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## **Kin in Captivity: The U.S. Aquarium Trade and Killer Whales**

### **Introduction: The Story of Tokitae**

In 1970, a three-year-old killer whale (*Orcinus orca*) was among seven juvenile whales to be captured in Penn Cove in Washington State, United States (U.S.). She was shipped across the U.S. to the Miami Seaquarium in Florida, where she remains in captivity more than 50 years later (Orca Network n.d.). Today, she is known by her stage name “Lolita,” but trainers know her as “Tokitae.”<sup>1</sup> Tokitae is one of nearly 50 whales who were removed from the Southern Resident killer whale population of the Salish Sea in the 1960s and early 1970s for display in zoos and aquaria (Bigg & Wolman 1975). Tokitae’s story, and the stories of other captured whales and their wild families, serves as a foundation for examining the U.S. aquarium trade for killer whales—capture, captivity, and rehabilitation and release.

This paper will examine the aquarium trade through the lens of kinship between human and non-human animals as defined by Guerin (2021). It will explore three themes: (1) the connection between capture of wild killer whales and displacement, dispossession, and ocean grabbing as defined by Bennett (2015); (2) the construction of identities and hierarchies (Reardon & Tallbear 2012; Liboiron 2021) and the implications of these hierarchies for the treatment and lifeways of human and non-human kin; and (3) the obligations that kinship entails

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<sup>1</sup> In Chinook Jargon, “Tokitae” means “Bright day, pretty colors” (Priest 2020).

for those who have benefited from the system of captivity to those who have suffered in this system, specifically with regard to rehabilitation and release of captive whales into the wild.

To use Latour's (1987) metaphor, this analysis seeks to open the "black box" of the aquarium trade and captivity of killer whales. Captivity here refers to the enclosure, display, and performance of killer whales in zoos and aquaria. The practices of captivity were popular and generally accepted by the U.S. public in the mid- to late-twentieth century, but they recently have been challenged by a public redefinition of the ethics of captivity and the rights of non-human animals (Latour 1987, p. 2). These cultural and social shifts were inspired in part due to popular culture such as the 2013 film *Blackfish* (Waller & Iluzada 2020). This analysis goes beyond an animal rights lens to examine captivity through anticolonial, feminist, queer, and Black Lives Matter (BLM) science and technology studies (STS) frameworks. In doing so, this analysis will reveal the "ghosts" of the aquarium trade and the practice of captivity—the silenced voices and violent and bloody histories of suppression and genocide that have been intentionally hidden from sight (Subramaniam 2014, p. 6). By examining the aquarium trade—capture, captivity, and release—through the lens of kinship, this paper illustrates the settler-colonial and White supremacist ideas of domination and control over human and non-human bodies, and it questions ways to improve relations with kin in the wake of this violent and oppressive system.

Before embarking on this analysis, it is critical to reflect upon my own positionalities as the author of this text. I am a white, cisgender woman and a settler, occupying the ancestral and traditional homelands of the Narragansett Indian Tribe. This perspective informs my relations with lands, waters, other humans, and non-human species such as killer whales, both in ways of which I am aware and in ways I may not yet recognize. My care for killer whales and my concern for their welfare originated from perspectives such as Western, colonial ideas of animal

rights, and through this paper I seek to challenge my own perspective to examine whales' welfare and futures through the anticolonial lens of kinship (Guerin 2021). Critique and dialogue are welcomed in response to the ideas presented here.

This paper will begin with a presentation of Guerin's (2021) concept of mammalian kinship, which serves as the theoretical underpinning for this piece. It is followed by an examination of the aforementioned themes: (1) an analysis of capture for zoos and aquaria as a representation of displacement, dispossession, and ocean grabbing; (2) a discussion of how the aquarium trade reflects and reinforces constructed identities and hierarchies of control and domination, with implications for the lifeways of both human and non-human kin; and (3) an examination of potential release and rehabilitation of whales and what this means for settler obligations and care of both human and non-human kin in the wake of the aquarium trade. The paper will then shift to a discussion of key takeaways, and it will conclude with a consideration of "alterlives" (Liboiron 2021, p. 16), or how to move forward in reimagining and embodying improved relations with human and non-human kin.

### **Framework: Mammalian Kinship and Interspecies Relations**

This paper uses Guerin's (2021) concept of mammalian kinship as the theoretical foundation for examining the aquarium trade of killer whales. Here, mammalian kinship refers to interspecies relations between humans and non-human animals that are based on shared positionalities of exploitation and resilience in systems of settler-colonial conquest and capitalist exploitation. In this imagining, humans and whales are interspecies kin united by shared oppression and adaptation. Salazar-Parreñas (2018, p. 24) positions this type of relation from a decolonial perspective, through which "decolonization offers potential recognition that

colonialism”—and the hierarchies and systems of supremacy and oppression that result from it—“has brutal impacts for many of Earth’s inhabitants, many of whom are not human.” Since kinship centers the relationships and shared positionalities between humans and non-human animals, it is important here to consider how the colonial and capitalist practices and assumptions of captivity impact both humans and whales, rather than whales alone.

Neither “humans” nor “whales” should be treated as a monolith when examining interspecies kinship; specificity and context are important when examining these relationships. For instance, it is important to consider the identities of humans as settlers or indigenous people because epistemological and ontological assumptions and practices differ between Western and indigenous lifeways, impacting relations with non-human beings such as whales. For Guerin (2021), “human” refers to the dispossessed and displaced Black and indigenous peoples impacted by settler-colonial and capitalist whaling systems, and “whale” refers to those species targeted by these systems, namely sperm whales and North Atlantic right whales. The present analysis examines killer whales, including both survivors of capture such as Tokitae, descendants of displaced whales (i.e., captive-born whales), and wild populations such as the Southern Resident killer whales from which Tokitae was captured. Unless otherwise noted, “human” refers to the Coast Salish: indigenous peoples with shared linguistic and cultural lifeways whose ancestral and present-day homelands span political boundaries of Washington, U.S., and British Columbia, Canada. “Human” may also be a descriptor of the settlers who perpetuate colonial systems or who seek to re-envision and reimagine new relations between settler identities and non-human species; this idea will be explored further in the latter part of this analysis.

To examine how settler-colonial and capitalist practices—including capture, captivity, and release—impact the Coast Salish and killer whales, it is important to understand how kinship

re-envision relations between humans and non-human animals. In Guerin's (2021) conceptualization, kinship de-centers humans by viewing animals as active agents who shape lifeways in response to violence and oppression; shared positionalities, rather than proximity to humanness, form the basis of interspecies kinship. Kinship thus goes beyond genealogical relations between people and whales to focus on non-biological relationships rooted in positionality. This challenges the dichotomy or binary of humans versus nature that is inherent in colonial ideas of wilderness (Cronon 1995) and in constructions of identity based on Western ideas of genetics and White supremacist land relations, which will be explored further in Section 2 (Reardon & Tallbear 2012; Liboiron 2021).

By challenging these assumptions and de-constructing binaries between humans and non-human animals, kinship is a "naturecultural" idea rooted in queer studies and feminist STS (Subramaniam 2014, p. 2). Natureculture emphasizes the inseparability of (1) abstract ideas of power, privilege, and epistemic authority in colonial hierarchies and (2) physical, tangible embodiments of these power dynamics and ways of thinking. These tangible embodiments include ways of being and moving in the world, including the limitations placed on movement and existence due to constraints (such as physical restraints or captivity) or lack of safety or security (see Lanham 2017). It is both the abstract and embodied relations of kinship and care that have shaped the capture and captivity of killer whales thus far, and which have implications for obligations to kin in the future.

### **1. Capture: Dispossession, Displacement, and Ocean Grabbing**

Dispossession may be defined as "a taking, a theft of sovereignty over lands and bodies," including forced physical displacement from lands or waters and "nonmaterial" takings such as

the removal “of the ability to have community and define community . . . and the shaving off of opportunities for social reproduction and representations of and becomings of selves or persons” (West 2016, p. 24, 27). In this section, I argue the capture and removal of wild killer whales for display and exhibition in zoos and aquaria in the 1960s is an example of dispossession in the form of displacement of non-human bodies, with negative impacts to the lifeways of wild whale populations and the indigenous communities whose kinship with whales is paramount to their cultural beliefs and practices (i.e., epistemologies and ontologies).

Killer whales live in pods, or social groups typified by shared behaviors such as foraging and play, as well as distinct dialects and patterns of communication that shape the pods with which they interact and interbreed. These pods are matrilineal, meaning they are led by the practices and decisions of female whales that are passed down through teaching and learning by young calves (Ford, Ellis, & Balcomb 2000; Krahn et al. 2004). The removal of young whales from a pod prevents the transfer of language, behaviors, and social organizations that are unique to that pod, or the intergenerational formation of community and communal ties and practices. This interference represents a “taking of the ability to have community,” as defined by West (2016, p. 27), in addition to the physical displacement of the bodies of kin. Capture for the aquarium trade thus represented the forced displacement and dispossession of killer whales.

The dispossession and displacement of young whales from the Southern Resident population left devastating consequences for the pod members who remained in the wild. The removal of almost 50 adolescent killer whales destabilized the population in the mid-twentieth century (Bigg & Wolman 1975). Although wild capture of killer whales was outlawed by the U.S. Marine Mammal Protection Act in 1972, the population today remains lower than it has been since the 1970s, leading to their classification as “endangered” under the U.S. Endangered

Species Act in 2005 (Lacy et al. 2017; EPA 2021; MMC 2022). The small size of the population and insular breeding behaviors present risk of inbreeding depression, defined as a decline in reproductive success as a result of limited gene flow with other populations (Ford et al. 2018).

The displacement of young whales thus left the Southern Resident population in danger of extinction. Salazar-Parreñas (2018) questions how the conditions of endangerment and extinction impact relations between human and non-human kin, including what humans can, or should, do to prevent extinction, especially when the conditions facilitating extinction (e.g., wild capture) are anthropogenic, or human-caused. According to Salazar-Parreñas (2018, p. 8), to decolonize extinction is to “[reconsider] the current norms and practices around how we share this planet,” not just with captive beings but with the wild populations impacted by systems of settler-colonial conquest and capitalist accumulation and exploitation. Thus, when considering obligations to non-human kin in the context of the aquarium trade, as this paper explores in-depth in Section 3, it is imperative to focus not just on captive whales, but also those left behind in the wake of the violent dispossession—the harm inflicted upon their abilities to reproduce both themselves and their communities, decades after the initial dispossession began.

Forced removal of killer whales from wild populations also represents dispossession from human kin, particularly the Coast Salish communities whose lifeways and practices are intimately connected to the whales. One such tribe, the Lummi Nation, designate killer whales as “our relations under the waves,” and have named the Southern Resident population the “Sk’aliCh’elh” to indicate their belonging to the Lummi family (Owen & Spriggs 2019). Dispossession here goes beyond removal of a cultural or ecological resource, as killer whales are often considered in Western or colonial environmental thought; rather, dispossession is an act of removing *family* from the Coast Salish, thus interfering with Tribal sovereignty, rights to self-

determination, community-building, and spiritual and cultural thought and practices. The violent dispossession and displacement of the aquarium trade extends both to non-human and human kin, who share a positionality as exploited within the violent and coercive system.

Due to the oceanic context of this dispossession, Bennett et al.'s (2015) framework of ocean grabbing is also applicable here. Ocean grabbing, as defined by Bennet et al. (2015, p. 62), is a specific form of dispossession involving the removal and re-appropriation of "use, control or access to ocean space or resources from prior resource users, rights holders or inhabitants," often "perpetuated by public institutions or private interests." Like land grabs (see Lee and Ahtone 2020), an ocean grab assumes colonial control over resources, and in doing so views whales as a resource to be exploited and controlled. The practice of removing young killer whales for captivity is a perpetuation of the Western conceptualization of wilderness, or nature (including whales) as separate from humans; it assumes that the appropriate use of killer whales is as a resource to be exploited (Cronon 1995). Here, the appropriate use of killer whales is presumed to be capture for a multi-billion-dollar aquarium industry. In this way, dispossession and ocean grabbing for zoos and aquaria delegitimize indigenous ways of knowing and being, as well as indigenous conceptions of kinship and familial relations with non-human animals, in favor of colonial assumptions to the rights to and control over resources.

## **2. Captivity: Constructed Identities, Hierarchies, and Domination**

Salazar-Parreñas (2018, p. 6) defines care as "concern about the treatment and welfare of others." When animals are held in captivity, their handlers may be inclined to perceive their work as an act of care, rather than an "act of domination" (Salazar-Parreñas 2018, p. 4). Despite the good intentions of animal handlers, however, care is not "inherently good" (Liboiron 2021, p.



115). According to Liboiron (2021, p. 115), care is an “uneven relation” within structures of inequity. These structures—such as captivity—reflect and reinforce constructed identities and hierarchies of control and domination, with implications for the lifeways of both human and non-human kin. Direct acts of care such as feeding or enrichment exist within an oppressive system of captivity, which is founded upon norms and expectations about the rights and treatment of non-human animals. To re-envision relations between human and non-human kin and re-define the obligations kinship entails, it is important to look beyond personalized acts of care and individualized relations between whales and their handlers to instead focus on the systemic hierarchies of domination and control upon which captivity was founded and perpetuated.

Hierarchies are socially constructed by the creation of identities and the assignment of rights and capacities based on these identities. For instance, BLM and STS scholars have argued that Blackness has been constructed over time as a racial category to identify Black people—especially Black women—as both “human” enough to be suitable test subjects for biomedical research and “sub-human” enough to justify the exploitative and nonconsensual processes through which, for instance, genetic material is extracted and invasive gynecological procedures are performed. Blackness here, like indigeneity and other minoritized and marginalized racial categories, is a “biological, medical, legal, and social category” related to but distinct from “the human” (Visperas 2016, p. 1). Those who assume an identity of Whiteness, on the other hand, receive privileges at the expense of marginalized groups. Following this example, those who are assigned the identity of Blackness in social and cultural settings are assigned rights and capacities *based* on this identity, and this is intended to restrict and “other” non-White people. According to Reardon and Tallbear (2012), rights such as property ownership are assigned based on culturally and socially constructed racial identities, with those who inhabit the social identity

of “Whiteness” presumed to be most fit for controlling property and resources because of their inherent, superior abilities and knowledge of the appropriate way to manage these resources (see also Cronon 1995).

Constructed identities and categories such as race thus manifest in a material-semiotic reality, through which thoughts and assumptions (i.e., epistemology) shape and reflect physical beings and movement in the world (i.e., ontology) (Cipolla et al. 2017). This may result, for instance, in limiting a Black person’s safety in spaces they have not traditionally been allowed to access, such as the outdoors, both in terms of their perception of safety and security as well as actual, embodied threats to their movement and lives (see Lanham 2017). Further, the hierarchies and systems of supremacy that result from constructed identities have tangible manifestations and physical representations of what is perceived to be “normal” within reality, leading to the “naturalization” or “normalization” of hierarchies as givens (Cipolla et al. 2017, p. 12).

Hierarchies thus serve as the foundation for justifying both perceived and embodied oppression and domination over others, and these systems of control are reflected and reinforced in the aquarium trade. Through a kinship framework, both humans and non-human animals share a positionality as exploited, oppressed, or dominated within a settler-colonial and White supremacist system, so both humans and whales are impacted by the hierarchical system of captivity (Guerin 2021). The paralleled realities for whales and humans, especially indigenous communities, is characterized by Guerin (2021) as a shared story of extinction. In examining the commercial whaling industry, Guerin compares the reality of whale endangerment with the “vanishing Indian” narrative, in which indigenous peoples are forcibly removed from both physical space and in mental, social, and legal constructions of reality (Guerin 2021, p. 56; Wilder 2013). In the physical or material sense, indigenous peoples have been forcibly displaced

and murdered through genocide, whereas whales are killed during traumatic capture events, captive whales have much shorter lifespans in captivity relative to their wild relatives, and wild populations are threatened, as demonstrated by the Southern Resident killer whales. In the mental, social, and legal sense, indigenous peoples have had their indigeneity erased by the “one drop” rule, which socially and legally eradicates one’s identity as indigenous if they have at least one Black or non-indigenous ancestor (Guerin 2021, p. 56). For whales, the legal classification of wild populations as “endangered” adds new rules and expectations for both decision-makers and resource users who interface with the whales in their native habitat, as well as an expectation that captive whales must be used as an educational tool for the conservation of endangered populations.

The shared physical and metaphysical experiences of both whales and humans thus affords them a shared positionality in the system of captivity as oppressed or exploited groups, and this positionality manifests as material-semiotic realities in different ways. For the Coast Salish, captivity limits their capacity for spiritual and cultural practices involving wild killer whales. In addition, by delegitimizing and rejecting the Coast Salish’s beliefs about the familial relations between themselves and the Southern Resident killer whales (Owen & Spriggs 2019), captivity reflects Western, colonial relations that situate whales as a resource to be exploited and dominated for capitalist gain through display and performance (see Section 1). The Lummi have explicitly discussed their shared positionality between the Southern Resident killer whales and their Tribe; for instance, the Tribe likened the whales’ inability to communicate due to vessel noise to the fractured systems of communication experienced by the Coast Salish as a result of the residential school system in the U.S. and Canada in the twentieth century (Watson 2019).

Like the Coast Salish—deemed inferior within racial hierarchies to justify their marginalization and domination by White settler-colonialists—captive killer whales are assigned identities that justify their subjugation and oppression, and this manifests in the relations that exist within systems of captivity. As demonstrated with categories like Blackness, whales have been categorized as both human-like—uniquely intelligent and social relative to other non-human animals—and less than human—assigned fewer rights and capacities relative to dominant human groups. This categorization results in the material realities of captivity, in which whales’ rights to movement, space, and bodily autonomy are constrained.

Animal handlers may care for the whales with good intentions, but implicit in these relationships and the system in which they exist is the assumption of White settlers’ right to control whales’ space, movement, and bodies. For example, whales’ enclosure in zoos and aquaria limits physical access to space and capacity for movement; in the wild, killer whales regularly swim up to 40 miles per day and dive several hundred feet, but their captive enclosures are typically 150 by 90 feet in size and 30 feet deep (Daly 2019). Whales are also expected or forced to perform for the public, and whale reproduction is closely monitored and controlled. Captive breeding programs were formally ended by SeaWorld in 2016 (Grimm 2016), but this system mirrors the forced breeding of captive orangutans (see Salazar-Parreñas 2018) in that they both assume control over reproductive freedom, autonomy, and choice.<sup>2</sup>

These practices of control and domination exist within a constructed space of “safe inequality,” in which trainers’ bodily safety—and the minimization of guilt by justifying their caregiving as “good” for the whale—is elevated at the expense of the whales (Salazar-Parreñas

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<sup>2</sup> Forced breeding and prevented breeding are two sides of the same coin because of the shared assumption of control over freedom and lifeways. In 2022, it is a timely moment to discuss control over reproduction of both non-human animals *and* human kin—but I’ll save that discussion for a future analysis.

2018, p. 27). Killer whales, as implied by their name, are apex hunters, with no natural predators (Kwong 2022).<sup>3</sup> Direct interactions between handlers and large, powerful, and intelligent animals are laden with threats to the handlers' safety and security. As a result, handlers attempt to minimize risk of harm by creating strict training requirements to enter the water with a whale, and by training and evaluating whales' behaviors to reduce the chance of aggression (Liston 2011). While handlers may create procedures to reduce risk of physical harm, the whales do not have such capacity for improving their own welfare. For instance, while trainers may enter a whale's tank at will and safely remove themselves back to land, the whale has limited capacity to restrict human access to their physical space and cannot retreat when that space is violated.

When a killer whale demonstrates “animal-like” aggression or inflicts harm, such as when Tilikum the whale killed SeaWorld trainer Dawn Brancheau in 2010, they are often isolated not just from trainers, but from other whales, too. Isolation from other whales is known to be harmful for whales' social welfare (Marino et al. 2020; Liston 2011; Hoyt 1992). Such incidents—which certainly are tragic, particularly when they result in loss in life—are a reminder that whales, like other animals held in captivity, are “neither polite nor apolitical,” and that “the potential threat of injury characterizes the work of caring” for such animals (Salazar-Parreñas 2018, p. 16, 19). Relations of kinship and care in the context of captivity are thus plagued with uneven power dynamics and threats to safety and security for all parties involved. The vulnerable, embodied, and hierarchical relations between humans and whales in captivity are a useful steppingstone toward (re)imagining obligations to whales, both captive and wild.

### **3. Release and Rehabilitation: Obligations to Kin**

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<sup>3</sup> With the exception of humans.

If the act of caring for captive whales is haunted by the exploitative, violent, and unsafe system through which captivity was founded and human-animal relations exist, then the question remains of the obligations owed to whales within this system. Here, the obligations to captive and wild whales belong to humans who have benefited most from this system, whose racial identities and identities as settlers have historically privileged them at the expense of other humans such as indigenous communities and non-human animals like whales—White settlers who have perpetuated the system of captivity and who have not historically shared a positionality with whales and indigenous peoples as exploited. This section specifically questions whether and how rehabilitation and release of captive killer whales can strengthen kinship ties between settlers, indigenous peoples, and whales.

Wild capture of marine mammals such as whales was outlawed in the 1970s under the U.S. Marine Mammal Protection Act (Lacy et al. 2017). Despite shifts in the legal regime for capture and captivity, however, the system of exhibiting killer whales in zoos and aquaria remains entrenched. The nonprofit organization Whale and Dolphin Conservation reports there are currently 56 known killer whales in captivity worldwide, with 29 calves born in captivity in 2022 alone (WDC 2022). The question, then, is whether these 56 whales can or should be released into the wild or transferred to oceanic pens. Release of killer whales in the past indicates that the potential for survival is uncertain when a captive killer whale is re-introduced into the wild, as demonstrated by the high-profile death of the killer whale “Keiko,” star of the film *Free Willy*, after his release in 2002 (BBC 2003; Calloway Whiting 2013). Due to the risks involved with reintroducing whales into the wild—including disease, difficulty foraging, and interfacing with swimmers and vessels—some environmental and animal rights groups advocate for whales to be released into oceanic pens instead (The Whale Sanctuary Project 2022).

Oceanic pens, however, raise the question of what it means to be “wild.” According to Salazar-Parreñas (2018, p. 7-8, 15), conservationists may argue that species like orangutans may be described as “wild,” “captive,” “rehabilitant,” or perhaps a more ambiguous “semi-wild” that transcends the strict colonial dichotomy between human and nature (Cronon 1995). “Wildness,” then, may be redefined as a spectrum, rather than boxes in which animals may be classified. A whale may shift from a classification as “captive” in a marine park to “semi-wild” or “rehabilitant” in an oceanic enclosure, where handlers and veterinarians assess the whale’s health and behaviors to decide whether they ought to be released, “[earning] the free-range autonomy” that characterizes wildness (Salazar-Parreñas 2018, p. 25). By some accounts, semi-wild animals in the process of rehabilitation have been likened to sex offenders, in that “[they] need rehabilitation” before they may be “[released] back into society” (Salazar-Parreñas 2018, p. 24). This implies an obligation for handlers to equip the whales with the necessary tools of survival in a harsh, wild environment—but it also empowers handlers with the power of decision-making, for declaring whether or when a whale is satisfactorily rehabilitated. Decision-making over whales’ rehabilitation and release thus perpetuates colonial relations to land, water, and non-human animals by reaffirming that power remains with White settlers (Liboiron 2021).

Rehabilitation, then, is a material-semiotic extension of control over whales’ lived realities of space and movement, as well as mental, social, and legal ideas of what ought to be done for whales that were subjected to captivity. The decision to release a semi-wild whale has implications for that whale’s potential survival, which evokes the colonial expectation that it is “best” to prevent death or extinction, particularly when the conditions facilitating death or extinction are anthropogenic (Salazar-Parreñas 2018). Within this argument is the presumption that whales are “better off” under the care of handlers than in the wild, where they must sustain

themselves. This also presumes that whales are less able to care for themselves after being socialized with humans, “othering” them from their wild relatives due to their proximity to humans. They are no longer “wild enough” to exist outside a human-controlled enclosure, but they also are not granted rights to autonomy that are assigned to fuller categories of humanness. If whales are not released, then, is their confinement a continued act of violent domination rooted in a colonial and capitalist system, or can their captivity be justified as an act of care for reducing suffering to individual animals, who may die in the wild without human intervention?

This question is further complicated when obligations to *wild* whales are taken into consideration. According to Salazar-Parreñas (2018, p. 15), “When survival in the wild is tenuous, captivity potentially becomes the sole means of survival for a species.” Zoos and aquaria may justify the practices of captivity as useful for raising awareness for the conservation of wild whales, and for ensuring the continuity of a species when wild populations are at risk of extinction. When the conditions facilitating extinction of wild whales are anthropogenic, however, the question arises not just of whether humans can facilitate survival or prevent extinction, but whether humans *should* aspire toward those ends (Salazar-Parreñas 2018).

For the endangered Southern Resident killer whales, their decline was initiated and perpetuated by human actions, beginning with decimation of their population due to the forced removal of young whales for aquaria (see Section 1). Today, the whales are threatened by vessel disturbances, toxic contaminants, and lack of prey (Lacy et al. 2017), and these threats are compounded by a lack of genetic diversity, risk of inbreeding, and difficulty repopulating due to their small population size (Ford et al. 2018). The conditions facilitating the extinction of the Southern Resident killer whales are thus anthropogenic. Local, state, federal, and transnational authorities have enacted regulatory interventions to mitigate disturbances from vessels, reduce



contamination in their habitats, and improve prey stocks with the intention of recovering the whale population (Lacy et al. 2017). How, then, does release of captive whales fit within this regulatory system of population recovery, particularly in the context of obligations to both wild and captive whales? If obligations to captive whales, for instance, require their rehabilitation and release into the wild, but returning whales to the wild places excess pressure on limited resources such as prey and exacerbates harm to wild populations, which obligation is to take precedent—and who decides? Ultimately, the decision by White settlers to release killer whales back into the wild—including the release of captive-born whales who have never lived in the wild and who may not be recognized by wild relatives as their descendants—perpetuates the assumption that settlers have a right to control not just captive whales' lifeways, but the lifeways of wild whales, too.

In addition, the rehabilitation and release of whales relates not just to obligations to non-human kin, but also to human kin including the Coast Salish. The cultural, spiritual, and familial relations between Coast Salish tribes like the Lummi and the Southern Resident killer whales suggests that the release of whales serves as an act of repatriation. From this perspective, release is not just *anticolonial*, or a rejection of the hierarchical systems that privilege White settlers at the expense of indigenous peoples, but is *decolonial*, or actively working to deconstruct these hierarchies (Liboiron 2021). Here, rehabilitation, release, and repatriation transcend from the mere recognition of Southern Resident killer whales as part of the sovereign Coast Salish tribal communities to instead take direct action that disrupts centuries of colonial land relations to center indigenous ways of knowing and being. Repatriation has parallels with the LandBack movement, through which indigenous peoples are calling for the return of ancestral, traditional, and unceded lands and territories in response to centuries of forced dispossession and violation

of treaty rights (Oaster 2022; Lee and Ahtone 2020). From a decolonial perspective, obligations by settlers to human kin, specifically to Tribal communities like the Coast Salish, in the wake of the aquarium trade require both recognition and direct action that respects and reinforces the sovereignty and autonomy of indigenous communities.

### **Discussion: Reflecting on Colonial Legacies**

Using Guerin's (2021) concept of mammalian kinship to examine the aquarium trade of killer whales, it may be concluded that each aspect of the trade—capture, captivity, and release—reflects and is informed by settler-colonial and White supremacist ideas of domination and control over human and non-human bodies. Capture of killer whales is an example of ocean grabbing, which perpetuates and reflects settler-colonial and White supremacist assumptions of access to land and resources at the expense of human (i.e., indigenous) and non-human (i.e., whales) kin. In captivity, the material-semiotic construction and manifestation of identities and hierarchies has implications for the domination of both lifeways and bodies, including treatment of captive whales and the embodied relations between handlers and whales. Finally, release and rehabilitation of captive killer whales into the wild bring into question the obligations White settlers have to human and non-human kin, including repatriation for indigenous communities.

Based on this analysis, it may be concluded that captivity is a one of many “colonial legacies” in an “age of extinction,” where some groups are better suited for survival than others due to entrenched systems and naturalized hierarchies of power and oppression—where some groups experience disproportionate harm and in which human and non-human kin are united by shared positionalities as oppressed (Salazar-Parreñas 2018, p. 8). It is within the wake of this colonial legacy that White settlers may reimagine obligations to and relations with indigenous

communities and whales in pursuit of kinship. “Wake,” as used here, is related to but distinct from Guerin’s (2021, p. 46) discussion of “wake work.” The concept of “wake work” as a metaphor was originated by Christina Sharpe (2016) to “imagine new ways of survival ‘in the wake’ of slavery” (Guerin 2021, p. 46). The term offers a useful oceanic metaphor for examining the “wake” of the aquarium trade—declining but persisting, reinventing itself rather than being abolished. Liberation from this system thus requires questioning the very foundations upon which captivity is founded.

Looking forward, then, the system upon which captivity was established and perpetuated should be questioned, and the hierarchical assumptions that have been normalized should be challenged both in scholarship and in practice. To “queer” captivity is to challenge the status quo and de-normalize or de-naturalize assumptions that have served to oppress and exclude both human and non-human groups (Cipolla et al. 2017). By queering captivity and reimagining what kinship relations and obligations entail, the alterlives of captivity may be explored. According to Liboiron (2021, p. 20), the concept of “alterlives” was originated by Michelle Murphy (2017, p. 497) to recognize how current conditions were not inevitable, and rather were one of infinite possibilities that emerged from a particular set of complexities and interactions—and how, looking forward, existing systems and conditions *can* evolve into something new. In other words, the system of captivity can be “otherwise,” and captivity is not an immovable condition of reality (Star 1990, p. 53; Liboiron 2021, p. 18). Through the lens of kinship, it is an obligation for White settlers to imagine alterlives for human and non-human kin—to speculate about how relations may be improved. Benjamin’s (2016) discussion of speculative fiction offers one strategy for reimagining future conditions and relations, but mammalian kinship requires this speculation to transcend from settler imagination into practice and lived realities.

What do these actions look like? Here, I take Salazar-Parreñas' (2018) advice to “resist definitively saying what should be or ought to be” and instead call on settlers to re-envision the possibilities for our embodied relations with human and non-human kin. Systems including captivity were founded on dispossession, displacement, and ocean grabbing and have been perpetuated by uneven relations between settlers, indigenous peoples, and whales in the lived reality of captivity. The obligations to human and non-human kin in the wake of this system—and their practical manifestation in rehabilitation and release of captive whales—demand that settlers confront the ghosts of these violent and oppressive histories so they may collectively re-envision a reality in which positionalities of kinship are based not only on a shared history of oppression and violence, but rooted in a more equitable future where humans and whales alike have freedom of movement, space, resources, labor, reproduction, and bodies.

### **Conclusion: From Tokitae to Sk'aliCh'elh-tenaut**

During the writing of this paper, on December 13, 2022, leadership at the Miami Seaquarium announced they are “100% committed” to retire Tokitae into an oceanic pen in the Salish Sea (Aguirre 2022). The announcement came nine months after the Seaquarium retired Tokitae from performing for public audiences. As veterinarians and handlers continue to assess Tokitae's health and welfare and consider the extensive permitting process required to facilitate her return to her home waters, animal rights and environmental groups such as Friends of Lolita, The Whale Sanctuary Project, and the Earth Law Center are hopeful for her return to the Salish Sea (CBS News 2022; The Whale Sanctuary Project 2022; Earth Law Center 2022).

After 56 years in captivity and several unsuccessful and pending court cases to mandate her release, Tokitae may finally be returned to her family—both her whale relations and the

Lummi. The Lummi know Tokitae as “Sk'aliCh'elh-tenaut,” which indicates her familial belonging to the Lummi and the Southern Resident killer whales (Earth Law Center 2020). The ongoing story of Sk'aliCh'elh-tenaut and her family is a microcosm of the aquarium trade of killer whales, and Sk'aliCh'elh-tenaut’s prospective rehabilitation reflects attempts by indigenous peoples, advocacy groups, and now settler organizations such as the Miami Seaquarium to improve the welfare of captive whales not just by imagining alterlives in the wake of the trade, but by taking tangible steps to challenge the entrenched system and imagine otherwise for the humans and whales it has harmed (Star 1990).

The analysis presented in this paper is my endeavor to critically reflect upon what I learned as a student in MAF 500: Race, Gender, Colonialism, and Science at the University of Rhode Island. Here, I sought to synthesize and apply the frameworks presented by my instructor and peers to a cause about which I am passionate, and around which my professional career and research center. I turn now to reflect upon what I learned in this course that has informed my ability to develop this paper. The course enabled me to transform my perspective from an individualized “animal rights” or even “human rights” lens to re-envision relations between humans and animals in a new way, through a naturecultural perspective that recognizes and embodies relations and obligations of kinship and care (Subramaniam 2014).

Through feminist, queer, anticolonial, and BLM and STS frameworks, I developed the vocabulary and sophisticated understanding necessary to critically reflect upon systems that once appeared to be immovable and entrenched, but which no longer seem inevitable and unchanging. Throughout this course and during the writing of this paper, I practiced how to challenge Western ways of knowing and the uneven embodiments of relations between whales and humans, particularly White settlers who have benefited at the expense of whales and indigenous

peoples. I can better understand and criticize Whiteness and hierarchies constructed by identities such as race, all within a broader context of settler-colonialism and racial capitalism that privileges some at the expense and subjugation of others. My learning is an ongoing process and certainly will not stop with the conclusion of this course and this paper. I welcome feedback and discussion pertaining to the arguments presented in this paper, and I look forward to developing further as an antiracist and anticolonial student and scholar.

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