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# **SHUNNING FROM THE JEHOVAH'S WITNESS COMMUNITY, IS IT CRIMINAL?**

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## **ABSTRACT**

Drawing on a qualitative study conducted with both individuals who have been shunned from the Jehovah's Witness community, as well as those who were in a position to shun others. This article identifies areas of development within the Serious Crime Act 2015, proposing that there is scope to broadly interpret the Act to include instances of people shunned from the Jehovah's Witness community.

**KEYWORDS:** disfellowshipping, coercive control, Jehovah's Witnesses, family-like relationships, discipline

## INTRODUCTION

Domestic abuse (DA) is one of the most pressing issues and highest priority work the criminal justice system in the United Kingdom is dealing with<sup>1</sup>. In the year ending March 2020, it has been estimated that 2.3 million people experienced domestic abuse in the UK<sup>2</sup>. 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<sup>3</sup>” between intimate partners or family members, a new offence of controlling and coercive behaviour in an intimate or family relationship came into force in 2015 with the Serious Crime Act.<sup>4</sup> The Serious Crime Act 2015 provided for the offence of criminalizing controlling or coercive behaviour in a relationship where the behaviour has a serious effect on the victim (s.76). According to the Home Office Statutory Guidance Framework, “The Act 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.”<sup>5</sup>

The implementation of this offence therefore allowed the prosecution of those behaviours that do not entail overt physical violence. Recent examples of prosecutions under this Act are: *F v M*<sup>6</sup>, in which the court identified that the applicant’s father engaged in a sets of behaviours towards his wife that was controlling and coercive “by preventing her access to ante-natal care,

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

<sup>2</sup> Home Office, “*Domestic Abuse Act 2021: Overarching Factsheets*” (2021), para 7

<sup>3</sup> 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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/482528/Controlling_or_coercive_behaviour_-_statutory_guidance.pdf)

<sup>4</sup> Serious Crime Act 2015 C9, <https://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>

<sup>5</sup> Home Office, *Statutory Guidance Framework*, 3

<sup>6</sup> *F v M*, Case No: ZE17P01593 [2021].

isolating her from her family, friends and peers, controlling her money and food and deliberately curtailing her freedom, also amounting to emotional abuse”.<sup>7</sup> *FG v HI*<sup>8</sup>, where it was evidenced that the husband’s “behaviour had constituted domestic abuse in the form of controlling and coercive behaviour in that he had used intimidation, the threat of violence, control of finance and social interaction, and psychological manipulation to subjugate her to his will”<sup>9</sup>, and *R v Darren Paul Willey*<sup>10</sup>, where the appellant was sentenced to two years of imprisonment for an offence of controlling or coercive behaviour carried out by socially isolating his partner and by being verbally and physically abusive.

The Domestic Abuse Act 2021<sup>11</sup> amended s.76 of the Serious Crime Act 2015. Also, the Domestic Abuse Act 2021 created a statutory definition of domestic abuse by outlining that 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.<sup>12</sup>

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<sup>7</sup> *F v M*, Case No: ZE17P01593 [2021], 1.

<sup>8</sup> *FG v HI, JK through her guardian*, High Court of Justice Family Division [2021] EWHC 1367 (Fam), [2021] WL 02043077.

<sup>9</sup> *FG v HI, JK through her guardian*, 2021, 2.

<sup>10</sup> *Regina v Darren Paul Willey*, Case No 202101100/A4 Court of Appeal Criminal Division [2021] EWCA Crim 1024, 2021 WL 02895294.

<sup>11</sup> Domestic Abuse Act 2021, <https://www.legislation.gov.uk/ukpga/2021/17/contents/enacted>

<sup>12</sup> Domestic Abuse Act 2021.

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. The Serious Crime Act 2015 and the Domestic Abuse Act 2021 have developed the law to extend to instances which go beyond the traditional incidents of assault and have allowed to account for wider situations of abuse. However, this article will purport that there is nonetheless scope to continue to develop the application of this offence to a wider range of abusive situations. This article will aim to identify areas of development and consider whether there is scope for reform to include individuals who have been shunned from the Jehovah's Witness community.

This article will consider two factors in turn. First, it will discuss the process of leaving the community and its harsh implications on those who are shunned, revealing that the concrete threat of being shunned from the religious community is a measure which is controlling and coercive. In doing so, the article will rely on data collated as part of a research on religious shunning within the Jehovah's Witness community. Second, it will show that the relationship of members within the Jehovah's Witnesses is akin to family relationships. This article will therefore propose that if these two factors are met, there is scope to broadly interpret the Act to include instances of people shunned from the Jehovah's Witness community.

#### THE JEHOVAH'S WITNESS COMMUNITY: AN OVERVIEW

Founded by Charles T. Russel<sup>13</sup> in 1879, the Jehovah's Witness community has been described as a "millenarian restorationist Christian denomination."<sup>14</sup> The Jehovah's Witnesses believe

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<sup>13</sup> Bryan R. Wilson and Jamie Cresswell (eds), *New Religious Movements: Challenge and Response* (London: Routledge, 1999).

<sup>14</sup> 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): 369.

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 ruining of the earth) as a sign of the impending end.<sup>15</sup> Jehovah’s Witnesses believe that Armageddon, the war of God, is due to take place. At Armageddon all false religions, and political, military, and commercial systems will be eradicated.<sup>16</sup> A ‘great crowd’ of people will survive Armageddon with those who are judged adversely being destroyed.<sup>17</sup>

Jehovah’s Witnesses accept the Bible as being the word of God. Therefore, they base their beliefs upon rigorous adherence to the Bible’s principles<sup>18</sup>, and to a strict moral and behavioural code that, for example, proscribes activities such as masturbation, pornography, smoking, the celebration of traditional holidays such as Christmas and birthdays, or the involvement in political or military affairs.<sup>19</sup> Although most of the Jehovah’s Witnesses work in secular employment, their children attend mainstream schools, and, as a whole, they are actively engaged in the door-to door activity of evangelization, which aims to engage people in biblical conversations, the group draws clear boundaries between themselves and non-Jehovah’s Witnesses. The strong dichotomy which characterizes the Jehovah’s Witness

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<sup>15</sup> JW.org, “6 Million COVID Deaths – What Does the Bible Say?,” accessed 14 June, 2022, <https://www.jw.org/en/library/series/more-topics/covid-deaths-bible-meaning-hope/>

JW.org, “What Is the Sign of “the Last Days,” or “End of Times”?,” accessed 15 June, 2022, <https://www.jw.org/en/bible-teachings/questions/last-days-sign-end-times-prophecies/>

<sup>16</sup> Watchtower Bible and Tract Society of New York Inc., “Armageddon Is Good News!” *The Watchtower, Study Edition*, September, 2019, 8-13.

<sup>17</sup> Watchtower Bible and Tract Society of New York Inc., “Look! A Great Crowd.” *The Watchtower, Study Edition*, September, 2019, 26-31.

<sup>18</sup> Ó Néill, *Jehovah’s Witnesses and Blood Transfusion*, 369.

<sup>19</sup> 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).

doctrine also reinforces these boundaries. As noted by Blankholm<sup>20</sup>, while on the one hand the Jehovah's Witnesses refer to their creed as *The Truth*, on the other hand, the *World*, that is all the people who do not worship Jehovah's God, is ruled by and under the influence of Satan the Devil. Therefore, meaningful social interactions and friendships mostly develop within the religious community, as do hobbies, leisure pursuits and at times business opportunities. This results in the Jehovah's Witnesses being a tight-knit community which "keeps their involvement with the wider society to the minimum."<sup>21</sup>

Jehovah's Witnesses consider themselves as a unified spiritual family. They call and view each other as spiritual brothers and sisters.<sup>22</sup> 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 organised in local congregations, and a Body of Elders, the spiritual shepherds of the community, supervises each congregation.

According to the Jehovah's Witness official website<sup>23</sup>, in the 2021 the number of Jehovah's Witness publishers<sup>24</sup> worldwide amounted to 8,686,980, with a total number of 171,393 new baptized members. In Britain, the Jehovah's Witnesses established their presence

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<sup>20</sup> Joseph Blankholm, "No Part of the World: How Jehovah's Witnesses Perform the Boundaries of Their Community." *The Journal of the Faculty of Religious Studies* 37 (2009).

<sup>21</sup> Andrew Holden, *Jehovah's Witnesses: Portrait of a contemporary religious movement* (London: Routledge, 2002), 11.

<sup>22</sup> Barry Congregation of Jehovah's Witnesses v BXB [2021], <https://www.judiciary.uk/wp-content/uploads/2021/03/Barry-Congregation-v-BXB-140321.pdf>

<sup>23</sup> JW.org, "2021 Grand Totals," accessed May 20, 2022, <https://www.jw.org/en/library/books/2021-service-year-report/2021-grand-totals/>

<sup>24</sup> The term publisher refers to those members who have been baptised as well as those who, though not yet baptised, have been considered qualified to be endowed with the responsibility of preaching.

in 1881, and their work led to the formation of early congregations and a branch office in London.<sup>25</sup> Today, in Britain, there are 140,094 publishers assigned to 1,611 congregations.<sup>26</sup>

#### SHUNNING WITHIN THE JEHOVAH’S WITNESSES: A CLOSE-UP

A sin committed by a member of the Jehovah’s Witnesses is not taken lightly and will lead to a Judicial Committee, whereby a panel of Elders (the spiritual shepherds of the same religious denomination) will determine whether the individual should remain an active member of the community or should be *disfellowshipped*. By being *disfellowshipped* the individual’s membership status is revoked and the person is shunned. The aims of such a practice stem first, from the necessity to protect the group from what is considered harmful behaviour.<sup>27</sup> Second, according to the Jehovah’s Witnesses’ principles, shunning the individual contributes to maintaining the honourable name of God and the purity of the congregation<sup>28</sup>, “An unrepentant sinner is like a person who has a highly contagious viral infection and needs to be quarantined in order to protect other from getting sick.”<sup>29</sup> Third, shunning “may bring the wrongdoer to his senses”<sup>30</sup>, as the negation of any interactions imposed upon the individual is seen as a tool which would allow the person to reflect on their behaviour, repent, provide evidence that the

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<sup>25</sup> George D. Chryssides, “Jehovah’s Witnesses in Britain. A Historical Survey.” *Alternative Spirituality and Religion Review* 10, no 2 (2019).

<sup>26</sup> JW.org, “Jehovah’s Witnesses Around the World. Britain,” accessed April 20, 2022, <https://www.jw.org/en/jehovahs-witnesses/worldwide/GB/>

<sup>27</sup> JW.org, “How to Treat a Disfellowshipped Person,” accessed June 10, 2022, <https://www.jw.org/en/library/books/gods-love/disfellowshipped-person/>

<sup>28</sup> JW.org, “Display Christian Loyalty When a Relative Is Disfellowshipped,” accessed June 10, 2022, <https://wol.jw.org/en/wol/d/r1/lp-e/202002285#h=1:0-30:0>

<sup>29</sup> JW.org, “When a Loved One Leaves Jehovah,” accessed June 9, 2022, <https://www.jw.org/en/library/magazines/watchtower-study-september-2021/When-a-Loved-One-Leaves-Jehovah/>

<sup>30</sup> JW.org, “Why Disfellowshipping Is a Loving Provision,” accessed June 9, 2022, <https://www.jw.org/en/library/magazines/w20150415/disfellowshipping-a-loving-provision/>



sinful course has been abandoned, and be reinstated.<sup>31</sup> Therefore, the practice of shunning is defined by the community's leadership as an expression of love, with the aim to help the individual to return to the desired path and, at the same time, to protect the group from corruptive influences.<sup>32</sup>

Shunning has severe and long-lasting consequences for the individual. If the Judicial Committee deems that shunning is necessary, then a public announcement is read in front 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 implies the deliberate marginalisation and the intentional act of ignoring and avoiding a former member of the community. It involves the complete cutting of the social, spiritual, and sometimes economic ties between a former member and the community. "Really, what your beloved 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."<sup>33</sup> "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."<sup>34</sup> The individual who loses their membership status is considered a non-existing person by the community and treated accordingly.

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<sup>31</sup> Watch Tower Bible and Tract Society of Republic of Korea, Inc., *Shepherd the Flock of God – 1 Peter 5:2* (New York: Christian Congregation of Jehovah's Witnesses Wallkill, 2019), ch.19.

<sup>32</sup> JW.org, When a Loved One Leaves Jehovah.

<sup>33</sup> JW.org, "Let Nothing Distance You from Jehovah," accessed June 9, 2022, <https://www.jw.org/en/library/magazines/w20130115/let-nothing-distance-you-from-jehovah/>

<sup>34</sup> JW.org, Display Christian Loyalty.

While the term *disfellowshipping* refers to the practice, the term *shunning* refers to the end result of this practice. Therefore, the term *shunning* will be used across this article. 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 JEHOVAH'S WITNESS COMMUNITY AND THE JUDICIAL SYSTEM

The Jehovah's Witness community has been prosecuted by the UK courts and outside the UK. As children's welfare is regarded as paramount, child protection policies and procedures implemented in institutional contexts have been progressively challenged to assess their adequacy, becoming a matter of scrutiny by several governments and judicial systems. This scrutiny has also targeted the Jehovah's Witness community along with other organisations. Some recent examples are the Australian Royal Commission into Institutional Responses to Child Sexual Abuse<sup>35</sup>, 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 (IICSA) conducted in the UK.<sup>36</sup> The two inquiries have come to opposite conclusions. On the one hand, 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.<sup>37</sup> On the other hand, the UK Independent Inquiry into Child Sexual Abuse (IICSA)

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<sup>35</sup> Royal Commission into Institutional Responses to Child Abuse, *Final Report* (2017), <https://www.childabuseroyalcommission.gov.au/final-report>

<sup>36</sup> Independent Inquiry into Child Sexual Abuse (2015), <https://www.iicsa.org.uk/about-us>

<sup>37</sup> Commonwealth of Australia, *Royal Commission into Institutional Responses to Child Abuse. Final Report. Preface and Executive Summary* (2017), [https://www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_preface\\_and\\_executive\\_summary.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_preface_and_executive_summary.pdf)

concluded that “The evidence, viewed objectively, shows that the current policy [implemented by the community] is proactive, is being applied in practice, is working”.<sup>38</sup>

The Jehovah’s Witness decision of refusing medical treatment on religious ground when it involves children has also been challenged, and this issue has been considered in the UK, US, and Europe. Although the British law enforces the person’s body inviolability principle<sup>39</sup>, and grants parents the right, in some circumstances, to give proxy consent for their underaged children<sup>40</sup>, “the common law has never treated such rights as sovereign or beyond review and control”<sup>41</sup>, highlighting that these rights are not absolute and that it is ultimately in the power of a court to override parents’ decision. For example, in the cases *Re O*<sup>42</sup>, *Re S*<sup>43</sup>, *Re R*<sup>44</sup> and *Birmingham Children’s NHS Trust v. B & C*,<sup>45</sup> since the children’s circumstances were deemed as life threatening, the children’s welfare took precedence over the beliefs of the Jehovah’s Witness parents, and the courts granted permission for the blood transfusion of the child.

Furthermore, in Belgium the Jehovah’s Witnesses have been convicted of inciting discrimination and hatred or violence against members who choose to leave the community in 2021.<sup>46</sup> According to the court, the practice of shunning by the Jehovah’s Witnesses threatens

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<sup>38</sup> Independent Inquiry into Child Sexual Abuse (2020), <https://www.iicsa.org.uk/key-documents/21176/view/2020-08-28-ccjw-closing-submissions.pdf>

<sup>39</sup> *Re F (Mental Patient: Sterilisation)* [1990] 2 AC 1, 72E as per Lord Goff.

<sup>40</sup> *Gillick v West Norfolk AHA* [1986] 1 AC 12 at 184G as per Lord Scarman.

<sup>41</sup> *Gillick v West Norfolk AHA* [1986]

<sup>42</sup> *Re O (A Minor) (Medical Treatment)* [1993] 1 FCR 925, [1993] 2 FLR 149.

<sup>43</sup> *Re S (A Minor) (Medical Treatment)* [1993] 1 FLR 376.

<sup>44</sup> *Re R (A Minor) (Blood Transfusion)* [1993] 2 FCR 544.

<sup>45</sup> *Birmingham Children’s NHS Trust v. B & C* [2014] EWHC 531 (Fam).

<sup>46</sup> GE/G/52/98/771/2015, <https://hrwf.eu/wp-content/uploads/2021/04/2021-0316-Ghent-Court-Decision-EN-1.pdf>

the fundamental rights of the members of the community with behaviours that are “socially disturbing.”<sup>47</sup> The court concluded that:

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.<sup>48</sup>

The Jehovah Witnesses have also had an ongoing history of repression by various states. By way of example, the Supreme Court in Russia has taken the bold step of making all activities within the Jehovah's Witness community illegal, on the basis that they form an extremist organisation.<sup>49</sup> Amongst the reasons given for banning the Jehovah's Witness organization have been the following<sup>50</sup>: first, the breach of the fundamental rights and freedoms of Russian citizens, which had led to the breakdown of many families. Second, minors and teenagers being coerced to take part in the community's activities. Third, the serious consequences due to the refusal of blood transfusion on religious grounds, such as the deterioration of health and the impossibility for doctors to provide adequate medical care. Finally, the dissemination, through the community's literature, of views and ideas which undermine respect for other religions. Some of those charged with participating in the Jehovah's Witness activities have been prosecuted and sentenced to various terms of imprisonment.<sup>51</sup>

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<sup>47</sup> GE/G/52/98/771/2015, 55

<sup>48</sup> GE/G/52/98/771/2015, 55

<sup>49</sup> Home Office, “Country Policy and Information Note. Russia: Jehovah's Witnesses” (2021), [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](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)

<sup>50</sup> Case of Jehovah's Witnesses of Moscow and Others v. Russia (Application no 302/02) (2010), <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-99221%22%5D%7D>

<sup>51</sup> Home Office, *Russia*, 2021.

We would draw a distinction between the discrimination and suppression faced by Jehovah's Witnesses in countries such as Russia and the proposal in this article. This article does not purport to broaden discrimination against Jehovah's Witnesses in the UK. Freedom of religion, under UK law and international norms, is applicable to all faith groups, and such freedom should be respected for Jehovah's Witnesses. This article, by contrast, is considering a much narrower practice and seeks to 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 which arise in suggesting criminalizing religious precepts or intervening into religious matters, this article purports that, due to its negative ramifications, the scope of the Serious Crime Act 2015 should be broadened to encompass the practice of shunning.

#### THE CURRENT PROVISIONS

For the offence of controlling and coercive behaviour to be met in accordance with s.76 of the Serious Crime Act<sup>52</sup>, four main elements need to be evidenced. An offence 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.

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<sup>52</sup> Serious Crime Act 2015.

1. The Cross-Government<sup>53</sup> definition of domestic abuse defines controlling or coercive behaviour 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.

This article will show that shunning is both controlling and coercive.

2. For the offence under s.76<sup>54</sup> to be made out, it must be part of a continuous pattern of behaviour between two individuals who are ‘personally connected’. The Act specifies that A and B are considered to be personally connected if they are in an intimate, personal relationship or they live together and members of the same family / previously been in an intimate personal relationship with each other (s.76(2)). They would also be considered to be ‘personally connected’ if they are relatives (s.76(6)(c)). The definition of ‘personally connected’ for the purpose of s.76 Serious Crime Act has been updated by the Domestic Abuse Act 2021 (s.68)<sup>55</sup> although this is not yet in force. The Act criminalizes post-separation abuse, and this amendment has widened the scope of the definition of 'personally connected' so that the offence

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<sup>53</sup> Home Office, ‘Cross-Government Definition of Domestic Violence. A Consultation. Summary of Responses’ (2012), [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/157800/domestic-violence-definition.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/157800/domestic-violence-definition.pdf).

<sup>54</sup> Serious Crime Act 2015.

<sup>55</sup> Domestic Abuse Act 2021.

may also apply to former partners and family members who no longer live together. ‘Relatives’ remain ‘personally connected’ under the Domestic Abuse Act (s.68(4)(g)). This article will purport that the relationship among members of the Jehovah’s Witnesses is akin to family / relatives.

3. ‘Serious effect’ needs to have ensued. There are two ways in which it can be proved that A’s behaviour has a ‘serious effect’ on B:

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

This article will argue that being shunned places tremendous levels of distress on the individual, which has a substantial adverse effect on their day-to-day activities.

4. Finally, this article will argue that A, in this case the Elders, knows, or ought to know, that the behaviour will have a serious effect on the shunned individual. This article will provide show that the consequences of being shunned are evident to the community leadership.

The Act recognizes forms of abuse that go beyond the traditional individual-led incidents of physical abuse. Instead, it focuses on the “process-led manner that is concerned with addressing the cumulative effect of the minutiae of everyday behaviors.”<sup>56</sup> Therefore, it portrays a more progressive approach to abuse<sup>57</sup> as it recognizes the form of abuse that can be

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<sup>56</sup> 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): 95.

<sup>57</sup> Charlotte Barlow, Sandra Walklate, Kelly Johnson, Les Humphreys and Stuart Kirby, “Police Responses to Coercive Control,” *N8 Policing Research Partnership* (2018).  
<https://documents.manchester.ac.uk/display.aspx?DocID=56477>

a continuing stage of siege<sup>58</sup> and can lead to the experience of entrapment. This article will consider the harmful effects which shunning has on the individual and will propose that the act of shunning falls within the remits of controlling and coercive behaviour.

## RESEARCH METHOD

The research method which provides the framework for the present article was an explorative study which sought to understand the experiences of being shunned from the Jehovah's Witness community, with particular reference to the impact on the lives of individuals, and the strategies employed to cope with such an event. A qualitative approach was adopted to address the subject, and the narratives of the participants formed the research data. The data were analysed using Thematic Analysis.<sup>59</sup> The research fieldwork was undertaken between February and September 2020. Data were gathered and analysed by the second author of this article. The first and third author of this article cross-checked the themes and sub-themes generated to ensure the quality and trustworthiness of the analysis. Participants were recruited using a combination of homogeneous and snowball sampling techniques. Specifically, in order to recruit former members, an invitation was posted on private peer support groups for former Jehovah's Witnesses on Facebook, and on Reddit. Twenty-one semi-structured, videoconferencing interviews were conducted with British people who have been shunned from the Jehovah's Witness community (Group A). Also, using the same sampling techniques, 10 former Elders and 2 *physically in and mentally out* (PIMO) Elders were interviewed (Group B). Their accounts allowed to gain insights on the perspectives of those with the authority to shun others.

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<sup>58</sup> Cassandra Wiener, "Seeing What Is 'Invisible in Plain Sight': Policing Coercive Behaviour," *The Howard Journal of Crime and Justice* 56, no 4 (2017).

<sup>59</sup> Virginia Braun, Victoria Clarke, Nikki Hayfield and Gareth Terry. "Thematic Analysis." In *Handbook of Research Methods in Health Social Sciences*, ed. P. Liamputtong (Singapore: Springer, 2019).



To guarantee high ethical standards, the research adhered to the British Psychological Society (BPS) Code of Ethics and Conduct<sup>60</sup>, and received Ethical approval from the School of Human and Social Sciences Ethics Panel of the University of West London.

None of the authors of this article have first-hand experience of having been shunned from the Jehovah's Witness community nor have been impacted by such a practice.

#### CONTROLLING AND COERCIVE BEHAVIOUR OF THE JEHOVAH'S WITNESS COMMUNITY

The first element of the offence is in proving that there has been controlling or coercive behaviour. The participants' accounts offer significant insight to understand the controlling structure, and the coercive system implemented within the Jehovah's Witness community. Stark<sup>61</sup> defined 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."<sup>62</sup> When coercion and control occur together, the result is a "condition of unfreedom."<sup>63</sup>

Previous research has highlighted that in cases of domestic abuse (DA), coercive control (CC) is used by the perpetrator to exert power and control over the victim, which in turn reduces

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<sup>60</sup> The British Psychological Society, *Code of Ethics and Conduct*. (Leicester: The British Psychological Society, 2009).

The British Psychological Society, *Code of Human Research Ethics* (2014), [http://www.bps.org.uk/system/files/Public%20files/inf180\\_web.pdf](http://www.bps.org.uk/system/files/Public%20files/inf180_web.pdf).

<sup>61</sup> Evan Stark, *Interpersonal Violence. Coercive control: How Men Entrap Women in Personal Life* (UK: Oxford University Press, 2007), 228.

<sup>62</sup> Stark, *Interpersonal Violence*, 229

<sup>63</sup> Stark, *Interpersonal Violence*, 205.

the victim's power to make decisions and limits their independence.<sup>64</sup> To demonstrate the CC tactics implemented within the Jehovah's Witness community, parallels will be made with the CC tactics that are already identified in existing literature within DA cases.

### 1. *Controlling Behaviour*

According to Germain<sup>65</sup>, the core concept of CC in DA is the power imbalance between the perpetrator and their target. This condition of inequality aims at subjugating and dominating the target. The current literature on DA has identified a plethora of on-going non-physical strategies the perpetrator intentionally adopts to establish power and maintain control over their victim.<sup>66</sup> Specifically, monitoring, information manipulation, and isolation will be taken into account.

#### (a) Monitoring

One of the strategies which is documented in the literature on DA as being effective in bolstering the perpetrator's dominance over the victim is monitoring. Similar to cases of DA, where the victim's life is micromanaged and the daily activities are strictly monitored<sup>67</sup>, the

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<sup>64</sup> Andrew Day and Erica Bowen, "Offending Competency and Coercive Control in Intimate Partner Violence," *Aggression and Violent Behavior* 20, (2015).

Kirsten Robertson, and Tamar Murachver, "Women and Men's Use of Coercive Control in Intimate Partner Violence," *Violence and Victims* 26, no 208 (2011).

Stark, *Interpersonal Violence*.

<sup>65</sup> Jacquelin L. Germain, "Predictors of Domestic Violence: Power-and-Control Versus Imbalance-of-Power and Related Factors," in *Faces of violence: Psychological Correlates, Concepts, and Intervention Strategies*, ed. D. S. Sandhu (New York: Nova Science Publishers 2001).

<sup>66</sup> 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).

<sup>67</sup> Evan Stark, *Re-Presenting Battered Women: Coercive Control and the Defence of Liberty. Prepared for Violence Against Women: Complex Realities and New Issues in a Changing World* (Les Presses de l'Universite du Quebec, 2012).

control system implemented within the Jehovah's Witness community is conceived to keep members busy and highly involved. A systematic, rigorous teaching programme, a tight weekly activity schedule, and unattainable expectations set by the leadership are strategies which facilitate the control process of members.<sup>68</sup>

*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, lines 125-133).*

When a member does not comply with the expected standards, or the community judges the time the individual allocates to 'non-spiritual' activities as non-appropriate, 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 Witness 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, lines 647-666).*

As in DA, the behaviour of the community leadership towards members is oppressive, and at times, the Elders seem to chase the individual in a way that it appears as being a witch hunt. One of the participants stopped attending the meetings and taking part in the community's activities. He shares 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, lines 355-358; 363-365)*

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<sup>68</sup> Janja Lalich and Karla McLaren, *Escaping Utopia. Growing up in a Cult, Getting Out, and Starting Over* (New York: Routledge, 2018).

Robert J. Lifton, *Through Reform and the Psychology of Totalism: A Study of "Brainwashing" in China* (New York: Norton, 1961).

Alvaro Rodriguez-Carballeira, Omar Saldaña, Carmen Almendros, Javier Martin-Peña, Jordi Escartín and Clara Porrúa-García, "Group Psychological Abuse: Taxonomy and Severity of Its Components," *The European Journal of Psychology Applied to Legal Context* 7, (2015).

A married couple had to take active steps to stop the Elders' intrusive behaviour. The husband says:

*I had to inform the police because they were basically watching us (Liam, Group A, lines 298).*

Manipulation and harassment are some concepts which emerge from the participants' accounts to the point that a sense of uncertainty and being at the mercy of the authority seems to characterize their experiences.

#### (b) Information Manipulation

The manipulation of information in the Jehovah's Witness community echoes the tactic often employed by perpetrators of DA. As Williamson<sup>69</sup> argued, the perpetrators of DA "create and maintain a world in which it is their reality that determines the boundaries, rules, and expectations" of the victim's reality. 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, lines 1036-1038; 1047-1051).*

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, lines 205-211; 228-230).*

Based on the participants' accounts, all taught material is filtered and presented to members according to and in a way that could support the community's perspective. An example is

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<sup>69</sup> Emma Williamson, "Living in a World of the Domestic Violence Perpetrator: Negotiating the Unreality of Coercive Control," *Violence Against Women* 16, (2010): 1418.

provided by Charles. He 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, lines 611-619).

News which discredits the behaviour of the leadership are labelled as 'propaganda'. An example is represented by the news of the investigation into child abuse conducted by the Australian Royal Commission which involved Jehovah's Witnesses along with other organizations. When one of the participants found out about the investigation, 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, line 155).

Susan seized every opportunity to alert people about Jehovah's Witnesses covering up child abuse, which was the reason she was shunned for apostasy.

Another participant explains further the kind of information which 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, line 304-311).

The reality the perpetrators of DA construct is "often chaotic, lacks coherence and is contradictory."<sup>70</sup> As Williamson noted, "unreality is everchanging and destabilizing as the abuser controls not only the boundaries of that world but also the rules that determine those boundaries."<sup>71</sup> So too, the reality Jehovah's Witnesses create is everchanging, chaotic, lacking

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<sup>70</sup> Williamson, *Living in a World of the Domestic Violence Perpetrator*, 1418.

<sup>71</sup> Williamson, 1418.

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, lines 10-18).*

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 Witness] 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, lines 1162-1177)*

The old teachings, as Charles' account highlighted, have to be forgotten, left in the past. They cannot be used to show the incongruency and inconsistency of the community's teaching structure. No questions ought to be asked.

Williamson<sup>72</sup> stated that for victims of DA, "Living in such a chaotic unreality... is safer and less anxiety producing than challenging and resisting that reality." Most members of the community do not resist the change; they accept that, nor they question the incoherence of the reality they live in. Luke's comment offers some more insights:

*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, lines 117-121).*

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<sup>72</sup> Williamson, 1418.

Like DA cases, the reality the leadership of the Jehovah's Witness community creates serves to reinforce their control over members. Similar to cases of DA, the transient reality the community constructs, entraps the individual in a world of confusion, contradiction and fear<sup>73</sup>, where they may lose their ability to discern and to critically evaluate external evidence.

(c) Isolation

Isolation is a pivotal tactic which is used to control the victims in cases of DA. By removing the target's social and emotional support, the perpetrator makes the target weak, dependent, and subordinate.<sup>74</sup> Also, isolation, as Stark<sup>75</sup> pointed out, prevents disclosure. Isolation in the Jehovah's Witness community mirrors the tactic of isolation adopted in DA. In the Jehovah's Witnesses, isolation is implemented in two different ways, both used to achieve the same, final objectives, which is to foster dependence, prevent disclosure, to monopolize members' life, and, in case the individual leaves the community, to deprive them of the support they need.

Firstly, since at an early stage of the individual's involvement with the community, the person is encouraged to live separated from mainstream society by reducing interactions with outsiders to the minimum, 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, lines 112-119; 126-127).*

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<sup>73</sup> Hayes and Jeffries, Romantic Terrorism?

<sup>74</sup> Wiener, Seeing What is 'Invisible in Plain Sight.'

<sup>75</sup> Stark, *Interpersonal Violence*.

Oliver explains further the way the process of taking the distances from people who are not part of the community starts at a very young age for children in the community.

*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, lines 47-51).*

The bonds within the community become central in the social network of members. This fosters interdependency, as for victims of DA, 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, lines 348-352).*

Secondly, isolation is used as a punishment for non-compliance. When an individual is shunned, they are deprived of the social and emotional support within the community and left with a social void outside the community. Other members are aware that no contact should be made with the wrongdoer.

*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, lines 408-411).*

The public announcement of shunning represents a drastic turning point in the life of the participants but also for the community. Shunning determines a severing not only of friendships but also of 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 Witness] 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, lines 515-543).*

Grandparents too 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, lines 324-327).*

There is no endpoint for the discipline. Unless the individual will ask to be reinstated back into the community, shunning the 'wrongdoer' is a treatment which will last a lifetime. Based on the participants' accounts, it appears that isolation, specifically the fear of being shunned, supplements, and strengthens the other tactics of CC that are employed within the community.

Entrapped by a system which exploit the power of connectedness and belonging to its own advantage, and threatens its members with punishments such as shunning, some individuals decide not to leave, and choose to lead a double life. Monitoring, information manipulation and isolation are strategies which are employed to control the wrongdoer's behaviour. Living a life undercover as a PIMO (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, lines 22-26).*

## 2. Coercive Behaviour

Apart from shunning being a controlling behaviour, this article argues that shunning also amounts to coercive behaviour. Coercive behaviour has been defined by the Cross-Government<sup>76</sup> as 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. In line with literature on coercive behaviour in cases of DA<sup>77</sup>, this section will set out that the looming consequence of shunning poses a credible threat to the individual and is both humiliating and intimidating.

### (a) Credible Threat

Research shows that psychological and emotional abuse are used to maintain control over victims of domestic abuse.<sup>78</sup> One of the core features of CC is the experience of a credible threat.<sup>79</sup> This section will aim to show that the process of shunning poses a credible threat to the victim. The threat of being shunned results in a drastic change in behaviour by the community, including their own family members. Apart from losing one's social ties,

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<sup>76</sup> Home Office, *Cross-Government Definition of Domestic Violence*.

<sup>77</sup> Nora Femenia, "Humiliation Dynamics and a Therapy of Social Action: a Path to Restore Dignity after Domestic Violence" (2008), <https://www.humiliationstudies.org/documents/FemenniaViolenceHumiliation.pdf>.

<sup>78</sup> 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).

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 (2013).

<sup>79</sup> Kevin L. Hamberger, Sadie E. Larsen and Amy Lehrner, 'Coercive Control in Intimate Partner Violence,' *Aggression and Violent Behaviour* 37 (2017).

Mary A. Dutton, Lisa Goodman and R. James Schmidt, *Development and Validation of a Coercive Control Measure for Intimate Partner Violence. Final Technical Report* (2005), <https://www.ojp.gov/pdffiles1/nij/grants/214438.pdf>.

emotional support and financial support, the family of those shunned are also impacted. Therefore, the imminent consequences of being shunned pose a credible threat to the individual.

A credible threat makes clear to the target that “not only the means for coercion are available”, but also that the perpetrator is willing to adopt such means if non-compliance occurs.<sup>80</sup> As many victims of DA report, “I just knew what would happen if I didn’t do what he wanted me to do.”<sup>81</sup> The members of the Jehovah’s Witnesses so too know what the implications are for non-adherence to the leadership’s demands. In the Jehovah’s Witness community, once an individual is shunned, a public announcement is made in front of the congregation. This results in the community bearing witness to the consequences of digressing from the expected norms. The announcement is made public and reinforces the credibility of the threats for non-compliance. The consequences are publicly evidenced and immediate. The individual is in no doubt about the application of the sanctions for disobedience, as the public display of the punishment makes it 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, lines 177-181).*

The threat of losing one’s own social ties is evident. The individual who questions or goes against the community’s rules is cognizant of the consequences. 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, lines 412-416).*

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<sup>80</sup> Bertram H. Raven, “The Bases of Power: Origins and Recent Developments,” *Journal of Social Psychology* 49, no 4 (1993): 19.

<sup>81</sup> Dutton, Goodman and Schmidt, *Development and Validation of a Coercive Control Measure*, 750.

Simultaneously, members of the community are aware of the expected behaviour they have to display in order to avoid being shunned in turn. Thus, being officially shunned results in a drastic change in the community's behaviour towards the shunned member, as the account of Liza underlines:

*My sister was disfellowshipped... So, we shunned her. Me and my dad shunned her* (Group A, lines 154-156).

The threat highlighted by the participants appears to affect not only the individual who has been shunned but also impacts members of their family who have remained in the Jehovah's Witness community. Erin says:

*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, lines 282-284).

This coercive aspect of being prohibited from maintaining any relationships with existing members of the Jehovah's Witness community, is another component of this coercive nature of the threat. As one of the participants reports:

*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, lines 368-370).

As Wiener<sup>82</sup> pointed 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." The concept expressed by Wiener resonates with what Maggie says:

*[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 [to keep you down]* (Maggie, Group A, lines 205-210).

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<sup>82</sup> Wiener, Seeing What is 'Invisible in Plain Sight,' 508.

## (b) Humiliation / Degradation

Humiliation or degradation is another form of CC which serves to establish the dominance of the offender over their victim of DA. Its main purpose is to obtain compliance.<sup>83</sup> This section will show that shunning is both humiliating and degrading. According to the participants, the judicial process which is intended to determine the culpability of the individual, is an arrangement which exposes an individual to high levels of humiliation and is intended to deprive members of their dignity. It is an invasive procedure whereby there is an expectation for the most intimate and private information to be shared in great detail.

*The Elders formed what is called a Judicial Committee. Three Elders you talk to and you confess everything. And it's a very, very emotionally draining and quite traumatic 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, lines 96-104).*

*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, lines 58-60).*

*Their confrontations are always long, the objective point is to break you psychologically (Emma, Group A, lines 180-181).*

Humiliation, guilt, and shame underline the way abuse suffered by victims of DA as well as members of the Jehovah's Witness community, all of which is rooted in the perpetrators' desire for power and control in the relationship.<sup>84</sup>

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<sup>83</sup> Hayes and Jeffries, Romantic Terrorism?

<sup>84</sup> Orin Strauchler, Kathy McCloskey, Kathleen Malloy, Marilyn Sitaker, Nancy Grigsby and Paulette Gillig, "Humiliation, Manipulation, and Control: Evidence of Centrality in Domestic Violence against an Adult Partner," *Journal of Family Violence* 19, no 6 (2004).

A common theme which permeated across the participants' data is the 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, lines 154-161).*

In extreme systems of CC, the concept of privacy is almost non-existent. In such an environment, the individual “may slowly lose their sense of balance between what is private and what should be shared.”<sup>85</sup> The judicial process seems to be structured in order 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 wrongful sin is examined in great detail with shame and guilt being heightened.

The Judicial Committee might decide that shunning is not necessary. Instead, what is termed as ‘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. She explains:

*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, lines 183-188).*

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<sup>85</sup> Lalich and McLaren, *Escaping Utopia*, 94.

Children too can be publicly reproved. Grace and Jacob narrate the episode which saw involved their child.

*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, lines 257-267).*

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, lines 293-301).*

A shaming tactic used in some cases by perpetrators of DA involves marking the victim, with a tattoo, burns or bites for example.<sup>86</sup> This is done in order to reiterate the position of power the perpetrator has over their victim in the relationship. In the Jehovah's Witness community, the public announcement to reprove or to shun symbolically marks the wrongdoer and reinforces the labels. The shaming process, which is initiated by the Elders, is then carried out by the entire community. As Stark<sup>87</sup> stated, by degrading the victim, the abuser establishes their superiority, depriving the individual of their self-respect.

As the mark inflicted by the abuser of DA has a deep impact on the victims, so too, the mark of shame is evident within the Jehovah's Witness community. It is a mark of avoidance. "People look at you, you know, like dirt on the bottom of their shoe", as Erin states (line 273).

Emma shares her experiences 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, lines 393-395).*

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<sup>86</sup> Stark, *Re-Presenting Battered Women*.

<sup>87</sup> Stark, *Re-Presenting Battered Women*.

In order to regain all the losses which resulted in being shunned, some individuals choose to return and therefore commence the reinstatement procedure. Nonetheless, the individual is not reinstated immediately, and the reinstatement process adds further emotional pain and humiliation to the individual. The shunned person, in order to be reinstated, must attend all the weekly meetings, only to continue being oblivious to others. The shunning is therefore experienced and re-experienced, twice a week, week- after-week, for a lengthy period of time.

Erin started reattending the meetings with the hope of being reinstated and describes:

*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, lines 228-233).*

During the meetings, none of the family and friends would look at nor communicate with the individual. The individual's presence is purposely ignored. Nobody would talk to the individual despite their efforts to be reinstated. Nor would the Elders address the person unless a formal request to meet them has been made.

When the individual feels that they are ready to be reinstated and that the Elders might accept their reinstatement request, the person needs to write a letter. A Committee of Reinstatement will be 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, lines 265-271).*



The reinstatement process could 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 was for Erin, to give up pursuing reinstatement and choose not to return to the community.

This section revealed that two of the core features apparent in CC behaviour are mirrored in case of shunning. Both credible threat of the actual shunning as well as 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, line 685).

#### AKIN TO FAMILY RELATIONSHIPS

For the offence under s.76 to be made out, it needs to be shown that there has been controlling or coercive behaviour in an intimate or family relationship. Section 76 of the Serious Crime Act 2015<sup>88</sup> specifies that 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 they are members of the same family or they have previously been in an intimate personal relationship with each other (s.76(2)). They would also be considered to be ‘personally connected’ if they are relatives (s.76(6)(c)). The definition of ‘family’ is set out in the legislation and A and B would be considered family if they are ‘relatives.’ “Relative” has the meaning given by section 63(1) of the Family Law Act 1996.

It is possible, but rare, that members of the Jehovah Witness community could potentially fall within the definition of personally connected (e.g., if a member is married to an Elder), but

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<sup>88</sup> Serious Crime Act 2015.

it is acknowledged that in many cases it will be difficult to argue that an Elder and member are ‘personally connected’. Nonetheless, in recent years the traditional notion of family or relatives has been challenged acquiring new nuances to the point that the concepts of ‘being home’ and ‘recognising each other as family’ have become more widespread and accepted as alternative definitions of family.<sup>89</sup> The concept of family has evolved. There is a shift from viewing the family as a formal concept of a family being based on legal or biological ties to having a functional nature.<sup>90</sup> Thus, terms such as fictive kinship, intentional family or family of choice are relationships which mirror the traditional family relationship because of the profound bonds, the emotional and psychological attachment, and the 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 the parties involved consider each other as ‘being family’ but their friendships supersede the biological ties of the family of origin.<sup>91</sup>

For example, Heslin *et al.*<sup>92</sup> explored the relationships which develop among residents of Sober Living Homes (SLHs). Findings showed that people who recover from substance misuse and who decide to live in SLHs may form connections with other residents which often

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<sup>89</sup> 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).

<sup>90</sup> Nausica Palazzo, “The Strange Pairing: Building Alliances between Queer Activists and Conservative Groups to Recognise New Families,” *Michigan Journal of Gender and Law* 25, no 2 (2018).

<sup>91</sup> Anna Muraco, “Intentional Families: Fictive Kin Ties between Cross-gender, Different Sexual Orientation friends,” *Journal of Marriage and Family* 68, no 5 (2006).

<sup>92</sup> Kevin C. Heslin, Alison B. Hamilton, Trudy K. Singzon, James L. Smith and Nancy Lois Ruth Anderson, “Alternative Families in Recovery: Fictive Kin Relationships among Residents of Sober Living Homes,” *Qualitative Health Research* 21, no 4 (2011).

supersede those of a traditional family. In line with this, in describing the bonds which characterized their relationships, residents of the SLHs referred to one another using kinship terms such as ‘sister’, ‘aunt’ or ‘parents’.<sup>93</sup> The research also showed that residents perceived fictive kin as being more supportive than actual kin. This is because of the mutual care and support, and the shared goals of the residents compared with their family background, which some participants described as being oppressive.

Family-like relationships similar to those residents of SLHs may also frequently characterize communities of immigrants. According to Ebaugh and Curry<sup>94</sup> the major function performed by the systems of fictive kin in immigrant communities is the provision of economical, emotional, and social support. A study conducted by Kim<sup>95</sup> showed the importance of fictive family for the emotional, social, and psychological well-being of undocumented immigrant restaurant workers. Alone in a new country, far from family and friends, undocumented migrants live marginalized from the mainstream society and are often exploited by employers. Nonetheless, 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 as well as economic needs are fulfilled. As the researcher found, the fact that undocumented immigrants “can rely on others beyond their own families in their native countries nurtures a sense of security and

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<sup>93</sup> Heslin et al., *Alternative Families in Recovery*.

<sup>94</sup> Helen R. Ebaugh and Mary Curry, “Fictive Kin as Social Capital in New Immigrant Communities,” *Sociological Perspectives* 43, no 2 (2000).

<sup>95</sup> Esther C. Kim, “Mama’s Family. Fictive Kinship and Undocumented Immigrant Restaurant Workers,” *Ethnography* 10, no 4 (2009).

belonging.”<sup>96</sup> Also, the fictive family “reinforces personal relationships and provides a social network and social capital.”<sup>97</sup>

The Jehovah’s Witness community is a gated community and, in being a secluded community, the ‘family’ metaphor acquires a powerful connotation. The Jehovah’s Witnesses consider themselves as a unified spiritual family. The community is akin to being a 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 doctrined to view members of the Jehovah’s Witnesses as ingroup, and those outside as outgroup:

*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, lines 105-111).*

Fostering friendships and relationships outside the group and engaging in non-necessary activities with non-members is frowned upon and behaving differently can lay the basis for disciplinary actions. Often, the connections with family members who are not part of the community are also sacrificed. Those who are not part of the community, irrespective of the biological ties, are considered as being bad influences due to their lifestyle, belief system or way of thinking. 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 [Jehovah’s Witnesses’ churches], made good friends with whom we would go on holiday... So, our house became a hub for other Witnesses (Luke, Group A, lines 95-100)*

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<sup>96</sup> Kim, *Mama’s Family* 508.

<sup>97</sup> Kim, *Mama’s Family* 508.

Members gather weekly, attending and taking active part in the official meetings and in the required activities of the community. Furthermore, leisure 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, lines 39-43).*

However, when a person is shunned, those close community ties collapse, and the person is left with a void. The community, who has previously filled the roles and functions of a traditional family, the family which gave meaning to one's life, fragments when the person is shunned.

The amendment in the Domestic Abuse Act 2021<sup>98</sup> has widened the scope of the definition of 'personally connected' so that the offence may also apply to former partners and family members who no longer live together. It remains to be seen whether the new definition will make it easier to establish a 'personal connection' within the structures of the Jehovah Witnesses community. The Domestic Abuse Act is proving to be "the perfect legislative vehicle"<sup>99</sup> to protect more victims of CC behaviour by allowing the application of this offence to a wider range of abusive situations. This article purports that the narrow definition of family within s.76(6)<sup>100</sup> should be broadened to encompass such relationships.

## SERIOUS EFFECT

The third element of the offence is evidencing that some serious harm has been done. This section will argue that being shunned places tremendous levels of distress on the individual, which has a substantial adverse effect on their day-to-day activities.

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<sup>98</sup> Domestic Abuse Act 2021.

<sup>99</sup> GOV.UK, *New Laws to Protect Victims*, para.9.

<sup>100</sup> Serious Crime Act 2015.

Research within the context of DA has so far recognized that coercive control can be experienced cognitively, emotionally, and socially, resulting in severe psychological implications on the victims.<sup>101</sup> By being shunned, the individual undergoes a drastic change in their life with damaging effects and consequences. 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 lady 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, lines 333-337, 339-340).*

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, lines 255-258).*

Maggie, after being disfellowshipped, 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, lines 235-237).*

Rose was hospitalized as well. The fact that her daughters refuse to talk to her, and both her and her husband are not allowed to see their grandchildren is having serious repercussions on her physical well-being:

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<sup>101</sup> 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. N. Lombard, (London: Taylor & Francis, 2018).

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).

*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, lines 480-484).*

Another key theme which 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<sup>102</sup>, 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, lines 411-422).*

Deprived of the emotional and economic support that the family can provide, the individual starts a solitary and challenging path. The psychological and emotional impact is at times so unbearable that taking one's own life appears to be 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, lines 100-102, 107-114).*

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*

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<sup>102</sup> Pauline Boss, *Ambiguous Loss: Learning to Live with Unresolved Grief* (Cambridge: Harvard University Press 1999).

*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, lines 578-586).

There have been instances where these suicidal thoughts have turned into successful suicide acts.

*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, lines 521-523).

*They disfellowship 12-year-old children. They've just done that. The child committed suicide* (Maggie, Group A, lines 182-183).

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, lines 631-632)

*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, lines 511-512, 514)

The impact described above highlights that the element of 'serious effect' is evidenced in the process of shunning.

## KNOWLEDGE

Finally, this article will argue that, in accordance with s.76<sup>103</sup>, the Elders know or ought to know, that the behaviour will have a serious effect on those shunned. The PIMO and former

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<sup>103</sup> Serious Crime Act 2015.



Elders shared in interview that they were aware of the consequences of shunning on the individual. For example, a PIMO 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, lines 70-72).*

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, lines 193-198).*

According to the majority of the Elders, at least to some extent, they are aware of the consequences that shunning may have on the individual's life. Nate who was an Elder for 15 years, adds:

*I know for a fact people have committed suicide. And if I know that, and if I I've seen it, there's no doubt people in the highest levels of the organization have reports of this as well (Group B, lines 157-159).*

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 explains:

*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, lines 147-153).*

Although the leadership publicly presents shunning as a loving discipline, there is a component of uneasiness and guilt by the Elders towards the 'wrongdoer' which 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 IN SEEKING TO SUGGEST THAT SHUNNING SHOULD BE CONSIDERED CRIMINAL

This article has purported to show that the four elements of the offence have been evidenced. However, there may be certain challenges which may arise in seeking to argue that this practice is criminal.

The right to freedom of religion or belief is protected by international law and by 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 into UK law the ECHR.<sup>104</sup> Specifically, the ECHR Article 9(1)<sup>105</sup> is of relevance as it 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. Shunning is a core practice mandated by the Jehovah's Witness 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 member to observe the religious dictates of their faith.<sup>106</sup> The counter argument to this is discussed by Miller<sup>107</sup> 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 "Each member of the group has free exercise rights at least as compelling as those of the group that shuns them." The ECHR Article 9(2)<sup>108</sup> envisages that

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<sup>104</sup> Farrah Raza, "Limitations to the Right to Religious Freedom: Rethinking Key Approaches," *Oxford Journal of Law and Religion* 9 (2020).

Neil Addison, "Religious Freedom in the United Kingdom," *An Irish Quarterly Review* 99, no 396 (2010).

<sup>105</sup> European Court of Human Rights (2021), [https://www.echr.coe.int/Documents/Guide\\_Art\\_9\\_ENG.pdf](https://www.echr.coe.int/Documents/Guide_Art_9_ENG.pdf)

<sup>106</sup> Raza, *Limitations to the Right to Religious Freedom*.

<sup>107</sup> 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): 302.

<sup>108</sup> European Court of Human Rights, 6.

there may be instances where state interference would be justified, and this article has proposed to consider whether in this instance 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 to revoke the membership status if members breach the rules, free from state interference. The counter argument 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 towards 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 on themselves. According to Raza<sup>109</sup>, by evaluating each case through the lens of the harm principle in terms to harm to autonomy would "offer a stable, normative foundation from which competing interests can be balanced." The right to establish internal rules needs to therefore be weighted up against the level of harm to the individual shunned.

Another criticism which may arise in suggesting that this practice ought to be considered criminal is in determining where the red line has been crossed. Being shunned can be experienced differently by different people, due to 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

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<sup>109</sup> Raza, *Limitations to the Right to Religious Freedom*, 462.

whether the behaviour has ‘a serious effect on the individual’ contrary to s.76.<sup>110</sup> 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. It is important to note that the practice of shunning within the Jehovah’s Witness community developed through different stages, and initially sinners were not shunned.<sup>111</sup> 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.<sup>112</sup> In 1955, keeping contact with a former member was deemed a punishable offence as well<sup>113</sup>, and in 1981, shunning was endorsed and strictly applied.<sup>114</sup> Therefore, considering the evolution of the shunning policy, a return to the origins would be a possible solution in order to address the practical implications of criminalizing shunning. This would be, for example, by revoking the membership status without enforcing shunning, and not penalizing members who decide to maintain contact with former fellowmen.

Lastly, criminalizing the Jehovah’s Witness practice of shunning may have implications for other religious denominations as well. For instance, Jehovah’s Witnesses are not the only religious group that enforces shunning as a disciplinary measure. Amish, Exclusive Brethren,

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<sup>110</sup> Serious Crime Act 2015.

<sup>111</sup> “Punishing Fellow Members.” *The Watch Tower*, March 1, 1919, 69-70,  
[https://ia600902.us.archive.org/5/items/WatchtowerLibrary/magazines/w/w1919\\_E.pdf](https://ia600902.us.archive.org/5/items/WatchtowerLibrary/magazines/w/w1919_E.pdf)

<sup>112</sup> JW.org, “Keeping the Organization Clean,” accessed June 9, 2022,  
<https://wol.jw.org/en/wol/d/r1/lp-e/1952160?q=keeping+the+organization+clean&p=doc>

<sup>113</sup> JW.org, “Questions from Readers: What if a Publisher Refuses to Stop Associating with a Disfellowshipped person?,” accessed June 9, 2022,  
<https://wol.jw.org/en/wol/d/r1/lp-e/1955727?q=What+if+a+publisher+refuses+to+stop+associating+with+a+disfellowshipped+person%3F&p=doc>

<sup>114</sup> JW.org, “Disfellowshipping – How to View it?,” accessed May 9, 2022,  
<https://wol.jw.org/en/wol/d/r1/lp-e/1981688>

Mennonite, and Scientology are some other examples. Moreover, suggesting that there are instances where state should intervene to regulate religious matters, such as by criminalizing a core belief of a religious denomination, may have repercussions which extend beyond the Jehovah's Witnesses' practice of shunning, to include religious approaches to education, health, and mental health, as well as child protection. The scope of criminalizing shunning may therefore have further ramifications.

## CONCLUSION

The nature of the law is that it should evolve. The Act of controlling or coercive behaviour was not recognized until fairly recently. The Act has developed to instances which have gone beyond the traditional incidents of assault. This article has set out to evidence that the experiences of those shunned map against victims of CC behaviour. It has attempted to evidence all four elements of the offence. Consequently, it proposes that there is scope to continue to develop the application of the Act to a wider range of abusive situations.

As the entire social fabric of the shunned member is unraveled, being shunned has a serious effect on the individual. The shunned member is a victim of the consequences of the collective behaviour. The community in its entirety takes an active part in the practice of shunning. The individual is considered dead in the eyes of the community and needs to rebuild their life. These individuals are not protected by the law at present, showing a lacune in the law. This article therefore proposes that the Act should be amended to include instances such as shunning by the Jehovah's Witness community.

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