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Losing Life and Limb:

Analyzing Competing Theories of Animal Morality through Killer Whales and Whale Killers

On February 24th, 2010, orca trainer Dawn Brancheau was grabbed by Tilikum (a bull orca) and held underwater until she drowned (Take Part, 2012). In *Moby Dick*, the white whale rises from below a paddling Captain Ahab and bites off one of his legs (Melville, 1851). Traumatic events of this caliber seldom stay confined. Instead, the aftermath spreads wider and wider like ripples, changing much in its path. Brancheau's death inspired the documentary film *Blackfish*, which presented a strong critique of the industry behind the performing whale (Cowperthwaite & Oteyza, 2013). This controversial film, along with other mass media, marked a wave of public pushback against keeping marine mammals in captivity. The shift in sentiment was so drastic and rapid that scholars call it the "Blackfish Effect" (Boissat et al., 2021). In a literary analog, Ahab's "demasting" established in him a monomania strong enough to dedicate a three-year-long whaling voyage to finding and killing that white whale, fating most of the *Pequod's* crew to sink in the ocean. One significant commonality between this historical and literary example is the ever-present question of animal morality. Publications in the Blackfish Effect tend to attribute Tilikum's behavior to a Nat Turner-like rebellion against his surroundings and keepers. Ahab himself believed that the white whale acted with deliberate malice while biting off his leg. In this paper, we will look at how literature and philosophy understand the issue of animal morality, in the hopes of untangling the monomania of Ahab and the speculations of the Blackfish Effect.

Although *Blackfish* premiered in 2013, scholars argue that the film built upon a "perfect storm" of activism and publications from years before¹ (Boissat et al., 2021). One such publication, *Fear of the Animal*

¹ See: *Death at SeaWorld* by David Kirby (Kirby, 2012), as well as the work done by journalist Tim Zimmerman, including the critical writing *Killer in the Pool* (Zimmermann, 2010). Activists were also quick to protest in the days immediately after Brancheau's death (McBride, 2018)

Planet, was written by historian Jason Hribal (Hribal, 2010). In 2018, journalist Jeffery St. Clair wrote a critical essay, “Let Us Now Praise Infamous Animals,” which later became Hribal’s book prologue. Hribal is more conservative in his interpretation of animal violence against humans, but in synthesizing Hribal’s accounts, St. Clair makes a much stronger thesis. In his essay, he asserts that Tilikum, like many other zoo animals that have killed or maimed their keepers, acted in revenge for their capture and captivity (St. Clair, 2018). As he writes, “each drowning of a tormenting trainer is a crack in the old order that treats animals as property...the animal rebels are making their own history [and]...acting with a moral conscience.” (St. Clair, 2018). St. Clair suggests that each case of “uprising”—the rampage by Tyke the elephant, the mauling by Tatina the tiger, and of course, the killing by Tilikum—are not freak accidents. Instead, he argues that they are statements of morality made by non-humans through a calibrated use of revenge.

Because St. Clair applies empirical observations to a larger claim of morality, we might understand his argument through the lens of *Moral Sentimentalism*, a philosophical framework that looks at morality through expressed emotions and desires. Some moral sentimentalists believe that moral thoughts are directly understood through sentiments or emotions. Modern psychological theories have supported this framework in observing the physiological importance of emotions in moral thinking (Kauppinen, 2022). Sentimentalism explains St. Clair’s position in two ways. First, as a scholar of such animal incidents, he may have experienced an emotional reaction to the treatment of animals in the entertainment industry², and from this reaction, he imposes an immorality of traveling circuses, zoos, and aquariums. Under this framework, we understand St. Clair’s moral attitude towards captivity but not those of the animals.

The second and more interesting application of sentimentalism focuses on the animal. In the moment of mauling, drowning, and rampaging, these animals exhibit certain emotions and desires. While such affects may be different from ours, psychology generally accepts that higher-order animals with homologous limbic systems as humans also experience some degree of emotion. As such, St. Clair could

² One thing that St. Clair oversimplifies is how animals are trained. Unlike older circuses, marine mammals are trained using a Skinnerian approach to operant conditioning that does not use punishments (Pryor, n.d.). Of course, operant conditioning raises larger philosophical questions of determinism that we don’t have space to talk about here

argue in this sentimentalism framework that these emotions *generate* morality. In other words, in experiencing negative emotions and acting on these emotions to hurt a human, the animal has demonstrated a sense of morality; they are acting on what they think is right.

We can also find a form of sentimentalism in Olga Tokarczuk's novel, *Drive Your Plow Over the Bones of the Dead*, in which a series of mysterious human deaths are attributed to animals by the story's main character, Duszejko (Tokarczuk, 2009). This novel is set in the "old order" suggested by St. Clair, where animals are the objects that sustain the town. In desperate letters written to the police, Duszejko suggests that the animals play a role in a series of mysterious human deaths, because they are targeting those who abused them. Indeed, the humans who die are the cruelest toward animals in that town, like a fur farmer who keeps his foxes in decrepit conditions (Tokarczuk, 2009). Much like St. Clair, Duszejko interprets these purported acts of violence as statements of morality. However, under these circumstances, Duszejko is marginalized as a "crazy old lady," even by members of the police when she tries to report acts of animal abuse and illegal hunting. (Tokarczuk, 2009).

Often, in the treatment of Duszejko, the townspeople reference the legal standings of animals. Duszejko attempts to stop hunters from shooting pheasants in one scene, exclaiming "you've got no right to shoot at living Creatures!" One of the hunters responds by saying that this shooting is within the law (Tokarczuk, 2009, p. 63). Later in the story, the police try to push Duszejko away by first reassuring that the hunters were acting within the law, and then by reassuring her that they will submit legal reports of the incidents. The legal role of animals has shifted significantly in the past few centuries, but both St. Clair and Duszejko reference medieval law practices in their argument for animal morals. In these times, animals were given opportunities for animals to "testify" in a human system, thereby elevating their status beyond non-human creatures. Such egalitarianism was shown most vividly in cases of bestiality, in which the animal would be charged alongside the human as a co-conspirator (St. Clair, 2018). In doing so, the legal terrain marked animals as capable of making moral judgments³. More importantly, as St. Clair points out,

³ In the wake of Tilikum's incident, a court case was opened to give orcas the rights to the Constitution, although it was mostly interpreted to be a publicity gambit. See: *Tilikum v. SeaWorld (Tilikum v. SeaWorld, 2012)*

the acknowledgment of animals in court led to some acquittals of revenge against cruel keepers (St. Clair, 2018). Duszejko wishes that the deer of her village would have this exact representation in a human court, where they would be found innocent under the context of abuses by their hunters (Tokarczuk, 2009).

Past the medieval times however, the frequency of animal trials decreased significantly, in part due to enlightenment thinkers. In writing about the mind-body disconnect, Descartes relegated animals into the category of complicated machines that exhibit behaviors but do not have a soul like humans do (*Descartes versus Cudworth*, n.d.). Descartes argued that there exists a subjective experience that only humans could have, because humans have a mental capacity that is not observed in animals. Other enlightenment philosophers like Francis Bacon continued this divide between humans and non-humans. Bacon himself wrote that scientific investigation is a means to assert the dominance of humans over nature, as ordained by the Bible (*Descartes versus Cudworth*, n.d.).

Such claims of Descartes have been mostly ignored by modern scholars of animal sentience, mainly because the sciences have shown that many animals, especially higher mammals like elephants and dolphins, have comparable cognitive capacities to human beings. However, many philosophical fields continue to draw hard lines between humans and animals. In fact, St. Clair's moral-animals conclusion is a classically challenged point of view in Moral Sentimentalism. Action-producing desires are not enough to show the morality of the subject. Morality also requires a *second-order desire* (Kauppinen, 2022). In other words, for the action-producing desires of any subject to imply moral significance, this subject must demonstrate a *desire* to have the action-producing desire. A simple act against an immoral force does not say much of moral significance; it implies *negative reciprocity* only. Negative reciprocity can even happen by pure laws of physics. For example, if a person illegally cuts down a protected species of tree and the tree falls on the person, it would be difficult to argue that the tree itself committed any act of revenge. For it to be considered revenge, the tree would have needed to desire being acted upon by these fundamental laws of physics as it crashed down, even if the desire itself had no control over the final outcome. What St. Clair observes from Hribal's historical collections are these action-producing desires. He looks at causes (like groups of rowdy zoo visitors) and effects (like maulings). These are like the person chopping down the tree

(cause) and the tree falling on the person (effect). Therefore, without showing second-order desires, St. Clair makes a non-trivial logical leap between observations and moral truth. In fact, modern philosophers like Henry Frankfurt assert that animals do not possess this second-order volition (Schroeder, 2020). While it may be a humancentric argument, it does prevent a slippery slope in which every object, animate or inanimate, is given a sense of morals.

While St. Clair does not acknowledge this counterargument, he preempts this point by criticizing philosophy itself as a field that historically oppresses animals (St. Clair, 2018). The fictional character Elizabeth Costello in J. M. Coetzee's *The Lives of Animals* would agree with St. Clair. In her fictionalized speeches and conversations, she establishes a strong and direct argument against philosophy (Coetzee, 1999). Philosophy is grounded in reasoning, but the very act of reasoning, argues Costello, is not a property of the universe but rather of the human brain. She cites certain case studies with lab animals and heavily ostracizes them as appealing only to a human construct of reasoning. The ape Sultan, she references, is given a series of problem-solving tasks to get a bunch of bananas. These tasks harbor an implicit bias in the human way of thinking. Only the problem-solving thoughts are selected, and not thoughts like "Why is he starving me?" (Coetzee, 1999). Through this line of argument, Costello refutes the enlightenment philosophers and establishes what Duszejko feels intuitively: that there is an innate experience of an animal that is improperly segregated by minds of reason. Indeed, St. Clair, Costello, and Duszejko all contribute to an anti-philosophical argument. St. Clair and Costello both push back against the enlightenment thinkers and instead turn to figurative language in poetry—"The Manciple's Tale" in *The Canterbury Tales* for St. Clair and "The Jaguar" for Costello. Duszejko embodies this critique of philosophy in her un-reasoning; to the people of the town, she's the "crazy lady" who prefers the company of animals to people.

However, as pervasive as these critiques of philosophy are, it is important to remember that we are focusing on the concept of animal morality. Morality is a subject rooted in philosophy itself. As previously discussed, sentimentalists regard morality as a combination of action and second-order volition. There are also other frameworks of morality, including the concept of a *moral law*, which establishes a stronger result. Immanuel Kant argued that there exist *a priori* concepts of good and bad. As humans, we adhere to this

moral law by using our *reasoning* as rational subjects (Johnson & Cureton, 2022). Costello challenges Kant's implication that our reasoning and moral law indicate *superiority*, but she does not challenge the claim that human-based reasoning is unique to humans. Arguably, she supports this premise in her discussion on animal psyches in human experiments. Therefore, if a moral law is produced from reasoning that is unique to humans, then morals must be unique to humans, for better or for worse.

Concepts like irresponsible captivity, mindless hunting, and mass slaughter can be seen as being immoral to the animals. However, under the Kantian framework, morality and immorality can only be perceived with human reasoning. If animals cannot perceive immorality, then it naturally follows that animals cannot act in "moral conscience" and perform revenge on humans. Of course, like the falling tree, animals can respond to negative situations in violent terms, but as previously argued, this only shows *negative reciprocity*, not revenge. Interestingly, Tokarczuk's work seems to reflect this conclusion. In her novel, it is later revealed that the set of human deaths was not caused by animals at all, but rather, by Duszejko herself. In her confession, she remarked that the animals chose her as a messenger to deliver their revenge. By revealing that a human did the murders, Tokarczuk's story implies that it takes a human being to carry out revenge against other immoral humans.

We've looked at a formalization of animal morality through various philosophical and literary examples, which have added additional complexity to St. Clair's claims. However, to some, it seems that second-order desires and Kant's *a priori* moral law are arbitrary frameworks. Despite these concepts, if an animal lashes out against a human, why can't we view it as having some sense of morals? This question is posed over and over in *Moby Dick*. When Ahab first reveals the purpose of *The Pequod's* journey, the ship's first mate Starbuck expresses immediate consternation, interjecting, "Vengeance on a dumb brute!" (Melville, 1851, p. 159). In a similar manner that the priest in Tokarczuk's novel scolded Duszejko, Starbuck suggests that Ahab's rage against the animal is blasphemous (Melville, 1851, p. 159). To Starbuck, there is nothing special in this albino whale. He argues that Moby Dick injured Ahab from "blindest instinct" (Melville, 1851, p. 159). Indeed, as we learn from Ishmael, Ahab's leg was bitten off after he attacked the whale with a short knife (Melville, 1851, p. 176). In a movement of self-defense— "blindest

instinct”—the whale lashed back at its attacker, incidentally biting off his leg. In Starbuck’s last appeal for Ahab’s sanity, he implies that all the malice comes from the human as he exclaims, “See! Moby Dick seeks thee not. It is thou, thou that madly seekest him!” (Melville, 1851, p. 496).

Even as Starbuck expresses these views confidently, it is also clear that he thinks a lot about them. After a violent storm subsides, he approaches Ahab’s cabin to relay the good news. Here, he is drawn by a sudden urge to take Ahab’s musket and shoot the captain as he sleeps. At this point, Starbuck likely realizes that Ahab’s mission would end tragically and that killing Ahab may be the only way to see his family again. In this moment, as his finger is over the trigger, he asks this question: “Is heaven a murderer when its lightning strikes a would-be murderer in his bed...and would I be a murderer, then, if--?” (Melville, 1851, p. 450). Here, like *revenge*, the term *murder* implies a degree of malice and moral complexity (*Webster Dictionary*, n.d.). In posing this question, Starbuck references the events of a few chapters ago, when Ahab took the lines of a lightning rod in his hands during a thunderstorm. Even if lightning had struck and killed Ahab, it would be irrational to conclude that nature itself had any malice. Could the same be said if Starbuck had pulled the trigger? In this chapter, Starbuck puts down the musket and walks away, implying that he does see a difference. Nature is un-moral and free of malice, while humans are morally affected creatures with a possibility for malice. The whale, as Starbuck views it, is not like a human holding a musket, but rather like a lightning bolt.

The topic of the white whale often pits Starbuck against captain Ahab. In his retort to Starbuck’s dumb-brute counterargument, Ahab argues that every object in the world is like a pasteboard mask. What we observe is the mask surface, but the true intent belongs to the face behind it. In “The Symphony,” Ahab exclaims, “[how can] this one small brain think thoughts; unless God...does that thinking, does that living, and not I. By heaven, man, we are turned round and round in this world, like yonder windlass, and Fate is the handspike” (Melville, 1851, p. 477). As such, we can understand Ahab’s formulation of the unseen face as God, or more generally, as Fate. Therefore, in his argument for striking out at the whale, Ahab points to striking through the pasteboard mask and at the Fate that lies beyond, or even at the God that lies beyond (Melville, 1851, p. 159). In the case of our falling tree, Ahab would view the act of falling as being

controlled by Fate. From Ahab's point of view, it is Starbuck who blasphemes in calling the whale a dumb brute, as it is God himself that "does that living."

Still, it does not take much additional reading to find certain contradictions in this position. Later on, Ahab uses Fate to justify his reckless chase of the white whale. As he submits to Fate in the final chapters, Ahab is equating himself to Starbuck's lightning. If an immovable force drives him, then he bears no moral responsibility and does not need to justify his motives. And yet, he also comes to believe that all objects are controlled by Fate, as he does in "The Quarter Deck" and later "The Symphony," where he references Albacore tuna as being controlled by Fate while hunting other fish (Melville, 1851, p. 477). Then, it is only logical that the white whale, as an object of Fate, also bear no moral responsibility. In this manner, Ahab could have come to the same conclusion as Starbuck, but he persists in his journey to kill the white whale.

Ahab seems to recognize part of the absurdity, as he remarks that there might be nothing behind the pasteboard mask of the white whale (Melville, 1851, p. 159). In similar terms, he does not care if the whale is *agent* or *principal* (Melville, 1851, p. 159). St. Clair would argue that the animals are *principals*, acting under their own volition. Ahab's pasteboard mask argument would put the whale as an *agent* of God or Fate. We can perhaps understand Ahab as struggling with the larger philosophical question of free will, bouncing between theories and selecting convenient components, even if they are sometimes contradictory.

Ahab's vacillation between these different theories caused many to view him as crazy. Indeed, as Ishmael recounts, "his torn body and gashed soul bled into one another; and so interfusing made him mad" (Melville, 1851, p. 176). Throughout the book, even Ahab himself expresses doubts about his own position. For example, in response to a remark made by Starbuck, he says, "Ahab beware of Ahab—there's something there!" (Melville, 1851, p. 416). However, looking at the struggles of Ahab, we should be careful about discrediting him. Instead, we can understand his reaction as representing the epistemological crisis that surrounds the whole book. In "The Mast Head," he concludes his retort to Starbuck by focusing on the "*inscrutable* malice" of Moby Dick, exclaiming, "that inscrutable thing is chiefly what I hate...I will wreak that hate upon him" (Melville, 1851, p. 159). As much as whales are hunted or even observed intimately in

the center of a maternal circle in “The Grand Armada,” it is impossible to know, truly, the core of whale existence. Thomas Nagel formalizes this argument in his essay, “What’s it like to be a Bat?” According to Nagel, there is a fundamental divide between human experiences and the experiences of non-human others. We can imagine ourselves in the body of an animal, but that would still be a mind of a human inside the body of an animal (Nagel, 1974). The true animal is *inscrutable*.

To whalers like Starbuck, this state of not-knowing is not particularly disturbing; it does not take such knowledge to extract oil and bone from these animals. Ahab’s injury changes his situation significantly. With such a painful outcome, Ahab searches desperately for an equally large cause. The agony of not-knowing is so consuming that he is forced to use malice and Fate to explain it. Ahab himself understands that it is a stretch of the imagination, as he regards the malice to be *inscrutable*. Still, he acts upon this perceived cause, which eventually leads the Pequod to destruction.

The epistemological crisis illustrated by Melville’s work can be applied directly to St. Clair and the Tilikum incident. At the time of Brancheau’s death, very little information was known about why Tilikum drowned Brancheau. As with Ahab and his lost leg, members of the public experienced an epistemological crisis: why did this orca kill this very experienced trainer? Ahab found temporary solace in pasteboard masks and inscrutable malice. After the incident, the public found solace in these issues of animal welfare, psychosis, and revenge, readily brought up by activists and advocates.

In the case of Ahab, this search for information made him blind to alternative explanations that lack higher-level motives. In one exchange, Dr. Bunger from the Samuel Enderby ship offers a Starbuck-like explanation for the loss of his captain’s arm to Moby Dick: “what you take for the white whale’s malice is only his awkwardness” (Melville, 1851, p. 390). Perhaps a similar thing could be said about Tilikum. Due to his history of “possessiveness,” special precautions were taken around the whale, which included a panic button that emitted a specific tone. Through unintentional classical conditioning (a biological process of learning), Tilikum started associating that tone with a negative series of events, much like the flashing lights and sirens on a police car. In the moments before the incident, the whale had grabbed the trainer’s hair, and as she was pulling it out, a spotter on the side pushed the panic button. This caused agitation, and Tilikum

grabbed Dawn's shoulder and dragged her in (██████████, personal communication, January 29, 2022; *Dawn Brancheau Sheriff Report*, 2010). A behavior-based explanation is consistent with what former trainers have said about Tilikum, namely that he was an eager learner and a docile animal who loved to rest with his head in the sun (██████████, personal communication, February 20, 2021).

Ahab's monomania led to the deaths of nearly all crew members on the Pequod, and the Blackfish Effect led to the spread of misinformation and the online harassment of animal trainers (*McBride*, 2021). And yet, in contemporary readings, we might understand Ahab's monomania as a form of PTSD and his crazed ponderings as a way of coping with this trauma. A similar thing could be said of St. Clair's essay: it offers one possible explanation for a publicly traumatic event that provides closure to some. More importantly, in their deliberations over animal morality, Ahab and St. Clair illustrated the fleeting nature of *knowing*. *Moby Dick* is written as an interdisciplinary spiral of knowledge around a forbidden center. The Blackfish Effect, too, was a media frenzy circling around the behavior of one captive animal with a similarly untouchable whale center. Ultimately, in both spirals of information, we are bound to learn something, if not about the whale, then about ourselves.

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Supplemental Material

██████████ transcript (relevant portion). ██████████ is ██████████ and has spoken to many people on the incident.

So ██████████ said when he finally got Tilikum in Orlando, he would spend eight hours a day trying to reinforce that things were going to be taken away from him. And so ██████████ spent a lot of work with that, but there were still residual stuff. Now when Tilikum came to Orlando. I'm not sure if you're aware, but at Shamu Stadium, there are two lines around the pools. There's an orange line and a red line. An orange line is a line you're not allowed to cross if any whales in the pool and you're not a trainer, okay? The red line was a line that was further out. It was a line you weren't allowed to cross if tilikum was in that pool. And if you could not cross that line if you weren't Tilikum trained and you didn't have a spotter. So anytime you're supposed to work with Tilikum, you had to have a spotter with you. Okay, so this is kind important long term. So now, at every pool every where around the pool, there are there are alarms around the pool to where when Tilikum would have temper tantrums, which is something they would periodically have over over the years, they would hit that alarm. It was basically all hands on deck, there's got to manage Tilikum, right? Now Tilikum began and this is kind of an unfortunate behavioral conditioning thing began to associate that alarm with basically a negative reinforcement of that something's going to happen, his toys are we taking away; something that's going to, you know, there's kind of an adverse situation when it happened, which would then kind of adversely impact and kind of worse the temper tantrum. Unfortunately, that was a behavioral thing that kind of continued. So then we get to kind of kind of more modern history. And when Anheuser Busch was acquired by InBev, InBev culled-off spending, they were cutting things bare bones to the parks kind of stuff. And as a result of that people started getting lax with the protocols, okay, so when you get to the day of the incident, all right now, your spotter was always supposed to be within arm's reach of you. You're never supposed to be in...Like when you're working in Tilikum. Your spotter always had to be with one arm's reach, and you weren't allowed to be in water further than shin deep with Tilikum. Okay. So if you're spotters on land, there's only so far you can be, you know what I mean, then so, but because of the InBev acquisition and management getting lax with protocols, Dawn was basically in the water waist deep in the slide out. Her spotter was over 50 feet away. And what happened was, there was a light breeze or something happened. And her ponytail ended up in Tilikum's mouth. And a team member who was working on the other side of the pool of the dine with Shamu area, saw her ponytail until it comes mouth. As Dawn was reaching back to correct it. The spotter hits the alarm, and that's when Tilikum freaks out. And so it's a perfect storm of management failing, of behavioral reinforcement failing of Dawn failing and Dawn spotter failing. And so that some say it was a perfect storm that led to that moment of what happened. And so it's not a simple Tilikum is crazy. It's not as simple. SeaWorld as evil. And it's not simple that Dawn was a bad trainer, but because Dawn wasn't a bad trainer, you know, but it was all these things happening at once that led to this exact situation happening.

██████████ transcript (relevant portion). ██████████ is a current/former orca trainer with over 8 years of experience working with Tilikum.

██████████ 1:55:51

You know? So, and then the show starts and I mean, it was like, here's Tilly. And this is in the this is the front pool. There's me and Tilly. The one that the accident happened with dawn. There is him in the back pool. Look at him. So Sunboy we call them SunBoy

Maximilian Du 1:56:09

Sunboy. That's great. But why sunboy?

██████████ 1:56:14

Oh, because he always liked to put his hand up in the sun. He always liked to be up there just looking out. Even if we weren't there. I was like, ██████████ whatcha doin there sun boy??