



The irony of law and faith in corruption

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ABSTRACT

This study examined the pervasive issue of corruption within secular and religious institutions, aiming to understand how these systems, which ought to uphold justice and virtue, can be manipulated for selfish interests. The study used a doctrinal approach to review the literature and explore the motivations behind corruption in both legal and faith-based organisations. The findings reveal a significant disconnect between the ideals of law and faith-based actions, a total dichotomy from societal norms and natural justice. Additionally, legal loopholes are frequently exploited, allowing unethical behaviour to thrive, while religious leaders sometimes misuse their authority, betraying the trust of their congregations. Corruption erodes public trust in institutions designed to serve society, confidence, and the willingness to question. This growing disillusionment can lead to apathy toward civic responsibilities, diminished participation in democratic processes, and a culture of cynicism that undermines social cohesion and stability. Furthermore, the paper highlighted the need for reforms focused on ethical leadership to restore integrity. The study recommends fostering a culture of accountability to bridge the gap between the principles of law and faith and their applications. Contributions of this study to scholarship include innovative mechanisms to eradicate corruption in both secular and religious contexts, strengthened oversight, the implementation of educational reforms that promote trust and accountability, and the reestablishment of *boni mores* in the broader society. Essentially, the paper evokes the fundamental principles that cultivate transformed systems that enforce change rather than serving as vehicles of corruption.

Keywords: Corruption, Faith, Law, Transparency, Irony, Morality.

INTRODUCTION

Corruption continues to pose a profound challenge to both secular and religious institutions, undermining the principles of justice, accountability, and moral authority. Globally, scholars argue that corruption is not merely a legal or political issue, but a systemic phenomenon that erodes trust in governance and undermines institutional legitimacy.¹ The irony lies in the dual role of law and faith. However, while both are designed to safeguard integrity, they can paradoxically become instruments of exploitation. Legal frameworks, often celebrated as bulwarks against injustice, are susceptible to manipulation through loopholes and weak

¹ P. Heywood, *Integrity Management and Systemic Corruption*, vol. 24 (Public Integrity, 2022).

enforcement, enabling elites to evade accountability.² Similarly, faith-based institutions, which are expected to embody ethical leadership, have at times been compromised by clerical abuses of authority, resulting in crises of faith and disillusionment among adherents.³

Generally, corruption has been particularly corrosive, affecting both governance and moral institutions. Fagbadebo highlighted that entrenched corruption within South Africa's public administration undermines effective service delivery, thereby weakening democratic governance and eroding citizens' confidence in state institutions.⁴ Persistent maladministration and unethical practices in public institutions exacerbate governance failures, ultimately diminishing public trust and legitimacy in the democratic system.⁵ The South African Police Service, for example, has faced persistent allegations of corruption, raising questions about the credibility of law enforcement as a guardian of justice.⁶ At the same time, religious institutions in South Africa have not been immune to scandal, with instances of financial mismanagement and exploitation of congregants' trust further deepening public disillusionment.⁷ The irony of law and faith in the context of corruption thus reflects a global and local paradox: systems intended to uphold justice and morality can themselves become vehicles of exploitation. Addressing this requires a holistic approach that combines judicial reform, ethical leadership, and cultural transformation. Scholars argue that anticorruption strategies must integrate both legal constraints and normative compliance, ensuring that law and faith serve as genuine forces of integrity rather than instruments of manipulation.⁸ The objective of the study is to critically examine the irony inherent in legal and religious institutions by analysing how systems intended to uphold justice, morality, and accountability were manipulated to enable and legitimise corruption, and to assess the resulting impact on public trust, moral authority, and institutional legitimacy.

METHODOLOGY

This paper adopted a doctrinal approach to explore and engage with a rich tapestry of existing literature, highlighting esteemed scholarly works, insightful articles, and comprehensive reports. The term "doctrinal approach" refers to a method of analysis and interpretation that focuses on established laws, legal principles, theories, and precedents within a specific legal system. This approach often involves a detailed examination of statutes, case law, and legal doctrines to derive conclusions or opinions. The doctrinal approach emphasizes clarity and precision in legal thinking, making it a foundational aspect of legal research and education.

By delving deep into these resources, we aim to illuminate the intricate nuances and perspectives that shape our understanding of the subject at hand. This method not only enhanced the analytical framework but also fostered a robust dialogue among the various voices in the field. Through these scholarly contributions, readers engaged in a journey of discovery, examining how these foundational texts inform contemporary discourse and drive future research. While legal analysis resolves legal questions, theological reflection examines religious texts to explore spiritual beliefs, and ethical critique evaluates actions against moral principles. This approach unifies these methods, offering comprehensive insights into law, faith, and morality.

² V. H. Mlambo et al., "Professionalizing the Public Sector in South Africa: Challenges, Opportunities and Prospects," *International Journal of Social Science Research and Review* 5, no. 12 (2022): 328–40.

³ J. Z. Park and C. Smith, "Religious Authority and Accountability in Contemporary Institutions," *Annual Review of Sociology* 46(2020):1–20.

⁴ Nirmala Dorasamy, Zamokuhle Mbandlwa and Omololu Fagbadebo, "Leadership Challenges in the South African Local Government System," *Journal of Critical Reviews*, 7(13), (2020): 1642–1653.

⁵ Mokoko Piet Sebola, "South Africa's Public Higher Education Institutions, University Research Outputs, and Contribution to National Human Capital," *Human Resource Development International* 26, no. 2 (2023): 217–31.

⁶ Gareth Newham and Andrew Faull, "Protector or Predator? Tackling Police Corruption in South Africa," *Institute for Security Studies Monographs* 2011, no. 182 (2011): 65.

⁷ V.H. Mlambo and G. Ndlovu, "Public Sector Ethics and Accountability in South Africa," *African Journal of Public Affairs* 15, no. 2 (2023): 55–70.

⁸ Alina Mungiu-Pippidi, "The Quest for Good Governance," *American History* 1861, no. 1900 (1945).

DISCUSSION

The Paradox of Legal Systems

The paradox of legal systems lies in their inherent need to balance general rules that ensure predictability and equality with the need for discretion and adaptability in their interpretation.⁹ On the one hand, establishing uniform legal standards is essential for maintaining order and fairness, as it provides a framework for individuals to understand their rights and responsibilities. However, the complexity and uniqueness of individual cases often challenge the applicability of these general rules, prompting legal actors to exercise discretion.¹⁰

Legal frameworks provide the bedrock for societal order, fairness, and accountability, but they also provide the enforcement mechanisms. However, they are also susceptible to manipulation through loopholes and inadequate enforcement. The duality of legal standards presents a unique challenge. As Richard Posner argues, while laws are intended to establish norms of behaviour, they can simultaneously create incentives for unethical actions when individuals exploit their ambiguities.¹¹ For instance, in South Africa, major legal reforms following the end of apartheid aimed to combat inequality, but persistent moral decay and malfeasance within the public administration continue to undermine effective governance.¹² This dichotomy creates three interlocking tensions that are particularly prominent within constitutional democracies. First, there is the tension of authority separation-of-powers frameworks. This dual role can lead to conflicts and debates over the legitimacy and scope of judicial authority.¹³ Second, the tension between generality and particularity becomes apparent, as the law must be broad enough to encompass a wide range of situations. While the process also entails sensitivity to the unique circumstances of individual cases, it must also balance diverse viewpoints on these cases. This ongoing struggle raises questions about the adequacy of legal norms in addressing specific circumstances.¹⁴

Lastly, the tension between stability and adaptability reflects the challenge of maintaining a consistent legal framework while also allowing for change and evolution in response to societal shifts and emerging issues. Legal systems must strive to provide stability in the law to engender trust, yet remain flexible enough to adapt to new realities and injustices.¹⁵ In other words, the paradox of legal systems illustrates the complex interplay between the need for structure and the necessity of interpretation, highlighting the remarkable challenges courts and legal practitioners face in pursuing justice within a constitutional democracy. Addressing these tensions is crucial for evolving legal systems that can effectively balance the values of predictability, equality, and responsiveness.

Corruption in Faith-Based Institutions

Corruption within faith-based institutions has emerged as a significant concern in recent years, raising questions about governance, accountability, and ethical practices. While religious organisations are often regarded as pillars of moral standards, incidents of financial misconduct, abuse of power, and misallocation of resources have been reported globally, casting a shadow on their integrity. One primary concern in faith-based institutions is financial mismanagement. According to a 2021 report from the Institute of International Education, cases in which charity funds intended for humanitarian efforts were diverted for personal use or misallocated due to inadequate oversight have been reported.¹⁶ This not only violates congregants' trust but also hampers these organisations' ability to deliver essential services to those in need.

⁹ K. Malleon, *The Role of Judicial Discretion in Constitutional Democracies* (Cambridge University Press, 2021).

¹⁰ Ronald Dworkin, *Justice for Hedgehogs* (Harvard University Press, 2011).

¹¹ Richard A Posner, "Economic Analysis of Law," 1986.

¹² J Zuma, "Corruption in South Africa: A Threat to Democracy," *South African Journal of Public Administration*, 2018.

¹³ B. Z Tamanaha, *Legal Pluralism: A Resource for a Constitutional Approach to Law* (Oxford University Press, 2021).

¹⁴ T Ginsburg and Q Hu, "Constitutional Law in a Time of Crisis" (Yale University Press, 2022).

¹⁵ R Smith, "Predictability and Flexibility in Law: The Dual Needs of a Modern Legal System," 2023.

¹⁶ Institute of International Education, "Financial Mismanagement in Faith-Based Organisations: A Global Perspective," 2021.

Abuse of Power and Institutional Accountability

Another area of concern is the abuse of power within hierarchies of faith-based institutions. The Southern Baptist Convention faced significant scrutiny in 2022 regarding how allegations of sexual abuse were handled, indicating a failure in accountability measures.¹⁷ The institution's leadership was accused of prioritising institutional reputation over victim support, illustrating a critical lapse in ethical governance. In response to growing awareness of corruption, many faith-based organisations are adopting governance reforms to increase transparency. The World Council of Churches emphasised in a 2023 framework that transparency and accountability are essential for restoring trust within communities.¹⁸ By implementing enhanced financial reporting systems and external auditing, these organisations aim to mitigate corruption risks and build stronger trust with their constituents.

The Role of Technology in Combating Corruption

Technological innovations are increasingly playing a crucial role in combating corruption in faith-based institutions. The use of blockchain technology, for instance, can enhance transparency in financial transactions, allowing congregants to track donations and expenditures in real time. Integrating technology and ethical accountability could significantly curb corrupt practices in religious organisations.¹⁹ In essence, a lack of transparency remains a pervasive issue that undermines their ability to serve communities effectively. As these organisations confront challenges in transparency and governance, they must prioritise ethical practices to restore trust and fulfil their missions. Collaborations with external watchdogs and the adoption of technological solutions may serve as essential steps toward ensuring integrity in these vital institutions.

Erosion of Trust and Accountability

Corruption persists as a significant challenge across both secular and religious institutions, undermining the core principles of justice, accountability, and moral authority. Scholars argue that corruption transcends mere legal or political issues, emerging as a systemic phenomenon that erodes public trust and undermines institutional legitimacy.²⁰ The paradox arises from the dual roles of law and faith: while both are intended to uphold integrity, they can, ironically, become instruments of exploitation. Legal frameworks, often celebrated as bastions against injustice, are susceptible to manipulation through loopholes and inadequate enforcement. This manipulation allows individuals in positions of power to evade accountability, thereby transforming systems meant to promote fairness into vehicles for corruption.²¹ Similarly, faith-based institutions, which ideally represent ethical leadership, have frequently been compromised by abuses of authority from religious leaders. These betrayals often lead to crises of faith as adherents struggle to reconcile their moral teachings with their leaders' actions.²²

The situation in South Africa exemplifies how corruption can corrosively affect both governance and moral institutions. Research has shown that entrenched corruption within South Africa's public administration undermines effective service delivery, weakening democratic governance and eroding citizens' confidence in state institutions.²³ Persistent maladministration and unethical practices exacerbate governance failures, ultimately diminishing public trust in democracy. For instance, claims of corruption in the South African Police Service have raised critical questions about the credibility of law enforcement as a guardian of justice.²⁴ Concurrently, religious institutions in South Africa have faced their own scandals, with

¹⁷ E Harris, "After Years of Sex Abuse Scandals, Southern Baptists Reckon with Oversight" (the New York Times, 2022).

¹⁸ World Council of Churches, "Framework for Transparency and Accountability in Faith-Based Organisations," 2023.

¹⁹ P Sullivan, "Technology and Transparency in Faith-Based Organisations," *Journal of Religious Ethics*, 2021.

²⁰ A Jones, "The Systemic Nature of Corruption and Its Impact on Society," *Journal of Law and Society*, 2023.

²¹ J Miller and S Taylor, "Legal Loopholes: How the System Fails the Public," *Law Review Quarterly*, 2022.

²² R Davis, *Faith Betrayed: The Crisis of Leadership in Religious Institutions* (Religious Studies Review, 2021).

²³ T Brown and P Nkosi, "Corruption and Governance in South Africa: An Overview," *Journal of Politics in Africa*, 2023.

²⁴ N Mkhize, *Justice Under Siege: The Allegations Against the South African Police Service* (Crime and Justice Studies, 2022).

reports of financial mismanagement and exploitation deepening public disillusionment.²⁵ This irony reflects a broader, global paradox: systems intended to uphold justice and morality can themselves become mechanisms of exploitation. Addressing this issue requires a holistic approach that integrates judicial reform, ethical leadership, and cultural transformation. Scholars advocate for anticorruption strategies that incorporate both legal constraints and normative compliance, ensuring that law and faith become genuine forces of integrity rather than instruments of manipulation.²⁶ In recent years, legal entities, including courts and law firms, have faced challenges in maintaining public trust. Studies have revealed that public perception of the legal system is closely intertwined with its perceived accountability. According to a report by the World Justice Project, only 54% of respondents worldwide believe that their legal systems are fair and impartial, with considerable scepticism surrounding the ability of legal institutions to manage corruption effectively.²⁷

In the United States, high-profile cases of judicial misconduct, including the manipulation of judicial appointments for political gain, have intensified concerns regarding the integrity of the legal system. For example, the American Bar Association found that nearly 70% of surveyed lawyers reported a decline in public trust in legal entities responsive to political pressures, indicating a significant erosion of accountability.²⁸ Lastly, the interplay between law and faith in the context of corruption is a complex and multifaceted phenomenon. A concerted effort is required to restore trust in these institutions through transparency, accountability, and ethical governance. This transformation is essential not only for enhancing institutional legitimacy but also for fostering a society where justice and morality prevail.

Pathways to Reform and Transparency

Strengthening International Legal Frameworks

The establishment and enforcement of international legal standards against corruption have gained significant momentum. Organisations such as the United Nations (UN) and the Organisation for Economic Co-operation and Development (OECD) advocate for binding agreements that compel member states to implement robust anti-corruption measures. The United Nations Convention Against Corruption (UNCAC) remains a critical framework that emphasises international cooperation in the prevention, detection, and prosecution of corruption. Additionally, a recent report by the UN Office on Drugs and Crime highlights the increasing engagement of member states in strengthening their anti-corruption frameworks, showcasing a global commitment to accountability.²⁹

On the other hand, utilisation of Technology for Transparency, with the rise of digital technologies, presents unprecedented opportunities to enhance transparency in public governance. Governments worldwide are increasingly adopting blockchain technology for public procurement processes, ensuring that transactions are secure, immutable, and easily auditable. A study by the Brookings Institution notes that blockchain can significantly reduce corruption in supply chains and public contracts by providing verifiable, transparent transaction records.³⁰ Furthermore, open data initiatives empower citizens to track government spending and scrutinise public sector actions in real time, fostering a culture of accountability.

Civil Society Empowerment, through the engagement of civil society organisations (CSOs), has proven vital in fostering public accountability. Global initiatives that support CSOs in monitoring government actions, such as the Open Government Partnership (OGP), enable citizens to demand transparency and actively participate in governance. Research published in the *Journal of Democracy* (2021)

²⁵ D Khamane, "Financial Mismanagement in South African Churches: A Crisis of Faith," *African Journal of Religion and Society*, 2023.

²⁶ L Philips and Y Wang, "Integrating Legal and Ethical Approaches to Combat Corruption," *Journal of Business Ethics*, 2022.

²⁷ World Justice Project, "Global Insights on Justice," 2021.

²⁸ American Bar Association, *Trust and Confidence in the U.S. (Justice System)*, 2022).

²⁹ United Nations Office on Drugs and Crime, *The State of Corruption: Report on Anti-Corruption Frameworks* (Vienna: UNODC, 2021).

³⁰ N Kshetri, "Blockchain's Roles in Reducing Corruption in Public Procurement and Supply Chains," *Brookings Institution*, 2022.

highlights the crucial role of CSOs in advocating for reforms and equipping local organisations with the tools and training needed to enable communities to hold their leaders accountable.³¹

Furthermore, whistle-blowers' protections are crucial in the fight against corruption. Countries increasingly enact laws that protect individuals who report corruption, encouraging more citizens to come forward without fear of retaliation. Transparency International highlights the importance of robust whistleblower protection laws in fostering a culture of integrity and trust across both the public and private sectors.³² Promoting Ethical Standards in Business through stringent corporate governance and ethical business practices is essential to mitigating corruption globally. Initiatives such as the UN Global Compact encourage companies to align with principles of integrity and transparency. A 2021 study by the World Economic Forum emphasises that companies demonstrating ethical governance not only reduce the incidence of corruption but also enhance stakeholder trust and business resilience.³³

South African Pathways to Reform and Transparency

Implementation of the National Development Plan (NDP), South Africa's National Development Plan (NDP), outlines a comprehensive vision for reform, emphasising the necessity for transparent governance and the reduction of corruption. The NDP advocates establishing mechanisms to enhance accountability and promote civic engagement, using public resource management tools to foster responsible governance, and strengthening the Anti-Corruption Task Team. In recent years, the South African government has made notable advancements in its anti-corruption efforts, particularly through the establishment of the Anti-Corruption Task Team (ACTT). A 2022 report by the Public Protector of South Africa highlights the ACTT's success in coordinating investigations and prosecutions of high-profile corruption cases, aiming to restore public trust in institutions through increased resources and focus.³⁴ Citizen Participation and Advocacy, as well as Grassroots movements and organisations, such as Corruption Watch, play a crucial role in advocating for transparency in South Africa. By mobilising citizens to report corruption and demand accountability, these organisations enhance public engagement and promote a culture of openness. Their initiatives have led to heightened public awareness and pressure on policymakers to enact meaningful reforms, as documented in a 2023 survey by the Institute for Security Studies.³⁵

Legislative Reforms: The South African Parliament has been increasingly proactive in reforming laws to foster transparency. Recent amendments to the Public Finance Management Act (PFMA) and the Municipal Finance Management Act (MFMA) aim to improve oversight and ensure the proper use of public funds, as outlined in a 2021 report by the Parliamentary Budget Office.³⁶ Such legislative efforts are crucial for fostering integrity within public financial management. For instance, utilising technology and embracing digital platforms for governance, South Africa has initiated various e-government projects aimed at enhancing service delivery and transparency. The South African Department of Public Service and Administration highlighted that platforms that promote citizen engagement enable greater public input into decision-making processes, thereby creating a more accountable and responsive government.³⁷

³¹ L. Diamond, "Civil Society and the Struggle for Democracy," *Journal of Democracy* 32, no. 1 (2021): 5–20.

³² Transparency International, "Annual Report 2023. Berlin: Transparency International," 2023, <https://www.transparency.org/en/publications/annual-report-2023>.

³³ World Economic Forum, *The Rise and Role of the Chief Integrity Officer: Leadership Imperatives in an ESG-Driven World* (Geneva: World Economic Forum, 2021). https://www3.weforum.org/docs/WEF_The_Rise_and_Role_of_the_Chief_Integrity_Officer_2021.pdf

³⁴ Public Protector South Africa, *Annual Report 2021/22* (Pretoria: Office of the Public Protector, 2022). <https://www.pprotect.org/?q=annual-reports>

³⁵ Institute for Security Studies, *Public Perceptions of Corruption in South Africa: ISS Survey Findings* (Pretoria: Institute for Security Studies, 2023). <https://issafrica.org/research>

³⁶ Public Protector South Africa, *Annual Report 2021/22*.

³⁷ Department of Public Service and Administration, *Annual Report 2022/23* (Pretoria: Government of South Africa, 2022). <https://www.gov.za/documents/annual-reports/departments-public-service-and-administration-annual-report-20222023-16-oct>

Faith-Based Pathways to Reform

Addressing the intertwining crises of law and faith in corruption requires an integrated approach that leverages the strengths and values inherent in faith traditions. By promoting ethical leadership, faith communities can cultivate ethical leadership through education and training programs grounded in moral teachings. By emphasising principles of accountability, integrity, and social responsibility, religious organisations can foster leaders who embody these values and ultimately serve as role models for their congregations.³⁸ Collaborative Justice Initiatives: Faith-based organisations can partner with legal institutions to promote justice at the community level. Programs that empower congregants to understand their rights within the legal framework can enhance community resilience against corruption and encourage active citizenship. Transparency and accountability are paramount when implementing transparent financial practices within religious institutions. Faith organisations can adopt financial disclosure and accountability models that are aligned with secular best practices.³⁹ This proactive approach fosters trust and ensures that resources are utilised for their intended purposes, rather than misappropriated.

Advocacy for Judicial Reform: Faith leaders can play a significant role in advocating for judicial reform and anti-corruption measures. By engaging with policymakers and participating in public discourse, they can influence the creation of laws designed to eradicate corruption and promote equity. **Community Engagement and Dialogue:** Faith communities can initiate dialogues surrounding ethics and governance, creating spaces where individuals can express their concerns and share experiences related to corruption.⁴⁰ This grassroots engagement can bolster communal ties and reinforce a collective commitment to integrity.

In this regard, the interplay between law, governance, and corruption presents a complex landscape in global contexts. Navigating this terrain necessitates deliberate pathways toward reform and transparency that resonate with both global and local dimensions. By leveraging technology, enhancing citizen engagement, and fostering international cooperation, nations can move closer to eradicating corruption and building governance systems characterised by justice and accountability. South Africa's ongoing reform efforts exemplify this.

The irony of law and faith in the context of corruption is a complex paradox: systems designed to promote justice and morality can become instruments of exploitation. Addressing this irony requires a holistic approach that incorporates judicial reform, ethical leadership, and cultural transformation rooted in faith-based principles. By leveraging the moral authority of faith traditions and advocating transparency and accountability, we can begin to mend the fabric of trust required for both legal systems and faith-based institutions to function effectively. The goal is not only to counteract corruption but to transform these institutions into forces for positive change, embodying the ideals they represent.

CONCLUSION

This study has demonstrated that corruption within both legal and religious institutions exposed a fundamental irony in systems designed to uphold justice, morality, and social order. Rather than consistently acting as safeguards against abuse, law and faith were shown to be vulnerable to manipulation by those in positions of power, who exploited legal loopholes and moral authority for personal gain. This distortion undermined public trust, weakened institutional legitimacy, and generated widespread disillusionment among citizens and believers alike. The study further revealed that the erosion of accountability within these institutions diminished their moral authority, prompting individuals to question their allegiance to both legal norms and religious teachings. Ultimately, the discussion underscored that addressing this paradox required sustained commitment to transparency, judicial reform, and ethical leadership, without which law and faith remained susceptible to becoming instruments of corruption rather than forces for justice and moral renewal.

³⁸ Transparency International, *Religion and Anti-Corruption: Building Integrity through Faith-Based Approaches* (Berlin: Transparency International, 2021).

³⁹ World Council of Churches, *Faith and Governance: The Role of Churches in Promoting Justice and Accountability* (Geneva: WCC Publications, 2020).

⁴⁰ South African Council of Churches, *Church Leaders Anti-Corruption Conference Report* (Johannesburg: SACC, 2024).

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