical perspective. Conceptualizing interface doctrines advances especially legal argumentation theory beyond the state of the art in this discipline. As it will be argued, legal argumentation theory has formed some conceptual assumptions related mainly to the state. This work is part of a project to build law beyond the state into the core concepts of legal argumentation theory. Contrariwise, conceptualizing interface doctrines (and interlegal reasoning) helps move the study of international law and global constitutionalism, for instance, closer to current insights in legal argumentation theory.

The main claims in this paper are that interface doctrines enshrine mandatory considerations organized by a combination of rules (which imply normative judgments, in Sieckmann’s sense) but also principles (which imply normative arguments).<sup>2</sup> Furthermore, at the level of reasoning, interface doctrines require interlegal reasoning: using alien legal norms as potentially applicable legal materials. As an attempt to organize and guide participants in dealing with interlegal balancing problems, these concepts are consistent with requirements of rational justification.

Within the analytical domain, this article employs rational reconstruction across two levels of analysis: normative and doctrinal questions. Normatively, two

1 Three reasons justify preferring “alien” to the available alternatives throughout this article. The first two concern what I call “forum-centric” assumptions (see section 1): (1) alternatives such as “foreign” suggest that the norms considered belong to another state, failing to account for law beyond the state; (2) alternatives such as “external” or “extrinsic” focus on membership-based arguments (the “internal” over the “external”), and they seem ill-suited to account for how international law is by and large part of the applicable law of the state, or how state law is reviewed from the international domain; (3) it is common currency, e.g. in J. Raz, *The Institutional Nature of Law*, “The Modern Law Review” 1975, vol. 38, no. 5, pp. 489–503, at p. 502; N. Roughan, *The Association of State and Indigenous Law: A Case Study in ‘Legal Association’*, “University of Toronto Law Journal” 2009, vol. 59, no. 2, pp. 135–178; D. Canale, *Comparative Reasoning in Legal Adjudication*, “Canadian Journal of Law & Jurisprudence” 2015, vol. 28, no. 1, pp. 5–27; P. Navarro, *The Uncertain Limits of Law. Some Remarks on Legal Positivism and Legal Systems*, “Analisi e Diritto” 2018, vol. 18, no. 2, pp. 9–38; and Judgment of the Supreme Court of the United States of 1 March 2005, *Roper v. Simmons*, 543 U.S. 551, No. 03–633, J. Scalia dissenting, using the term critically —thereby confirming its currency across the debate.

2 See more in section 2.

convergent frameworks are revised to support rational justification in interlegal reasoning and interface doctrines, namely: Alexy's claim to correctness, and Raz's dependence thesis and justification of authority. Doctrinally, assumptions in legal argumentation theory are revisited, concluding with a classification of interface doctrines, according to the variables of kind (whether merits-based or formal/second-order) and degree (including scope of applicability and force of groundline presumptions which can be rebutted by sufficient reasons).

## 1. Legal reasoning and interlegal reasoning

In *Commisa v. P.E.P.*,<sup>3</sup> the United States Court of Appeals for the Second Circuit faced a hard case involving diverse legalities. More precisely: an interlegal balancing problem.<sup>4</sup> It had to decide whether to enforce an arbitral award that had been officially annulled at the "seat" of arbitration by the Mexican Supreme Court. The New York court upheld the award as applicable law. Its argumentative framework was, essentially, a public policy exception. This exception is a traditional "sluice" between justice-sensitive considerations and positive legal materials. In *Commisa*, it was an interface doctrine:<sup>5</sup> it rendered legal orders (transnational law,<sup>6</sup> Mexican law, US law) permeable to one another. This is, at the analytical level, a paradigm case of interlegal reasoning in action, independently of our assessment on the merits.

Such cases can no longer be confined to the margins of legal theory and legal reasoning. On the contrary, they are at its core: everyday, alien legalities affect all of us. Most of us are therefore compelled to invoke alien, yet legally applicable, norms within the legal forums to which we are subjected. In this sense, for legal participants, this is not a matter of borrowings or inspiration, but rather a legal requirement. We must make explicit those legal norms that we reasonably expect to govern our social behavior.

And yet, the traditional understandings and notions of legal argumentation theory often fail to capture the distinctive logic of interlegal balancing problems—

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<sup>3</sup> Judgment of the United State Court of Appeals for the Second Circuit of 2 August 2016, Case 13–4022, *Corporación Mexicana De Mantenimiento Integral, S. De R.L. De C.V. v. Pemex-Exploración Y Producción*.

<sup>4</sup> See section 1.2.1.

<sup>5</sup> See section 2.2, 3.

<sup>6</sup> Transnational law can fruitfully be conceptualized as "private rules and agreements across borders enforced by arbitration", following L. Viellechner, "Friendliness" Towards Others: How the German Constitution Deals with Legal Pluralism, in: G. Tusseau (ed.), *Debating Legal Pluralism and Constitutionalism*, Cham 2020, p. 198.

and the interlegal balancing arguments meant to address them. Cases like *Com-misa* reveal a type of invisible ceiling, a set of “forum-centric” assumptions in legal reasoning itself.

Traditionally, legal reasoning is constrained by such assumptions regarding its institutional setting (the state), participants (judges), pragmatics (constitutional adjudication), and normative tenets (non-contradiction, completeness of legal systems).

*Qua* assumptions, none of them would place us inherently at fault, but they should not obscure that our legal practices are increasingly multidimensional.<sup>7</sup> Legal reasoning now thrives in non-state settings,<sup>8</sup> involves diverse actors beyond judges,<sup>9</sup> and it relies on an architecture of legal standards for reasoned deference and tiered scrutiny.<sup>10</sup> Finally, recognizing diverse legal practices does not call into question the analytical tenability or logical status of non-contradiction and completeness. At issue is their explication as normative tenets. This normative use is at work in Kelsen’s arguments against “legal plurism” (*Rechtsplurismus*),<sup>11</sup> just as

7 See J.E. Núñez, *Cosmopolitanism, State Sovereignty and International Law and Politics: a Theory*, Abingdon and New York 2024, *passim*; R. Alexy, *A Theory of Constitutional Rights*, Oxford 2010, p. 17.

8 Including international organizations (See the contributions in I. Johnstone, S.R. Ratner (eds.), *Talking International Law*, Oxford 2021, online platforms (E. Douek, G. Lakier, *Lochner.com?*, “Harvard Law Review” 2024, vol. 138, no. 1, pp. 100–171. G.A. Encinas Duarte, *Interlegal Argumentation in the UK Drill Music Decision of Meta’s Oversight Board*, “Journal of Argumentation in Context” 2025, vol. 14, no. 1, pp. 3–39, alternative dispute resolution (see Y. Maley, *From Adjudication to Mediation: Third Party Discourse in Conflict Resolution*, “Journal of Pragmatics” 1995, vol. 23, no. 1, pp. 93–110; J. Aguiló Regla, *Acordar, debatir y negociar*, “Doxa” 2018, vol. 41, pp. 229–248), and indigenous legalities (See R. Ariza, G. Padilla, *Elementos de ponderación e interpretación intercultural*, in: M. Fuchs et al. (eds), *Manual de pluralismo jurídico para la práctica de la justicia intercultural*, Bogotá 2022, pp. 232–241; N. Roughan, *The Rule of Interlegality*, “Buffalo Law Review” 2024, vol. 72, no. 5, pp. 1559–1583).

9 Especially in the form of legislative balancing and its structural differences to judicial balancing, J–R. Sieckmann, *Legislation as Balancing*, in: Á.D. Oliver–Lalana (ed.), *Conceptions and Misconceptions of Legislation*, Cham 2019, pp. 133–152. See also the idea of norm-users in N. MacCormick, *Institutions of Law*, Oxford 2007, *passim*.

10 See section 2.2.2. Cf. M. Klatt, *Balancing Competences: How Institutional Cosmopolitanism Can Manage Jurisdictional Conflicts*, “Global Constitutionalism” 2015, vol. 4, no. 2, pp. 195–226; C.A. das Chagas, *Judicial Avoidance: Balancing Competences in Constitutional Adjudication*, Oxford 2023; R. Ita, D. Hicks, *Beyond Expansion or Restriction? Models of Interaction between the Living Instrument and Margin of Appreciation Doctrines and the Scope of the ECHR*, “International Human Rights Law Review” 2021, vol. 10, no. 1, pp. 40–74.

11 H. Kelsen, *Das Problem der Souveränität und die Theorie des Völkerrechts*, in: M. Jestaedt (ed.), *Hans Kelsen Werke*, vol. 4, Mohr Siebeck 2013, pp. 235–572 at pp. 413 and ff.

much as Hart's critique based on criteria of membership,<sup>12</sup> and more explicitly in Raz's coupling of legal systems with political systems.<sup>13</sup>

### 1.1. Interlegal reasoning

Interlegal reasoning focuses on the features of legal reasoning where norms and arguments from more than one legality are considered as potentially applicable.<sup>14</sup>

Indeed, as a core analytical move, one should note that applicability relates to the perspectives of adjudication and bindingness,<sup>15</sup> but it contrasts with validity in the sense of membership to a given legal order. *Ceteris paribus*, to be identified and discussed as potentially applicable (as opposed to being definitively applied), a norm's membership under the criteria of a given legal order is a sufficient, but not necessary condition.<sup>16</sup> Already in *Solange I*,<sup>17</sup> the German Federal Constitutional Court explicitly distinguished applicability, not membership, when adjudicating norms sourced in a different legal order.

The distinction of applicability and validity as membership provokes questions such as the criteria to hold that alien legal norms are potentially applicable. This concerns the normative dimensions of when interlegal reasoning is desirable or

12 H.L.A. Hart, *Kelsen's Doctrine...*, pp. 336–337; L. Vinx, *The Kelsen–Hart debate: Hart's Critique of Kelsen's Legal Monism Reconsidered*, in: D. Telman (ed.), *Hans Kelsen in America: Selective Affinities and the Mysteries of Academic Influence*, Cham 2016, pp. 59–83, at pp. 71–72, notes that judicial respect for parliamentary sovereignty is at the core of Hart's line of argument. As he notes, at issue are not “supposed facts” about UK or other courts. In my view, one may speak here of normative tenets.

13 J. Raz, *The Concept of a Legal System*, Oxford 1980, pp. 210–211; C. Mac Amhlaigh, *Taking Identity Seriously: On the Politics of the Individuation of Legal Systems*, “Oxford Journal of Legal Studies” 2022, vol. 42, no. 2, pp. 521–547.

14 See generally the contributions in G.A. Encinas Duarte, J–R. Sieckmann (eds.), *Interlegal Reasoning: Balancing at the Interfaces*, Cham 2026.

15 See the concept of legal normativity in J–R. Sieckmann, *Rechtsphilosophie*, Tübingen 2018. See also M. Carpentier, *Validity Versus Applicability: A (Small) Dose of Scepticism*, “Diritto & Questioni pubbliche” 2018, vol. 18, no. 1, pp. 107–132.

16 M. Carpentier in *Validity Versus Applicability...* discusses a “Non-Sufficiency Argument” where *vacatio legis* and unconstitutional but unrepealed norms demonstrate that not all norms that are a member of a legal order can be applied (i.e., definitively). Note, however, that the claim in my text is different: membership is a sufficient but not necessary condition for a norm to be discussed as potentially applicable (as opposed to being definitively applied). To use Carpentier's examples under this different view: if norms under *vacatio legis*, or unconstitutional but valid norms, are invoked by the respondents, these norms can be acknowledged by the court, but their definitive application would be rejected on principled grounds.

17 Judgment of the Second Senate of the German Federal Constitutional Court, 29 May 1974, Case 2 BvL 52/71 (*Solange I*), paras 46–49.

justified. At a descriptive level, to identify an example of interlegal reasoning, it suffices to identify a situation where affected parties, judges, or any other normative participant can plausibly assert that norms from more than one legality are potentially applicable to a case at hand or to a more complex issue to be regulated. At a normative level, interlegal reasoning introduces questions on the rational justification of authoritative decisions regarding the applicability of these candidate legal materials from diverse legalities – this applies both in case the decision argues for disavowing or confirming their definitive applicability.

A fruitful context for inquiry is constituted by the argumentative frameworks of interlegal reasoning, especially through balancing and interface doctrines. Although legal pluralism relates to different debates,<sup>18</sup> as does interlegality,<sup>19</sup> recurring themes can be identified on the existence of diverse legalities, incommensurability and dilemmatic choices.<sup>20</sup> This reflects that law is connected to other domains of practical rationality—even where pluralism regards limits and diversity in each domain.

## 1.2. Interlegal balancing

I will distinguish interlegal balancing problems from interlegal balancing arguments. This explains that, as norm-users, we are already well-versed in interlegal reasoning and, moreover, this sharpens our awareness of how decision-making authorities bear a significantly greater set of responsibilities than those related only to loyalty to their own forum. As a matter of legal reasoning, authorities traditionally possess significant discretion to properly address balancing problems and even

<sup>18</sup> Cf. J. Griffiths, *What is Legal Pluralism?*, “The Journal of Legal Pluralism and Unofficial Law” 1986, vol. 18, no. 24, pp. 1–55; N. MacCormick, *Questioning Sovereignty*, Oxford 1999, pp. 117–121.

<sup>19</sup> See the contributions in J. Klabbers, G. Palombella (eds.), *The Challenge of Inter-Legality*, Cambridge 2019; J. Klabbers, G. Palombella, *(International) Law as Inter-legality*, “Ars interpretandi” 2025, vol. 30, no. 1, pp. 71–87; Cf. B.D.S. Santos, *Law: A Map of Misreading. Toward a Postmodern Conception of Law*, “Journal of Law and Society”, vol. 14, no. 3, pp. 279–302; R. Orellana Halkyer, *Interlegalidad y campos jurídicos: Discurso y derecho en la configuración de órdenes semiautónomos en comunidades quechuas de Bolivia*, doctoral thesis, University of Amsterdam, 2004; A. Hoekema, *European Legal Encounters between Minority and Majority Cultures: Cases of Interlegality*, “The Journal of Legal Pluralism and Unofficial Law” 2005, vol. 37, no. 51, pp. 1–28.

<sup>20</sup> A parallel structure between legal, ethical, and political pluralism is discussed in V. Muñiz-Fraticelli, *The Structure of Pluralism*, Oxford 2014. This very interesting argument is limited by Muñiz-Fraticelli to a parallel structure, as he assumes a version of legal positivism with no necessary connection between law and other domains in practical reason. Although this point cannot be elaborated in this space, my discussion does not assume this version of legal positivism to be justified once we consider not only formal criteria of membership, but also the dimensions of legal practices, including application and effectiveness.

to recognize them at all or not. Problematically, these decisions typically extend to affected parties who fall outside authorities' ordinary structures of accountability.

### 1.2.1. Interlegal balancing problems

An interlegal balancing problem is a type of hard case where two or more legal norms of fundamental importance stemming from different legal orders require incompatible actions. It is a type of balancing problem, as those norms of fundamental importance cannot be simply put aside or prioritized by reference to a previous rule. A significant burden is placed for courts to engage in principled reason-giving. And it is interlegal because it involves diverse legalities underpinning those norms that conflict in their applicability.

Note that this characterization of interlegal balancing problems has assumed, as a heuristic, the perspective of law-applying operations.<sup>21</sup> These operations, no doubt, conform its focal case. And yet, law-making operations and law-identifying operations also confront interlegal balancing problems of their own type. This is outlined below.

Law-making operations include not only legislation but also, for instance, deliberation for a treaty. The arguments advanced by contracting parties may do well to consider and incorporate diverse standards from other, already existing legalities.<sup>22</sup> Note that this scenario would bypass most of the thorny questions regarding applicability and validity. This type of operation, but not the others, would almost blur the distinction between interlegal reasoning and arguments from comparative law. Legislation (law-making) faces fewer constraints to argumentation than adjudication (law application).<sup>23</sup> However, alien legal standards can still be distinguished according to whether they are taken to be potentially applicable to the abstract issue to be legislated, or not. If they are legally binding, we may speak of interlegal reasoning. If they are inspiration or factual evidence of best practices, we may better speak of comparative legal reasoning.

Law-identifying operations, or the identification of applicable legal materials has its own complications of at least three types. First, these operations occur under law-making and law-applying constraints, too. Second, traditionally, there

<sup>21</sup> H.L.A. Hart, *The Concept of Law*, Oxford 1961, p. 61 speaks of the internal point of view in terms of law-applying, law-identifying, and law-making operations. These operations illustrate the active aspect of the internal point of view; the passive aspect is compliance.

<sup>22</sup> Cf. N. Hogue, I.A. Ibrahim, *Arctic Indigenous Communities and Antarctic Icebergs as Subjects of Inter-Legality*, "Stanford Journal of International Law" 2021, vol. 57, no. 1, pp. 105–136, at p. 113.

<sup>23</sup> J. Sieckmann, *Legislation as Balancing...*, p. 139.

has been disagreement on whether alien, but candidate legal norms are excluded or not, depending on local doctrines. This question animates the debates on self-execution (in the US),<sup>24</sup> on “transformation” (in German-language legal spaces),<sup>25</sup> or “treaty override”.<sup>26</sup> Third, identifying private and customary law calls attention to the dimension of effectiveness, alongside applicability and validity. Interlegal reasoning aims at applicability, but demonstrating efficacy can be a prerequisite for this.<sup>27</sup> For instance, the law-identifying operations commanded by Article 6(3) TEU command a specific sequence of law-identifying operations regarding those fundamental rights which “result from the constitutional traditions common to the Member States” (effectiveness), which are to count as (“constitute”) general principles of law and, hence, as legally applicable norms. The language (but not the technique) of the African Charter on Human and Peoples’ Rights straddles this divide between authoritative and non-authoritative standards in the identification of legal materials. While Article 61 uses authoritative language (“shall also take into consideration”) to refer to the identification of applicable law, Article 60 commands the Commission to “draw inspiration” from materials including applicable law. Each of these examples illustrate interlegal reasoning in the law-identifying mode.

### 1.2.2. Interlegal balancing arguments

An interlegal balancing argument recognizes that interlegal balancing problems cannot be resolved satisfactorily by reference to a previously established rule nor by reference only to the forum’s law. The exercise of authority requires justification with reference to the norms and arguments which actually apply to the subjects of directives,<sup>28</sup> and this covers summing up considerations informed by internal and alien legal norms.<sup>29</sup> However, this does not mean that all interlegal balancing problems are addressed by interlegal balancing arguments, just as not all domestic

<sup>24</sup> See C.A. Bradley, *Self-execution and Treaty Duality*, “The Supreme Court Review” 2008, no. 1, pp. 131–182.

<sup>25</sup> See H. Kelsen, *La transformation du droit international en droit interne*, “Revue générale de droit international” 1936, vol. 43, pp. 5–49.

<sup>26</sup> M. Schäfer, *Treaty Overriding*, Tübingen 2020, *passim*.

<sup>27</sup> J–R. Sieckmann, *Autonomy and Law*, Cham 2025, pp. 91–108.

<sup>28</sup> On reasons that apply to subjects, J. Raz, *The Morality of Freedom*, Oxford 1986, pp. 42 and ff. My reading includes alien legal reasons (including also vested rights or private contracts) as part of those first-order reasons.

<sup>29</sup> See M.S. Green, *Authority and Interest Analysis*, in: R. Banu et al. (eds.), *Philosophical Foundations of Private International Law*, Oxford 2024, pp. 139–161.

balancing problems are, of necessity, recognized or appropriately addressed by the particular methods or doctrines which are actually applied by judges.

Conflicting standards of protection for human rights are paradigmatic of interlegal balancing problems. The equivalent protection tests developed by the Italian and German Constitutional Courts<sup>30</sup> provide us with the paradigmatic framework for such arguments. A prominent counterpoint is the *Kadi* judicial saga where, although the interlegal balancing problem is evident, not all pronouncements addressed how United Nations Security Council resolutions and procedures were scrutinized.<sup>31</sup> Hence, an interlegal balancing problem can exist without being addressed by an interlegal balancing argument.

## 2. Normative and doctrinal questions of interlegal reasoning

Interlegal reasoning implies taking into consideration, as potentially applicable, alien legal norms and arguments. This provokes normative questions (why interlegal reasoning is justified or desirable) and doctrinal questions (how interlegal reasoning may operate with consistency in each different legal system).

### 2.1. Normative questions of interlegal reasoning

In a normative perspective, we ask whether the claims to authority raised by legal authorities are rationally justified.<sup>32</sup> Two seminal contributions to this question are found in the legal theories of Joseph Raz and Robert Alexy. According to the service conception of authority developed by Joseph Raz, legal authorities are justified to be binding insofar as they serve the reasons that would regardless apply to those affected.<sup>33</sup> And, according to Robert Alexy, any legal authority is bound to claim that it is morally justified to adhere to its own decisions.<sup>34</sup>

Interlegal reasoning can be seen as a requirement of rational justification. This is supported by both cited arguments. I will thus briefly contour two arguments on behalf of interlegal reasoning as part of a requirement of rational

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<sup>30</sup> See W. Phelan, *The Role of the German and Italian Constitutional Courts in the Rise of EU Human Rights Jurisprudence: A Response to Delledonne and Fabbrini*, "European Law Review" 2021, vol. 46, no. 2, pp. 175–193.

<sup>31</sup> See further J. Klabbers, G. Palombella, (*International*) *Law as...*, pp. 84–85.

<sup>32</sup> J–R. Sieckmann, *Rechtsphilosophie...*

<sup>33</sup> J. Raz, *The Morality...*, p. 42 and ff.

<sup>34</sup> R. Alexy, *The Dual Nature of Law*, "Ratio Juris" 2010, vol. 23, no. 2, pp. 167–182, at p. 171.

justification.<sup>35</sup> One is an argument from correctness, inspired by Alexy. The other is an argument from legitimate authority, inspired by Raz.

### 2.1.1. Correctness

For Alexy, all legal officials must raise a claim to correctness, connecting justice (the ideal dimension of law and “first-order correctness”, 1OC) with legal certainty (the real dimension of law and “second-order correctness, 2OC”).<sup>36</sup> 1OC requires institutionalization without granting positive law an exclusive character. Hence, 1OC remains as its constant yardstick. By extension, if a legal order must not exclude moral considerations, with even more reason it is barred from excluding alien legal considerations.

Traditional understandings of private international law allow treating alien legal norms as facts to be considered under moral or prudential reasons (comity, reciprocity).<sup>37</sup> Interlegal reasoning, however, requires considering alien legal norms as potentially applicable norms for legal reasons. Since 1OC does not grant exclusivity to 2OC, justice is not exhausted by one legality (2OC<sub>1</sub>), but must consider all applicable legalities (2OC<sub>1</sub>, 2OC<sub>2</sub>... 2OC<sub>n</sub>). We see a special case of correctness where we have justice and legal certainty in balance with each other considering all potentially applicable legalities. Call it “third-order correctness” (3OC). If legal order 1 necessarily claims correctness (1OC), and 1OC also includes recognizing legal positions informed by legal order 2, it follows by transitivity that ignoring 2OC<sub>2</sub> from 2OC<sub>1</sub> would contradict A’s own claim to correctness.

However, a difference must be made explicit. Alexy’s argument presents 1OC as coextensive with the ideal dimension of law and 2OC as coextensive with the real

<sup>35</sup> This subsection partially overlaps in substance with some arguments presented in G.A. Encinas Duarte, J.-R. Sieckmann, *Introduction: Advancing Interlegal Reasoning*, in: G.A. Encinas Duarte, J.-R. Sieckmann (eds.), *Interlegal Reasoning: Balancing at the Interfaces*, Cham 2026, pp. 1–26. However, the arguments presented are original and complementary, addressing “third order correctness” and Raz’s dependence thesis.

<sup>36</sup> *Ibidem*, p. 174.

<sup>37</sup> This hearkens to Dionisio Anzilotti’s seminal work. See G. Gaja, *Positivism and Dualism in Dionisio Anzilotti*, “European Journal of International Law” 1996, vol. 3, pp. 123–138, esp. at p. 137; G. Palombella, *Inter-Legality: On Interconnections and ‘External’ Sources*, “Italian Law Journal” 2021, vol. 7, no. 2, pp. 943–959, at pp. 951–952; R. Michaels, *The Re-State-Ment of Non-State Law: The State, Choice of Law, and the Challenge from Global Legal Pluralism*, “The Wayne Law Review” 2005, vol. 51, pp. 1209–1259, at p. 1233 ff; N. Walker, *Intimations of Global Law*, Cambridge 2015, p. 108; E. Shirlow, *Judging at the Interface*, Cambridge 2021, pp. 104–105. In any case, where private international law doctrines effectively treat alien law as law, this supports my argument that a shift can occur at the analytical level, from traditional understandings toward interlegal reasoning, also in this domain.

dimensions of law. 3OC does not require another nature of law.<sup>38</sup> It is a special case of 2OC once we consider that alien legal norms are *prima facie* applicable.

### 2.1.2. Authority

According to Raz, legitimacy should depend on serving the reasons that apply anyway to those subject to authority.<sup>39</sup> True, Raz introduced a distinction between first-order reasons, which are not exclusionary, and second-order reasons which attach to authorities and which are exclusionary. Once an authority is justified at a conceptual level, their decisions are not necessarily always going to reflect the balance of first-order reasons. The point is that Raz maintains that even under exclusionary, second-order reasons, there is always a scope where first-order reasons can be addressed: “The non-excluded reasons and the grounds for challenging an authority’s directives vary from case to case.”<sup>40</sup>

With this in mind, one may argue whether or not the dependent reasons that “apply anyway” to those subject to authority include legal, but alien reasons.<sup>41</sup> Reasons from alien legalities apply anyway, and there are few reasons to think that an authority may simply discard them as legally relevant considerations, if the decision at hand must be rationally justified. In this sense, whether one accepts their place as “dependent reasons” or some other kind, reasons from alien legalities are difficult to discard without incurring into a deficit in the rational justification of a decision.<sup>42</sup>

## 2.2. Doctrinal questions of interlegal reasoning: interface doctrines

In this section, I will briefly address two points within our analytical reconstruction. First, that interlegal reasoning appears in patterns or argumentative frameworks. Second, that interlegal reasoning raises questions in different aspects of a decision. Both points relate to the concept of interface doctrines, and they can explain why interlegal reasoning is not only complex but, in a sense, non-linear.

<sup>38</sup> On interlegality and the nature of law, J. Klabbers, G. Palombella, (*International*) *Law as...*, p. 73.

<sup>39</sup> J. Raz, *The Morality...*, p. 42 and ff., esp. 47.

<sup>40</sup> *Ibidem*, p. 46. See further J.J. Moreso, *On the Exclusionary Scope of Razian Reasons*, “Ratio Juris” 2024, vol. 37, no. 2, pp. 148–160.

<sup>41</sup> Cf. M.S. Green, *Authority and Interest Analysis...*

<sup>42</sup> Cf. N. Roughan, *Authorities*, Oxford 2013, esp. at p. 137 and ff. (on the “relativity condition”). While Roughan addresses the constitutive elements of an authority, my arguments address their law-applying, law-making, or law-identifying operations.

### 2.2.1. Frameworks: mandatory or exhaustive considerations?

There are well-known divides between types of norms and arguments. Different types of legal norms include rules, which either apply or not, and principles, which demand substantive deliberation in cases of conflict. Different types of legal argument include subsuming or reasoning by categorization, and balancing.

In the absence of an absolute authority to govern all interlegal balancing problems, it is up to the diverse officials of each legal order to devise and implement the types of norms and arguments that they consider appropriate. This is especially evident in law-making operations (where the emphasis is on the type of norms created or the institutional constraints which are thereby put in place) and law-applying operations (where the emphasis is even stronger on the type of arguments required by norms already in place).

Alexy's distinction of norms as either rules or principles has been described as an "exclusion theorem".<sup>43</sup> He has also put forward diverse necessity theses which can be read as linking rules only to subsumption (or reasoning by categorization) and principles only to balancing. I cannot otherwise engage in this fundamental debate. I will proceed from Jan Sieckmann's analytical recasting of the divide of rules and principles in terms of normative judgments or assertions (which aim at foreclosing deliberation or balancing) *and normative arguments* (which aim at requiring deliberation or balancing).<sup>44</sup>

This enables us to identify some norms and arguments which are at the interfaces of diverse legal orders. They serve to determine whether this interface occurs, as put by Gianluigi Palombella, "in some more or less open way":<sup>45</sup>

A "more open" pathway<sup>46</sup> includes open-ended principles or normative arguments. (e.g. international cooperation).<sup>47</sup> The "less open" pole includes the

<sup>43</sup> C. Bäcker, *Reglas, principios y derrotabilidad*, "Doxa" 2014, no. 37, pp. 31–44.

<sup>44</sup> J–R. Sieckmann, *Autonomy and Law...*, p. 13 ff.

<sup>45</sup> G. Palombella, *The Rule of Law, Democracy, and International Law. Learning from the US Experience*, "Ratio Juris" 2007, vol. 20, no. 4, pp. 456–484, p. 466. Palombella also speaks of interface rules in *ibid*, p. 477. See also N. Krisch, *Beyond Constitutionalism*, Oxford 2010, pp. 285–286, on interface norms.

<sup>46</sup> On normative pathways, M. Kanetake, *Giving Due Consideration*, in: N. Krisch (ed.), *Entangled Legalities beyond the State*, Oxford 2021, pp. 133–161.

<sup>47</sup> See T. Flynn, *Interlegal Imbalancing: Conditional Recognition and the Bosphorus Presumption*, in: G.A. Encinas Duarte, J–R. Sieckmann (eds.), *Interlegal Reasoning: Balancing at the Interfaces*, Cham 2026, pp. 203–226.

“jurisdiction-regulating rules”<sup>48</sup> of *res judicata*, *electa una via*, *lis pendens*, and traditional understandings of sovereignty (sovereignty as a rule).<sup>49</sup>

In the middle, we will find a rich variety of doctrines in the sense of standards enshrining different mandatory considerations.<sup>50</sup> Notably, some of these mandatory considerations require reasoning by categorization, and others require balancing. In other words, doctrines will be understood as a combination of the norms and types of arguments at both ends of the spectrum.

When these doctrines apply to the interface of norms from diverse legal orders, we may well speak of interface doctrines (or interface standards). Their purpose is to make interlegal reasoning a mandatory consideration. This does not mean prioritizing alien norms, but it means not ignoring them. This is the case in more favourable protection directives, equivalent protection tests, margin of appreciation doctrines, and the fourth instance formula.<sup>51</sup> Even certain applications of comity, or public policy exceptions, are suitable examples of interface doctrines. It is also relevant to note that the “International Shoe” doctrine which Lawrence Solum indicates as an example of standards is an interface doctrine.<sup>52</sup>

Interface doctrines enshrine mandatory considerations concerning interlegal balancing problems. A first open question is whether they are to be understood as exhaustive or not.<sup>53</sup> Are these the only considerations which an authority may legally address or does the demand for justification extend beyond? Michael S. Green has argued that failing to sum up the relevant considerations entails arbitrariness instead of legitimate authority.<sup>54</sup>

### 2.2.2. Aspects of a decision

Another question concerns the uses of interface doctrines in diverse aspects of a decision. I join those who have not stopped at denouncing a lack of clarity in

48 Y. Shany, *Regulating Jurisdictional Relations between National and International Courts*, Oxford 2007, p. 145.

49 Cf. K.J. Heller, *In Defense of Pure Sovereignty in Cyberspace*, “International Law Studies” 2021, vol. 97, no. 1, pp. 1432–1499, p. 1486 ff.

50 L.B. Solum, M. Chung, *The Layers Principle: Internet Architecture and the Law*, “Notre Dame Law Review” 2003, vol. 79, no. 3, pp. 815–948, p. 861; cf. W. Dodge, *International Comity in American Law*, “Columbia Law Review” 2015, vol. 115, no. 8, pp. 2071–2142, p. 2126.

51 See section 3.

52 L.B. Solum, *Legal Theory Lexicon 026: Rules, Standards, Principles, Catalogs, and Discretion*, [https://legaltheorylexicon.com/2004/03/legal\\_theory\\_le\\_3-4](https://legaltheorylexicon.com/2004/03/legal_theory_le_3-4) (access: 7.03.2026).

53 Cf. L.B. Solum, M. Chung, *The Layers Principle...*

54 M.S. Green, *Authority and Interest Analysis...*

the employment of interface doctrines (such as, e.g. the margin of appreciation), but who have taken an additional step: locating this lack of clarity in the confusion of different aspects or phases of decisions.<sup>55</sup>

Consider a court ruling as an ideal-type. We will find three core questions:

- a) the admissibility of the claim submitted under its jurisdiction,
- b) questions related to the intensity of its scrutiny, and the
- c) overall compliance with applicable legal obligations.

Interface doctrines address them as follows:

Admissibility concerns the legal power to review an act or previous decision by another authority. The arguments for reviewing a decision may be counterposed to arguments concerning legitimacy and appropriate respect of the remits of the diverse authorities. Endicott speaks of “The *n*-Body Problem”.<sup>56</sup> One may speak of justiciability. Galand asks: “Defer or revise?”.<sup>57</sup> Traditional understandings of the interface of international law and national law saw international review jurisdiction as political. This has shifted into a more “fluid”, or more precisely: a conditional burden of justification (normative arguments), instead of fixed preset categories (normative judgments).

Intensity of scrutiny concerns which methods, structures, and degree of search-iness must be employed in reviewing the acts or decisions at issue. In principle, this implies that the matter under review is already set to be admissible. However, oftentimes considerations pleading for a strict intensity of scrutiny rebut objections to admissibility. This is why interlegal reasoning is not strictly linear: diverse stages can legitimately feed into each other – the problem is when this is done unreflectively, opaquely, or without justification.

Compliance refers, in general, to all legally relevant and potentially applicable norms. This includes procedural and substantive norms. Compliance may likewise appear to only obtain once admissibility and intensity of scrutiny were addressed as preliminary exceptions. And yet, compliance concerns (in the form of *fumus boni iuris*, “likelihood of success on the merits of the case” and *periculum in mora* “risk

<sup>55</sup> Das Chagas, *Judicial Avoidance...*; R. Ita, D. Hicks, *Beyond Expansion...*; H.J. Lee, *Reassessing the Margin of Appreciation in ECtHR Jurisprudence: Inter-Legal Reasoning, Proportionality, and the Rights of Sexual Minorities*, in: G.A. Encinas Duarte, J.-R. Sieckmann (eds.), *Interlegal Reasoning: Balancing at the Interfaces*, Cham 2026, pp. 227–243.

<sup>56</sup> T. Endicott, *Comity among Authorities*, “Current Legal Problems” 2015, vol. 68, pp. 1–26.

<sup>57</sup> A. Galand, *Defer or Revise? Horizontal Dialogue Between UN Treaty Bodies and Regional Human Rights Courts in Duplicative Legal Proceedings*, “Human Rights Law Review” 2023, vol. 23, no. 2, pp. 1–21.

of irreparable harm”)<sup>58</sup> are oftentimes the very reason why a strict level of scrutiny is required, defeating objections to admissibility. An example of recurrent, systematic use of this type of argument is provided by the Inter-American Commission on Human Rights when addressing jurisdictional objections raised by the USA in death row cases:<sup>59</sup> *fumus boni iuris* and *periculum in mora* plea for strict scrutiny and admissibility. This is an example of interlegal reasoning operating across the admissibility and compliance stages simultaneously.

### 3. The structure of interface doctrines

Four interface doctrines can be organized according to the following two variables: one is of “kind” (merits or formal), the other, of “degree” (dependence on merits-based considerations to rebut a formal presumption of applicability).

This difference in degree can further be analyzed in terms of scope of application and force (the importance or urgency of counterposed reasons).

| Interface Doctrine                                  | Kind                     | Degree                                                                                        |                                                          |
|-----------------------------------------------------|--------------------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------|
|                                                     |                          | Scope of application                                                                          | Force (threshold)                                        |
| More favorable protection                           | Merits                   | Contingent on rights or interests at issue<br>Possible interaction with formal considerations |                                                          |
| Equivalent protection                               | Formal /<br>Second-order | Most general,<br>wherever cooperation is<br>valuable                                          | Comparability*                                           |
| Margin of appreciation                              |                          | More circumscribed; based<br>on subsidiarity                                                  | Strong reasons**<br>to rebut subsidiarity                |
| Fourth instance formula /<br>no appeal jurisdiction |                          | Narrowest; delimited<br>to procedural violations                                              | Can function<br>as a jurisdiction-<br>regulating rule*** |

\* ECtHR judgement of 30 June 2005, *Bosphorus Hava Yollari Turizm Ve Ticaret Anonim Şirketi v. Ireland*, Application no. 45036/98, para 155.

\*\* ECtHR judgement of 7 February 2012, *Axel Springer AG v. Germany*, Application no. 39954/08, para 88.

\*\*\* Cf. ECtHR, note by the Jurisconsult, *Interlaken Follow-up: Principle of Subsidiarity*, 8 of July 2010, paras 30 and 38–39.

58 F.E. Serec, *Brazil*, in: S. Grubbs (ed.), *International Civil Procedure*, The Hague 2003, p. 108.

59 See, e.g., Inter-American Commission on Human Rights Report No. 451/21, Case 13.478, *José Trinidad Loza Ventura*, at paras 24 and 56–59.

## Conclusion

This article has proposed interface doctrines, or standards, which are a type of norm enshrining alien legalities as mandatory considerations. This places us within a domain which is yet to be fully charted: interlegal reasoning. All perspectives are necessary. I have proposed a distinction between interlegal balancing problems and the arguments which are meant to address these balancing problems. Among the latter, particularly organized varieties take place through interface doctrines.

Interlegal reasoning, its balancing problems and arguments, with or without interface doctrines, they all are, in principle, compatible with ongoing debates: pluralism or constitutionalisation beyond the state, monism and dualism, political and legal constitutionalism, positivism and non-positivism. This makes them a structurally salient concept, as it explains different constellations (with diverse presumptions of hierarchy or legitimacy) where alien legal norms become applicable, as well as a special case of legal reasoning.

## References

- Aguiló Regla J., *Acordar, debatir y negociar*, “Doxa” 2018, vol. 41.
- Alexy R., *A Theory of Constitutional Rights*, Oxford 2010.
- Alexy R., *The Dual Nature of Law*, “Ratio Juris” 2010, vol. 23, no. 2.
- Ariza R., Padilla G., *Elementos de ponderación e interpretación intercultural*, in: M. Fuchs et al. (eds.), *Manual de pluralismo jurídico para la práctica de la justicia intercultural*, Bogotá 2022.
- Bäcker C., *Reglas, principios y derrotabilidad*, “Doxa” 2014, vol. 37.
- Bradley C.A., *Self-Execution and Treaty Duality*, “The Supreme Court Review” 2008, no. 1.
- Canale D., *Comparative Reasoning in Legal Adjudication*, “Canadian Journal of Law & Jurisprudence” 2015, vol. 28, no. 1.
- Carpentier M., *Validity Versus Applicability: A (Small) Dose of Scepticism*, “Diritto & Questioni pubbliche” 2018, vol. 18, no. 1.
- das Chagas C.A., *Judicial Avoidance: Balancing Competences in Constitutional Adjudication*, Oxford 2023.
- Dodge W., *International Comity in American Law*, “Columbia Law Review” 2015, vol. 115, no. 8.
- Douek E., Lakier G., *Lochner.com?*, “Harvard Law Review” 2024, vol. 138, no. 1.
- Encinas Duarte G.A., *Interlegal Argumentation in the UK Drill Music Decision of Meta’s Oversight Board*, “Journal of Argumentation in Context” 2025, vol. 14, no. 1.

- Encinas Duarte G.A., Sieckmann J–R., *Introduction: Advancing Interlegal reasoning*, in: G.A. Encinas Duarte, J–R. Sieckmann (eds.), *Interlegal Reasoning: Balancing at the Interfaces*, Cham 2026.
- Encinas Duarte G.A., Sieckmann J–R. (eds.), *Interlegal Reasoning: Balancing at the Interfaces*, Cham 2026.
- Endicott T., *Comity among Authorities*, “Current Legal Problems” 2015, vol. 68.
- Flynn T., *Interlegal Imbalancing: Conditional Recognition and the Bosphorus Presumption*, in: G.A. Encinas Duarte, J–R. Sieckmann (eds.), *Interlegal Reasoning: Balancing at the Interfaces*, Cham 2026.
- Gaja G., *Positivism and Dualism in Dionisio Anzilotti*, “European Journal of International Law” 1996, vol. 3.
- Galand A.S., *Defer or Revise? Horizontal Dialogue Between UN Treaty Bodies and Regional Human Rights Courts in Duplicative Legal Proceedings*, “Human Rights Law Review” 2023, vol. 23, no. 2.
- Green M.S., *Authority and Interest Analysis*, in: R. Banu et al. (eds.), *Philosophical Foundations of Private International Law*, Oxford 2024.
- Griffiths J., *What is Legal Pluralism?*, “The Journal of Legal Pluralism and Unofficial Law” 1986, vol. 18, no. 24.
- Hart H.L.A., *Kelsen’s Doctrine of the Unity of Law*, in: H.L.A. Hart, *Essays in Jurisprudence and Philosophy*, Oxford 1983.
- Hart H.L.A., *The Concept of Law*, Oxford 1961.
- Heller K.J., *In Defense of Pure Sovereignty in Cyberspace*, “International Law Studies” 2021, vol. 97, no. 1.
- Hoekema A., *European Legal Encounters Between Minority and Majority Cultures: Cases of Interlegality*, “The Journal of Legal Pluralism and Unofficial Law” 2005, vol. 37, no. 51.
- Hogic N., Ibrahim I.A., *Arctic Indigenous Communities and Antarctic Icebergs as Subjects of Inter–Legality*, “Stanford Journal of International Law” 2021, vol. 57, no. 1.
- Ita R., Hicks D., *Beyond Expansion or Restriction? Models of Interaction between the Living Instrument and Margin of Appreciation Doctrines and the Scope of the ECHR*, “International Human Rights Law Review” 2021, vol. 10, no. 1.
- Johnstone I., Ratner S.R. (eds.), *Talking International Law*, Oxford 2021.
- Kanetake M., *Giving Due Consideration*, in: N. Krisch (ed.), *Entangled Legalities beyond the State*, Oxford 2021.
- Kelsen H., *Das Problem der Souveränität und die Theorie des Völkerrechts*, in: M. Jestaedt (ed.), *Hans Kelsen Werke*, vol. 4, Mohr Siebeck 2013.
- Kelsen H., *La transformation du droit international en droit interne*, “Revue générale de droit international” 1936, vol. 43.
- Klabbers J., Palombella G. (eds.), *The Challenge of Inter–Legality*, Cambridge 2019.

- Klabbers J., Palombella G., *(International) Law as Inter-legality*, “Ars interpretandi” 2025, vol. 30, no. 1.
- Klatt M., *Balancing Competences: How Institutional Cosmopolitanism can Manage Jurisdictional Conflicts*, “Global Constitutionalism” 2015, vol. 4, no. 2.
- Krisch N., *Beyond Constitutionalism*, Oxford 2010.
- Lee H.J., *Reassessing the Margin of Appreciation in ECtHR Jurisprudence: Inter-Legal Reasoning, Proportionality, and the Rights of Sexual Minorities*, in: G.A. Encinas Duarte, J-R. Sieckmann (eds.), *Interlegal Reasoning: Balancing at the Interfaces*, Cham 2026.
- Mac Amhlaigh C., *Taking Identity Seriously: On the Politics of the Individuation of Legal Systems*, “Oxford Journal of Legal Studies” 2022, vol. 42, no. 2.
- MacCormick N., *Institutions of Law*, Oxford 2007.
- MacCormick N., *Questioning Sovereignty*, Oxford 1999.
- Maley Y., *From Adjudication to Mediation: Third Party Discourse in Conflict Resolution*, “Journal of Pragmatics” 1995, vol. 23, no. 1.
- Michaels R., *The Re-State-Ment of Non-State Law: The State, Choice of Law, and the Challenge from Global Legal Pluralism*, “The Wayne Law Review” 2005, vol. 51.
- Moreso J.J., *On the Exclusionary Scope of Razian Reasons*, “Ratio Juris” 2024, vol. 37, no. 2.
- Muñiz-Fraticelli V., *The Structure of Pluralism*, Oxford 2014.
- Navarro P., *The Uncertain Limits of Law. Some Remarks on Legal Positivism and Legal Systems*, “Analisi e Diritto” 2018, vol. 18, no. 2.
- Núñez J.E., *Cosmopolitanism, State Sovereignty and International Law and Politics: a Theory*, Abingdon and New York 2024.
- Orellana Halkyer R., *Interlegalidad y campos jurídicos: Discurso y derecho en la configuración de órdenes semiautónomos en comunidades quechuas de Bolivia*, doctoral thesis, University of Amsterdam 2004.
- Palombella G., *The Rule of Law, Democracy, and International Law. Learning from the US Experience*, “Ratio Juris” 2007, vol. 20, no. 4.
- Palombella G., *Inter-Legality: On Interconnections and ‘External’ Sources*, “Italian Law Journal” 2021, vol. 7, no. 2.
- Phelan W., *The Role of the German and Italian Constitutional Courts in the Rise of EU Human Rights Jurisprudence: A Response to Delledonne and Fabbrini*, “European Law Review” 2021, vol. 46, no. 2.
- Raz J., *The Institutional Nature of Law*, “The Modern Law Review” 1975, vol. 38, no. 5.
- Raz J., *The Concept of a Legal System*, Oxford 1980.
- Raz J., *The Morality of Freedom*, Oxford 1986.
- Roughan N., *The Association of State and Indigenous Law: A Case Study in ‘Legal Association’*, “University of Toronto Law Journal” 2009, vol. 59, no. 2.

- Roughan N., *Authorities*, Oxford 2013.
- Roughan N., *The Rule of Interlegality*, "Buffalo Law Review" 2024, vol. 72, no. 5.
- Schäfer M., *Treaty Overriding*, Tübingen 2020.
- Serec F.E., *Brazil*, in: S. Grubbs (ed.), *International Civil Procedure*, The Hague 2003.
- Shany Y., *Regulating Jurisdictional Relations between National and International Courts*, Oxford 2007.
- Shirlow E., *Judging at the Interface*, Cambridge 2021.
- Sieckmann J-R., *Autonomy and Law*, Cham 2025.
- Sieckmann J-R., *Legislation as balancing*, in: Á.D. Oliver-Lalana (ed.), *Conceptions and Misconceptions of Legislation*, Cham 2019.
- Sieckmann J-R., *Rechtsphilosophie*, Tübingen 2018.
- Solum L.B., *Legal Theory Lexicon 026: Rules, Standards, Principles, Catalogs, and Discretion*, [https://legaltheorylexicon.com/2004/03/legal\\_theory\\_le\\_3-4](https://legaltheorylexicon.com/2004/03/legal_theory_le_3-4).
- Solum L.B., Chung M., *The Layers Principle: Internet Architecture and the Law*, "Notre Dame Law Review" 2003, vol. 79, no. 3.
- Viellechner L., "Friendliness" Towards Others: How the German Constitution Deals with Legal Pluralism, in: G. Tusseau (ed.), *Debating Legal Pluralism and Constitutionalism*, Cham 2020.
- Vinx L., *The Kelsen-Hart Debate: Hart's Critique of Kelsen's Legal Monism Reconsidered*, in: D. Telman (ed.), *Hans Kelsen in America: Selective Affinities and the Mysteries of Academic Influence*, Cham 2016.
- Walker N., *Intimations of Global Law*, Cambridge 2015.

## Rozumowanie międzyprawne jako niezbędny element rozważań: stykające się doktryny

### Streszczenie

Niniejszy artykuł przedstawia stykające się doktryny jako standardy prawne, które ustanawiają obowiązkowe elementy rozważań skupiających się na więcej niż jednym porządku prawnym. Obce normy prawne są traktowane jako potencjalnie obowiązujące standardy, a nie tylko jako ważne fakty lub źródła inspiracji. To umieszcza nas w domenę rozumowania prawniczego w kontekście interlegalności, czyli w skrócie: rozumowania międzyprawnego.

Najpierw kontekstualizuję rozumowanie międzyprawne. Następnie przedstawiam niektóre z jego zagadnień normatywnych i doktrynalnych. Po omówieniu wniosków z teorii argumentacji prawniczej i kryteriów Sieckmanna proponuję taksonomię stykających się

doktryn, sklasyfikowanych według ich „rodzaju” (materialne vs. formalne) i „stopnia” (zakres i moc).

**Słowa kluczowe:** stykające się doktryny, obce normy prawne, standardy, rozumowanie międzyprawne, równoważenie międzyprawne

#### CYTOWANIE

Encinas G., *Interlegal reasoning as a mandatory consideration: interface doctrines*, „Acta Iuris Stetinensis” 2026, nr 3 (59), 25–44, DOI: 10.18276/ais.2026.59-02.