

RESEARCH ARTICLE

Shunning from the Jehovah's Witness Community: Is It Legal?Windy A. Grendele¹ , Maya Flax² and Savin Bapir-Tardy³¹Lecturer in Psychology, Regent College London, UK²Senior Lecturer in Criminology, University of West London, UK³Senior Lecturer in Counseling Psychology, University of Roehampton, UK**Corresponding author:** Windy A. Grendele; Email: windy.grendele@rcl.ac.uk

doi:10.1017/jlr.2023.13

Abstract

Drawing on a qualitative study conducted with both individuals who have been shunned from the Jehovah's Witnesses community and those who were in a position to shun others, the authors identify areas of development within the Serious Crime Act 2015 and propose that there is scope to interpret the law broadly to include instances of people shunned from the Jehovah's Witnesses community.

Keywords: disfellowshipping; coercive control; Jehovah's Witnesses; family-like relationships; discipline

Introduction

Domestic abuse is one of the most pressing issues and the highest priority work the criminal justice system in the United Kingdom is dealing with.¹ In the year ending March 2020, it has been estimated that 2.3 million people experienced domestic abuse in the United Kingdom.² With the aim of enhancing the effectiveness of tackling domestic abuse and “closing a gap in the law around patterns of controlling or coercive behaviour”³ between intimate partners or family members, a new offense of controlling and coercive behavior in an intimate or family relationship came into force in 2015 with the Serious Crime Act.⁴ The Serious Crime Act 2015 makes criminalizing controlling or coercive behavior in a relationship where the behavior has a serious effect on the victim an offense.⁵ According to the Home Office Statutory Guidance Framework, the law “sets out the importance of recognising the harm caused by coercion or control, the cumulative impact on the victim and that a repeated pattern of abuse can be more injurious and harmful than a single incident of violence.”⁶

¹ “Domestic Abuse Consultation Response and Draft Bill,” UK Government (website), last modified May 2019, <https://www.gov.uk/government/publications/domestic-abuse-consultation-response-and-draft-bill>.

² Home Office, “Domestic Abuse Act 2021: Overarching Factsheets” (2021), <https://www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets/domestic-abuse-bill-2020-overarching-factsheet>.

³ Home Office, “Controlling or Coercive Behaviour in an Intimate or Family Relationship. Statutory Guidance Framework” (2015), 3, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/482528/Controlling_or_coercive_behaviour_-_statutory_guidance.pdf.

⁴ Serious Crime Act 2015, c. 9 (UK), <https://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>.

⁵ Serious Crime Act 2015, section 76.

⁶ Home Office, Statutory Guidance Framework, 3



The enactment of this law therefore allows the prosecution of those behaviors that do not entail overt physical violence. Among the recent examples of prosecutions under the law are the following: *F v. M*, in which the court identified that a man engaged in behavior toward his wife that was controlling and coercive “by preventing her access to ante-natal care, isolating her from her family, friends and peers, controlling her money and food and deliberately curtailing her freedom, also amounting to emotional abuse”⁷; *FG v. HI*, where it was determined that a husband’s behavior had “constituted domestic abuse in the form of controlling and coercive behaviour ... [through] intimidation, the threat of violence, and violence, control of finance and social interaction, and psychological manipulation to subjugate the mother [his wife] to his will”⁸; and *R v. Darren Paul Willey*, where the appellant was sentenced to two years of imprisonment for socially isolating his partner and being verbally and physically abusive.⁹

The Domestic Abuse Act 2021¹⁰ amended s.76 of the Serious Crime Act 2015. Also, the Domestic Abuse Act 2021 created a statutory definition of domestic abuse:

behaviour is “abusive” if it consists of any of the following:

- a) physical or sexual abuse;
- b) violent or threatening behaviour;
- c) controlling or coercive behaviour;
- d) economic abuse;
- e) psychological, emotional or other abuse.¹¹

The Serious Crime Act 2015, reiterated by the Domestic Abuse Act 2021, extends the definition of domestic abuse beyond physical violence to include emotional, controlling and coercive, and economic abuse, thus extending legal redress to such situations of abuse. However, there is scope to continue to extend the definition of this offense to a wider range of abusive situations. In what follows, we identify this potential for extension and consider whether it would thus protect individuals who have been shunned from the Jehovah’s Witnesses community.

In doing so, we consider two factors. The first is the process of leaving the community and its harsh implications for those who are shunned: the threat of being shunned from the religious community is itself controlling and coercive. In doing so, we rely on data collated as part of research on religious shunning within the Jehovah’s Witnesses community. Second, the relationship of members within the Jehovah’s Witnesses is akin to a family relationship. We therefore propose that if these two factors are met, there is scope to broadly interpret the law to include instances of people shunned from the Jehovah’s Witnesses community.

The Jehovah’s Witnesses Community: An Overview

Founded by Charles T. Russell in 1879,¹² the Jehovah’s Witnesses community has been described as a “millenarian restorationist Christian denomination.”¹³ The Jehovah’s

⁷ *F v. M*, [2023] EWFC 4, para. 12(i). Although the applicant, a father, initiated the case in order to restore parental rights, in a summary, Judge Hayden highlighted the coercive and controlling behaviour of the husband.

⁸ *FG v. HI*, JK through her guardian, [2021] EWHC 1367 (Fam), para. 65(c).

⁹ *Regina v. Darren Paul Willey*, [2021] EWCA (Crim) 1024.

¹⁰ Domestic Abuse Act 2021, c. 17 (UK), <https://www.legislation.gov.uk/ukpga/2021/17/contents/enacted>.

¹¹ Domestic Abuse Act 2021, section 1(3) (internal cross reference omitted).

¹² Edward H. Abrahams, “The Pain of the Millennium: Charles Taze Russell and the Jehovah’s Witnesses 1879–1916,” *American Studies* 18, no. 1 (1977): 57–70, at 57.

¹³ Clayton Ó Néill, “Jehovah’s Witnesses and Blood Transfusion: An Analysis of the Legal Protections Afforded to Adults and Children in European/English Human Rights Contexts,” *European Journal of Health Law* 24, no. 4 (2017): 368–89, at 369.

Witnesses believe that Armageddon, the war of Jehovah God, is soon to come as we are living in a period known as “the last days.” The Jehovah’s Witnesses identify current events (for example, the COVID-19 pandemic, crime, or environmental ruin of the earth) as a sign of the impending end.¹⁴ At Armageddon, all false religions and political, military, and commercial systems will be eradicated.¹⁵ A “great crowd” of people will survive Armageddon, and those who are judged adversely will be destroyed.¹⁶

Jehovah’s Witnesses accept the Bible as the word of God. Therefore, their beliefs rigorously adhere to the Bible’s principles¹⁷ and to a strict moral and behavioral code that, for example, proscribes activities such as masturbation, pornography, smoking, celebration of traditional holidays such as Christmas and birthdays, and involvement in political or military affairs.¹⁸ Although most of the Jehovah’s Witnesses work in secular employment, their children attend mainstream schools, and they actively engaged in door-to-door evangelization that aims to engage people in conversation about the Bible, the group draws clear boundaries between themselves and non-Jehovah’s Witnesses. The strong dichotomy that characterizes the Jehovah’s Witnesses’ doctrine also reinforces these boundaries. As noted by Joseph Blankholm,¹⁹ the Jehovah’s Witnesses refer to their creed as “the Truth” and they believe that “the World”—that is, all the people who do not worship Jehovah God—is ruled by and under the influence of Satan, the devil. Therefore, most meaningful social interactions and friendships develop within the religious community, as do hobbies, leisure pursuits, and business relationship and opportunities. The Jehovah’s Witnesses is thus a tight-knit community that “keeps their involvement with the wider society to the minimum.”²⁰

Indeed, Jehovah’s Witnesses consider themselves a unified spiritual family. They call and view each other as spiritual brothers and sisters.²¹ Although they claim that no human is their leader, the Governing Body, based in the world headquarters in New York state, supervises the activity of all the branch offices around the world, prepares the teaching material, supervises the preaching activity, and oversees the use of donated assets. The worldwide community of the Jehovah’s Witnesses is organized into local congregations, and what is called a Body of Elders supervises each congregation as the spiritual shepherds of the community.

According to the Jehovah’s Witnesses’ official website, in 2021 the number of Jehovah’s Witnesses publishers worldwide amounted to 8,686,980, with a total number of 171,393 new baptized members.²² In Britain, the Jehovah’s Witnesses established their presence in 1881,

¹⁴ “6 Million COVID Deaths—What Does the Bible Say?,” Jehovah’s Witnesses (website), accessed June 14, 2022, <https://www.jw.org/en/library/series/more-topics/covid-deaths-bible-meaning-hope/>; “What Is the Sign of ‘the Last Days,’ or ‘End of Times?’,” Jehovah’s Witnesses, accessed June 15, 2022, <https://www.jw.org/en/bible-teachings/questions/last-days-sign-end-times-prophecies/>.

¹⁵ Watchtower Bible and Tract Society of New York, “Armageddon Is Good News!” *The Watchtower*, Study Edition, September 2019, 8–13.

¹⁶ Watchtower Bible and Tract Society of New York, “Look! A Great Crowd.” *The Watchtower*, Study Edition, September, 2019, 26–31.

¹⁷ Ó Néill, *Jehovah’s Witnesses and Blood Transfusion*, 369.

¹⁸ Rodney Stark and Laurence R. Iannaccone, “Why the Jehovah’s Witnesses Grow so Rapidly: A Theoretical Application.” *Journal of Contemporary Religion* 12, no. 2 (1997): 133–57, at 136.

¹⁹ Joseph Blankholm, “No Part of the World: How Jehovah’s Witnesses Perform the Boundaries of Their Community,” *Journal of the Faculty of Religious Studies*, no. 37 (2009): 197–211, at 197.

²⁰ Andrew Holden, *Jehovah’s Witnesses: Portrait of a Contemporary Religious Movement* (London: Routledge, 2002), 11.

²¹ Barry Congregation of Jehovah’s Witnesses v. BXB [2021] EWCA (Civ) 356, para. 22.

²² “2021 Grand Totals,” Jehovah’s Witnesses, accessed May 20, 2022, <https://www.jw.org/en/library/books/2021-service-year-report/2021-grand-totals/>. The term *publisher* refers both to those members who have been baptized and those who, though not yet baptized, have been considered qualified to be endowed with the responsibility of preaching.

and their efforts soon led to the formation of congregations and a branch office in London.²³ Today, in Britain, there are 139,960 publishers assigned to 1,614 congregations.²⁴

Shunning within the Jehovah's Witnesses: A Closer Look

A sin committed by a member of the Jehovah's Witnesses is not taken lightly and will lead to appearance before a judicial committee, whereby a panel of Elders, as the spiritual shepherds of the congregation, determine whether the individual should remain an active member of the community or should be disfellowshipped, as they call it. In being disfellowshipped, the individual's membership status is revoked and the person is shunned. While the term *disfellowshipping* refers to the practice, the term *shunning* refers to the end result of this practice. Therefore, we use the term *shunning*. Shunning as the consequence of leaving the community is one of the most extreme measures adopted within the Jehovah's Witnesses, and it is a tool used to control and coerce.

The purpose of the practice stems first, from the necessity to protect the group from what is considered harmful behavior.²⁵ Second, according to the Jehovah's Witnesses' principles, shunning the individual contributes to maintaining the honorable name of God and the purity of the congregation:²⁶ "An unrepentant sinner is like a person who has a highly contagious viral infection and needs to be quarantined in order to protect others from getting sick."²⁷ Third, shunning "may bring the wrongdoer to his senses,"²⁸ as forbidding the individual any interaction with the community is seen as a means to cause the person to reflect on their behavior, repent, provide evidence that the sinful course has been abandoned, and be reinstated.²⁹ Therefore, the practice of shunning is defined by the community's leadership as both an expression of love with the aim to help the individual to return to the desired path and a way to protect the group from corruptive influences.³⁰

Shunning has severe and long-lasting consequences for the individual. If the Judicial Committee deems that shunning is necessary, then an announcement is read aloud in the presence of the community stating that the individual is no longer a member of the community. The announcement demarcates the suspension of a range of interactions with the individual until the point of an eventual reinstatement. Shunning is thus the deliberate marginalization and the intentional act of ignoring and avoiding a former member of the community. It involves the complete severing of the social, spiritual, and, sometimes, economic ties between a former member and the community: "Really, what your beloved

²³ Watch Tower Bible & Tract Society of Pennsylvania, *Jehovah's Witnesses in the Divine Purpose* (New York: Watchtower Bible and Tract Society of New York and International Bible Students Association, 1959), 32, https://wt-archive.netlify.app/Books/1959/Jehovahs%20Witnesses%20In%20The%20Divine%20Purpose/1959_dip_E.pdf.

²⁴ "Jehovah's Witnesses around the World. Britain," Jehovah's Witnesses, accessed March 23, 2023, <https://www.jw.org/en/jehovahs-witnesses/worldwide/GB/>.

²⁵ "How to Treat a Disfellowshipped Person," Jehovah's Witnesses, accessed June 10, 2022, <https://www.jw.org/en/library/books/gods-love/disfellowshipped-person/>.

²⁶ "Display Christian Loyalty When a Relative Is Disfellowshipped," Jehovah's Witnesses, accessed June 10, 2022, <https://wol.jw.org/en/wol/d/r1/lp-e/202002285#h=1:0-30:0>.

²⁷ "When a Loved One Leaves Jehovah," Jehovah's Witnesses, accessed June 9, 2022, <https://www.jw.org/en/library/magazines/watchtower-study-september-2021/When-a-Loved-One-Leaves-Jehovah/>.

²⁸ "Why Disfellowshipping Is a Loving Provision," Jehovah's Witnesses, accessed June 9, 2022, <https://www.jw.org/en/library/magazines/w20150415/disfellowshipping-a-loving-provision/>.

²⁹ Watch Tower Bible and Tract Society of Republic of Korea, *Shepherd the Flock of God—1 Peter 5:2* (New York: Christian Congregation of Jehovah's Witnesses Wallkill, 2019), ch. 19.

³⁰ Jehovah's Witnesses, "When a Loved One Leaves Jehovah."

family member needs to see is your resolute stance to put Jehovah above everything else—including the family bond. ... Do not look for excuses to associate with a disfellowshipped family member, for example, through e-mail”³¹; “Loyal Christians do not have spiritual fellowship with anyone who has been expelled from the congregation ... We also avoid social fellowship with an expelled person. This would rule out joining him in a picnic, party, ball game, or trip to the mall or theater or sitting down to a meal with him either in the home or at a restaurant.”³² The individual who loses their membership status is considered nonexistent.

It is important to note that the practice of shunning within the Jehovah’s Witnesses community developed through different stages. Initially, sinners were not shunned.³³ The turning point in the procedure was implemented in 1952, when the guidelines about how to deal with a wrongdoer were made harsher and more punitive.³⁴ In 1955, keeping contact with a former member was deemed a punishable offense.³⁵ In 1981, shunning was endorsed and began to be strictly applied.³⁶

The Jehovah’s Witnesses Community and the Judicial System

The Jehovah’s Witnesses community has been prosecuted by the UK courts and courts outside the United Kingdom, largely around issues of child welfare. As children’s welfare is regarded as paramount, governments and judicial systems have increasingly scrutinized the child protection policies and procedures of organizations and institutions, and this scrutiny has extended to the Jehovah’s Witnesses community. Some recent examples are the Australian Royal Commission into Institutional Responses to Child Sexual Abuse,³⁷ which was established in 2012 in response to allegations of sexual abuse of children in institutional contexts, and the Independent Inquiry into Child Sexual Abuse conducted in the United Kingdom.³⁸ The two inquiries have come to similar conclusions. The final report of the Australian Royal Commission brought to light that the policy the community implements in the processes related to investigating and determining allegations of child sexual abuse is a matter of concern, as it fails to adequately protect victims.³⁹ Also, the UK Independent Inquiry into Child Sexual Abuse concluded that the continuing use in the internal disciplinary process of the Jehovah’s Witnesses of the rule of corroborative evidence known as “the two-witness rule,” “[s]hows

³¹ “Let Nothing Distance You from Jehovah,” Jehovah’s Witnesses, accessed June 9, 2022, <https://www.jw.org/en/library/magazines/w20130115/let-nothing-distance-you-from-jehovah/>.

³² Jehovah’s Witnesses, “Display Christian Loyalty.”

³³ “Punishing Fellow Members,” *Watch Tower*, March 1, 1919, 69–70, https://ia600902.us.archive.org/5/items/WatchtowerLibrary/magazines/w/w1919_E.pdf.

³⁴ “Keeping the Organization Clean,” Jehovah’s Witnesses, accessed June 9, 2022, <https://wol.jw.org/en/wol/d/r1/lp-e/1952160?q=keeping+the+organization+clean&p=doc>.

³⁵ “What if a Publisher Refuses to Stop Associating with a Disfellowshipped Person?,” in “Questions from Readers,” Jehovah’s Witnesses, accessed June 9, 2022, <https://wol.jw.org/en/wol/d/r1/lp-e/195572?q=What+if+a+publisher+refuses+to+stop+associating+with+a+disfellowshipped+person%3F&p=doc>.

³⁶ “Disfellowshipping—How to View It,” Jehovah’s Witnesses, accessed May 9, 2022, <https://wol.jw.org/en/wol/d/r1/lp-e/1981688>.

³⁷ Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report, 2017, <https://www.childabuseroyalcommission.gov.au/final-report>.

³⁸ “About Us,” Independent Inquiry into Child Sexual Abuse (website), accessed July 15, 2023, <https://www.iicsa.org.uk/about-us>.

³⁹ Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report, Preface and Executive Summary, 2017, 76, https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_preface_and_executive_summary.pdf.

a disregard of the seriousness of the crimes involved and their impact on individuals. It also lacks compassion for the victim, and serves to protect the perpetrator.”⁴⁰

In cases that involve children, the Jehovah’s Witnesses’ refusal of medical treatment on religious grounds has also been challenged in the United Kingdom, United States, and European countries. British law enforces the principle of the inviolability of a person’s body⁴¹ and grants parents the right, in some circumstances, to make decisions for their underage children.⁴² In *Gillick v. West Norfolk AHA*, the court noted that “the common law has never treated such rights as sovereign or beyond review and control,”⁴³ highlighting that these rights are not absolute and that it is ultimately in the power of a court to override parents’ decisions. For example, in the cases *Re O*, *Re S*, *Re R* and *Birmingham Children’s NHS Trust v. B & C*,⁴⁴ because the children’s circumstances were deemed as life-threatening, the children’s welfare took precedence over the beliefs of the Jehovah’s Witnesses parents, and the courts granted permission for the blood transfusion of the child.

Furthermore, in 2021, in Belgium, the Jehovah’s Witnesses were convicted of inciting discrimination and hatred or violence against members who choose to leave the community.⁴⁵ Although this decision was heavily criticized and then overturned on appeal,⁴⁶ according to the Court of First Instance, the practice of shunning by the Jehovah’s Witnesses threatens the fundamental rights of the members of the community with behaviors that are “socially disturbing.”⁴⁷ The court argued: “The conduct of the accused is irresponsible and reprehensible ... [It] cannot be tolerated under any circumstances in our pluralistic society. The legislature has made such behavior punishable by law. It is therefore the task of the judiciary to put a stop to the acts committed by the accused. The accused must realize that as a member of our democratic society she must respect its core values.”⁴⁸

The Jehovah Witnesses also have an ongoing history of suppression by various states. For example, the Supreme Court in Russia took the bold step of making all activities within the Jehovah’s Witnesses community illegal on the grounds that it is an extremist organization.⁴⁹ Among the reasons given for banning the Jehovah’s Witnesses organization are the following:⁵⁰ (1) the breach of the fundamental rights and freedoms of Russian citizens, which leads to the breakdown of many families; (2) minors and teenagers being coerced to take part

⁴⁰ “Child Protection in Religious Organisations and Settings Investigation Report,” Independent Inquiry into Child Sexual Abuse (website), accessed July 15, 2023, <https://www.iicsa.org.uk/reports-recommendations/publications/investigations/cp-religious-organisations-settings/part-h-conclusions-and-recommendations/h1-conclusions.html>.

⁴¹ *Re F (Mental Patient: Sterilisation)* [1990] 2 AC 1, 72E (opinion of Lord Goff).

⁴² *Gillick v. West Norfolk AHA* [1986] 1 AC 12 at 184G (opinion of Lord Scarman).

⁴³ *Gillick v. West Norfolk AHA* [1986] 1 AC at 184G.

⁴⁴ *Re O (A Minor) (Medical Treatment)* [1993] 1 FCR 925, [1993] 2 FLR 149; *Re S (A Minor) (Medical Treatment)* [1993] 1 FLR 376; *Re R (A Minor) (Blood Transfusion)* [1993] 2 FCR 544; *Birmingham Children’s NHS Trust v. B & C* [2014] EWHC 531 (Fam).

⁴⁵ Corr. [Tribunal of First Instance] Ghent (East-Flanders) March 16, 2021, GE/G/52/98/771/2015, <https://hrwf.eu/wp-content/uploads/2021/04/2021-0316-Ghent-Court-Decision-EN-1.pdf> [hereafter Christian Congregation of Jehovah’s Witnesses].

⁴⁶ Massimo Introvigne, “Ghent Decision Overturned on Appeal: Jehovah’s Witnesses’ Shunning Can Be Freely Taught and Practiced in Belgium,” *Bitter Winter*, June 20, 2022, <https://bitterwinter.org/ghent-decision-overturned-jehovahs-witnesses/>.

⁴⁷ Christian Congregation of Jehovah’s Witnesses, 55.

⁴⁸ Christian Congregation of Jehovah’s Witnesses, 55.

⁴⁹ Home Office, *Country Policy and Information Note. Russia: Jehovah’s Witnesses*, April 2021, 7, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/979215/Russia_-_Jehovah_s_Witnesses_-_CPIN_-_v.1.0_April_2021_.pdf.

⁵⁰ *Case of Jehovah’s Witnesses of Moscow and Others v. Russia*, App. No. 302/02, (2010), <https://hudoc.echr.coe.int/eng?i=001-99221>.

in the community's activities; (3) the serious consequences of refusing blood transfusion on religious grounds, from deterioration of health to preventing doctors from providing adequate medical care; and (4) the dissemination, through the community's literature, of views and ideas that undermine respect for other religions. Some of those charged with participating in the Jehovah's Witnesses activities have been prosecuted and sentenced to various terms of imprisonment.⁵¹

We make a distinction between the discrimination and suppression faced by Jehovah's Witnesses in countries such as Russia and our proposal to broaden the scope of the Serious Crime Act 2015 to include the practice of shunning. We do not seek to increase discrimination against Jehovah's Witnesses in the United Kingdom. Under UK law and international norms, freedom of religion is applicable to all faith groups, and such freedom should be respected for Jehovah's Witnesses. Instead, we consider a much narrower practice and question the legal permissibility of shunning within the broader protections of religious freedom. Therefore, while acknowledging the criticisms and repercussions in terms of the right to religious freedom that will arise in response to our suggestion of criminalizing religious precepts or intervening into religious matters, we argue that because of its negative ramifications, the scope of the Serious Crime Act 2015 should be broadened to encompass the practice of shunning.

The Current Provisions of the Serious Crime Act 2015

The current provisions of the Serious Crime Act Section 2015 and the UK government broaden significantly the definition of abuse beyond physical violence, define coercive or controlling behavior, and enlarge the range of persons who might be involved.

First, section 76 of the Serious Crime Act 2015 defines the offense of controlling and coercive behavior in terms of four main elements. An offense is committed by A if

1. A repeatedly or continuously engages in behaviour towards another person, B, that is controlling or coercive; and
2. At time of behaviour, A and B are personally connected; and
3. The behaviour has a serious effect on B; and
4. A knows or ought to know that the behaviour will have a serious effect on B.⁵²

Further, the UK government definition of domestic abuse defines controlling or coercive behavior as follows:

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is a continuing act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.⁵³

⁵¹ Home Office, *Country Policy and Information Note. Russia*, 8.

⁵² Serious Crime Act 2015, section 76(1).

⁵³ Home Office, "Cross-Government Definition of Domestic Violence—A Consultation: Summary of Responses," September 2012, 19, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/157800/domestic-violence-definition.pdf.

Under section 76 of the Serious Crime Act, the offense of controlling and coercive behavior must be part of a continuous pattern of behavior between two individuals who are “personally connected.” The law specifies that A and B are considered to be personally connected if they are in an intimate, personal relationship or they live together and are members of the same family or have previously been in an intimate personal relationship with each other.⁵⁴ They would also be considered to be “personally connected” if they are relatives.⁵⁵ The definition of “personally connected” was updated by the Domestic Abuse Act 2021.⁵⁶ The Domestic Abuse Act criminalizes post-separation abuse, and this amendment has widened the scope of the definition of “personally connected” so that the offense may also apply to former partners and family members who no longer live together. Relatives are also considered “personally connected” under the Domestic Abuse Act.⁵⁷

In addition, section 76 specifies that “serious effect” needs to have ensued. There are two ways in which it can be proved that A’s behavior has a “serious effect” on B:

1. If it causes B to fear, on at least two occasions, that violence will be used against them (§ 76(4)(a)); or
2. If it causes B serious alarm or distress which has a substantial adverse effect on their day-to-day activities (§ 76(4)(b)).

Further, A knows, or ought to know, that the behavior will have a serious effect on the individual.

Finally, the Serious Crime Act 2015 recognizes forms of abuse that go beyond the traditional individual-led incidents of physical abuse. It thus includes the “process-led manner that is concerned with addressing the cumulative effect of the minutiae of everyday behaviors.”⁵⁸ This more progressive approach to defining abuse⁵⁹ recognizes the form of abuse that can be an ongoing state of siege⁶⁰ and can lead to the experience of entrapment.

As we elaborate below, in the context of the law, we believe shunning to be both controlling and coercive. The relationship among members of the Jehovah’s Witnesses is akin to family or relatives. Being shunned has a harmful effect: it places tremendous levels of distress on the individual, which has a substantial adverse effect on their day-to-day activities. And in the case of the Jehovah’s Witnesses, the Elders are A, and the consequences of being shunned are evident to the community leadership.

Research Method

We base our argument that the act of shunning falls within the definition of controlling and coercive behavior on the findings of a study of the experiences of being shunned from the Jehovah’s Witnesses community. We looked in particular at the impact of shunning on the lives of individuals and the strategies they employed to cope with the experience and their new status out of the community. We used a qualitative approach, and the narratives of the

⁵⁴ Serious Crime Act 2015, section 76(2).

⁵⁵ Serious Crime Act 2015, section 76(6)(c).

⁵⁶ Domestic Abuse Act 2021, section 68.

⁵⁷ Domestic Abuse Act 2021, section 68(4).

⁵⁸ Sandra Walklate and Kate Fitz-Gibbon, “The Criminalisation of Coercive Control: The Power of Law?,” *International Journal for Crime, Justice and Social Democracy* 8, no. 4 (2019): 94–108, at 95.

⁵⁹ Charlotte Barlow et al., “Police Responses to Coercive Control,” *N8 Policing Research Partnership*, June 2018, introduction, <https://documents.manchester.ac.uk/display.aspx?DocID=56477>.

⁶⁰ Cassandra Wiener, “Seeing What Is ‘Invisible in Plain Sight’: Policing Coercive Behaviour,” *Howard Journal of Crime and Justice* 56, no. 4 (2017): 500–15, at 504.

participants formed the research data. The data were analyzed using thematic analysis.⁶¹ The research fieldwork was conducted between February and September 2020. Grendele gathered and analyzed the data, and Flax and Bapir-Tardy cross-checked the themes and subthemes generated to ensure the quality and trustworthiness of the analysis. Participants were recruited using a combination of homogeneous and snowball sampling techniques. Specifically, to recruit participants, we posted an invitation on private peer support groups for former Jehovah's Witnesses on Facebook and Reddit. We conducted twenty-one semi-structured interviews via videoconference with British people who had been shunned from the Jehovah's Witnesses community (Group A). Also, using the same sampling techniques, we interviewed ten former Elders and two Elders who were *physically in but mentally out* of the church (Group B); their accounts yielded insights on the perspectives of those with the authority to shun others.

To guarantee high ethical standards, the research adhered to the British Psychological Society Code of Ethics and Conduct,⁶² and received ethical approval from the School of Human and Social Sciences Ethics Panel of the University of West London.

None of us have firsthand experience of having been shunned from the Jehovah's Witnesses community nor have we been affected by such a practice.

Controlling and Coercive Behavior of the Jehovah's Witnesses Community

The participants' accounts offer significant insight to understand the controlling structure and the coercive system implemented within the Jehovah's Witnesses community. Evan Stark defines coercion as "the use of force or threats to control or dispel a particular response," while control refers to "structural forms of deprivation, exploitation, and command that compel obedience indirectly." When coercion and control occur together, the result is a "condition of unfreedom."⁶³

Previous research has highlighted that in cases of domestic abuse, coercive control is used by the perpetrator to exert power and control over the victim, which in turn reduces the victim's power to make decisions and limits their independence.⁶⁴ We found that the coercive control tactics implemented within the Jehovah's Witnesses community are consistent with those identified in existing literature.

Controlling Behavior

According to Evan Stark, the core concept of coercive control in domestic abuse is the power imbalance between the perpetrator and their target and therefore the dominance of the perpetrator over the victim.⁶⁵ This condition of inequality aims at subjugating and dominating the target. The current literature on domestic abuse has identified a plethora of

⁶¹ Virginia Braun *et al.*, "Thematic Analysis." In *Handbook of Research Methods in Health Social Sciences*, ed. Pranee Liamputtong (Singapore: Springer, 2019), 843–60.

⁶² British Psychological Society, *Code of Ethics and Conduct* (Leicester: British Psychological Society, 2009); British Psychological Society, *Code of Human Research Ethics*, April 2021, https://explore.bps.org.uk/binary/bpsworks/06096a55b82ca73a/9787a5959b2bfdff7ed2a43ad5b3f333a5278925cfd667b1b2e64b5387c91b92/inf180_2021.pdf.

⁶³ Evan Stark, *Coercive Control: How Men Entrap Women in Personal Life* (Oxford: Oxford University Press, 2007), 228, 229, 205.

⁶⁴ Andrew Day and Erica Bowen, "Offending Competency and Coercive Control in Intimate Partner Violence," *Aggression and Violent Behavior*, no. 20, (2015): 62–71; Kirsten Robertson, and Tamar Murachver, "Women and Men's Use of Coercive Control in Intimate Partner Violence," *Violence and Victims* 26, no 2 (2011): 208–17; Stark, *Coercive Control*.

⁶⁵ Stark, "Re-presenting Battered Women: Coercive Control and the Defence of Liberty" (manuscript), 2012, 119, https://www.stopvaw.org/uploads/evan_stark_article_final_10; Evan Stark, *Coercive Control*, 7.

ongoing nonphysical strategies the perpetrator intentionally adopts to establish power and maintain control over their victim.⁶⁶

Monitoring

One of the strategies documented in the literature on domestic abuse as being effective in bolstering the perpetrator's dominance over the victim is monitoring: the victim's life is micromanaged and daily activities are strictly monitored.⁶⁷ We found that the control system implemented within the Jehovah's Witnesses community is designed to keep members busy and highly involved. A systematic, rigorous teaching program, a tight weekly activity schedule, and unattainable expectations set by the leadership are strategies that facilitate control over of members:⁶⁸

Our life was completely absorbed by the [organization]. So, Monday night, we would prepare for Tuesday meeting. Tuesday we were at the meeting. Wednesday would prepare for Thursday [meeting]. Thursday would be at the meeting. Friday we would try and prepare for Saturday. Saturday we would be out for two or three hours [for the preaching activity], so we really only had Saturday afternoon as a family. And then, Sunday was taken up again at the Kingdom Hall ... It was the continual treadmill of works, and also, whatever you did never seem to be enough. It never ever was enough. (Luke, Group A).⁶⁹

When a member does not comply with the expected standards, or the community judges the time the individual allocates to so-called nonspiritual activities as inappropriate, the Elders eventually summon the member. For example, Charles reports: "And I was called into a meeting ... 'Come in. Sit down brother,' almost like an interrogation ... It started coming out that I wasn't spending as much time as I should be on the ministry, obviously wasn't placing magazines [Jehovah's Witnesses publications], my Bible studies were virtually zero ... And he said, 'And you seem to be spending more time at work doing overtime, just to pay for your cars and your car plates'" (Group A).

As in domestic abuse, the behavior of the community leadership toward members is oppressive. And at times, the Elders seem to pursue the individual in a way that it appears as if a witch hunt. For example, one of the participants had stopped attending the meetings and taking part in the community's activities. He shared that he noticed that the Elders were monitoring him: "And they [the Elders] started to ring around to find if they could find something on me that would be sufficient to disfellowship me. So, from that point on, I knew they were kind of on my trail" (Samuel, Group A).

A married couple had to take active steps to stop the Elders' intrusive behavior. The husband says: "I had to inform the police because they were basically watching us" (Liam, Group A).

⁶⁶ Sharon Hayes and Samantha Jeffries, "Romantic Terrorism? An Auto-Ethnographic Analysis of Gendered Psychological and Emotional Tactics in Domestic Violence," *Journal of Research in Gender Studies* 6, no. 2 (2016): 38–61.

⁶⁷ Stark, "Re-presenting Battered Women," 11.

⁶⁸ Janja Lalich and Karla McLaren, *Escaping Utopia. Growing up in a Cult, Getting Out, and Starting Over* (New York: Routledge, 2017); Robert J. Lifton, *Thought Reform and the Psychology of Totalism: A Study of "Brainwashing" in China* (New York: Norton, 1961); Álvaro Rodríguez-Carballeira et al., "Group Psychological Abuse: Taxonomy and Severity of Its Components/Abuso psicológico en grupos: taxonomía y severidad de sus componentes," *European Journal of Psychology Applied to Legal Context* 7, no. 1 (2015): 31–39.

⁶⁹ To ensure participants' anonymity, we use pseudonyms throughout.

Manipulation and harassment are some behaviors that emerge from the participants' accounts. The result of the behavior was a sense of uncertainty and being at the mercy of the religious authorities.

Information Manipulation

The manipulation of information in the Jehovah's Witnesses community echoes the tactic often employed by perpetrators of domestic abuse. As Emma Williamson argues, the perpetrators of domestic abuse "create and maintain a world in which it is their reality that determines the boundaries, rules, and expectations" of the victim's reality.⁷⁰ For example, within the community, young members are discouraged to pursue further education. One participant says: "Let's face it. I think the Watchtower built up a generation of window cleaners. Did you hear of any doctors that are Jehovah's Witnesses? ... because they always encouraged you not to do further education ... it is in very, very rare cases that there is somebody of a vocational substance, like, a barrister or a doctor" (Charles, Group A).

Tom explains: "Academia teaches you to think, and thinking is not good for Jehovah's Witnesses because they think the [members] may come to their own conclusions ... There is no real research, simply reading [Jehovah's Witnesses'] books and very, very occasionally, if an external book happens to map on to what Witnesses believe, they may allow you to read it. So, [Jehovah's Witnesses] really do not want critical thinking, and I, for a long time, was completely incapable of critical thought and I just accepted whatever I was told at face value" (Group A).

Based on the participants' accounts, all material is filtered and presented to members in a way that supports the community's perspective. For example, Charles decided to base one of his talks on the Bible rather than the usual publications recommended for use. After the talk, an Elder approached him: "He said ... 'You really need to stick to the society's outline.' I said, 'But I used the Bible. Isn't the outline based on the Bible?' He goes, 'Well, well it is. But, you know, the Society has been given the inspiration from Jehovah for the talk.' And in my head ... 'I used the Bible, where we allegedly professed to base our beliefs on, and you warned me to use the Governing Body's outline, which is inspired directly from Jehovah. Really?!'" (Group A).

News that discredits the behavior of the leadership is labeled propaganda. For example, when Susan found out about the news of the investigation into child abuse conducted by the Australian Royal Commission, which involved Jehovah's Witnesses along with other organizations, she decided to warn her friends by showing them relevant material about this case. The comments of her friends were "Oh Susy, please be careful ... it's propaganda" (Susan, Group A). However, Susan seized every opportunity to alert people that Jehovah's Witnesses was covering up child abuse. She was then shunned for apostasy.

Another participant detailed the kind of information that is forbidden: "And they prohibit their members from reading anything that comes from ex-members. So, if an ex-member goes and writes a book or these days has a YouTube channel, that would be very strictly prohibited. In fact, that's information control. The consequences, definitely are, if you don't stop and you don't repent, you would be disfellowshipped for that. Because one of the things Jehovah's Witnesses are paranoid about is what they term 'apostasy'" (Eric, Group A).

The reality that perpetrators of domestic abuse construct is "often chaotic, lacks coherence, [and] is contradictory."⁷¹ As Williamson notes, "unreality is everchanging and destabilizing as the abuser controls not only the boundaries of that world but also the rules

⁷⁰ Emma Williamson, "Living in the World of the Domestic Violence Perpetrator: Negotiating the Unreality of Coercive Control," *Violence against Women* 16, no. 12 (2010): 1412–23, at 1418.

⁷¹ Williamson, "Living in the World of the Domestic Violence Perpetrator," 1418.

that determine those boundaries.”⁷² So, too, the reality Jehovah’s Witnesses create is ever-changing, chaotic, lacking coherence and often contradictory. New teachings supersede old ones. Failed predictions are replaced by new ones, presented as “New Light.” Tom remembers: “I was in primary school and the Witness belief was that Armageddon was coming in 1975 ... And then 1975 came and I remember on the 31st of December pretty much shitting myself ... and waking up the next morning and thinking ‘Um, it didn’t happen though.’ And then about a year later [they] started with the backspin on it, ‘Oh we never actually said that’” (Group A).

Charles started questioning all the changes over the years in teachings and beliefs. He asked an Elder to help him to clarify his doubts:

And the Elder said ... “it’s clear that you are stepping on dangerous territory.” And I said ... “How can I be stepping on dangerous territory when all I’m showing you is Watchtower [Jehovah’s Witnesses] material? ... How can you do think that I’m an apostate? ... Are you suggesting that the Watchtower is an apostate?” ... and he said, “But that was the past, we’ve moved on.” He said that there’s been New Light. Yes, New Light would progress, and I said, “Well, who gave this New Light?” “Oh Jehovah.” “Right, so does Jehovah’s mind ever change?” “No.” “Okay, well, how comes the Watchtower to preach in 1934 this, in 1942 that, and then in 1952 we went back to that, and in 1959 we went back to this ... I mean, how can that be? (Group A)

The old teachings, as Charles’s account highlighted, have to be forgotten, left in the past. They cannot be used to show the incongruity and inconsistency of the community’s teaching structure. Questions should not be asked.

Williamson explains that for victims of domestic abuse, “[l]iving in such a chaotic unreality ... is safer and less anxiety producing than challenging and resisting that reality.”⁷³ Most members of the community do not resist the changes presented to them, nor do they question the incoherence of the reality they live in. Luke offers further insight: “A person who is active in the Jehovah’s Witnesses, in time, loses their critical thinking. And then they lose their ability to be an individual ... Within the organization, there is limited freedom. It’s freedom so far as you don’t go against what they say” (Group A).

As in cases of domestic abuse, the reality that the leadership of the Jehovah’s Witnesses community creates serves to reinforce control over members. The transient reality the community constructs entraps the individual in a world of “confusion, contradiction and fear,” where they may lose their ability to discern and to critically evaluate external evidence.⁷⁴

Isolation

Isolation is a pivotal tactic to control the victims in cases of domestic abuse. By removing the target’s social and emotional support, the perpetrator makes the target weak, dependent, and subordinate.⁷⁵ Also, isolation, as Stark points out, prevents disclosure.⁷⁶ In the Jehovah’s Witnesses community, isolation is implemented in two different ways, both used to achieve the same objectives of fostering dependence, preventing disclosure, and monopolizing

⁷² Williamson, 1418.

⁷³ Williamson, 1418.

⁷⁴ Sharon Hayes and Samantha Jeffries, *Romantic Terrorism: An Auto-ethnography of Domestic Violence and Survival* (Basingstoke: Palgrave Macmillan, 2015), 13.

⁷⁵ Wiener, “Seeing What Is ‘Invisible in Plain Sight,’” 508.

⁷⁶ Stark, *Coercive Control*, 262.

members' attention and time. One effect is to create the sense (or the real possibility) that if the individual would try to leave the community, they would not have the support they need to forge a new life: "I literally didn't have anybody ... Everyone I had ever known was in this community. And of course, we were talked very, very strongly, never to establish ties with anyone outside of the community. So, when you leave you quite literally have no one" (Emma, Group A).

At an early stage of the individual's involvement with the community, the person is encouraged to live separate from mainstream society, with minimal interaction with outsiders, including family members who are not Jehovah's Witnesses. Grace says: "And we were very, very family oriented. We had a lot to do with our relatives, and then suddenly there was this withdrawing, and we didn't associate with them like we used to before it. We did sort of isolate even from extended family members, and that was quite sad actually because we had a really good relationship with aunts and uncles and cousins ... but if they weren't willing to listen and be Jehovah's Witnesses, then we really had to distance ourselves from them" (Group A).

Oliver explains how the process of distancing members from those who are not part of the community starts at a very young age: "That was frowned upon if you had friends outside ... We only associated with inside kids. Outside school, we weren't allowed to do anything with them [schoolmates]" (Group A).

The community and bonds within it become the social network of members. This fosters interdependency and ensures retention: "And bear in mind that all of my family were Jehovah's Witnesses. All of my friends were Jehovah's Witnesses. And I knew that obviously this could have massive repercussions for me [being shunned], because, well, your whole social structure, your family with your friends, everyone I've ever known, 32 years of my life. And I just thought, 'I'm not sure if I'm ready to lose everybody right now'" (Carrie, Group A).

However, isolation is also used as a punishment for noncompliance. The aim is to marginalize the unrepentant member from the community. When an individual is shunned, they are deprived of the social and emotional support of the community and left in a social void. Other members are aware that they should have no contact with the wrongdoer. Thus, the public announcement of shunning represents a drastic turning point not only in the life of the participants but also for the community, severing friendships and family ties. Robert describes the way his relationship with two of his three children evolved after he left the community:

I met my son in a coffee shop ... I said to him ... "you know, I still have the same phone number as when we were all together. You could give me a call sometimes." He goes, "Well, you know dad I can't give you a call" and I go "What do you mean you can't give me a call?" He goes, "Dad you know what I mean." He goes, "If you want to see me, you know where you can come." I go, "You mean to the Kingdom Hall." He goes, "Yeah" ... So, from that coffee, until this month of March, that was another 10 years that I had no communication from him whatsoever. Not a phone call. Not a note. No, I didn't hear from him at all ... I was not invited to my son's wedding. They made deliberate steps to be sure that I wouldn't attend the wedding ... So, my daughter also got married. Neither her brother [a non-Jehovah's Witnesses] nor me had any clue that she was getting married and she, she got married. Neither of us had her contact information to give her our congratulations. So, no, we had no contact with her ... Now they're 15 years plus. So, I call that "shunning." (Group A)

Grandparents are not permitted to see their grandchildren if they are no longer members of the community. This is the experience of Liam and Rose. Rose says: "[Our daughters] have

not spoken to us at all, even through the Coronavirus [pandemic]. They've never sent a text message to see if we're okay. They've never phoned, just a phone call. They stopped the children from communicating with us. So, we've missed out nearly all five of our grandchildren" (Group A).

There is no endpoint for the punishment. Unless the individual asks to be reinstated back into the community, shunning lasts a lifetime. Based on the participants' accounts, it appears that isolation, specifically the fear of being shunned, supplements and strengthens the other tactics of coercive control that are employed within the community.

Entrapped by a system that exploits the power of connectedness and belonging and threatens its members with punishment such as shunning, some individuals decide not to leave, and choose thus to lead a double life. Living a life undercover—what is called being physically in mentally out—is the strategy that some adopt to preserve their affective ties while trying to live according to their values and beliefs: "You could fake it, basically, you could pretend, you could be at all of the meetings, go on the ministry all the time. And as long as you were seemed to be doing those things, that would be being a good Jehovah's Witness. And I did that. But then also, when nobody was looking, I had this secret other life that, you know, nobody saw that" (Noah, Group A).

Coercive Behavior

As stated above, coercive behavior is defined by the UK government as an "act or pattern of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim."⁷⁷ Consistent with literature on coercive behavior in cases of domestic abuse, shunning is also coercive behavior in that the looming consequence of the shunning poses a credible threat to the individual and is both humiliating and intimidating.⁷⁸

Credible Threat

Research shows that perpetrators of domestic abuse use psychological and emotional abuse to maintain control over victims.⁷⁹ One of the core features of coercive control is the experience of a credible threat.⁸⁰ The process of shunning poses a credible threat to the victim. The imminent consequences of being shunned—losing one's familial and social ties and emotional and financial support, and causing possible repercussions for family members who remain in the community—pose a credible threat to the individual.

A credible threat makes clear to the target that "not only [are] the means for coercion ... available," but the perpetrator is also willing to adopt such means if noncompliance

⁷⁷ Home Office, "Cross-Government Definition of Domestic Violence," 19.

⁷⁸ Nora Femenia, "Humiliation Dynamics and a Therapy of Social Action: A Path to Restore Dignity after Domestic Violence" (paper presented at Oñati International Institute for the Sociology of Law Conference, "Humiliation Dynamics and Restorative Dialogue," Gipuzkoa, Spain, April 10–11, 2008, <https://www.humiliationstudies.org/documents/FemenniaViolenceHumiliation.pdf>).

⁷⁹ Kimberly A. Crossman, Jennifer L. Hardesty, and Marcela Raffaelli, "He Could Scare Me without Laying a Hand on Me: Mothers' Experiences of Nonviolent Coercive Control during Marriage and after Separation," *Violence against Women* 22, no. 4 (2016): 454–73; Nicole Westmarland and Liz Kelly, "Why Extending Measurements of 'Success' in Domestic Violence Perpetrator Programmes Matters for Social Work," *British Journal of Social Work* 43, no. 6 (2013): 1092–1110.

⁸⁰ L. Kevin Hamberger, Sadie E. Larsen, and Amy Lehrner, "Coercive Control in Intimate Partner Violence," *Aggression and Violent Behaviour*, no. 37 (2017), 1–11, at 3; Mary A. Dutton, Lisa Goodman, and R. James Schmidt, *Development and Validation of a Coercive Control Measure for Intimate Partner Violence: Final Technical Report*, December 2005, <https://www.ojp.gov/pdffiles1/nij/grants/214438.pdf>.

occurs.⁸¹ As many victims of domestic abuse report, “I just knew what would happen if I didn’t do what he wanted me to do.”⁸² The members of the Jehovah’s Witnesses know the punishment for not adhering to the leadership’s demands. Once an individual is shunned, a public announcement is made in front of the congregation. Thus the community bears witness to the consequences of digressing from the expected norms. Effective immediately, the sanctions for disobedience are certain and real: “That’s the authority that the announcement has, that the individual can enter the meeting that evening, and say ‘Hi’ to everybody like normal because nobody is aware. And after ... the announcement, at the end of the meeting, nobody will look at them” (Horace, Group B).

Thus, the members are cognizant of the consequences of questioning or going against the community’s rules, as Carrie explains: “I wasn’t scared of not being part of them anymore ... But the ramifications for my family. I didn’t want to get disfellowshipped because I didn’t want my family being stopped for having an association with me” (Group A).

Members of the community are aware of the behavior they must display in order to avoid being shunned in turn, as Liza explains: “My sister was disfellowshipped ... So, we shunned her. Me and my dad shunned her” (Group A). Erin describes the impacts on members of their family who have remained in the Jehovah’s Witnesses community: “I spoke to my mom on the phone actually, and she said, I remember her crying saying that what they were asking her to do, not to speak to me, goes against all her natural, motherly instincts, which is to love me” (Group A).

The threat of being prohibited from maintaining any relationships with existing members of the Jehovah’s Witnesses community is thus very real. One of the participants describes living with the loss: “And I’ve accepted that my life and their life isn’t ever going to be one. I cannot have them in my life unless I go back to be a Jehovah’s Witness. So, I’ve accepted that, and I’ve grieved that loss” (Erin, Group A).

As Wiener points out, “Survivors do not ‘give in’ to perpetrator demands because they are inherently weak or flawed as individuals. They obey because they are rightly fearful of the consequences if they do not. They understand the threat posed by the perpetrator because they know that he has access, and that he is dangerous.”⁸³ Maggie describes the experience: “[Shunning] is used as a punishment ... You are punished. The fear of it is enough to punish. It controls you. ‘I don’t want to be disfellowshipped. I don’t want to go through that. It will hurt my family. It will hurt my friends. It’ll hurt me or hurt my kids’ ... They’ll shun your kids as well. So, it keeps you, keeps you down. The fear is enough” (Maggie, Group A).

Humiliation and Degradation

Humiliation and degradation are another form of coercive control that serves to establish the dominance of the offender in domestic abuse and thus to ensure ongoing compliance.⁸⁴ We found that the judicial process of the Jehovah’s Witnesses uses high levels of humiliation. Intended to deprive members of their dignity, it is an invasive procedure during which the member being judged must share the most intimate and private information in great detail, as the following accounts illustrate:

The Elders formed what is called a Judicial Committee. Three Elders you talk to and you confess everything. And a very, very emotionally draining and quite traumatic

⁸¹ Bertram H. Raven, “The Bases of Power: Origins and Recent Developments,” *Journal of Social Psychology* 49, no. 4 (1993): 227–51, at 238.

⁸² Dutton, Goodman, and Schmidt, *Development and Validation of a Coercive Control Measure*, 750.

⁸³ Wiener, “Seeing What Is ‘Invisible in Plain Sight,’” 509.

⁸⁴ Hayes and Jeffries, *Romantic Terrorism?*, 31.

experience to tell them about the things you've been doing with your boyfriend. And it's, yeah, it's very, I was crying hysterically throughout it. It makes you feel quite shameful and guilty about what you've done wrong. (Erin, Group A)

There were six Elders at the hearing who asked me very personal, personal, personal questions, inappropriate to a young woman in a room of six men. (Maggie, Group A)
Their confrontations are always long, the objective point is to break you psychologically. (Emma, Group A)

The humiliation, guilt, and shame laid on members of the Jehovah's Witnesses community who dare to question the authority of the leadership or engage in forbidden behaviors is similar to that laid on victims of domestic abuse, a tactic rooted in the perpetrators' desire for power and control in the relationship.⁸⁵

An additional dimension in the case of the Jehovah's Witnesses is the sense of dissonance between the low levels of educational qualifications of the Elders and their power during these judicial meetings. Emma adds: "A group of window cleaners and electricians who ask, demand answers to incredibly intimate, sexual questions. I question why I accepted that as okay ... The questions were distasteful. They were vulgar ... I would say that it was also a very damaging experience" (Group A).

In extreme systems of coercive control, the concept of privacy is almost nonexistent. In such an environment, the individual "may slowly lose their sense of balance ... between what is private and what should be shared."⁸⁶ The judicial process of the Jehovah's Witnesses seems to be structured to create the right conditions for confession, self-exposure, and shaming.

During a judicial hearing, the individual has to face the panel of Elders alone, without any emotional or legal support. The confrontation with the Elders can last several hours. The individual cannot take notes nor audio-record the session. The individual is completely exposed, and their behavior is examined in great detail, heightening shame and guilt.

The Judicial Committee might decide that shunning is not necessary. Instead, what is called *reproof* could be the discipline for the wrongdoing. The element of humiliation and degradation is evident in these instances too. The reproof could be private or public, in which case the Elders will name and shame the member in front of the community. Emma and her husband were publicly reproofed: "We were given ... a 'public reproof,' which is when they publicly shame and humiliate you in front of all of your friends and family and everyone who knows you. And yes, that was deeply unpleasant" (Group A).

Children are also publicly reproofed. Grace and Jacob explain the episode that involved their child. Grace speaks first: "And there was an incident that happened, which involved our 12-year-old, and it was just something that could have just been dealt within the family ... But the congregation got involved, the Elders got involved ... it was the most horrendous time ... And they have certain ways of dealing with issues, and it becomes an embarrassment to you as a family, because everybody knows that something's happened" (Grace, Group A). Jacob continues: "I mean this incident ... it was absolutely ludicrous ... pinching a 50 pence item from a shop ... but it was blown up and talked about making a mountain out of it, and the trauma that came with it, because they, our kid, it was him and another boy, came with their names off the platform. Naming and shaming, and the trauma that that creates within the family, the stigma of this and all this suspicion, because they don't say what's going on, so that everybody thinks the worst" (Group A).

⁸⁵ On humiliation, guilt, and shame in domestic abuse, see Orin Strauchler et al., "Humiliation, Manipulation, and Control: Evidence of Centrality in Domestic Violence against an Adult Partner," *Journal of Family Violence* 19, no. 6 (2004): 339–46.

⁸⁶ Lalich and McLaren, *Escaping Utopia*, 94.

A shaming tactic used by some perpetrators of domestic abuse involves marking the victim, for example, with a tattoo, burns, or bites.⁸⁷ This is done to reinforce the position of power the perpetrator has over their victim in the relationship. As Stark points out, by degrading the victim, the abuser establishes their superiority and diminishes the individual's self-respect.⁸⁸ In the Jehovah's Witnesses community, the public announcement to reprove or to shun symbolically marks the wrongdoer. The shaming process, which is initiated by the Elders, then involves the entire community, for the mark of shame is visible to the community. It is a mark of avoidance: "People look at you, you know, like dirt on the bottom of their shoe," as Erin states (Group A). Emma shares her experience of shame once disfellowshipped: "I lived in a small town; I would see people [Jehovah's Witnesses] every week on the street. They would very pointedly cross the street as if I had some horrendous virus or contamination" (Group A).

To regain all that was lost by being shunned, some individuals choose to return to the community and commence the reinstatement procedure. However, the reinstatement takes time, and the reinstatement process involves further emotional pain and humiliation. The shunned person must attend the community's twice-weekly meetings but is not acknowledged by the others. The shunning is thus extended week after week for a lengthy period of time. During the meetings, none of the family and friends may look at or communicate with the individual. The individual's presence is purposefully ignored. Nobody talks to the individual despite their efforts to be reinstated. Nor do the Elders address the person unless a formal request to meet has been made.

For example, Erin started attending the twice-weekly meetings with the hope of being reinstated: "It's very humiliating. And it's probably the hardest thing I've ever done, walking through a congregation full of people. There's over 100 people, people who I've grown up with and have known me since I was a baby. My family, my friends. No one's allowed to talk to me. No one even looked at me. It's really soul destroying" (Group A).

When the individual feels that they are ready to be reinstated and that the Elders might accept their reinstatement request, the person must write a letter requesting reinstatement. A Committee of Reinstatement is formed, and the request will be evaluated. Based on the Elders' personal judgment, the reinstatement request can be rejected, as it was for Erin. She says: "I felt so beaten really. I just decided to stop going along. And I thought, you know, 'You're not actually doing anything for me. You're making it too hard for me. I wanted to be a Jehovah's Witness in the first place, and you shunned me, you disfellowshipped me. I've tried to come back.' Maybe I didn't have enough fighting in me, I don't know, I was on my own, living on my own. I didn't have anybody and I just, I had to put my own mental health before. And at that point, it was too much for me" (Group A).

The reinstatement process can thus be a traumatic experience. Moreover, having their reinstatement request rejected adds an additional emotional burden to an already challenging situation. For the second time, the individual experiences rejection and further humiliation. Having their reinstatement request rejected may lead some individuals, as it did for Erin, to give up on pursuing reinstatement and choose not to return to the community.

As stated above, two of the core features of coercive control behavior are mirrored in cases of shunning. Both the credible threat of the actual shunning and humiliation and degradation are integral components in the shunning process. As Charles points out, "There's no honorable way of leaving the Jehovah's Witnesses" (Group A).

⁸⁷ Stark, *Re-presenting Battered Women*, 11.

⁸⁸ Stark, 11.

Akin to Family Relationships

As detailed above, according to section 76 of the Serious Crime Act 2015, the offense of controlling or coercive behavior is a crime if the parties are in an intimate or family relationship. A and B are considered to be personally connected if they are or have been in an intimate, personal relationship or if they live together and either are members of the same family or have previously been in an intimate personal relationship with each other.⁸⁹ They would also be considered personally connected if they are relatives.⁹⁰ What constitutes a family is defined in the legislation: A and B would be considered family if they are relatives; that term is defined in section 63(1) of the Family Law Act 1996.⁹¹

It is possible, but rare, that members of the Jehovah's Witnesses community could potentially fall within the definition of personally connected (for example, if a member is married to an Elder), but it is acknowledged that in many cases it would be difficult to argue that an Elder and member are personally connected as specified by law. However, in recent years, the traditional notion of family or relatives has been challenged. Consequently, it has evolved, acquiring new nuances such that those who one comes home to or those who recognize each other as family have become more widely accepted as alternative concepts of family.⁹² The view of the family has shifted: once narrowly seen as a unit as based on legal or biological ties, it is viewed according to its functional nature.⁹³ Thus, terms such as *fictive kinship*, *intentional family*, or *family of choice* are relationships that mirror the traditional family relationship because of the profound bonds, emotional and psychological attachment, and level of mutual support and care.

Research supports the idea of considering fictive kinship, intentional family, or family of choice on an equal footing with the traditional family. Studies conducted on subpopulations and minority groups have highlighted the salience of fictive kinships and families of choice in fulfilling family-like roles and functions. At times, the bonds between non-kin individuals are so profound and enduring that not only do the parties involved consider each other as family, but their friendships supersede the biological ties of the family of origin.⁹⁴

For example, Kevin Heslin et al. explored the relationships that develop among residents of sober living homes. Their findings showed that people who recover from substance misuse and who decide to live in sober living homes may form connections with other residents that often supersede those of a traditional family. Thus, in describing the bonds that characterized their relationships, residents of the sober living homes referred to one another using kinship terms such as *sister*, *aunt*, or *parents*.⁹⁵ The study also showed that residents perceived fictive kin as being more supportive than actual kin because of their mutual care and support and the shared goals, whereas their biological family did not share or provide these things; some participants described their biological family as oppressive.

Family-like relationships similar to those of residents of sober living homes may also frequently characterize communities of immigrants. According to Helen Ebaugh and Mary

⁸⁹ Serious Crime Act 2015, section 76(2).

⁹⁰ Serious Crime Act 2015, section 76(6)(c).

⁹¹ Serious Crime Act 2015, section 76(7); see Family Law Act 1996, c. 27, section 63(1), <https://www.legislation.gov.uk/ukpga/1996/27/contents>.

⁹² Kris Franklin, "A Family Like any Other Family: Alternative Methods of Defining Family in Law," *New York University Review of Law & Social Change* 18, no. 4 (1991): 1027–78.

⁹³ Nausica Palazzo, "The Strange Pairing: Building Alliances between Queer Activists and Conservative Groups to Recognize New Families," *Michigan Journal of Gender and Law* 25, no. 2 (2018): 161–237.

⁹⁴ Anna Muraco, "Intentional Families: Fictive Kin Ties between Cross-Gender, Different Sexual Orientation Friends," *Journal of Marriage and Family* 68, no. 5 (2006): 1313–25.

⁹⁵ Kevin C. Heslin et al., "Alternative Families in Recovery: Fictive Kin Relationships among Residents of Sober Living Homes," *Qualitative Health Research* 21, no. 4 (2011): 477–88.

Curry, the major function performed by the systems of fictive kin in immigrant communities is the provision of economical, emotional, and social support.⁹⁶ Esther Kim shows the importance of fictive family for the emotional, social, and psychological well-being of undocumented immigrant restaurant workers.⁹⁷ Alone in a new country, far from family and friends, undocumented migrants live marginalized from the mainstream society and are often exploited by employers. In some circumstances, deep connections and strong relationships develop and are fostered between undocumented immigrants and their employers, and between co-workers. The working environment becomes like a family to them, and the use of the term *family* acquires a profound meaning. The fictive kinship becomes a safe place where similar experiences and common goals are shared, and where emotional and economic needs are fulfilled. As Kim explains, the fact that undocumented immigrants “can rely on others beyond their own families in their native countries nurtures a sense of security and belonging.”⁹⁸ Also, the fictive family “reinforces personal relationships and provides a social network and social capital.”⁹⁹

The Jehovah’s Witnesses community is, in a sense, a gated community, and as such, the family metaphor acquires a powerful meaning. The community is akin to being a family. The Jehovah’s Witnesses consider themselves as a unified spiritual family. They are closely bonded and are isolated from mainstream society. Members refer to each other as *brothers* and *sisters*, and the community represents their entire world. Jehovah Witnesses are indoctrinated to view members of the Jehovah’s Witnesses as the in-group, and those outside as the out-group: “You’re indoctrinated to see people differently. Those on the outside, are part of Satan’s system and somehow, no matter how nice they are, they’re tainted, they’re not on your side. They’re the enemy. So, you have this dualism, this dichotomy of almost good versus evil and you’re on the winning side of good. And so, because of that, I think, also your conversation changes. Your whole worldview changes and therefore, the people that you had as friends you don’t have anything in common anymore” (Luke, Group A).

Pursuing friendships and relationships outside the group and engaging in unnecessary activities with nonmembers is frowned upon, and doing so can invite disciplinary action. Thus, connections with family members who are not part of the community are often sacrificed. Those who are not part of the community, irrespective of the biological ties, are considered bad influences because their lifestyle, belief system, or way of thinking differs from that of the community. Therefore, the individual’s social life is strictly confined to the community: “We began to cut off really those friends who were outside of the community. And we built our relationships within the Kingdom Hall, made good friends with whom we would go on holiday ... So, our house became a hub for other Witnesses” (Luke, Group A).

Members gather weekly, attending and participating in the official meetings and required activities of the community. Leisure activities and hobbies are arranged with other members of the group: “Firstly, they were all I’ve ever known, because as you know Jehovah’s Witnesses don’t form friendships outside. So, these are groups of people who share the same ideals, as I did, we got on well. So, we like to have people around to our place, go to other people’s places. We like playing games, playing cards for example. So, we had some friends that we regularly did that with” (Samuel, Group A).

⁹⁶ Helen R. Ebaugh and Mary Curry, “Fictive Kin as Social Capital in New Immigrant Communities,” *Sociological Perspectives* 43, no. 2 (2000): 189–209.

⁹⁷ Esther C. Kim, “‘Mama’s Family’: Fictive Kinship and Undocumented Immigrant Restaurant Workers,” *Ethnography* 10, no. 4 (2009): 497–513.

⁹⁸ Kim, “‘Mama’s Family,’” 508.

⁹⁹ Kim, 508.

However, as noted above, when a person is shunned, those close community ties collapse, and the person is left with a void. The community, which has previously filled the roles and functions of a traditional family, the family that gave meaning to and was integral to the structure of one's life, fragments or disappears entirely when the person is shunned.

The amendment in the Domestic Abuse Act 2021 has widened the scope of the definition of *personally connected* so that the offense of abuse applies to former partners and family members who no longer live together.¹⁰⁰ It remains to be seen whether the new definition will make it easier to establish that such a personal connection exists within the structure of the Jehovah's Witnesses community. The Domestic Abuse Act is proving to be "the perfect legislative vehicle" to protect more victims of coercive control behavior by allowing for a wider range of abusive situations.¹⁰¹ However, the narrow definition of family within section 76(6) of the Serious Crime Act 2015 should be similarly broadened to encompass a wider array of relationships.

Serious Effect

The third element of the offense of domestic abuse is evidence that some serious harm has been done. Being shunned places tremendous levels of distress on the individual, which has a substantial adverse effect on their day-to-day activities.

Research within the context of domestic abuse has so far recognized that coercive control can be experienced cognitively, emotionally, and socially, resulting in severe psychological implications on the victims.¹⁰² As detailed above, in being shunned, the individual undergoes a drastic change in their life. The effects can be damaging. Emotional pain, loneliness, nervous breakdown, depression, suicidal thoughts, and physical health conditions are some of the effects of being shunned the participants describe. For example, a young woman who was shunned resorted to risky behaviors to fill the emotional void. She explains: "I was having unprotected sex. I was trying drugs, going partying a lot, not really looking after myself. I think it was a sort of self-abusive behaviour ... because I'd felt so unloved before, yeah, that's what I've narrowed it down to" (Erin, Group A).

Across all the participants' accounts there were references to the difficulties that they faced when adjusting to life after being shunned. For example, Noah says, "The first year was really hard adjusting. And, yeah, it probably did affect me negatively emotionally and the way I dealt with those emotions was probably the wrong way. So, for example drinking too much. It's, yeah, that's, you know, that definitely did not help me emotionally at that time" (Group A).

After being disfellowshipped, Maggie suffered a nervous breakdown. She says, "I ended up in hospital and on and off for nearly a year ... none of the Witnesses visited. I doubted the love. They didn't visit. They didn't find out if I was dead or alive or ok" (Group A).

Rose was also hospitalized. The fact that her daughters refuse to talk to her, and both her and her husband are not allowed to see their grandchildren has had serious repercussions on

¹⁰⁰ Domestic Abuse Act 2021, section 68(4).

¹⁰¹ "New Laws to Protect Victims Added to Domestic Abuse Bill," UK Government, press release, para. 9, <https://www.gov.uk/government/news/new-laws-to-protect-victims-added-to-domestic-abuse-bill>.

¹⁰² Evan Stark, "Coercive Control as a Framework for Responding to Male Partner Abuse in the UK: Opportunities and Challenges," in *The Routledge Handbook of Gender and Violence*, ed. Nancy Lombard (London: Taylor & Francis, 2018), 15–27; Torna Pitman, "Living with Coercive Control: Trapped within a Complex Web of Double Standards, Double Binds and Boundary Violations," *British Journal of Social Work* 47, no 1 (2017): 143–61.

her physical well-being: “I had about three mini strokes since. So, it’s been really hard ... and I do get chest pains and other things. So yeah, it’s hard, you know, as it has a big impact on our health. Big impact” (Group A).

Another key theme that emerged across the accounts was the emotional impact of family refusing to maintain contact with the shunned individual. It appears that the ambiguity of loss,¹⁰³ together with being shunned by family members has caused a deep emotional impact. For example, Oliver reports:

It did cause quite a lot of negative, have negative impact on my self-esteem, quite a lot, on my confidence and it took quite a lot of time, quite a lot of effort to change that, you know, and to kind of become functional again. Because it makes you feel quite worthless especially when it’s your own family and your parents that treat you that way. I put a lot of work ... and I’ve done it successfully but it still every so often does, does bother me I do often dream about my parents. I don’t speak to them but every so often I dream about them. I was very upset because yeah because, because they aren’t around ... It’s like I’m dead to them now. (Group A)

Deprived of the emotional and economic support that the family can provide, the individual starts down a solitary and challenging path. The psychological and emotional impact is at times so unbearable that taking one’s own life seems a plausible solution. As Tom describes:

And it began six of the loneliest months of my life. I remember sitting in my company car outside the KFC thinking “if I die now nobody would have a clue, nobody would care.” I was living hand to mouth ... I continued to be plagued by nightmares about Armageddon, continued to be convinced that Jehovah was going to find a way of killing me. And I went to see a clinical psychologist, because I was convinced that I was going to get AIDS ... I became convinced that that’s how God was going to get me. (Group A)

Robert explains:

I have to say that the biggest impact in my life was the time between when I stopped going to the Kingdom Hall, told my wife and my children that it was over for me, but I didn’t know what to do, and I didn’t know where to go. I didn’t know what to believe. And I confess that, yeah, there was sometimes then, that I had suicidal thoughts. I live 100 meters from a very large river, and it has rapids, it has white waters, in the city limits, and a few times I went there, and I thought, you know, “If I jump in here, especially in winter, you know, I won’t last very long in that icy cold water. And you know, maybe it’d be a good way to go.” (Group A)

There have been instances where these suicidal thoughts have turned into successful suicides:

I am annoyed with what they’ve done to people, and I’ve seen lots of lies I, I had a friend who committed suicide as well. So, I do know how many lives they’ve ruined by what they’re doing. (Gaby, Group A)

They disfellowship 12-year-old children. They’ve just done that. The child committed suicide. (Maggie, Group A)

¹⁰³ Pauline Boss, *Ambiguous Loss: Learning to Live with Unresolved Grief* (Cambridge: Harvard University Press 1999).

As it appears from the accounts of the participants, the harm that shunning causes is mostly psychological and long lasting. It can push the individual to the limit. The individual experiences the disciplinary provision as a cruel treatment:

This is horrendous how you're being treated. This is just absolutely exact psychological torture, it is cruelty. (Emma, Group A)

I mean, being disfellowshipped and coming out of the Witnesses is hard on anybody, and it's hard mentally, and you have to be prepared ... There's a whole process. You need to find the mental strength to get through it. (Dylan, Group A)

Knowledge

Finally, section 76 of the Serious Crime Act 2015 specifies that the perpetrator knows or ought to know the effect of their behavior on the target or victim. In the case of the Jehovah's Witnesses, the Elders know or ought to know, that the practice will have a serious effect on those shunned. As we found during interviews with the physically in mentally out and former Elders, they are or were aware of the consequences of shunning on the individual. For example, a physically in mentally out Elder says, "I know of many cases where a disfellowshipped person committed suicide due to not being able to handle the emotional stress of being forcibly separated from family and friends" (Aaron, Group B).

Gilbert, who was an Elder for eleven years, explains: "I became more and more aware of [the impact] as my tenure as an Elder progressed ... I saw people who I knew who were disfellowshipped, they were going to lose their job ... Family won't talk to them. They may get thrown out on the street, you know. And that's when the seriousness came. And then that's how I, you know, went towards clemency" (Group B).

According to the majority of the Elders, they are aware, at least to some extent, of the consequences that shunning may have on the individual's life. Nate, who was an Elder for fifteen years, adds, "I know for a fact people have committed suicide. And if I know that, and if I've seen it, there's no doubt people in the highest levels of the organization have reports of this as well" (Group B).

Although the community's culture molds the perspective of its members, the shunning process may have a severe impact also on those Elders who form the judicial panel. For example, a former Elder recounts, "I specifically remember that day when I came home from the [judicial hearing]. I sat in the dark. It took about like an hour, because it was such an emotional process. And ... I felt guilty. And, you know, I was never really that kind of person, I've always been like a very positive, very upbeat person. And so, for me to come home and just sit in the dark for an hour like that was so uncharacteristic of me. But, you know, that was the way I was processing all that flooding of emotion" (Ross, Group B).

Although the leadership publicly presents shunning as a loving discipline, there is a component of uneasiness and guilt by the Elders toward the wrongdoer that makes involvement with the disciplinary process uncomfortable for some Elders. The Elders know (or ought to know) that shunning would have a serious effect on the individual.

Challenges to the Argument That Sunning Should Be Considered Criminal

Although the four elements of the offense of domestic abuse are present in shunning as practiced by the Jehovah's Witnesses, there are challenges that may arise in arguing that the practice is criminal.

The right to freedom of religion or belief is protected by international law and many national constitutions. Some of the main legal provisions are, for example, the European

Convention of Human Rights 1950 (ECHR) and the Human Rights Act 1998, which incorporated the ECHR into UK law.¹⁰⁴ Specifically, the ECHR Article 9(1) points out that an individual has the right to freedom of thought, conscience, and religion but also that they have the right to manifest their religion or belief, in worship, teaching, practice and observance.¹⁰⁵ Shunning is a core practice mandated by the Jehovah's Witnesses community's belief, and as such, it can be argued that it is the community's right to freedom of religion to practice shunning in order to force members to observe the religious dictates of their faith.¹⁰⁶ The counterargument to this is discussed by Justin Miller, who argues that regarding instances of shunning, the right to freedom of religion or belief of both parties involved should be considered and protected, as "[e]ach member of the group has free exercise rights at least as compelling as those of the group that shuns them."¹⁰⁷ ECHR Article 9(2) envisages that there may be instances where state interference would be justified.¹⁰⁸ Is shunning such an instance where there is ground to limit freedom of religion or belief?

A second criticism could be that a religious denomination has the right to establish internal rules. It is the right of groups, communities, or clubs to apply sanctions or revoke the membership status if members breach the rules, free from state interference. The counterargument would be that the core issue of whether the disciplinary measure the Jehovah's Witnesses adopt should be made criminal does not revolve around the right of such a community to revoke the membership status. The core issue is whether there should be state interference as a result of the level of harm caused to the individual in terms of physical and emotional well-being. Shunning is not a choice made by the leader toward the leaver, to the exclusion of all others. Rather, in this instance, once the decision has been made by the Elders to shun an individual, the entire community is required to take an active part in the shunning. Failure to take part in this practice will have consequences. According to Farrah Raza, by evaluating each case through the lens of the harm principle in terms of harm to autonomy would "offer a stable, normative foundation from which competing interests can be balanced."¹⁰⁹ The right to establish internal rules needs to therefore be weigh against the level of harm to the individual shunned.

Another criticism that might arise in suggesting that this practice ought to be considered criminal is the difficulty of determining when the line of criminality has been crossed. Being shunned can be experienced differently because of personal characteristics, personal experiences, family, and cultural background. As subjectivity characterizes the way an individual perceives and makes sense of an experience, this can pose a challenge in evaluating whether the behavior has "a serious effect" on the individual contrary to section 76 of the Serious Crime Act 2015.¹¹⁰ This would be a matter for the jury to determine.

In criminalizing shunning, the potential challenge of how members should treat individuals who have lost their membership status also arises. Considering the evolution of the shunning policy—shunning was not officially endorsed and applied until 1981—a return to the origins would be a possible solution. This would be, for example, by revoking the

¹⁰⁴ Farrah Raza, "Limitations to the Right to Religious Freedom: Rethinking Key Approaches," *Oxford Journal of Law and Religion* 9, no. 3 (2020): 435–62; Neil Addison, "Religious Freedom in the United Kingdom," *Studies: An Irish Quarterly Review* 99, no. 396 (2010): 427–35.

¹⁰⁵ European Court of Human Rights, Guide on Article 9 of the European Convention on Human Rights (2021), https://www.echr.coe.int/Documents/Guide_Art_9_ENG.pdf.

¹⁰⁶ Raza, *Limitations to the Right to Religious Freedom*, 448.

¹⁰⁷ Justin K. Miller, "Damned if You Do, Damned if You Don't: Religious Shunning and the Free Exercise Clause," *University of Pennsylvania Law Review* 137, no. 1 (1988): 271–302, at 302.

¹⁰⁸ European Court of Human Rights, Guide on Article 9, at 6.

¹⁰⁹ Raza, "Limitations to the Right to Religious Freedom," 462.

¹¹⁰ See Serious Crime Act 2015, section 76(4).

membership status without enforcing shunning and not penalizing members who decide to maintain contact with former members.

Lastly, criminalizing the Jehovah's Witnesses' practice of shunning may have implications for other religious denominations. For instance, Jehovah's Witnesses are not the only religious group that enforces shunning as a disciplinary measure. The Amish, Exclusive Brethren, Mennonites, and Scientologists have similar practices. Moreover, suggesting that there are instances where the state should intervene to regulate religious matters, such as by criminalizing a core belief of a religious denomination, may have repercussions that extend beyond the Jehovah's Witnesses' practice of shunning to include religious approaches to education, health, mental health, and child protection. Criminalizing shunning may therefore have further ramifications.

Conclusion

The nature of the law is that it can evolve. The act of controlling or coercive behavior was not recognized as criminal until 2015. The law, which once was limited to the offense of physical assault in a domestic relationship, now extends to behavior that is a form of psychological assault.

Being shunned has a serious effect on the individual. Indeed, the experiences of those who are shunned map onto those who experience domestic abuse. All four elements of the offense as defined by law are present: the process of shunning involves control and coercion; it causes humiliation, shame, and serious distress, along with isolation as the entire social fabric of the shunned member is unraveled. But rather than being the victim of an individual perpetrator, the shunned member is a victim of the collective behavior of a community that functions as a family. The community in its entirety takes an active part in the practice of shunning. However, because the law does not allow for situations such as that of groups such as the Jehovah's Witnesses, the shunned individual is not protected by the law at present. To remedy this lacuna in the law, the Serious Crime Act 2015 should be amended to include instances such as shunning by the Jehovah's Witnesses community.

Acknowledgments. *Special thanks to Professor Maddie Ohl, director of studies at the Graduate Center, University of West London, for her invaluable expertise and advice throughout all aspects of the research.*

Cite this article: Grendele, Windy A., Flax Maya, and Bapir-Tardy Savin. 2023. "Shunning from the Jehovah's Witness Community: Is It Legal?" *Journal of Law and Religion* 38: 290–313. <https://doi.org/10.1017/jlr.2023.13>