



The passing of elephant Shirley:  
Why her life mattered

## Description

# It's time to recognize animals as sentient beings with rights

By Irwin Rapoport

April 7, 2022

**Shirley, the elephant**, passed away at the **age of 72** on **February 23, 2021**. Some viewers of **PBS's *Nature*** program may recall her story from a documentary first aired in 1999. This sentient, highly-intelligent being was taken from her family in Sumatra in 1948 and brought to the United States where she was forced to perform in circuses for several decades. She then ended up at the **Louisiana Purchase Zoo and Gardens**, where she spent 22 years alone in a small enclosure, which must have been hell for this very social being.

Solomon James, Shirley's main keeper at the zoo, did his best to provide her with company. The zoo took her in after she was injured by another elephant and could no longer "perform" in the circus. I placed the word perform in quotation marks because while humans choose to perform in circuses and are paid to entertain, the animals, many of them extremely sentient beings, have no choice in the matter, whether they are born in captivity or taken from the wild. The concern for their wellbeing has led to a global movement to have countries, states, provinces and cities ban circuses that include animal acts. Many jurisdictions have passed laws to such effect, but there is still much work to do to free beings living in conditions not of their choosing.

Elephants live in herds, large and small, and are very sophisticated societies on the move. They have a language and culture, and they mourn when they lose relatives and friends.

Bears, for example, do not dance or ride bikes and motorcycles. Tigers and lions do not desire to be part of a circus act where they have to perform tricks. Tigers, lions, bears and elephants are extremely intelligent beings. While bears and tigers are more solitary, they do interact with their own kind on their own terms. Anyone who has seen grizzly and black bears gather at salmon streams in Alaska and British Columbia knows that they find a way to tolerate each other for a short while to enjoy nature's bounty, crucial to their survival over the winter months when they hibernate. Lions live in large extended family groups and anyone fortunate to see a pride of lions in Africa knows how they live and hunt together. They have developed various strategies to hunt prey and



these attacks are well coordinated with each individual knowing their role and place in particular plans.

Elephants live in herds, large and small, and are very sophisticated societies on the move. They have a language and culture, and they mourn when they lose relatives and friends. [Laurence Anthony](#), a South African conservationist dubbed as the “Elephant Whisperer,” saved a herd of elephants in Zululand from being exterminated. His story is featured in this video:

When he unexpectedly died due to a heart attack in March 2012, the herd he rescued suddenly appeared at his house to express their condolences for the man who saved them. They held a vigil for two days to express their appreciation. Antony was considered part of the herd. No one knows how they learned about his death but present they were and they were grateful. Without Anthony’s intervention and dedication to save them, dead they would be.

Getting back to Shirley, fortunately, the zoo allowed her to be transferred to **The Elephant Sanctuary** in Tennessee in 1999 where she lived for the remainder of her life in the company of other Asian elephants. It was on her first day there that she was reunited with her friend **Jenny**. It was a touching moment in the Argo Films documentary *The Urban Elephant*.

These two YouTube links feature Shirley and her move to the Sanctuary:

#### Part 1

#### Part 2

Both clips are very emotional and moving, and illustrate the tragedy that many Asian elephants face today across the globe – being in zoos on their own, often in very small exhibits and enclosures. Efforts are ongoing to rescue them and place them in sanctuaries. There are two sanctuaries in the United States, the one in Tennessee and the other in California. Both do excellent work in providing the elephants with a home where they can live with other elephants and, most importantly, be the elephants they are.

Shirley, following the death of Jenny, became the matriarch of the herd in Tennessee. She spent 21 years there before passing and appreciated every minute of her time at the sprawling sanctuary.

One can learn more about her remarkable life via the [press release](#) issued by the The Elephant Sanctuary in Tennessee following the news of her death.

My view is that animals should be treated as sentient beings and have rights. I am not alone in this belief. *The Atlantic*, in a December 28, 2018 article entitled [An Elephant’s Personhood on Trial](#) – featured the case of **Happy the elephant** who had a legal team working on her behalf to secure personhood status.

The article’s first three paragraphs explain the history and situation of Happy in a nutshell:

*Forty-seven years ago, the Asian elephant now known as Happy was one of seven calves captured – probably in Thailand, but details are hazy – and sent to the United States. She spent five years at a safari park in Florida, time that in the wild she would have been by her mother’s side. Then she was moved to the **Bronx Zoo** in New York City. There, Happy remains today and since the death of an elephant companion in 2006, she has lived alone, her days alternating between a 1.15-acre yard and an indoor stall.*

*In considering Happy's circumstances and what might be done to improve them, should something more than animal-welfare laws and zoo regulations – which the Bronx Zoo has not violated but arguably are inadequate – be invoked? Should Happy be considered, in legal terms, a person? Which is to say, an entity capable of possessing at least some rights historically reserved for humans alone – beginning with a right to be free?*

*For a member of a species renowned for both intelligence and sociality, the setting is far from natural. In the wild, Happy would share a many-square-mile home range with a lifelong extended family, their bonds so close-knit that witnessing death produces symptoms akin to post-traumatic stress disorder in humans. It would seem that Happy, despite the devotion of the people who care for her, is not living her best life.*



A family of African bush elephants – Image: [Ikiwaner](#), [GFDL 1.2](#), via Wikimedia Commons

**The New Yorker** also covered the [story](#).

Sadly, in my view, the court denied Happy's claim to secure personhood as pointed out in an [article](#) published by **The Conversation**. However, the ruling is being appealed.

The *Conversation* article concludes with:

*The New York courts will be confronted with this choice again. Happy's legal team intends to appeal and, in doing so, may bring the case into the orbit of a judge more sympathetic to this kind of activism. The last time an animal personhood case (about chimpanzees) reached the more powerful appellate level in New York, Judge Fahey noted that:*

*“The issue [of] whether a non-human animal has a fundamental right to liberty protected by the writ of habeas corpus is profound and far-reaching... Ultimately, we will not be able to ignore it. While it may be arguable that a chimpanzee is not a person, there is no doubt that it is not merely a thing.”*

*If one judge thinks this, then they may not be alone. The New York Court of Appeal may yet acknowledge the elephant in the room and provide a happy ending, with stronger legal rights for non-human animals*



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*across the US.*

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The issue of personhood for animals is profound and, should it be granted and respected, will have far-reaching implications. These are questions and situations that we should thoroughly explore. The red-winged blackbirds that nested in our backyard hedge in Cote Saint Luc annually were excellent parents who guarded their chicks vigilantly. Whenever we went close to the nest, we would be attacked and rightly so. One wishes more human parents cared about their children as the birds did.

'E. O. Wilson, the renowned biologist and naturalist... "called for setting aside 50% of the earth's surface for other species to thrive in as the only possible strategy to solve the extinction crisis." If this proposal were to be implemented, it would benefit biodiversity and humanity alike.'

Some may ask, "well Irwin, what about domesticated animals and the eating of beef, chicken, and pork? Do you consume meat? Are you willing to walk the walk?" Those are great questions. An article on the morals and ethics of eating meat from livestock is definitely in order. At this point in my life, I consume meat maybe twice a week. Cows, pigs, and chickens are indeed sentient and intelligent beings and should not be treated in the fashion they are. I have not gone fully vegetarian or vegan yet, and I am not sure that I ever will but I am aware of the disastrous environmental implications of rearing livestock. I can easily deal with those issues along with medical concerns in a separate article that I look forward to writing.

[E. O. Wilson](#), the renowned biologist and naturalist who we lost on December 26, 2021, in 2014 "called for setting aside 50% of the earth's surface for other species to thrive in as the only possible strategy to solve the extinction crisis." If this proposal were to be implemented, it would benefit biodiversity and humanity alike. It would provide space for flora and fauna to thrive and give us a multitude of opportunities to see animals live naturally and see how intelligent they are.

We already know how animals, via countless documentaries, including those by **David Attenborough** and his many teams, are capable of great feats of intelligence and thought. In one documentary about the [spirit bears](#) in British Columbia, the team filming them witnessed a mother teaching her kids how to fish at a secret spot passed on from generation to generation. It was not a random act.





Russian trophy hunters with dead wolves – Image: [www.volganet.ru](http://www.volganet.ru), [CC BY-SA 3.0](https://creativecommons.org/licenses/by-sa/3.0/), via Wikimedia Commons

The point being is that we can no longer deny the intelligence and personhood of animals. By doing so, we demean them for our selfish purposes. There is no reason for us to continue the horrific practice of “sport and trophy” hunting. We have upset the natural balance in so many ecosystems that nature perfected. By extirpating wolves in large parts of North America, the predator-prey relationship was broken. It led to many negative impacts. One clear example is the large number of deer that normally would have been kept in check by wolves. Now, we have to rely on hunting to keep the population in balance – if there are too many deer in one area, they will contribute to the destruction of the local ecosystem that sustains them.

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The removal of wolves has led to coyotes moving into territories once dominated by wolves. When wolves were returned to Yellowstone, the coyotes, for the most part, disappeared and the ecosystem began to restore itself. Wolves are another example of a highly intelligent animal with a very sophisticated society that looks after its members.

I hope that this article leads to a greater conversation that we must have if we are to protect and save biodiversity, which is under threat globally and leads to generating greater respect and understanding of animals.

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**Westmount Magazine** has just received **breaking news** regarding a victory concerning the **recognition of animals as sentient beings**. **Four Paws UK**, thanks to the support of thousands of people in the UK, announced that the **British House of Commons and House of Lords** passed the **Animal Welfare (Sentience) Bill** on **April 7**.



This is a major victory for animals.

“This means that animals will soon be recognized as sentient beings in law,” said **Sonul Badiani-Hammett**, UK Country Director, Four Paws UK. “After losing this protection when we left the EU, Four Paws UK and the **Better Deal for Animals** coalition have been working hard to remind the UK Government that feelings of animals must be protected in UK law.”

Should such legislation be passed in North America, it could be a game-changer.

The Bill, according to the animal rights group, provides **legal protection to all vertebrates** (any animal with a spine, including fish and birds), as well as cephalopods (octopuses, squids and cuttlefish) and decapod crustaceans (crabs and lobsters).

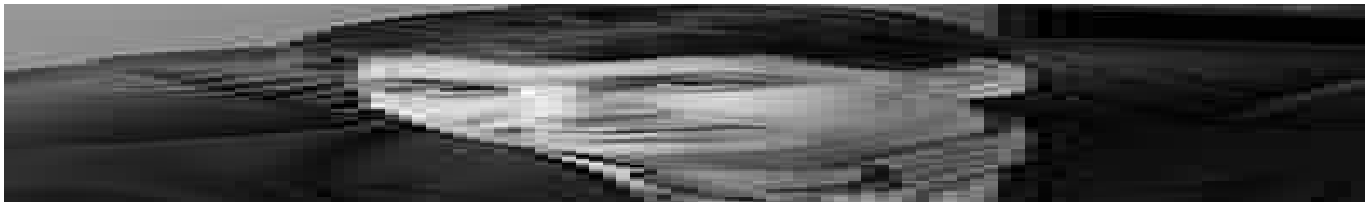
“It will ensure that animal sentience is taken into account when developing policy across Government by creating the **Animal Sentience Committee** which will be made up of animal experts,” said Badiani-Hammett. “By enshrining sentience in law, any new legislation will have to consider the fact that animals experience feelings such as pain, fear, pleasure and joy.”

Feature image: elephants Jennie and Shirley, [elephantaidinternational.org](http://elephantaidinternational.org)

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*Irwin Rapoport is a freelance journalist.*

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