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## **States' Obligations towards Non-national Citizens? On Moral Justifications – and the Ways to Implement Them**

Decisions taken in a national forum affect the interests of individuals who, as non-citizens, are excluded from the decision-making-process. As a consequence of the possibility, in the contemporary world, of doing harm, as a result of national decisions and often even without any direct intervention, to individuals and social groups living far away from the place where the decisions are taken, the issue of the consideration of interests in a cosmopolitan horizon is becoming increasingly important. How, yet, can these interests be taken adequately into account? The traditional answer in political philosophy referred to the *civitas maxima*, or to the “world state”, in which national states and their sovereignty would almost dissolve into the structure of a pyramidal world order. However, this solution is not just almost unfeasible but also hardly desirable from a normative point of view as well as in contrast with quite all recent developments in international law. If the traditional answer is thus losing appeal, but the problem that it tried to address is not just remaining but rather getting increasingly urgent, we have to look for other perspectives. One of these other perspectives – probably, indeed, the most convincing one – consists in developing a cosmopolitan framework of social, political and legal order in which, within a poliarchic, non-hierarchical and non-pyramidal setting, national, supranational, international and cosmopolitan institutions are intertwined. Against this background, the dissolution of national sovereignty is not regarded any longer as a necessary condition for taking into account the necessities of fellow humans in a cosmopolitan perspective. Rather, national sovereignty – and democratic processes – should be opened to the arguments of the “others”.

Building on these premises, the research does not focus primarily on the general architecture of the postnational constellation of international law, nor on the arguments that may speak in favour of it, but concentrates rather on the change of functions and self-understanding that national states may – and probably should – undergo within the new setting. In particular, national states are thought not to conceive of themselves as the political and institutional structure that defends the egoistic interests of a particularistic community, but as “trustees of humanity” (Benvenisti, 2013). Specifically, four questions are to be addressed.

a) In international law obligations towards non-citizens are grouped under the comprehensive name of “solidarity”. Yet, what is the status of “solidarity” within the international law instruments? Is it a generally recognised “rule”, or rather an abstract “principle”?

b) Assuming that “solidarity” has to be understood rather as a legal principle and that legal principles are the elements that link the legal discourse to extra-legal arguments, which extra-legal arguments speak against solidarity?

c) And, instead, which extra-legal – mainly moral – arguments speak in favour of solidarity?

d) Admitting that at least one strand of extra-legal discourses delivers enough convincing arguments for a case in favour of a (moral) obligation to solidarity, how can we switch from the moral to the legal dimension? In other words, how can moral arguments be transformed into legal norms and made useful for legal practices?