

## The Political Economy of High-Stakes Whistleblowing in South Africa

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**Submitted: 2025-08-01 • Accepted: 2025-10-07 • Published: 2025-11-14**

**Abstract:** Whistleblowing, which is when organizational insiders expose wrongdoing to an authority that can effect action, has been identified as a mechanism that possesses the capacity to combat, or even prevent, high-level malfeasance. Much global research has explored the frequency and the nature of retaliation that whistleblowers are subjected to. However, there is a dearth of research regarding the political economy of whistleblowing. This paper, employing documents as sources of data, has sought to explore the global pattern of fallout experienced by whistleblowers, with the experiences of South African whistleblowers being testament to this. Thus, the cases of South African high-stakes whistleblowing are given particular attention. This paper asserts that weak whistleblower protection legislation is a large contributor to why whistleblowers face frequent and severe reprisals in South Africa. It also determines that there is an absolute power imbalance between those who report wrongdoing and those who perpetrate it. Ultimately, this paper's unique contribution lies in establishing that the issue of weak legislation is compounded by the neoliberal political economy. With South Africa exemplifying a neoliberal political economy, initiatives aimed at addressing issues of corruption (such as reinforcing whistleblower protection laws) become difficult in a political economy where criminal and fraudulent capital is rife, and a wide spectrum of corrupt and socially pernicious practices is common. This paper does, however, concede that pro-social practices can exist within neoliberalism, with the actions of whistleblowers being evidence of this. However, revising the whistleblower protection instrument would require cultural and political-economic resistance to neoliberalism.

**Keywords:** whistleblowing, fallout, political economy, neoliberalism.

## INTRODUCTION

Whistleblowing, which is when individuals report organizational wrongdoing to others that can effect action (Near & Miceli, 1985), has been identified as a mechanism that can combat, and even prevent, corruption and state capture (Radulovic, 2023c). Whistleblowing research often explores the reprisals that whistleblowers encounter throughout their disclosure experiences (Bjørkelo & Matthiesen, 2011; Kenny & Fanchini, 2024; Near & Miceli, 1986; Radulovic, 2023b, 2025a). However, what is under-researched is the nature

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eISSN 2620-0406

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of the political economy wherein these whistleblowers make disclosures. As such, this paper is concerned with the political economy of whistleblowing – being particularly focused on the context of blowing the whistle in a neoliberal political economy.

Political economy can be broadly understood as “the study of how economic and political systems are linked” (Hacker et al., 2021: 4). Informed by this understanding, the premise is such that the linkages between economic and political systems are both substantive and consequential. Political interventions play a decisive role in structuring economic outcomes and, in turn, incentive regimes shaped by economic resource allocation and activity patterns significantly influence politics (Hacker et al., 2021). This bi-causal relationship has broader-reaching consequences on people’s lives. This is of particular importance in understanding the whistleblower’s lived experience in a neoliberal state.

The term ‘neoliberalism’ itself is an umbrella term that is “applied variously to a programmatic bundle of pro-market, pro-corporate, and pro-choice policy measures” (Peck, 2017: 1). It is applicable to small-government paradigms rooted in entrepreneurialism and competition, aligned with market fundamentalism and the global ideology of financialized capitalism and market hegemony (Peck, 2017). Moreover, Whyte and Wiegartz (2016b) emphasize that neoliberalism is not a social ‘system’ per se, but an analytical category for interpreting contradictory and often fragmented truth claims about societal organization. As such, neoliberalism promotes a set of economic and public policies that generally endorse “the commodification of all forms of social provision, consumption and distribution” (Whyte & Wiegartz, 2016b: 229). Thus, in a neoliberal state, capital accumulation is sought after at the expense of social relationships. The term ‘neoliberalism’ is therefore a broad term applied to the dominant political economy – capitalism – which has the capacity to be socially destructive (Whyte & Wiegartz, 2016b). Such destructive behaviour is echoed in the responses to whistleblower’s disclosures.

The political economy in neoliberal Western states creates an environment where the disclosure experience is marred by retaliation, in part because the internal (and, in several instances, external) channel of reporting often brings the disclosure to those at the apex of an organization (or even state) – the very parties commonly responsible for the wrongdoing. Addressing the retaliation, then, becomes problematic (as does the reform of whistleblower protection law), since actors at the apex of the hierarchical order would not want to strengthen accountability mechanisms that would hold them to account. To examine this, the paper turns its attention toward the context of the Global South and, in particular, South Africa, a country that exemplifies the neoliberal political economy. While some global research has been conducted on the political economy of whistleblowing (see Bjørkelo & Madsen, 2013; Coyne et al., 2019; Ozili, 2016), there appears to be a notable lack of literature on the subject in South Africa. In contributing to the limited research on the political economy of whistleblowing, this study utilizes a qualitative methodology which employs the use of documents as sources of data.

## A GLOBAL PATTERN OF FALLOUT

A global pattern of fallout has persisted against whistleblowers. This is of particular importance in contextualizing the scope of retaliation against whistleblowers, the world over.



One of the most prominent cases of whistleblower fallout is concerned with the experience of Edward Snowden. Snowden, who was an external contractor with the United States (US) National Security Agency (NSA), disseminated several highly classified NSA documents into the public domain. These documents provided incontrovertible evidence that the US surveillance apparatus was involved in unethical practices (Greenwald et al., 2013). As a consequence of his disclosure, Snowden was labelled a dissenter. The then-president of the US Council on Foreign Relations, Richard Haass, had even gone as far as to (incorrectly) argue that Snowden's disclosure failed to qualify as an act of whistleblowing (Uys, 2022). Since 2013, Snowden has been in exile in Russia, as he had feared for his safety in the US (Troianovski, 2020). This exile came with due reason as Mike Pompeo had, during his tenure as the director of the Central Intelligence Agency, "believed that Snowden deserved to be executed" for engaging in treasonous activity (Uys, 2022: 7).

Similar to Snowden, Chelsea Manning had exposed systemic abuses of power and the transgressions of executive authorities in the US. Manning, who was a US soldier, provided classified military documents to WikiLeaks (a non-profit organization concerned with exposing human rights violations). This exposure would end up forming 'The Iraq War Logs' and 'The Afghan War Diaries'. Manning's disclosure revealed mass civilian casualties and widespread human rights violations stemming from US military interventions (WikiLeaks, n.d.). As a consequence of her disclosure, Manning was sentenced to thirty-five years of incarceration, though she would ultimately serve only seven of those years in prison (Chappell, 2017). Snowden and Manning's fallout experiences were both severe, despite the US having "long had a mechanism to protect whistle-blowers" (Kostić, 2024: 222).

Whistleblowers have also greatly contributed to the exposure of ensnared political systems. Maria Efigiova's bombshell disclosure exposed the corrupt relationships between organized crime and Malta's political elites. As an anonymous source, Efigiova passed on data detailing a complex network of corruption and money laundering to investigative journalist Daphne Caruana Galizia, in an exposure that would directly implicate Malta's former Prime Minister. Six months after the bombshell would break, Caruana Galizia would be assassinated with a car bomb en route home, and Efigiova's identity would then also become compromised within an official investigation. After Caruana Galizia's murder, Efigiova would flee Malta, together with her husband and two children, but only to face continued safety concerns from a number of sources connected to the criminal network (Martin, 2020).

The LuxLeaks whistleblowers have also endured their fair share of anguish, although largely grounded within legal affairs. Antoine Deltour and Raphaël Halet exposed how Luxembourg "reached questionable tax deals" with multinational firms, privileging those firms to pay very little tax. They dubbed these arrangements the "sweetheart deals", at a time when Luxembourgish politician Jean-Claude Juncker was the President of the European Commission and was serving as the Prime Minister of Luxembourg. Deltour and Halet would, as a consequence of exposing this, be found guilty of "stealing documents, revealing business secrets and violating trade secrets", with Deltour and Halet respectively receiving twelve-month and nine-month suspended sentences, along with €1500 and €1000 suspended fines (Levy-Abegnoli, 2016). The judgment set a precedent for punitive legal outcomes against whistleblowers in the European Union.

Joshua Dean and John Barnett had both blown the whistle on the Boeing Company's inadequate safety practices. Dean was a former quality auditor at Spirit AeroSystems, Boeing's



fuselage contractor. Boeing had agreed to buy Spirit AeroSystems, a company that had repeatedly ignored manufacturing defects at its plants. Dean had reported a manufacturing defect internally, and then externally when his internal disclosure was ignored. Dean was fired, he believed, as a form of retaliation due to his disclosure to a regulator. Dean's health deteriorated in late April 2024, as a consequence of *Staphylococcus* infection. He was hospitalized and subsequently placed on life support, despite being 45 years old and having no other health-related issues. He passed away on 1 May 2024 (Mesa, 2024).

John Barnett was a quality manager at Boeing with over 30 years of service in the company. Barnett had alleged that Boeing's quality control measures were "severely inadequate", with "faulty parts and substandard manufacturing practices being overlooked" (Mesa, 2024). Barnett would blow the whistle to a number of regulators regarding the matter, for which he would engage with Boeing in a legal battle as a consequence. On 9 March 2024, Barnett was found dead from a gunshot wound, with the medical examiner ruling his death a suicide after a period of distress emerging from the legal battle. Barnett's friend recalled that Barnett had confided in her that if anything were to happen to his physical wellbeing, it would not be the result of suicide (Mesa, 2024). Similar to their counterparts in the West, South African whistleblowers have also been the victims of fallout. In examining the fallout suffered by South African whistleblowers (along with its causes), this study employs a qualitative methodology, which is discussed in the section that follows.

## METHODS

A qualitative approach, employing the use of documents as sources of data, was used for this study. A document is the result of a socially organized project, which is both produced and consumed by people. Documents are dynamic in that they involve creators (as writers, publishers, agents and publicists) as well as users (those people who read or receive the information) (Prior, 2003). This warrants particular attention in the context of this analysis, as various creators have been crucial in producing documents regarding the high-stakes disclosures of whistleblowers in South Africa. The nature of the setting has also been crucial, as the country has a long history of grappling with corruption and state capture. However, as the researcher is a sociologist, it is important not to have consumed these documents as an ordinary user but rather to have understood the very process behind the manufacture of the documents. What was of critical importance was considering the underlying message in the manufactured documents and what this paper, in particular, set out to explore – the pattern of whistleblower fallout and the political economy of whistleblowing.

Documents that qualified as sources of data for this study were any such documents that could be read, were easily available for analysis, and were pertinent to the understanding of fallout arising out of high-stakes disclosures in South Africa. As such, this paper was specifically concerned with digital and print news articles, books produced by any stakeholders concerned with high-stakes whistleblowing in South Africa, official documents, as well as academic research.

Since authenticity issues present a concern in the case of mass-media outputs (such as news articles and books), and even with such outputs commonly being genuine, "the authorship of articles is often unclear" (Bryman, 2012). Thus, the researcher acknowledges



that document credibility can present an issue in such instances. However, utilizing a wide range of documents has assisted the researcher in engaging in an analysis to uncover and correct the error of distortion.

Once the relevant documents were gathered, thematic analysis was utilized to extract recurrent themes. Two key themes have contributed to the understanding of whistleblower reprisals in South Africa, namely: weak whistleblower protection legislation; and the neo-liberal political economy as a compounding factor. Ultimately, six prominent high-stakes whistleblower cases were analysed. The subsequent section presents the impact that these six whistleblowers played in unearthing high-level malfeasance (which, for the purposes of this study, is understood as wrongdoing committed by people in positions of considerable power and authority) in South Africa.

### SOUTH AFRICA'S WHISTLEBLOWERS: SIX CASES REVEALING HIGH-LEVEL MALFEASANCE

Apartheid was a system of institutionalized racial segregation, which was officially implemented in 1948 and by most accounts ended with the 1994 non-racial elections, with an authoritarian political culture that ensured political, social and economic domination by the country's white minority. It was particularly marked by the economic exploitation of black Africans by the white minority. With a shift from apartheid rule, South Africa underwent a triple transition – across political, social and economic levels (Uys, 2014).

Political reform occurred through the establishment of a constitutional democracy in 1994. Socially, the transition emphasized racial reconciliation and Mandela's vision of a pluralistic 'rainbow nation' grounded in tolerance and diversity. Economically, macro-restructuring efforts initiated in 1994 were superseded by the Growth, Employment and Redistribution strategy in 1996, with further policy shifts continuing into the 2000s (Uys, 2014). Yet, the transition had given rise to a black capitalist class (instead of evenly empowering everyone), which had "formed out of former trade union leaders and political activists but was highly financed from various sectors while also being heavily dependent on the state" (Fourie, 2024: 832). The black elite was strategically empowered in order to further the business interests of national and international organizations and to embed neoliberal ideals within South Africa's democratically elected party – the African National Congress (ANC). The ANC would ultimately be prompted toward a neoliberal macro-economic approach, aligning with global economic policies (Bond, 2000). Effectively, South Africa's transition was one from apartheid to neoliberalism. South Africa continues to compete on the global neoliberal stage, under pressure of credit ratings and foreign investment.

Corruption has persisted throughout both apartheid and democratic (and neoliberal) rule, with state capture eventually taking hold of the country under Jacob Zuma's presidency (2009–2018) (Radulovic, 2024). However, the act of whistleblowing in South Africa became a more common occurrence with the country's transition to democratic rule (Uys, 2022). This can largely be attributed to a new Constitution (1996), which was approved by the Constitutional Court on 4 December 1996 and took effect on 4 February 1997, and accompanying legislative frameworks, one of which was the Protected Disclosures Act No. 26 of 2000 (PDA).



Nico Alant is one whistleblower that was instrumental in exposing high-level malfeasance prior to any whistleblower protection legislation being passed in South Africa. At the start of his disclosure, South Africa was under apartheid rule (though his disclosure experience would extend well into the era of democratic rule) and employed a two-tier currency system in order to stimulate foreign investment. The system was highly susceptible to exploitation and fraud. Alant, who was an investigator of exchange control fraud at South Africa's Reserve Bank, had both internally and externally blown the whistle on exchange control fraud. His disclosure had drawn considerable attention to the fraud, with him having even testified before an official commission (Uys & Radulovic, 2025).

Glynnis Breytenbach had blown the whistle after the PDA was implemented. Her disclosure had come at a time when early-onset state capture was underway. State capture is a form of "systematic corruption whereby narrow interest groups take control of the institutions and processes through which public policy is made, directing public policy away from the public interest and instead shaping it to serve their own interests" (Dávid-Barrett, 2023: 224). Breytenbach was a prosecutor at the National Prosecuting Authority (NPA) when she blew the whistle on interference which impaired the functioning of the NPA. She directly implicated the Special Director of Public Prosecutions and the Deputy National Director of the NPA in interfering in investigations as a means to protect a criminal network, of which they were accomplices (Breytenbach & Brodie, 2017). Breytenbach's bombshell exposure detailed how the criminal justice system had fallen victim to the control of a nefarious network (essentially a covert, organized system of actors that were engaged in illicit behaviour).

Fully fledged state capture would eventually engulf South Africa. In doing so, it would set a precedent as the pinnacle of high-level malfeasance. Mosilo Mothepu was one of the whistleblowers integral in exposing part of the complicated network that stood behind the capture of the South African state. Mothepu served as the Chief Executive Officer and Director of Trillian Financial Advisory. Trillian benefitted from a nefarious relationship that it held with a politically connected family – the Guptas. The Guptas were known to unduly influence state affairs, thereby being a crucial element that stood behind state capture (Bester & Dobovšek, 2021). Trillian, due to its close relationship with the Guptas, obtained several favourable contracts with the country's state-owned enterprises. Mothepu (2021), after resigning from Trillian, would shed light on this corrupt relationship by blowing the whistle to the Public Protector of South Africa, who was, at the time, compiling a report on state capture.

Cynthia Stimpel, who served as treasurer of South African Airways (SAA), the country's national flag carrier airline, was also instrumental in exposing state capture. Stimpel challenged a multi-million-rand transaction which was to be signed with a financial service provider whose credibility was under scrutiny. After comparing quotations from several banks for the same service, Stimpel determined that the dubious service provider's cost was significantly higher than that quoted by the banks. As a result, she decided to immediately report the issue using the company's internal reporting channel, hoping that her disclosure would stop the deal with the dubious service provider. Yet, the internal reporting channel yielded no results, and Stimpel thus decided to engage in a public disclosure. In doing so, Stimpel recruited the support of a non-governmental organization. She worked together with the non-governmental organization to obtain an urgent interdict – an interdict that ultimately prevented the transaction from transpiring (Stimpel, 2021).



Disclosures regarding high-level malfeasance under state capture had also emerged from the Public Investment Corporation (PIC) – a South African state-owned enterprise responsible for the investment of public pensions. Altu Sadie, who served as the Chief Financial Officer for Cards and Electronic Banking at the West African Ecobank, provided testimony before the Judicial Commission of Inquiry into Allegations of Impropriety at the Public Investment Corporation (commonly referred to as the PIC Commission of Inquiry). He questioned why the PIC had invested in Ecobank, a sub-investment-grade bank, which presented an overtly risky investment (Radulovic, 2023b; Sadie, 2019).

The PIC was dragged into further disrepute when James Nogu (sometimes referred to as James Noko), an anonymous whistleblower, sent out emails detailing additional affairs that were afflicting the PIC. The Nogu emails claimed that the PIC's executive leadership was engaged in the misappropriation of the state-owned enterprise's resources (Dlamini, 2019). Simphiwe Mayisela, who served as the head of the PIC's cybersecurity division at the time, was tasked to uncover the identity of the anonymous whistleblower. To accomplish this, Mayisela made contact with a specialized section of the South African Police Service concerned with the investigation of organized crime, economic crime, and corruption. They assisted him in obtaining a subpoena to allow him unrestricted access to emails at the PIC. With this access, Mayisela had sensitive data at his disposal, which helped him establish that Nogu's claims held credence. He conveyed this information to the relevant policing authorities and thus became a whistleblower (Radulovic, 2025a). In light of these six cases, it is important to examine the retaliatory responses to these South African whistleblowers' disclosures, which is the focus of the following section.

## A DISCERNIBLE PATTERN OF FALLOUT IN SOUTH AFRICA

A discernible pattern of fallout emerges within the political economy of whistleblowing across various sectors in the Western world. The cases of Snowden, Manning, Efimova, Deltour, Halet, Dean and Barnett demonstrate that reactions to whistleblowers' disclosures are analogous, often being anchored in efforts to safeguard the Western military-industrial complex and major corporations. This pattern of fallout is one of reprisals, defined by protracted judicial proceedings that often result in whistleblower incarceration, and physical retaliation that sometimes leads to the death of whistleblowers.

In the South African context, whistleblowers are not exempted from the pattern of fallout either. Their disclosure experiences have been riddled with all of the forms of reprisals experienced by their counterparts in the West, with South African whistleblowers being frequent victims of severe retaliation. Aftermath analysis is, therefore, of utmost importance as it not only raises public awareness of the whistleblowers' plight but also helps stimulate dialogue that could lead to adequate legal and societal reform.

The reprisals experienced by South African whistleblowers have manifested in work-related retaliation, social retaliation, legal retaliation (lawfare), and physical retaliation. The occurrence of work-related retaliation manifests through workplace ostracization, disciplinary sanctions, termination of employment, and blacklisting, which renders whistleblowers unemployable. Social retaliation involves social ostracization, labelling, and public reprimands. Lawfare entails the use of delaying strategies in order to escalate the



whistleblower's legal costs. The most egregious reprisal form is that of physical retaliation, which denotes the threat, or the actual infliction, of physical harm to the whistleblower (Radulovic, 2023b).

Well after the transition to democracy, work-related retaliation remains a widespread response to whistleblowing in contemporary South Africa. Nico Alant, after having made his disclosure, experienced extensive work-related retaliation by being sidelined, labelled a dissenter, and ultimately rendered unemployable (Uys, 2022). Simphiwe Mayisela was suspended and subjected to internal disciplinary proceedings. Both Cynthia Stimpel and Glynnis Breytenbach faced comparable punitive measures. Altu Sadie endured the loss of employment. Mayisela and Sadie were both subsequently rendered unemployable, having sustained reputational harm (Radulovic, 2023b) much like Alant before them.

Ostracization, as a reprisal form, first emerges in the workplace, often perpetrated by friends, colleagues and acquaintances. Stimpel observed a withdrawal of social support from those around her, mostly because they were fearful of association with her (Radulovic, 2023b). This phenomenon can trigger fallout that affects all aspects of a whistleblower's life, effectively becoming broader social ostracization thus falling within the realm of social retaliation. Social retaliation can extend to constitute not only the ostracization of the whistleblower, but also the stigmatization of the whistleblower. Such was the case with Mayisela, who was publicly reprimanded for his disclosure during his appearance before the PIC Commission of Inquiry, for contravening established reporting procedures and for the unauthorized disclosure of confidential PIC documents to law enforcement authorities (Radulovic, 2023b). Furthermore, in its findings, the Report of the PIC Commission of Inquiry determined that Mayisela had "obtained access to emails and other information of the PIC contrary to the internal policies of the PIC or legislation", citing that he had acted in contravention of section 86(1) of the Electronic Communications and Transactions Act No. 25 of 2002 (Mpati et al., 2020: 85). Yet, it was because of Mayisela's disclosure, and the information provided therein, that malfeasance transpiring at the PIC was fully detailed.

Lawfare is a form of retaliation employed to protract the suffering of whistleblowers, with it involving the utilization of "extended hostile legal action" (Radulovic, 2023b: 110), whilst also serving the purpose of discrediting the whistleblower (Wright, 2025). This strategy is frequently applied in Western states, as evidenced by a case in Switzerland. An anonymous whistleblower disclosed that Credit Suisse had several client accounts of individuals involved in criminal enterprise encompassing torture, narcotics trafficking, money laundering, corruption, and other egregious crimes (Pegg et al., 2022; Schweller, 2023). In the aftermath of the disclosure, Switzerland's Federal Prosecutor's Office (Ministère public de la Confédération) initiated an investigation aimed at identifying the anonymous whistleblower with the intent of pursuing charges of economic espionage against them (Schweller, 2023). This act by Switzerland's Federal Prosecutor's Office evidently signals the intent to deploy lawfare against the whistleblower (in the event of their identity being uncovered).

In South Africa, the use of lawfare against whistleblowers presents a widespread concern. It has been commonly exercised with the intent of exerting a financial burden on the whistleblower. Mosilo Mothepu (2021) faced multiple charges contrived by her former employer. As a consequence, she incurred legal expenses that totalled R1.3 million (approximately €63 000.00 in 2025). Similar to Mothepu, Breytenbach amassed R14 million (approximately €677 000.00 in 2025) in legal fees. Stimpel spent considerable time and resources con-



sulting a labour lawyer for her defence against SAA (Radulovic, 2023b). It is important to note that the strategic deployment of lawfare functions not merely as a means of exerting financial pressure on whistleblowers, but also as a deliberate mechanism to obstruct timely adjudication, frequently resulting in the withdrawal of whistleblowing efforts.

Physical retaliation against whistleblowers is an alarmingly common occurrence in South Africa. The threat of physical retaliation can severely impact the lives of whistleblowers, like Mothepe – who was compelled to implement extensive residential security measures to safeguard her personal well-being. Other whistleblowers encounter actual assassination attempts. Breytenbach had faced three apparent assassination attempts – being forced off the road in her vehicle on one occasion and fired upon on two occasions (Radulovic, 2023b, 2025a).

The six whistleblowers whose cases were analysed for the purposes of this study have not lost their lives as a consequence of their disclosures, though several other South African whistleblowers have fallen victim to assassination. Jimmy Mohlala was murdered after blowing the whistle on stadium tender fraud, as was Moss Phakoe (after having exposed corruption in his municipality), and Moses Tshake (who blew the whistle on the fraudulent diversion of money intended for the empowerment of black farmers) was tortured and died as a result of the wounds inflicted by his torturers (Uys, 2022). The assassinations of South African whistleblowers still persist, with the major contributing factors being a lack of adequate protection legislation and an unfavourable political climate not only for whistleblowers but also for accountability officials. Ultimately, the discernible pattern of fallout experienced by South African whistleblowers highlights recurring systemic retaliation.

### A MULTIFACETED PREDICAMENT: WEAK LEGISLATION COMPOUNDED BY THE NEOLIBERAL POLITICAL ECONOMY

The transition to democratic rule, a new Constitution (1996) and the promulgation of the PDA (2000) offered prospective whistleblowers at least some degree of legislative protection (a privilege they did not have under apartheid). However, it was later determined that the PDA contained several glaring loopholes (Lewis & Uys, 2007), resulting in the existing but inadequate legislative protection for whistleblowers. To address its inadequacies, the PDA was amended by way of the Protected Disclosures Amendment Act No. 5 of 2017 (PDAA). While the PDAA introduced some measures to enhance whistleblower protection, it remains a largely inadequate legislative framework (Radulovic, 2023a). In comparison to global instruments, the PDAA ranks very poorly (Feinstein and Devine, 2021), fulfilling only five of the twenty criteria set forth by *A Best Practice Guide for Whistleblowing Legislation* (Terracol, 2018). Thus, South African whistleblowers remain dangerously unprotected and open to a myriad of reprisals.

With the PDAA's failures being many, several provisions within the law need to be carefully assessed. Foremost, the PDAA stipulates a specific set of acts that qualify as wrongdoing, effectively limiting the conditions under which one would qualify for a protected disclosure. Hence, the scope of individuals who would qualify for protection under the PDAA's provisions is reduced. It has been noted that "the law must also provide for measures to prevent the abuse of whistleblower protection mechanisms" (Wright, 2025: 16). Moreover, under



the PDAA, an individual may only qualify for a protected disclosure if their employer has formally charged them with a legal violation. The PDAA does not protect whistleblowers from workplace bullying and exclusion, and economic losses. It also lacks overt provisions for financial compensation in cases where whistleblowers suffer economic detriment as a result of disclosure. In addition, there are no provisions for the imposition of financial penalties on organizations without satisfactory internal whistleblowing policies. Importantly, the PDAA does not provide for protection against physical retaliation, with only criminal law and the Protection from Harassment Act (2011) offering a degree of largely insufficient physical protection (Radulovic, 2023a, 2025a; Thakur, 2018a, 2018b).

These legislative inadequacies stem primarily from the fact that meaningful reform would hold wrongdoers accountable. With wrongdoers frequently occupying positions at the apex of hierarchical structures, they wield considerable influence over the state and, in many cases, form part of its governing apparatus. Legislative reform geared toward protecting whistleblowers would bolster transparency and accountability mechanisms, and such mechanisms are antithetical to the interests of those committing the wrongdoing – particularly individuals embedded within the upper echelons of both public and private enterprise. Evidently, the whistleblower's predicament forms part of a systemic issue that transcends mere legislative inadequacies. It reveals a structural problem where capital (both social and economic) and power are abused by those who hold it, with a pronounced asymmetry of power persisting between perpetrators of misconduct and those who expose it. Consequently, whistleblowers – despite their commitment to advancing the public interest by revealing unethical or unlawful behaviour – frequently become vulnerable to retaliation from the very actors they have implicated. As a consequence of possessing various forms of capital, the corrupt actors have the capacity to exercise their power upon whistleblowers.

This is compounded by neoliberal reforms that further deteriorate whistleblower protections. Through marketization and privatization, regulatory authority is shifted from public to private hands. As a result, transparency obligations and accountability mechanisms become weaker. Managers, who occupy a centralized control position, play a significant role in perpetuating this logic by discouraging what they perceive to be organizational dissent. Whistleblowers' disclosures are then treated as breaches of loyalty or as damages to the public image of an organization. In such an environment, employees fear retaliation through poor performance evaluation or contract termination. Furthermore, with neoliberal reform, austerity measures shrink public budgets, resulting in regulators and policing authorities becoming (more) under-resourced and less capable of investigating whistleblowers' disclosures.

Hence, in order to adequately protect whistleblowers, it is necessary to first address structural issues. However, rectifying structural issues in a capitalist state presents a difficulty in itself because "capitalist states are accomplices to criminal and fraudulent capital" (Whyte and Wiegartz, 2016b: 246). Initiatives aimed at addressing issues of corruption must then actively oppose the neoliberal political economy (Whyte and Wiegartz, 2016b), one which is exemplified by South Africa. One such initiative would be the enhancement of whistleblower protection laws. Achieving this objective necessitates the consolidation of "cultural and political-economic resistance" to neoliberalism, although such efforts will unavoidably encounter confrontation (Whyte and Wiegartz, 2016b: 246). This confrontation will arise from wrongdoers who will invoke legal entitlement, which is explicitly contrived



by politics and the law to enable them to act with impunity (Tombs and Whyte, 2015). Furthermore, wrongdoers will also likely deploy counterarguments, in line with neoliberal philosophy, revolving around the need to maintain organizational confidentiality (in order to safeguard trade secrets) and to mitigate operational risks. Such arguments serve to detract from the whistleblower's message and further entrench the status quo.

The invoking of legal entitlement and the deployment of counterarguments emphasizes the pervasive nature of capitalism, which comprises a wide spectrum of corrupt and socially pernicious practices, yet pro-social morals can and do persist within the capitalist framework (Whyte and Wiegartz, 2016a, 2016b). Cultural and political-economic resistance has already taken shape in South Africa, with non-governmental organizations such as the Open Democracy Advice Centre, the Right2Know Campaign, Corruption Watch, Organisation Undoing Tax Abuse, Platform to Protect Whistleblowers in Africa, and The Whistleblower House having aided whistleblowers in advancing their individual resilience (Radulovic, 2025b), which, to an extent, has helped reinforce whistleblowing as mechanism to expose corruption. Independent media outlets such as the *Daily Maverick*, *amaBhungane* and *News24* have also played a crucial role in advancing whistleblowers' resistance (Radulovic, 2024). Thus, some resistance has manifested in South Africa, though its scale should be larger and better coordinated.

## CONCLUSION

Whistleblowers typically act alone, yet the very nature of the act of whistleblowing has implications for broader society. The evidence discussed in this article indicates that the act of whistleblowing has the capacity to expose high-level malfeasance and thus serve the public good. This is true across varying contexts – in both the West and the Global South. In the South African context, the instrument intended to protect whistleblowers, the PDA and its amendment, provides inadequate protection to whistleblowers. There is insufficient impetus from the state to revise the whistleblower protection instrument, as its meaningful reform would mean that the powerholders responsible for wrongdoing would have a higher likelihood of facing repercussions in the event of retaliating against whistleblowers. In such a context, the political economy is not one that would entertain the reinforcement of instruments that would hold powerholders to account.

In the absence of adequate legislative protective provisions for whistleblowers, the impetus for reform must be located within an alternative political economy capable of transcending the constraints of the existing neoliberal framework. The current political framework, underpinned by market rationalities and elite interests, renders adequate (and meaningful) legal reform unlikely. Nonetheless, it must be conceded that, as of 2022, the South African Department of Justice and Correctional Services has initiated a process to revise whistleblower protection laws. Yet, such institutional gestures often remain superficial unless accompanied by deeper structural shifts in the moral and political economy of governance.

Although pro-social morality can, and does, emerge within the capitalist framework (with whistleblowing itself being a key example), these acts of resistance often carry significant personal risk. In South Africa, whistleblowers have been at the forefront of exposing high-level malfeasance, yet they have faced frequent reprisals as a result. This dynamic is



not unique to South Africa, however, with whistleblowers in Western contexts encountering similar challenges. Therefore, recommendations for structural reform must be situated within a broader critique of neoliberal governance itself, recognizing that legislative change, while necessary, is insufficient without a parallel transformation of the cultural and political-economic conditions that normalize corruption and silence dissent.

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