

8 From there to here

Climate refugees and liberal multiculturalism

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8.1 Introduction

Will Kymlicka's seminal work, *Multicultural Citizenship*, set a new course for liberal accounts of minority rights (Kymlicka 1995). For this chapter, I will focus on two central notions employed by Kymlicka in this work. First, I will employ the concept of a societal culture as the framework within which liberalism best achieves its promised freedoms. Second, I will take seriously the notion of differentiated rights between immigrant groups and minority groups. I will propose and defend two cumulative reasons to believe that Will Kymlicka's theory of liberal multiculturalism entails that climate refugees are entitled to access their societal culture. These reasons are namely, that on Kymlicka's view, all peoples should be able to grow their societal culture in principle, because societal cultures are the site at which liberal freedoms are realized. And there are only two ways to access one's societal culture proposed by Kymlicka. These are the rights package of national minority groups or the rights package of immigrant groups. What's more, I will argue that climate refugees should, following the logic of the theory, be granted similar self-government rights as those which are granted to national minorities. This is done toward the goal of accessing and even growing their own societal culture in the wake of the serious harm they have suffered by losing their homeland.

My argument proceeds in four stages. First, I outline precisely the predicament of the people I speak about when using the term "climate refugees". This involves a brief detour into the literature surrounding differentiation in categories of refugees (Owen 2020) and engaging with the definitions that have been offered by international institutions and political philosophers. Next, I explain Kymlicka's notion of a societal culture and how it functions in his theory. This entails making explicit the relationship between liberal freedoms, societal cultures, and self-government rights. I next respond to Kymlicka's passage wherein he addresses the entailments and objections of his theory regarding traditional refugees. On my view, Kymlicka offers three reasons why, despite their *prima facie* entitlement, we cannot provide traditional refugees with the sorts of rights which we ought to provide to national minorities. I move on to respond to these foreseen objections. I finally conclude that to remain consistent, climate refugees should indeed be granted the same rights

as national minorities. I leave it open to further debate how this should be accomplished. I briefly consider whether some previous objections retain their force.

8.2 Climate refugees

Just who are we talking about when we talk about climate refugees? The 1951 refugee convention definition exhibits a well-documented focus on persecution (United Nations High Commissioner for Refugees 1951), while later Andrew Shacknove famously questioned some of these criteria (Shacknove 1985). Any definition of climate refugees will likewise need to challenge some of the elements of the traditional definition of refugees. After all, many climate refugees may not be persecuted in a traditional sense of the word and thus they would fail to meet the UNHCR definition.

Another major international institution, the International Organization for Migration, has offered their own definition of environmental migrants:

Environmental migrants are persons or groups of persons who, for compelling reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad.

(International Organization for Migration 2007)

In political philosophy, Avner de Shalit is one of the first theorists to discuss the concept of environmental displacement (de Shalit 2011). In his paper, de Shalit draws a distinction between a “soft” case which essentially entails temporary displacement, as opposed to what he refers to as “environmental refugees”, or people who have permanently lost their home and territory (de Shalit 2011, p. 310). Another theorist to offer a definition of environmental refugees is Derek Bell. Bell endorses the definition from the UN Environment Programme which states:

Environmental refugees are defined as those people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) that jeopardized their existence and/or seriously affected the quality of their life. By ‘environmental disruption’ in this definition is meant any physical, chemical and/or biological changes in the ecosystem (or the resource base) that render it, temporarily or permanently, unsuitable to support human life.

(Bell 2004, p. 137)

Bell argues against objectors that this definition provides sufficient grounds for addressing the distinctive issues surrounding climate justice. For my purposes, I will focus on those people who are or will be permanently displaced. As the community

has yet to coalesce around a consistent definition of climate refugee, we can see that it often encompasses both the temporary and permanent forms of displacement. Of course, both situations present challenges and those who are temporarily displaced need international aid. It is merely for the sake of argument that I focus solely on the permanently displaced.

One might ask straight away: “Why distinguish between refugees at all?” Should we not simply consider climate refugees qua refugees and acknowledge their plight on the same scale as other displaced groups. This is among the suggestions highlighted by Draper (Draper 2022) who raises the possibility that attempting to unify a set group of climate refugees may result in obscuring the morally relevant differences between cases. On the other hand, David Owen advocates for distinguishing between categories of refugees in order to better appreciate these same morally relevant differences, and to tailor the aid that the community provides to the specific needs that make up the categories (Owen 2020).

In my argument here, I do hold the view that the facts that make up the reality for permanently displaced climate refugee groups entail morally significant upshots. It is in virtue of some of the features of this definition that I believe result in the beneficial entailment from Kymlicka’s theory of minority rights. For our purposes, then a climate refugee will be:

Any person or group of persons who (1) are currently displaced owing to the effects of anthropogenic climate change; and (2) who have had their home rendered permanently uninhabitable as the result of anthropogenic climate change.

Notice the distinction between necessary and sufficient conditions at play in this definition. It is necessary but not sufficient that these groups be displaced. They must also have had their homeland rendered uninhabitable by the very same forces that have moved them from that homeland. Together, displacement by climate and the permanent uninhabitability of their home constitute jointly sufficient conditions for the status of climate refugee.¹

An essential feature of this definition is that climate refugees have lost their home, and thus their ability to access and grow their own societal culture in an organic manner. Their homeland was the geographic place where these groups held the self-government rights that allowed them to sustain and grow their societal culture. By having their homeland rendered uninhabitable then, these groups have had their access to their societal culture inhibited and have had their ability to live according to commonplace liberal freedoms jeopardized. Moreover, this is through no fault of their own. As has been noted previously, it is widely thought that those who will be among the first to feel the effects of anthropogenic climate change will often be those whose lifestyles have contributed very little to the overall problem (UNCTAD 2021).

In the next section, I want to deepen the discussion of societal cultures. This will rely largely on a close reading of Kymlicka and some of his contemporaries.

The plan is to show what a societal culture is, and thus why I view it as so important. I will also make explicit the relationship between a societal culture and the self-government rights that allow growth by a group of people.

8.3 Societal cultures and self-government

It seems intuitive that we want people to flourish in their lives. That is, we think that individuals should be free from excessive interference and should be able to define their own notion of the good. This idea of the sanctity of persons, and their conceptions of the good life, grounds much of classical liberal political theory and is a central tenet of most western liberal democracies. For Will Kymlicka, the societal culture is the point of access for individuals to this liberal idea of freedom (Kymlicka 1995). In his book *Multicultural Citizenship*, Will Kymlicka pioneers a liberal theory of minority rights (Kymlicka 1995). This was an important moment in liberal political theory as up until then most liberals preferred to endorse policies of benign neglect over many cultural or personal issues. Benign neglect in its most basic formulation amounts to a ‘hands off’ approach to policy over culture and ethnicity. If we take for example religious rights, a state may make no law about which religions have official status on their territory. In this way, the state has then given no answer over which religion is to be preferred and people are thus free to make their own choices. This speaks to the common and deeply held liberal ideal of ensuring freedom from policies which impose or infringe on the right to choose for oneself. A side effect of the policies of benign neglect is that classical liberalism often gives no answer about cultural issues and thus offers no protection to minority cultures.

Instead, Kymlicka argues that liberalism not only has room for cultural protection but indeed requires it (Kymlicka 1995). This is all based on the notion of a societal culture and the power they have to foster the liberal conception of freedom and equality among members. For Kymlicka, a societal culture is: “[...] a culture which provides its members with meaningful ways of life across the full range of human activities, including social, education, religious, recreational, and economic life, encompassing both public and private spheres” (Kymlicka 1995, p. 76). These societal cultures then form the fabric of a communal life. They provide the context for meaningful encounters between people, and they give a shared lifeworld to those who participate. They are also in an important sense a site of distribution for things like careers, social benefits, and political membership.

In other words, it seems like societal cultures fulfill certain interests that people have in living good lives. Here I follow in a novel approach to identifying interests as put forth by Helder De Schutter in his work on linguistic justice (De Schutter 2022). These interests then are identity, autonomy, and opportunity. What is perhaps most important for Kymlicka, and what does the major work for his grounding of multicultural rights, is the fact that these societal cultures are the context in which liberalism best realizes its guiding principle of individual liberty. The societal culture is the site where individuals can choose and revise their own conceptions of what is a good life for them.

An important point is that these aims are best realized from within one's *own* societal culture. Only with access to the societal culture in which one was raised can they be said to be free to make the choices we typically think liberal citizens ought to be able to make for themselves. These again are important choices about how to plan, and revise a plan, of one's life; and to choose for oneself a conception of a good life (Kymlicka 1995, p. 80). But why is it that one's own societal culture should make such a crucial difference? It seems that what would be important is access to simply any societal culture. So long as the opportunities accorded to the individual are the same or equivalent it should not matter the societal culture in which she participates. To demonstrate the importance of one's own societal culture, I will use the three interests outlined above: identity, opportunity, and autonomy.

8.4 Identity

For Kymlicka, who himself leans heavily on the theories of Margalit and Raz (Raz and Margalit 1990), membership in a societal culture is intimately bound up with our self-identity (Kymlicka 1995, p. 89). This then is not just about how others perceive us but also about how we perceive ourselves. Cultural membership can play such a distinctive role in our identities because it is based on belonging as opposed to accomplishment (Kymlicka 1995, p. 89). Belonging is, in an important way, a more inclusive grounding for identity than accomplishment. One's ability to belong in the culture they are from is simply a matter of fact and is then not contingent on other factors about their personality, like their job or interests. These things are of course important as well, but they allow individuals to belong to smaller more intimate subgroups. The societal culture is in this way the background condition, or the lifeworld, that allows the individual to make these choices for themselves. Kymlicka also follows other liberal theorists in showing that our cultural membership is tied up with our sense of participation in things greater than ourselves, and the promotion of solidarity among co-nationals (Kymlicka 1995, p. 90).

8.5 Autonomy

Moreover, membership in one's societal culture should be seen as an all-purpose good. In this way membership in one's societal culture is akin to a Rawlsian primary good, or something:

[...] which it is supposed a rational man wants whatever else he wants. Regardless of what an individual's rational plans are in detail, it is assumed that there are various things which he would prefer more of rather than less.

(Rawls 1999, p. 79)

The primary social goods for Rawls are rights, liberties, income, opportunities, and wealth (Rawls 1999). We can thus see that Kymlicka's idea of a societal culture can serve to fulfill some of these desires or create conditions for their fulfillment. Further, membership in a societal culture is neutral about different conceptions of

the good life. This renders it a meaningful baseline commitment for individuals who have distinct desires and life plans to share. For example, a societal culture will involve a large amount of pluralism and freedom such that many different career paths, religions, and ways of life can be meaningful within this overall structure. This will allow them to share in a structure in which they build lives together while still enabling them to make autonomous choices about what is a good life for them (Kymlicka 1995, p. 92).

Without access to one's own societal culture, cultural groups may find themselves in a sort of limbo wherein they feel simultaneously cut off both from themselves and society, thus harming their identity. They also may then lack the personal autonomy which is the hallmark of liberalism. Namely the freedom to meaningfully choose between different conceptions of the good life. Without access to one's own societal culture, one cannot really make these important decisions about how their life should go. Kymlicka's argument has helped to isolate the reason that access to one's own societal culture is good for the maintenance and development of personal identity and autonomy. But what about the other things that a societal culture can do? For arguments about the importance of access to one's own societal culture regarding opportunity, I will turn to contemporary readers of Kymlicka.

8.6 Opportunity

What about opportunities? Surely it would be better for the sake of opportunity to merge with a larger or more productive societal culture. Kymlicka admits this is a tricky case. It seems intuitive that perhaps on some metrics the better option for minority cultures would be to assimilate into the majority culture. It could even be expected that the majority culture could provide more opportunities and benefits than the minority culture ever did. How can this be seen as something unjust or even regrettable?

There are two central arguments against switching societal cultures as concerns opportunity. First, the bonds that one has to their own language and culture are sufficiently strong, such that maintaining contact with them should not be seen as a privilege or a frill (Kymlicka 1995, p. 86). Kymlicka follows Rawls for this argument and concurs that:

Leaving one's country is a grave step: it involves leaving the society and culture in which we have been raised, the society and culture whose language we use in speech and thought to express and understand ourselves, our aims, goals, and values; the society and cultures whose history, customs, and conventions we depend on to find our place in the social world.

(Rawls 1993, p. 222)

Yet this still seems to show a focus on the identity and autonomy concerns of a societal culture. Based on this then, it could still be possible to change cultures and to have one's opportunity needs met by the new culture. It is simply an issue of the price paid in identity and autonomy by doing so that renders it unjust. As Alan Paten points out, Kymlicka does not make it clear that the costs incurred have limited the options open to individuals. After all, costs can be subsidized or reimbursed.

So long as individuals have sufficient opportunities this could make up for the deficiency in identity and autonomy (Patten 2014, p. 76).

Patten defends minority rights from his own framework which fits with Kymlicka's concept of a societal culture. For Patten, one's own societal culture matters because of the possibility of experiencing an options disadvantage. Having fewer options than one had before, or compared with the majority culture can subsequently result in a decrease in liberal freedom (Patten 2014, p. 77). This argument relies on two facets of what societal cultures provide to their members, namely access to and adequacy of opportunities.

For Patten, members of minority cultures have fewer opportunities to access the institutions of majority cultures. This access disadvantage is caused by discrimination primarily in the form of control of positions, prejudice, and the ability to identify members of the minority. Further, the opportunities that are present in the majority culture may involve skills or competencies which members of the minority culture do not typically develop or in which they are not especially well practiced (Patten 2014, pp. 78–80). These features combine to severely limit access to opportunities for members of a minority culture.

Patten also addresses the adequacy of options. He notes that many accounts of opportunities, rely on a generic notion of adequacy such that it is assumed that a set of opportunities could satisfy the preferences of a diverse range of individuals and groups. Taking the opposite view, perhaps the adequacy of options will be highly differentiated between cultures (Patten 2014, p. 92). This could result from the fact that cultures generate their own options, as the members of a certain community are more likely to have shared values and practices and thus to proliferate them throughout their members (Patten 2014). Additionally, cultures are valued by their members and thus the opportunities that are available within them become representative of the value of the culture itself (Patten 2014, p. 96).

A combination of the ideas from Patten and Kymlicka grounds why we should value our own societal culture. Not only does a societal culture provide the background conditions for freedom and liberal choice, but it is also experienced by the individual as of deep importance to their identities. Further, while it is possible to change cultures, the cost of doing so is prohibitively high. Finally, we should be able to access our own societal culture to ensure the fair access to and adequacy of opportunities relevant to the culture from which we come. Following these arguments, and in terms of the interest approach previously outlined, it indeed seems that people are deeply attached to their own societal culture as it provides them with at least three important interests: autonomy, identity, and opportunity.² These elements of a societal culture allow individuals to flourish and pursue their own conceptions of a good life.

8.7 The role of self-government rights

I also need to show how this identity interest in a societal culture is met with self-government rights. As Kymlicka says:

Self-government rights devolve powers to smaller political units, so that a national minority cannot be outvoted or outbid by the majority on decisions

that are of particular importance to their culture, such as issues of education, immigration, resource development, language, and family law.

(Kymlicka 1995, pp. 37–38)

Contrast this with polyethnic rights which “[...] protect specific religious and cultural practices which might not be adequately supported [...]” (Kymlicka 1995). As I have stated, I am interested in ultimately defending the claim that climate refugees are *prima facie* entitled to the stronger of these two, that is they are entitled to self-government rights. I will first show how self-government rights allow groups to meet the identity, autonomy, and opportunity interests of a societal culture.

Identity concerns seem to be reflected in policies of education and language. It is of course deeply important to both personal and collective identities that one can speak their native language in meaningful contexts. This is seen in the context of multination states such as Belgium or Canada. Each of these states have experienced prolonged public movements to allow speakers of both languages (English and French in Canada, French and Dutch in Belgium) to be able to have their identities reflected in public notices, official communication, street signs, and cultural events. There is also a growing literature on the subject of linguistic justice which asserts these demands in more precise terms (Van Parijs, 2002; Stilz, 2015; De Schutter, 2022). This coincides with the demand for control of educational decisions. It is obviously chiefly important that pupils can access education in a language that they understand. Moreover, self-government rights ensure that minority groups have control over the curriculum and the holidays that are recognized in schools.

Autonomy concerns can be met by such things as immigration policy and the use of land and resources. Immigration policy allows a nation to make fundamental choices about who should be included in their community (Miller 2007, 2016; Carens 2013). These choices are often seen as well within the rights of nation states and ensure that they can protect their way of life as well as welcome new additions to the same. Self-government rights should also allow for the development and use (or protection) of natural resources. The resources of a nation are an important economic driver which should not be trampled by imposing powers. Self-government allows minority cultures to make use of resources the way they see fit and protects them from neo-colonial imposition.

Finally, how could self-government rights enhance or protect opportunity? It seems that most of the policies outlined above will play a role in determining what opportunities are available. Moreover, broad control of economic policy will allow minority groups to avoid the access disadvantages discussed by Patten. This would also make sure that the opportunities available are valuable to members thus avoiding the adequacy problem.

I have shown thus far that societal cultures are intimately connected with our liberal freedoms. More specifically that societal cultures meet three intuitive interests: autonomy, identity, and opportunity. I have further shown that self-government rights give groups the necessary power to foster and grow their societal culture. Thus, it is the self-government rights that allow access to the societal culture, and

the societal culture that ensures the public goods and interests. In the next sections, I will analyze the differing sources of cultural pluralism present in Kymlicka's work. These are immigrant groups and national minorities. These groups are entitled to very different forms of access to their respective societal cultures on Kymlicka's view. I will then examine just what it is that makes these rights so different and compare this with what Kymlicka says about traditional refugees.

8.8 Two notions of access

On Kymlicka's theory, there are roughly two ways that the entitlement to a societal culture is met. This is either through the polyethnic rights accorded to immigrant groups (or alternatively ethnic groups in later chapters) or through the self-government rights accorded to national minorities (Kymlicka 1995, p. 131). The central factor in the decision over which groups gets which package of rights is the element of voluntariness. In this section, I will first examine the idea of voluntariness then go on to detail how this results in different rights for different groups. I will start by asking why we differentiate between groups at all? Then I will aim to show why the immigrant groups package is inappropriate for climate refugees. Ultimately, I will conclude that the self-government rights option is the appropriate option for climate refugees and discuss Kymlicka's objections to this conclusion.

Ottonelli's and Torresi's work on voluntariness deepens the normative significance of the idea of voluntariness in migrant choices (Ottonelli and Torresi 2013). Their aim is to carve out a normative space for appropriately accounting for the agency of migrants in their choices. We should, on their view, be careful when we condemn choices too quickly as either voluntary or involuntary without properly discussing what these concepts mean for our theories. This is an especially relevant concern in a framework where so much hinges on the notion of choice, such as Kymlicka's.

So then, what are the conditions under which we can justifiably assert that a choice is voluntary or involuntary? For Ottonelli and Toressi, there are four main criteria which must be met by a choice. In order to be considered voluntary, the choice of the migrant must be (1) un-coerced. Their concept of coercion can refer to physical, psychological, or economic harms or threats. (2) The choice must also be made from background conditions of relative sufficiency in the home state. (3) There must be viable exit options resulting in the ability to reverse their decisions. Finally, (4) they must have accurate information about the choice they are making, including about the journey ahead and about the state which will ultimately receive them (Ottonelli and Torresi 2013, pp. 796–804). To reiterate then: (1) non-coercion, (2) sufficiency, (3) exit options, and (4) information can render a choice voluntary in the normatively relevant sense. Ottonelli and Torresi go on to explicitly spell out some implications of their account for temporary migrants.

In Kymlicka's framework, the idea of voluntariness justifies the differing entitlements between immigrant groups and national minorities. National minorities are one source of cultural diversity which can exist within a state. For Kymlicka, this is defined as: "[...] the coexistence within a given state of more than one nation,

where ‘nation’ means a historical community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture” (Kymlicka 1995, p. 11). These cultures then constitute a national minority insofar as they exist within a larger majority state. At one point, they constituted a fully competent, functional, and independent societal culture before their assimilation into a larger multinational state. Crucially, these groups have not made a voluntary choice to join this larger federal state. Most often, this type of federalization occurs under instances of coercion.

Because of this element of coercion, national minorities are often granted rights which are protective or compensatory as is the case in for example, Belgium or Canada. In these cases, national minorities are given some limited form of self-government rights. As the foregoing discussion of self-government rights has shown, the aim of these policies is to ensure that national minorities can preserve and grow their societal culture despite having been involuntarily assimilated into a larger multinational state. Again, what is important for the overall argument here is that these rights and protections are grounded in the fact that national minorities never made the choice to abandon or give up their own societal culture, and that it would thus be unjust to restrict their ability to foster and grow this culture.

Another source of diversity comes from immigration. For Kymlicka: “A country will exhibit cultural pluralism if it accepts large numbers of individuals and families from other cultures as immigrants, and allows them to maintain some of their ethnic particularity” (Kymlicka 1995, p. 14). Kymlicka also distinguishes between immigrants who have recently arrived in a host society as opposed to immigrant groups who may be the children or grandchildren of those who arrived many years ago. Immigrants, and immigrant groups then, have a societal culture from which they originated. Kymlicka is clear, however, when he says: “In general, then, I believe that national minorities have a societal culture, and immigrant groups do not” (Kymlicka 1995, p. 101). This for Kymlicka is owed to two factors. First is the fact that immigrant groups have often been dispersed which negates their possibility of participating in or reproducing the societal culture of their origin. Second, that immigrant groups often do not achieve the level of opportunities available in order to constitute a societal culture on his definition. Patten offers the example of Italian-speaking immigrants in the United States (Patten 2014, p. 64) to show that these cultures are distinct from a genuine societal culture (that of Italy) and do not offer the full range of opportunities (if you only speak Italian in New York, it is unlikely you will be elected mayor, for example). Immigrants and immigrant groups for Kymlicka seem to have made a voluntary choice to migrate. These groups have thus surrendered the right to recreate or grow their own societal culture through their voluntary choice to migrate. Kymlicka’s discussion of choice lays an important foundation for the reasons why we should take some minority culture’s claims to rights as having more normative weight than others. But if we look at these groups through the lens of Ottonelli’s and Toressi’s criteria, we begin to see an interesting problem.

Take immigrant groups first. Kymlicka’s paradigmatic example of the voluntarily chosen migrant is an American who chooses to move to Sweden (Kymlicka

1995, p. 96). In this context, it seems fair to say that the person or group has made a distinctly free choice to move. What would Ottonelli and Torresi have to say about this Kymlickian example? It seems fair to say that this type of immigration is obviously free from coercion, at least in any of the typical senses of the word. It is further clear that there are background conditions of sufficiency for these groups. They can also be reasonably informed, insofar as both states have reliable media representation and access to information. And finally, there is an exit option in place, as an immigrant from the United States to Sweden could always reverse her decision. In this example, it looks like Kymlicka matches with Ottonelli and Torresi. That is, these theories would concur that classical immigration as exemplified by an American in Sweden is a voluntary choice and is therefore owed a more minimal package of rights which aim at integration into the receiving culture and state.

What about national minorities? It seems that on both theories, this would be considered an involuntary choice. There are, in the best scenarios, strong incentives to join up with the majority; and in the worst, violent coercion which forces the decision. There are also not necessarily background conditions of sufficiency. It is possible that until their union, a majority culture may in a sense ‘smother’ the opportunities of a minority culture. It is possible that there is reliable information about what joining the majority culture may be like, but this is far from guaranteed. Finally, there seem to be no real exit options or ways to go back on the decision once a minority has assimilated to the majority.³

So far it looks like the theories of Ottonelli and Torresi and Kymlicka agree. The voluntary immigrants then are to be accorded a different level of rights than the involuntary national minorities. The difference in entitlements lies in the element of voluntariness at play in their choice. Because the traditional immigrant has chosen to leave their societal culture, we typically see them as owed less, or different, types of rights.

I think it is obvious that any refugee has made no such choice. First, the choice of refugees seems to be a paradigmatic case of coercion. Even the convention definition refers to “fear of persecution” and broader definitions can involve other such things as scarcity or general oppression within the home state. Refugees further do not typically come from situations of sufficiency before their migration. They are often fleeing from oppressive regimes, the horrors of war, or in the specific case we will discuss, environmental degradation. These can all render the ability to support oneself precarious at best. It is also likely that refugees do not have much access to information about the state that will receive them, and what information they do have may be unreliable or misguided. Finally, there are obviously no real exit options as often the home of the refugee is too dangerous to return to, or at the extreme, rendered uninhabitable as is the case for climate refugees.

This is no surprising conclusion, but it seems like refugees do indeed meet the definition of involuntary migrants. It is a fundamental aspect of refugee-hood that they have been forced to flee their home. I will focus on climate refugees; this decision is taken through no fault of their own, and their loss is permanent. In this way then they certainly do not merit a comparison with voluntary immigrants who have in a sense paid the “fair price” of the access to their societal culture for the

different or better opportunities a new culture provides. In fact, the opposite is true. With a closer look, it seems outrageous that on top of being forced to give up their homes, countries, friends, and sometimes families, refugees should also be asked to integrate into a new culture and society as well. Especially when we keep in mind the elements which make societal culture so important, autonomy, identity, and opportunity, it seems an even steeper price to pay for those who seek refuge outside of their home state.

What is a surprising conclusion, is that if we look at the picture from Kymlicka and Ottonelli and Toressi, it seems that refugees should then be afforded the same rights as national minorities. Were we to institute a policy like this, we could grant refugees self-government rights which could allow them to recreate, maintain, and grow their societal culture. If Kymlicka is so clear about the fact that national minorities are entitled to these rights, then what are we to make of the situation of refugees? Luckily for us, Kymlicka foresaw this objection and addressed it himself. In what follows, I will address Kymlicka's objections. In doing so, I aim to show that while he may have an answer for the case of traditional refugees, the answer does not hold up as well when applied to climate refugees.

8.9 Kymlicka on refugees

Kymlicka admits that refugees are a difficult case (Kymlicka 1995, pp. 94–101). Nevertheless, he outlines a few objections to his theory as it may apply to the rights differentiation between refugees and national minorities. I quote Kymlicka at length here so as to not allow for a misinterpretation of his objections:

Since they have not relinquished the rights which go with membership in their original culture, refugees arguably should, in principle, be able to re-create their societal culture in some other country, if they so desire. But which country? The sad fact is that the national rights of refugees are, in the first instance, rights against their own government. If that government is violating their national rights, there is no mechanism for deciding *which other country* should redress that injustice. And, unfortunately, it is likely that *few countries would voluntarily accept* any refugees if they were thereby committed to treating refugees as national minorities. Moreover, refugee groups, even more than immigrant groups, *are typically too small and dispersed* to re-form into self-governing communities.

(Kymlicka 1995, p. 98, emphasis added)

Thus, Kymlicka's primary objections to treating refugees like national minorities are (1) the difficulty of assigning which country should accommodate these claims, (2) that having to treat refugees as national minorities may decrease support for refugee regimes, and (3) that refugee groups are often too dispersed in order to have any meaningful form of self-government rights. Each of these objections has a strong intuitive pull, especially when applied to the case of traditional refugees. As I address these objections, I will do so with the situation of climate refugees in

mind. Recall that on my definition, the situation of the climate refugee is meaningfully different from that of the traditional refugee. Climate refugees are faultless and permanently displaced. This faultlessness extends even to the level of refugee's national governments. This fact about climate change addressed earlier, will be fundamental in addressing Kymlicka's objection (1).

First, I will address objection (3), that refugee groups are often too dispersed. It seems that there have already been some attempts to precisely remedy this objection, although without specific reference to it (Nine 2010; Kolers 2012; Dietrich and Wündisch 2015; Heyward and Ödalen 2016). Dietrich and Wündisch have offered a proposal which cedes specific swaths of territory to those displaced owing to the loss of their territory (Dietrich and Wündisch 2015). The discussion here centers around small island states who, owing to anthropogenic climate change, have had their homelands fully submerged and therefore rendered uninhabitable. That proposal grants to climate refugees a new territory over which they would be completely sovereign within the territory of what Dietrich and Wündisch refer to as "polluter states". This proposal addresses two of Kymlicka's objections. It first guarantees that refugees are concentrated enough to have meaningful self-determination rights. Second, it employs a modified polluter pays principle to assign responsibility. In my proposal, we need not go so far as granting refugees a piece of territory but could merely allow for refugee groups to recreate their societal culture through limited self-government rights.

I think that the proposal of Dietrich and Wündisch fails in an informative way. While it may be too difficult to assign a piece of territory to cede to climate refugees, this idea exposes that there are ways to ensure that these groups are not too dispersed for meaningful self-government. In other words, it makes clear that (3) is not an objection that essentially belongs to the concept of a refugee. That concept involves people who need the protection of a new state considering the failures of another. This problem says nothing about dispersion or the movement of persons as individuals *per se*.

What Kymlicka may be referring to here is the idea that a claim of a national minority is simply a different type of claim from that of a refugee or refugee group. National minority claims spring from a particular fact about the way that people live in the world: namely in proximity, sharing values, and on a specific geographic space. This then may look fundamentally different from a refugee who is seeking safe haven. However, in the case of climate refugees, part of the aim is to restore their access to their societal culture. Insofar as the climate refugee will have nowhere else to practice their culture, this gives us independent reasons for adjusting the system in their favor.

What of objection (2), or namely that: "Few countries would voluntarily accept". This seems to point to a claim about the feasibility of instantiating a more extensive system of rights for refugees. Kymlicka's argument here is implicitly that citizens of the state would accept refugee groups may be soured by the idea that these refugees should now be entitled to self-government rights to recreate their own societal culture. On this assumption, citizens of a receiving state would *prefer* to treat refugees like immigrant groups. They would then receive some sort of

temporary or limited protection of certain aspects of their culture while the overall aim would remain integration into the majority culture.

This objection rests on an assumption about the attitudes toward refugees of the citizens in a receiving state. It may even be related to the so-called rights vs numbers trade-off in relation to guest worker programs (Ruhs and Martin 2008). In short, the idea is that as we grant access to higher numbers of migrant workers, that high number necessarily receives less extensive rights. This raises an important question of whether it is better to admit many with fewer rights, or a few with many rights.

I find that, as with objection (3), when this is applied to the situation of climate refugees, it loses much of its force. Moreover, it seems that the notion of a trade-off at all is more at home in the discourse surrounding labor migration, a wholly voluntary enterprise. For one, the UN refugee convention is a binding international treaty. Whether or not states want to admit refugees, they are required to do so, thus partly shielding refugees from public opinion. And further, it is often the case that preferences are outweighed by obligations, and this is precisely the predicament of the climate refugee.

This brings us to an answer that also addresses objection (1), or the difficulty of assigning which countries should meet the claims of refugees. Kymlicka says that it is a sad fact of a refugee's situation that their rights are being violated by their own country (Kymlicka 1995, p. 98). In the case of traditional refugees, this is of course true. In situations where it is not true, it is often the refugee's neighboring country that is either a direct aggressor or has no recourse for providing refuge. In the case of the climate refugee, however, there are states that are both responsible for climate change and thus their situation, and well positioned to offer refuge.

While there is of course some controversy over emissions rates between the massive drivers of climate change, the list of top emitters always includes primarily western liberal democratic states. Moreover, there have been several theories offered to ground the responsibility of these states (Singer 2002; Caney 2005, 2010). One such theory is the polluter pays principle, as presented by Henry Shue (Shue 1999) and later discussed by Simon Caney. Shue prefers to discuss this principle as a way of preventing against externalizing of costs (Shue 1999, p. 533). His principle is:

When a party has in the past taken an unfair advantage of others by imposing costs upon them without their consent, those who have been unilaterally put at a disadvantage are entitled to demand that in the future the offending party shoulder burdens that are unequal at least to the extent of the unfair advantage previously taken, in order to restore equality.

((Shue 1999, p. 534)

One of the most striking examples of this principle is of course in the form of the environmental degradation which is the result of the rapid economic and technological development of many western nations. In the process of destroying the environment, many of these countries have also made themselves massively wealthy.

This is all to the detriment of the least well-off states, often in the global south, and has led to an entrenched inequality among them. Caney's polluter pays principle is similar: "It is a strongly held view that if an actor causes pollution (through, say, releasing radioactive waste or emitting dangerous fumes) then that actor is morally responsible for dealing with the ensuing costs to others" (Caney 2010, p. 323).⁴ Caney goes on to discuss the limitations of such a principle but argues that it has a strong intuitive pull.

It seems then that on either view, climate refugees will now have a candidate at whom to level their claim to refuge. Moreover, Kymlicka's theory would also have an answer as to who should redress the injustice of climate displacement and why. It should then be those states who have made the most significant contribution to anthropogenic climate change that should be the targets of climate refugee's claims to re-establish their societal culture. They should be entitled to do this in their new host country because of the harm that nation has imposed on them. We can view this harm as the imposition of the involuntary choice to migrate via the resource depletion or environmental degradation of their habitual homeland.

On this picture, climate refugees should be granted rights of self-government toward the aim of growing and maintaining their societal culture. Aside from making some intuitive sense, this also fits in with how many theorists have discussed compensation due to climate change displacement (Souter 2014; Dietrich and Wsation 2015; Heyward and Wslen 2016; Buxton 2019). This allows Kymlicka's theory of liberal multiculturalism to participate in the growing tradition of political theories that hold those who have most significantly contributed to the degradation of the environment responsible for their actions. If we can look at the entailments of Kymlicka's theory in this way, then it seems to have an implicit account of justice for climate refugees built into the theory. This theory is that climate refugees should have recourse to polluter states to fulfill their rights to access their societal culture. Climate refugees should be able to grow and maintain their societal culture through self-government rights. In this way, climate refugees should be treated more like Kymlicka's national minorities than like immigrant groups. Moreover, the tools are present in the theory to reach this consequence.

8.10 Conclusion

I have shown in this paper that Will Kymlicka's theory of liberal multiculturalism is better equipped to handle the case of climate refugees than we may have thought at first glance. Insofar as we are willing to accept that climate refugees are entitled to a quite extensive rights package, Kymlicka's work has the tools to redress the injustice of displacement from anthropogenic climate change. I first showed the goods that a societal culture brings along with it, and why most people are justified in desiring continued access to their own societal culture. I then made explicit the relationship between a societal culture and self-government rights. It is through limited forms of self-government, that climate refugees can implement policies that reflect their identities, express their autonomy, and cater to their opportunities. I then followed Kymlicka's argument which differentiates between the polyethnic

rights offered to immigrant groups and the self-determination rights offered to national minorities. Through the lens of a voluntariness condition, I outlined the two sets of rights and what they aim to accomplish. I finally agreed with Kymlicka that refugees are a “hard case” wherein they meet the conditions of involuntary migration yet do not have a state against which to level their claim for recognition. I finally proposed that climate refugees do have someone to level that claim against, namely polluter states, who are largely responsible for climate change and thus for their displacement. This involved a brief detour into the realm of responsibility over climate change and drew on the work by many influential theories of compensation and remedial responsibility. In the end, in my view, Kymlicka’s theory provides us with an intuitively strong upshot regarding climate refugees. Since they have made no free choice to migrate, and they have a right to practice their culture, they should have that right fulfilled in the states that are responsible for their displacement in the first place. Further work remains to be done on exactly how this proposal could be implemented. The argument I have presented here has been meant to show that Kymlicka’s pioneering theory of liberal multiculturalism is well positioned to address one of the many ethical challenges of climate displacement.

Notes

- 1 This definition obviously brackets a few concerns. First is the nature of the concept of permanence. It is perhaps possible that we consider no displacement permanent as some sort of technological or natural regeneration of an environment could take place sometime in the very distant future.
One could also object to the element that makes it necessary that the climate change itself be the cause of the displacement. I am here committed to interpreting that causal connection quite loosely. For example, if a drought were to cause a civil war, and that violence in turn causes most people to flee before water is completely dried up, I would count this case as a legitimate situation of climate displacement.
- 2 This leaves open the possibility that some may not feel this putative attachment to their societal culture. One of the great benefits of a liberal societal culture is that even its rejection is a live option.
- 3 There is of course the option of secession. This is however a contentious issue for most political communities and has proven difficult in many of the paradigmatic cases of national minorities.
- 4 Shue refers to the PPP as significantly weaker than his equity principle (Shue 1999, p. 534). For our purposes, the two can work in tandem.

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