



# Applying Aquinas' Natural Law Theory to the Xenophobia Conundrum in South Africa

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A woman carries her belongings through the rubble of shacks in the Ramaphosa squatter camp. Photograph: Kim Ludbrook/EPA theguardian.com

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## Abstract

In the last two decades, South Africa has experienced a series of xenophobic attacks directed at black Africans foreigners from different parts of Africa. Lack of a deeper sense of diversity and plurality has led to low levels of social trust, social cohesion and even social peace. Factors such as poverty, population increase, violent conflict, civil wars and environmental stress have led to tremendous migrations in Africa. Immigration has contributed to xenophobic violence in South Africa. This paper examines the contribution that Thomas Aquinas's theory of natural law can make to the phenomena of xenophobia. Aquinas's natural law through its underlying principles of human value and freedom can be used to challenge issues surrounding social injustice, in particular xenophobic violence in South Africa. For Aquinas, leading a morally justified and self-fulfilling life requires not only following the precepts of the natural law which dictates doing right actions, but also in having a good or virtuous disposition.

## Introduction

The history of xenophobia in South Africa can be traced from the apartheid era when black African immigrants experienced discrimination and violence, a trend which continued in the post-apartheid era. In May of 2008, the first wave of xenophobic attacks against foreigners caught media's attention due to its violent nature and the number of deaths [Vromans et al 2022:2]. Although South Africa has been regarded as a beacon of democracy due to its respect for human dignity, this was questioned due to the number of innocent foreigners who were killed in the 2008 xenophobic attacks. The quest to understand human nature in relation to xenophobia from the perspective of Thomas Aquinas' natural law as a remedy is at the heart of this paper. The case of xenophobic attacks shows how human beings easily turn against each other in an inhuman way, undermining the very existence of the other yet claim to possess the ability to know what is good and strive for it and above all, virtuous. Xenophobia, or 'the fear of the other' which partly relies on myths, prejudice, and stereotypes can take a variety of forms, including derogatory language and violence. The 'xenophobic' violence that wrecked South Africa in May 2008, leaving 60 people dead and many thousands displaced and destitute [Sharp 2008:1], will be used as the case study of this paper. For Aquinas, morality requires that moral agents pursue what is good and avoid what is evil. Hence, preserving the life of the other, avoiding harm and striving for the good, should be the status quo.

## Understanding Xenophobia and the May 2008 Attacks

Etymologically, the word xenophobia comes from two Greek words *xeno* which means "stranger", "foreigner", "guest" and *phobia* which means "fear" [Borden 2010]. The term partly denotes a strong feeling of dislike or fear of people from other countries. The Merriam Webster Online Dictionary [2023] defines the term xenophobia as '*fear and hatred of strangers or foreigners or anything that is strange or foreign*'. Xenophobia is characterised by a negative attitude toward strangers or outsiders or foreigners, prejudice, dislike, fear, or hatred. This means that xenophobic people would dislike foreigners, as it is their 'foreignness' that makes them objectionable. Thus, xenophobia can be understood to encompass attitudes, prejudices and behaviours that reject, exclude, and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society, or national identity [Sigsworth et al 2008:8].

In South Africa, xenophobia comes with not just a fear but above all, a negative attitude, and perceptions together with accompanying acts of hostility, violence and discrimination against foreigners, black African foreigners for that matter [Centre for Human Rights at the University of Pretoria 2009:80]. Xenophobia is embodied in discriminatory attitudes and behaviour and often culminates in violence, abuses of all types, and exhibitions of hatred, and xenophobes presumably do not have adequate information about the people they hate and, since they

do not know how to deal with such people, they see them as a threat [Mogekwu 2005]. In South Africa, xenophobia has unpredictably manifested itself through many instances often unrelated through forms such as discriminatory attitudes often within the context of crime, poverty, inequality, and unemployment:

**“Today, one in every 50 human beings is a migrant worker, a refugee or asylum seeker, or an immigrant living in a ‘foreign’ country. Current estimates by the United Nations and the International Organization for Migration indicate that some 150 million people live temporarily or permanently outside their countries of origin (2.5% of the world’s population). Many of these, 80-97 million, are estimated to be migrant workers and members of their families. Another 12 million are refugees outside their country of origin. These figures do not include the estimated 20 million Internally Displaced Persons forcibly displaced within their own country, nor tens of millions more of internal migrants, mainly rural to urban, in countries around the world ”**  
[McKinley et al., 2001:1]

Apparently, xenophobia involves causal factors such as economic reasons and social instability which often result in a breakdown when coming to societal values and norms. Viewed from the economic perspective, xenophobia is fuelled by high levels of unemployment, where citizens perceive

immigrants or refugees as threats to their access to employment opportunities and basic service delivery (Amisi et al 2011:59-83). Besides social evils and racism, xenophobia has become manifest in societies which have received substantial numbers of immigrants, as workers or asylum-seekers. Xenophobia sometimes includes labelling that one group in dominance gives to another group, in a bid to create separate, and most times, superiorist cum inferiorist dichotomy (Chakale et al 2019). In such cases, immigrants suffer internal disputes about national identity and ethnic exclusion; and this ethnic conflict easily builds up and becomes the basis features in most modern

societies, mainly because those societies have an increasingly diverse population. This systematic targeting and denoting of the 'other' as different and unequal has resulted in subsequent overt xenophobic tendencies, expressed namely through negative stereotypes of black Africans and the derogatory naming of them as 'Makwerekwere', a term based on the linguistic sounds they make as they speak their foreign languages. This becomes a basis for hostility, conflict, and violence between South African citizens and predominantly black foreigners. Hence xenophobia in South Africa cannot be restricted to the fear or dislike of foreigners but also to the extreme tension and violence by South Africans towards immigrants which often results in emotional and psycho-

logical distress, frustration, brutality, and deaths as we saw from the 2008 xenophobic attacks in South Africa.

The May 2008 South Africa's violent xenophobic attacks which initially broke out in Alexandra, Johannesburg rapidly spread throughout the country resulting in a number of deaths, injuries and displacements:

**“In May 2008, a series of xenophobic attacks accompanied by widespread looting and vandalism left at least 62 people dead, 1,700 injured and 100,000 displaced in South Africa. The violence began in Alexandra in Johannesburg after a local community meeting at which migrants were blamed for crime and for “stealing” jobs. Within days the attacks had spread around the country, with Ramaphosa settlement on the East Rand becoming one of the areas that witnessed inhumanity on an unthinkable level. On 18 May, 35-year-old Ernesto Alfabeto Nhamuave was beaten, stabbed, covered with his own blankets and set alight. The following day, a 16-year-old migrant was hacked, burned and left for dead in a refuse dump. Miraculously, he survived. Across the land, tens of thousands fled their homes, crowding into community centres and police stations for protection until they could be moved to makeshift camps ”** [Oatway and Skuy 2021]

Some of the causes of the 2008 May xenophobic attacks can be attributed to fear, aggression, and hatred of perceived 'others' within a society, combined with the feeling of insecurity that outsiders grab the opportunities of the locals. Some rationalised the attacks by blaming undocumented migrants for crime, unemployment, and other social problems in the country. Current trends indicate that the dislike for foreigners by South Africans, is likely to remain part of the society for as long as it is not tackled with vigour and facts about what value foreigners have and bring to South Africa. The experiences of those who were displaced by the May 2008 xenophobic attacks showcase how difficult it is for foreign migrants to survive in South Africa. The dynamics of the May 2008

attacks were such that it was able to spread rapidly throughout the country.

One of the challenges that victims of xenophobic violence of 2008 were facing in the aftermath was insecurity. Being a foreign national meant that one was helpless against xenophobic violence even if one is a legal resident with official documents. Due to the occurrence of the xenophobic attacks and the way they happened, the victims were traumatized resulting “the functioning of an individual, causing dissociative episodes, uncontrollable emotions, self-destructive behaviour and an altered view of the world’ and so others live helplessly” (Sigsworth et al 2008:17). Foreigners suffered discrimination because of being different. The ascription of blame was also highlighted since the perpetrators of xenophobic violence would attribute blame to foreigners for the lack of service delivery and other socio-economic issues. Moreover, foreigners experienced severe disrespect from South Africans physically, verbally, and emotionally. Foreigners remain vulnerable to xenophobia through the attitudes and behaviours of some South Africans who are fearful of the 'other'. Those who cannot speak local languages are also vulnerable to xenophobic attacks (Sigsworth et al 2008:18).

While the roots of xenophobia can be partly traced back to South Africa's history of exclusion

through the promotion of ethnic and racial consciousness, the immediate causes of the 2008 attacks ignited from surfacing community perceptions and xenophobic sentiments. When South Africa finally got its freedom and was transitioning from apartheid to democracy, there were expectations of improved access to resources such as education, infrastructure, healthcare, and employment (de Jager & Hopstock, 2011). However, that did not materialise, since poverty continued to plague communities, and inequality between citizens also increased. There was also an increase in terms of the migration rate which led foreigners to be blamed for the perceived inability of the government to provide aid and bridge the gap between the rich and the poor. According to Sharp (2008), this then led South Africans to consider foreigners as competitors and potential threats for the already limited resources and a perceived shortage of jobs. However, the belief that every job occupied by a migrant means one less job for a South African remained unjustifiable (McConnell, 2009). Foreigners in South Africa were also associated with increased crime rates, the spread of certain diseases, and other social issues; beliefs likely formulated after government statements regarding the control for immigration as a solution for 'migrant' crime (Centre for Human Rights, 2009).

## Xenophobia Justified: Harris' Three Hypotheses

While some South Africans have responded to xenophobic attacks in a way that justifies the actions, xenophobic attacks can be perceived as isolated individual incidents, because they are “message crime” intended to speak to the entire “hated group” (Misago et al 2009:13). The implication here is that xenophobic attacks are not really based on hate but on the ‘unwelcome-ness’ of the foreigners. This means that xenophobic attacks are partly meant to communicate to foreigners that they are not welcome in a particular community or country. Furthermore, there is a perceived threat of diseases which also has implications for xenophobia which includes a general tendency to link subjectively foreign peoples with disease. This link is evident in xenophobic propaganda, in which “ethnic outgroups are explicitly likened to pathogenic species or to nonhuman vectors of disease, such as rats, flies, and lice” (Goldhagen, 1991:93-99). The associative link between foreign peoples and disease is also a recurring theme in the social science literature on immigration (Markel & Stern 1999:1314). In South Africa, foreigners are sometimes linked to crime, drugs outburst, prostitution,

crimes, and diseases such as malaria. The three hypotheses of xenophobia proposed by Harris namely, the scapegoating hypothesis, the isolation hypothesis, and the bicultural hypothesis are important in understanding xenophobia in South Africa.

The scapegoat hypothesis asserts that xenophobia is located within the framework of social transition and change. It occurs when indigenous populations turn their anger resulting from whatever hardships they are experiencing against ‘foreigners’, primarily because foreigners are constructed as being the cause of all their difficulties. The basis of such xenophobia in South Africa is limited resources such as clean water, service delivery, health care, and employment, while driven by high expectations on transition. In the post-apartheid South Africa, while people's expectations have been heightened, a realisation that delivery is not immediate has resulted in discontent and indignation. Such dissatisfaction creates a breeding ground for a phenomenon like xenophobia to emerge. South Africa's political transition to democracy has exposed the unequal distribution of resources



May 19: A protester throws stones at a burning container in Reiger Park  
Photograph: Siphwe Sibeko /Reuters  
[theguardian.com](http://theguardian.com)

and wealth in the country which has forced some people to create a “frustration-scapegoat” (: 4), that is, they blame foreigners for deprivation and poverty. This reveals that foreigners often become such scapegoats by being victims of abuse and violence. This hypothesis partly explains how foreigners have become scapegoats by being blamed for economic challenges and personal frustrations.

By contrast, based on the isolation hypothesis, the xenophobia manifested in May 2008 was a consequence of apartheid South Africa’s isolation from the international community, and particularly the rest of Africa. The isolation hypothesis understands xenophobia as a consequence of apartheid South Africa’s seclusion from the international community. The antipathy expressed by South Africans towards other Africans in recent years, the isolation hypothesis holds, is a residual effect of the internalised antipathy or hostility engendered by the apartheid state towards the external world. The democracy brought political transition allowing South Africa to open itself to the international community, thereby opening its borders. This has brought them in direct contact with the unknown, the ‘other’. Morris (1998: 125) suggests that “There is little doubt that the brutal environment created by apartheid with its enormous emphasis on boundary maintenance has also impacted on people’s ability to be tolerant of difference”. Based on this understanding, xenophobia exists because of the very foreignness of foreigners. It exists because foreigners are different and unknown. The question that this understanding raises is why such intolerance towards difference is largely expressed in relation to other black Africans

and not in relation to ‘whites’ who continue South Africa to run businesses and own vast amounts of land and property in the country. Nevertheless, based on the isolation hypothesis, it is apparent that xenophobic violence of May 2008 relates to issues of poverty and the fact the country was partly isolated during the apartheid era.

Finally, the bio-cultural hypothesis can also help to explain why African foreigners are mostly targeted in South Africa. African foreigners seem to be particularly vulnerable to violence and hostility (Human Rights Watch, 1998). The hypothesis looks at xenophobia at the level of visible difference, or ‘otherness’, such as the physical, biological factors and cultural differences. Morris (1998:1125) suggests that Nigerians and Congolese, “are easily identifiable as the ‘Other’. Their physical features, bearing, clothing style and inability to speak one of the indigenous languages, are in general clear distinctions. Local residents are easily able to pick them out and scapegoat them.”

### **Natural Law and the Light of Reason**

Thomas Aquinas’ natural law theory can be employed to maintain peace, harmony, tolerance and co-existence. Aquinas perceives the concept of law as a ruler’s plan dictating practical reason through which a lawgiver governs and orders the universe, directing it providently towards an end (Aquinas 1948, I-II, q.94, art. 2). This partly presupposes an eternally predestined plan through which human actions are due to conform. The imprint of the “eternal law upon the human mind is what Aquinas calls the natural law, which is grasped through the light of natural

reason, by which we discern what is good and what is bad” (Pasnau & Shields 2004:220). One participates in the Supreme Being’s predestined plan through the natural law, which guides oneself to achieve ultimate happiness. Thus, natural law is a standard feature of universal morality through which human awareness regarding what is good and bad conforms to the divine will of the universe, with respect to one’s rationality and free will. Through reason, one has an intellectual ability to judge the moral standard and worthiness of certain moral principles. For Aquinas, the primary moral principle of the natural law through natural reason is that “good is to be done and pursued and evil avoided” (Eardley & Still 2010:80). One should seek to achieve the good, since by nature human beings desire what is morally good and right.

All other moral principles rely on the first principle of the natural law, as long as they contribute to one’s ultimate good or happiness. Regarding how the good can be known, Aquinas expects one to have a natural inclination towards both the good and right action. This is so because general principles or guidelines of the “natural law can be known by everyone, since people recognise that things for which one has a natural inclination are good and, therefore, what is detrimental to them is bad” (Selman 2007:140). Through natural inclination and reason, certain things are apprehended as good. This is because goodness entails acting in a way that satisfies such inclinations, in order to achieve that end. Human goodness comes with rationality through which morally right actions help one to achieve one’s desires. On this basis, Aquinas notes that human beings have a natural inclination towards the pre-

servation of life, for sexual desires for bearing and raising of children, and for knowing the truth about the ultimate good and God. For example, once people are reminded or made aware of this good they possess, preservation of life will be the goal and not its demise as we see with xenophobia.

Such inclinations are vital dictates of the natural law, because they demonstrate clear cases through reason regarding what is good. Based on this understanding, xenophobia is unjustified because one’s inclination towards a morally good life is not only a reasonable option, but also one which makes practical sense. Since through rationality one discerns what is good, it might be strange to imagine a situation when one’s natural judgement is corrupted by either passions or vice like in the case of xenophobia. Thus, it is natural to feel that theft is wrong while justice is right. In that way, Aquinas’s natural law “offers an interesting account of the foundation of morality...and it offers an account of how the basic moral principles are grasped by anyone” (Pasnau & Shields 2004:228). As such, natural law theory partly aims at promoting the common good in the society as well as preservation of the good. Aquinas also “acknowledges the necessity of being virtuous because “leading a good, self-fulfilling life consists not merely in doing the right thing, but in having a good character”; a character absent in those who participate in the xenophobic activities (Eardley & Still 2010:86). As such natural law seeks to identify fundamental, constitutive aspects of human flourishing that one could call basic human goods while articulating the principles of reason that govern how upright choices should be made in response to those basic human goods.

### **Natural Law and the Virtues**

Aquinas’ natural law involves an account of virtues understood as the habits of mind and character that reliably dispose one to choose and act in accordance with moral norms which in themselves constitute an important aspect of human flourishing. As such there are various precepts that order human beings toward a variety of goods that reason apprehends as intrinsically valuable, as choice-worthy in themselves and not merely as means toward further ends (Aquinas 1948, I-II, q.94, art. 2). As bodily beings, life and health are inherent aspects of our well-being. As social beings, friendship, the formation of communities, marriage and family life all have intrinsic value for us; and this does not exclude foreigners. To choose and act reasonably, then, is to choose and act in ways that respect the intrinsic value of all of the basic goods for all human beings, citizens and foreigners, to choose and act in ways that are compatible with the ideal of integral human fulfilment (Finnis 2013:451). Practical reason directs us toward each of the basic goods and away from their contraries, like xenophobic attacks that damage human well-being and are contrary to human flourishing. This Aquinas would call unreasonable, and therefore immoral, meaning against the natural law (Aquinas 1948, I-II, q. 95, art. 2). Thus, one ought to act according to reason, and from this principle it follows as a proper conclusion that harming or even killing another on the basis that they are foreigners and supposedly responsible for all the bad things happening in the society, is unreasonable.

For Aquinas, the importance of having a good disposition in one’s

life complements the necessity to act in accord with the precepts of the natural law. Virtue gives one an assurance of acting in accordance with the moral law, because “morally virtuous agents will not necessarily need to reason deeply before acting and one cannot have the moral virtues properly without prudence” (Selman 2007:129). Thus, Aquinas introduces the cardinal virtue of prudence to his understanding of natural law, a virtue responsible for fine-tuning or causing all the other virtues, whether moral or intellectual. Natural law needs the virtues to guide the particular and practical nature of moral life, and this requires the virtue of prudence. The virtue of prudence requires a right disposition both in emotions and affections, just as it requires moral virtues due to passions that might veil one’s judgement through natural reason (Eardley & Still 2010:88). It can then be said that prudence is directed towards knowledge for the sake of action, and its goal is the absolute good. This entails that one ought to act while being aware that a particular action will result in the good that will be fulfilling in some way. Hence, moral justification essentially depends on practical wisdom. One’s disposition requires prudence which helps one discern what ought to be done in a particular circumstance through practical reasoning. Like in the case of xenophobia, natural law through the virtue of prudence, can affect one’s disposition to engage in discussion that seeks harmony between citizens and foreigners and not their destruction. Prudence as a kind of intellectual amplitude guides or illumines one through counsel, judgement and command towards the ultimate human good, without necessarily establishing or desiring that particular end. In that way, the “principal function of prudence as

an intellectual virtue is to dispose and perfect the practical reason for the election of proper means for the leading of a good life” (Brennan 1941:67). Living a good life that is directed towards good actions requires right choices not only as an end, but also as a suitably ordained means to that end.

One may question how a prudent person acquires the ability to employ moral virtues, “for we normally assume that prudence consists simply in a certain sort of knowledge, knowledge having practical implications” (Pasnau & Shields 2004:236). For Aquinas, prudence is the ability to practically apply practical knowledge in particular situations. Like in the case of xenophobia, an act of prudence would involve one seeking the truth and not a scapegoat. It would involve one finding the root cause of the problems and not se-

eking the easy way out like that of blame game. For Aquinas, prudence links knowledge with action, or rather, knowing and doing. Through natural law, one grasps what should be done, whereas through prudence one actually assesses or evaluates what ought to be done in complex situations.

Aquinas notes that although prudence does not deal strictly with the cognitive tasks of knowing right actions, “the prudent agent not only has that practical knowledge but is also able to focus on that knowledge at the right time, for as long as necessary” (Pasnau & Shields 2004:238). One already knows through self-reflection as motivated by natural law, the right actions that can lead to the ultimate good. Prudence is itself higher than intellectual knowledge or reason, because although the latter can help one discern the differen-

## Conclusion

The phenomena of xenophobia challenge the core of our humanness and how one perceives the ‘other.’ Although xenophobic violence is a complex issue, natural law can help to understand and eradicate the problem. One notes that all human beings are connected and related as members of the same species through shared human nature, and through the light of reason and virtues channel their actions towards the safeguarding of this fundamental relation with each other. The solution to xenophobia in South Africa partly lies in the ethical choices people make and how the nations and individuals live their human values in curbing their domestic policies,

migration laws and helping foreigners and migrants to adapt and experience these human values in the new environment. Moreover, tolerance and harmony are important in a pluralistic society because they include an inherent paradox of accepting the things one might ordinarily dismiss. To overcome or avoid conflict, one needs to tolerate at least some of the very things one abhors, disagrees with, disapproves of or dislikes. Although not self-evident, tolerance is not uncommon: all over the world people have proved to be willing and able to tolerate and accept the seemingly irreconcilable differences between their own values, lifestyles, religious beliefs, political

views, personal preferences, and those of others. The urgency to practice and promote tolerance is only too obvious: without tolerance, communities that value diversity, equality and peace could not survive. Tolerance toward immigrants is characterized by positive feelings towards them as well as an understanding and endorsement of equality between immigrants and citizens. This is because xenophobia revolves around feelings of fear and irrational thoughts regarding immigrants in society. Tolerance is an asset that allows people with different views to live side by side in the same community.

ce between bad and good actions, often there is a temptation of not desiring this kind of knowledge and opting for the easy way out as in the case of xenophobia. Prudence leads one’s intellect towards the right action with the help of the precepts of the natural law, through a virtuous disposition. Thus, based on this understanding, xenophobia is unjustified. Natural law does not only serves as a possible remedy for xenophobia but becomes meaningful because there is variation, diversity and transformation in social life: there is something ‘natural’ in the idea of natural law as it emerges out of the real challenge of having to understand the multiplicity of ways in which human beings experience their lives in common. Such an understanding suggests that xenophobia is injustice not only to foreigners but to the whole of the human race.

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