

When Critique Meets Reality: Systemic Violence and the *BioShock* Games

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Abstract

The procedural rhetoric of the *BioShock* games has been both lauded as a ludological implementation of social critique and criticised as the continuation of conservative gameplay formulae. At times, this extends to full hypocrisy, with the series simultaneously narratively criticising and mechanically perpetuating capitalism and ethnocentrism. This article will expand on these examples and, as part of the field of cultural legal studies, emphasise the relevance of procedural rhetoric to contemporary Western legal systems. Ultimately, while the series demonstrates a deep hypocrisy, an emphasis on this hypocrisy as an aspect of the franchise is able to produce a new critical reading that emphasises how systemic violence can be rendered invisible through normalisation in what are often perceived as objective and mechanical systems, including many contemporary understandings of law.

Keywords: Cultural legal studies; video games; BioShock; systemic violence.

Introduction—The Darker Side of Fictional Dystopias

It is easy to mistakenly assume that video games should be analysed as narratives in the same way that a book or a film might be,¹ especially as continuous technological advancement allows for increasingly realistic graphics and more immersive stories.² However, Bogost argues that video games cannot be properly understood without emphasising their procedural nature.³ As such, he coined the term ‘procedural rhetoric’ to describe the way that processes and systems can make arguments separately from their surface-level narratives.⁴ Rather than only analysing the story of a game, such an approach questions how the gameplay, mechanics and objectives of the game are also making an argument that can either support or conflict with its narrative or visual presentation.

This approach is particularly interesting when applied to the *BioShock* series.⁵ While many idealise these games for both their narrative and ludological discussions of neoliberal capitalism and race,⁶ several researchers argue that the games’ mechanics still replicate the conservative violence that is standard to mainstream video games.⁷ As scathingly put by Keogh:

BioShock wasn’t a capstone achievement of a newly mature medium but, just like Marilyn Manson saying a swear word, its attempt to marry a significant thematic veneer to a conservative mechanical formula was a stepping-stone for a maturing medium.⁸

¹ Pearson, “Legal Persona of the Video Game,” 9.

² Barnett, “Moral Choice of inFAMOUS,” 482.

³ Bogost, *Persuasive Games*, 29.

⁴ Bogost, *Persuasive Games*, 3.

⁵ *Irrational Games, BioShock; Irrational Games, BioShock Infinite.*

⁶ Rose, “Value of Art in *BioShock*,” 15.

⁷ Strang, “Big Daddies and Their Little Sisters”; Vanderhoef, “Big Daddies and Monstrous Mommies.”

⁸ Keogh, “Preface,” xi.



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While many argue that the procedural rhetoric of *BioShock* amplifies the themes of the games, others contend that their continued reliance on the first-person shooter (FPS) genre and AAA development (a term that refers to games made by big-budget developers, typically using large staff, mass marketing and a profit-orientated mindset) undermines their attempts to make any meaningful social critique.⁹

However, the relevance of such a discussion extends beyond video games. Cover notably promotes the importance of narrative to understanding the law, stating:

No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning ... Once understood in the context of the narratives that give it meaning, law becomes not merely a system of rules to be observed, but a world in which we live.¹⁰

However, his point also goes the other way: the narratives of law cannot be understood outside of their context as part of a procedural, rules-orientated system. Similarly, while the liberal ideology of *BioShock* masks an underlying conservatism at the procedural level, the same can be said of Western legal systems.¹¹ Using the ideas of cultural legal studies, this article will address this wider legal issue in the unfamiliar setting of *BioShock* to conduct an exploration without the normalised biases and assumptions of the legal context.¹² It is for this reason that the science fiction elements of *BioShock* that separate it from reality are a boon rather than a detriment, allowing for a new world to be imagined free from the aspects of our world that we have been desensitised to.¹³ This approach is particularly important for this discussion as matters of procedure have been relegated to what Wall refers to as the ‘background of the legal scene’, designed to be simultaneously all-encompassing yet invisible through desensitisation.¹⁴

This article will begin by discussing Randian objectivism in *BioShock*. Specifically, it will emphasise that while the game’s procedural rhetoric emphasises the failure of its antagonist to appreciate the consequences of the legal violence that implemented his dream, the dehumanisation process of the FPS makes both the player and the game complicit in this violence, mirroring issues regarding individual responsibility for systemic injustices. Second, *BioShock Infinite* will be used to demonstrate that while segregation renders racism invisible, the game’s post-ideological position of racial blindness fails to address the normalisation of ethnocentric values into procedural frameworks, allowing racism to operate invisibly in the background. Finally, by emphasising the moments in both games that disrupt the smooth running of the mainstream video game formula, an alternative reading emerges that highlights the rhetoric behind systems in general and, in doing so, questions their perceived inevitability and legitimacy.

***BioShock* and Capitalism**

The original *BioShock* opens in 1960, as, following a plane crash, the player character, Jack, is stranded in the underwater city of Rapture—a utopia prioritising libertarian freedom and minimal government oversight run by enigmatic billionaire Andrew Ryan. However, the city’s failure to limit an addictive genetic-enhancement drug called ADAM, combined with a recent civil war, has resulted in a dystopian nightmare. Aided by Atlas, one of the few (supposedly) sane inhabitants, Jack must escape Rapture.

BioShock’s narrative allegorises Ayn Rand and her philosophy of objectivism, reinterpreting her understanding of utopia to portray a less optimistic outcome to her ideology. For those unfamiliar with her work, Rand was a pro-capitalist writer, prioritising libertarian self-interest and minimal government oversight,¹⁵ summarised in Ryan’s opening monologue:

Is a man not entitled to the sweat of his brow? ‘No!’ says the man in Washington, ‘It belongs to the poor.’ ‘No!’ says the man in the Vatican, ‘It belongs to God.’ ‘No!’ says the man in Moscow, ‘It belongs to everyone.’ I rejected those answers; instead, I chose... Rapture, a city ... where the great would not be constrained by the small!¹⁶

⁹ Parker, “Canonizing Bioshock,” 755.

¹⁰ Cover, “Nomos and Narrative,” 4–5.

¹¹ While this article focuses on the United Kingdom, the United States and Australia, the arguments raised may also apply to other European or settler-colonial states to varying degrees.

¹² Pearson, “Legal Personhood in Video Games,” 18.

¹³ Peters, “Reading the Law Made Strange,” 264.

¹⁴ Wall, “Ordinary Affects of Law,” 19.

¹⁵ Görgen, “Autonomy, Heteronomy,” 290.

¹⁶ Irrational Games, *BioShock*.

An equally critical part of Rand's ideology was the certainty of her belief, which Murnane goes so far as to describe as a complete denial of pluralism.¹⁷ This is most obviously displayed through the protagonists of her novels, such as Francisco d'Anconia's claim that:

Nothing could have made you act against your judgment, and you would have rejected as wrong—as evil—any man who attempted to tell you that the best way to heat a furnace was to fill it with ice.¹⁸

To Rand, morality and ideology are not personal beliefs but objective facts akin to science. This is the critical aspect that *BioShock* argues against.¹⁹ Ryan, absolute in the merits of his own ideology, does not become a Randian hero but a tyrannical dictator who executes dissenters and displays their bodies outside his office as a warning. Through this, the game demonstrates why both Rand and Ryan's utopias are impossible; the dystopian setting emphasises the monstrous potential of utopias due to the tyrannical tendencies necessary to prioritise their ideological foundations.²⁰

The dystopian nature of Rapture is also linked to its unregulated technological innovation. While essential to Rand's free market, this absence of limitations leads to the dehumanisation of Rapture's population for profit.²¹ By way of the addictive ADAM, which facilitates genetic splicing, the majority of Rapture's population has transformed into 'Splicers', who only barely resemble the humans that they once were. While this was at first an unintentional side effect, Ryan fully embraces this dehumanisation for his own benefit by heightening the mind-controlling effects of ADAM to create a personal army. The execution of Ryan's dream dehumanised everyone caught up in it,²² a point made even more explicit through the Little Sisters—girls who were kidnapped and genetically modified to mass-produce ADAM because this was the most efficient method. Henthorn argues that while this dehumanisation process is taken to extremes in Rapture, it reflects the ever-present threat under capitalism that when the restraints are taken away: 'the weakest members of society are objectified and utilized'.²³ While capitalism leaves the Ryans of the world unscarred, it dehumanises society's most vulnerable, for while everyone is treated equally under his law, this wilfully overlooks pre-existing inequalities.²⁴

This utopian ideal of work compared to its dystopic reality can be paralleled to bell hooks' criticism of the tendency of twentieth-century feminists to seek liberation through employment:

Implicit in the assertion that work was the key to women's liberation was a refusal to acknowledge the reality that, for masses of American working class [sic] women, working for pay neither liberated them from sexist oppression nor allowed them to gain any measure of economic independence.²⁵

As a rich white man, Ryan could enjoy Rapture in a way that was unavailable to everyone else, with Atlas commenting, 'These sad saps. They come to Rapture, thinking they're gonna be captains of industry. But they all forget that somebody's gotta scrub the toilets'.²⁶ Randian objectivism only leads to equality if everyone is treated equally in practice, not just on paper.²⁷

While this is not a particularly nuanced take on objectivism, the impressive part of *BioShock* is its procedural rhetoric: the ability of a game to make a persuasive argument through its rules and gameplay, rather than just its narrative or characters.²⁸ Throughout the game, the player must choose whether to save the Little Sisters or harvest them for their ADAM, which, from a gameplay perspective, is a greatly beneficial resource for the player. Because of this, the player, just like Ryan, can profit from their dehumanisation²⁹ and, rather than simply witnessing objectivist self-interest, must interact with it and become potentially complicit in it. This complicity is also developed through the Splicers, as Schmeink emphasises that the dehumanisation of 'the enemy' is essential to FPS games like *BioShock* to legitimise the violence of the player:

¹⁷ Murnane, "Objectivism in BioShock," 150.

¹⁸ Rand, *Atlas Shrugged*, 451.

¹⁹ Ken Levine in Nyman, "Lost and Found," 376.

²⁰ Vital, "'BioShock Infinite' and the Phenomenon," 197.

²¹ Gørgen, "Autonomy, Heteronomy," 294.

²² Švelch, "Always Already Monsters," 266.

²³ Henthorn, "BioShock's Little Sisters," 212.

²⁴ Goodrich, "Theatre of Emblems," 52.

²⁵ hooks, *Ain't I a Woman*, 145.

²⁶ *Irrational Games*, *BioShock*.

²⁷ Gordon, *Fear of a Black Consciousness*, 50.

²⁸ Bogost, *Persuasive Games*, 3.

²⁹ Schmeink, "Dystopia, Alternate History and the Posthuman."

the game's cannon fodder needs to be 'negligible from a moral standpoint,' so that it functions as the faceless enemy mass ... that is, the splicers need to be 'morally quarantined' from any objections that players might have to killing them.³⁰

While the indistinguishable enemy mob is not unique to *BioShock*, at various points the player is made actively aware of this dehumanisation process and their role in it. For instance, in *BioShock 2*, we find audio diaries left by Mark Meltzer, a man whose search for his daughter mirrors the player's own journey. However, the player eventually finds a final audio diary after killing an anonymous Big Daddy that reveals this Big Daddy was once Mark. The abstract 'enemy' becomes a specific human. While the procedural logic of the FPS game presents the killing of the player's enemies as morally right, by rehumanising this enemy, the game makes the player reflect on the logic that led to this choice and questions its moral righteousness.³¹ Such an examination is not limited to this individual incident but questions the fungibility of every enemy non-player character (NPC) that the player killed to get to this point, not just in *BioShock* but in every video game.

This demonstrates the ease with which systemic dehumanisation can occur. While *BioShock* presents the 'Splicer' as the dehumanised fungible token, under racist mindsets, the label of 'black' has been similarly used to deny human beings an inner personality or point of view.³² Obviously, the consequences in the latter instance are far more serious and have historically resulted in mass injustices, including genocide and slavery. However, what is common to both is the ability of a procedure to prevent those following it from seeing the human/character they are acting upon.³³ This dehumanisation has devastating consequences that can be a matter of life and death, exemplified by Manderson's discussion of the 1781 case of the *Zong*, where the jettisoning of 132 enslaved people during a storm only held legal relevance so far as they could be considered a lost 'good' for an insurance claim.³⁴

Rather than reflecting malignant individual beliefs, this dehumanisation has been repeatedly codified in law throughout history: the consistent denial of the right to vote to minority groups denied the relevance of their opinions;³⁵ the exclusion of Aboriginal and Torres Strait Islander people from the Australian census quite literally meant that their lives did not count;³⁶ and, under United States slavery laws, runaway slaves were criminally responsible for their own theft without any corresponding legal protections.³⁷ To cleanly attribute or deny guilt to the individuals that enforced these laws would be an oversimplification. The rules of FPS games have trained players to view death as an obstacle to be overcome, but, when this is denied, the player is forced to acknowledge that a non-procedural understanding of death, as in the loss of a human life, also exists.³⁸ Similarly, unjust procedures were designed to create the perception that they were inevitable and that the injustice they promoted was unavoidable, but that does not change the fact that these procedures were made possible by individual actions.

But just as the game blurs the distinction between the avatar and the player in the objectivist dehumanisation process, so too is the line blurred when it comes to the developers. In *Rapture*, the Little Sisters and Big Daddies are dehumanised for profit, but in our world, their use in the promotion and marketing of *BioShock* as monstrous and appealing elements of a horror game makes their dehumanisation just as effective at generating profit outside of the game as inside.³⁹ When developing *BioShock*, Levine stated that he 'always believed that gamers were underestimated' and that 'the content level of what people think gamers like is actually skewed'.⁴⁰ At face value, this is commendable, but it is not a departure from capitalist values as the intelligent story is only being told because it will sell well. The game raises the faults of the logic behind FPS games, but that does not change the fact that it is itself an FPS game that is profiting from its usage of the same logic.⁴¹ This highlights why AAA discussions of capitalism should be met with scepticism. The nature of these games requires communication through the language of capitalism, the implication of which is summarised by Lorde:

the master's tools will never dismantle the master's house. They may allow us to temporarily beat him at his own game, but they will never enable us to bring about genuine change.⁴²

³⁰ Schmeink, "Individuality, Choice, and Genetic Manipulation," 157.

³¹ Smethurst, "Playing with Trauma," 277.

³² Gordon, *Fear of a Black Consciousness*, 19.

³³ Smethurst, "Playing with Trauma," 276.

³⁴ Manderson, "Bodies in the Water," 281.

³⁵ hooks, *Ain't I a Woman*, 3.

³⁶ Watson, "Aboriginal Recognition," 8.

³⁷ Gordon, *Fear of a Black Consciousness*, 92.

³⁸ Hoffman, "Sideways Into Truth," 115–116.

³⁹ Henthorn, "BioShock's Little Sisters," 219.

⁴⁰ Lizardi, "Complex and Alternate Histories."

⁴¹ Jackson, *BioShock*, 90.

⁴² Lorde, "Master's Tools," 19.

AAA games might tell an anti-capitalist story, but their structure is still based on capitalist tools and a capitalist mindset. This does not challenge capitalism but only reinforces its power for, as Derrida puts it, ‘A king is someone who is able to make you ... learn his language in order to claim your rights, that is, to confirm his’.⁴³ While a given game narrative or individual law may create the appearance of a challenge, these are often practically undermined by the continued reliance on, and therefore further promotion of, a procedural system that entrenches capitalist values.⁴⁴

***BioShock Infinite* and Ethnocentrism**

While *BioShock Infinite* is a sequel to *BioShock*, for most of the game there is no immediate correlation between the two. *BioShock Infinite* opens in 1912 with the player character, Booker De Witt, being taken to a lighthouse in the middle of the ocean, which, paralleling the original game, is actually an elevator leading to the flying city of Columbia, a theocracy ruled over by fanatical Christian fundamentalist Zachary Comstock. It soon becomes apparent that Booker was hired to kidnap Comstock’s daughter, Elizabeth. However, realising that she is being held prisoner there, over the course of the game, Booker instead decides to help Elizabeth escape.

When the player first arrives in Columbia, they are met with an idyllic American paradise. It is a sunny day and birdsong mixes with a barbershop quartet as everyone gathers for the anniversary of Columbia’s succession from the Union. However, it is revealed that the star attraction of the festival is the stoning of an interracial couple, demonstrating the racist injustice behind this seemingly utopian society.⁴⁵ Of course, segregated locations are a common reality throughout the world, many of which also take on this utopian appearance while hiding horrific racism underneath. Take Howard Beach, a predominantly white resort neighbourhood, where, in 1986, three young black men were attacked and one was killed after their car broke down—an event now referred to as the Howard Beach Incident. Crucially, the attack was defended during the trial because Howard Beach was a ‘strictly white community’ and any black people who came there must be ‘up to something’.⁴⁶ However, Ford emphasises that the deeper reason for the attack was that this perceived invasion by the Black Other⁴⁷ threatened the haven, not through the violent potential of these men but rather their potential for peace, which would disprove the white supremacist logic of innate black criminality that maintained the community.⁴⁸

However, prior to the incident, every aspect of this issue was invisible, not only through the tendency of racists to hide their racism⁴⁹ but also, more importantly, the ability for white people to forget that they are white.⁵⁰ It is for this reason that the opening of *BioShock Infinite* deserves attention, not for *what* is revealed but rather *how* the twist works. While the fact that everyone in Columbia is white foreshadows the reveal, Mafe highlights that this hint is lost on most players due to the overwhelming whiteness of FPS games.⁵¹ The twist reveals an individual racist act but also shows how the totality of these instances manifests into what Wall calls an ‘atmosphere of violence’⁵² that systemically excludes black people through white normalisation.

For a real-world example, Haney-López discusses a legal feminist conference where every participant was asked to pick three words to describe themselves. While every person of colour used at least one racial term, not one white person referred to their race.⁵³ Rather than a triviality, this reflects the attitude that whiteness is ‘normal’ and that everything else is ‘deviant’.⁵⁴ While ‘I don’t see race’ is often taken as synonymous with ‘I’m not racist’,⁵⁵ Gordon argues that this attitude only alleviates individual guilt for living in and supporting a systemically racist society.⁵⁶ By including a clear instance of racial violence with the knowledge that it would be overlooked, *BioShock Infinite* demonstrates that racial violence does not need to be seen to be there.

⁴³ Derrida, “If There Is Cause,” 12.

⁴⁴ Bogost, *Persuasive Games*, 45.

⁴⁵ Schubert, “Dystopia in the Skies,” 7.

⁴⁶ Ford, “Urban Space,” 137–138.

⁴⁷ Ford, 138.

⁴⁸ Ford, 138.

⁴⁹ Delgado, “Images of the Outsider,” 1282.

⁵⁰ Gordon, *Fear of a Black Consciousness*, 22.

⁵¹ Mafe, “Race and the First-Person Shooter,” 97.

⁵² Wall, “‘No Justice, No Peace,’” 4.

⁵³ Haney-López, *White by Law*, 78.

⁵⁴ Benjamin, *Race after Technology*, 2.

⁵⁵ Gordon, *Fear of a Black Consciousness*, 28.

⁵⁶ Gordon, *Fear of a Black Consciousness*, 33.

Despite popular understandings, race is not naturally real but rather is socially made real by institutions, most notably Western legal systems.⁵⁷ Rather than racist beliefs, Benjamin argues that this systemic racism requires a focus on racist outcomes, which critically do not require racist intent.⁵⁸ For instance, a recent audit of the California gang database found profiles for several black and Latinx children under the age of one, many of whom were tagged as ‘self-described gang members’.⁵⁹ Crucially though, nobody, including those who ran the database, could concretely explain how this happened.⁶⁰ When racism is coded into legal systems, it is not reliant on being visible in individual cases.⁶¹ As such, the colour-blind approach to race only prevents the discussion necessary to deal with these issues while racism invisibly continues.⁶² Arguably, the greatest strength of *BioShock Infinite*’s discussion of ethnocentrism is that it forces players to see race in order to navigate the game.

However, many had issues with *BioShock Infinite*’s argument, most notably regarding the anti-racist Vox Populi revolutionaries, led by Daisy Fitzroy.⁶³ While the Vox start off as a righteous ally, as their revolution turns violent they become secondary antagonists of the game, with Booker commenting that ‘When it comes down to it, the only difference between Comstock and Fitzroy is how you spell the name’.⁶⁴ The obvious problem is that this equates anti-racist revolutionaries to the racists that they are opposing.⁶⁵ However, it is easy to oversimplify this issue. Mafe highlights that while there are problems with this villainisation, making Fitzroy uncontroversially good would reduce her to a one-dimensional stock character,⁶⁶ which Levine argues he was trying to avoid:

If you think about it, Andrew Ryan, Sander Cohen, Tenenbaum, they’re all Jews ... They’re all survivors of oppression. And they don’t come out of it heroes. Oppression turns them into oppressors. And that’s the cruelest [sic] aspect of oppression.⁶⁷

Refusing to acknowledge the potential of the oppressed to, in turn, oppress overlooks critical parts of reality. For instance, hooks emphasises that while white men are the primary source of societal prejudice, overlooking both the patriarchal values of black men and the racist attitudes of white women has historically amplified the oppression of black women.⁶⁸

Additionally, while Ryan’s right-wing capitalism in *BioShock* opposes Lamb’s left-wing socialism in *BioShock 2*, by maintaining the same gameplay formula and enemies, these ideologies produce identical results.⁶⁹ While the veneer of these systems differed, both employed the same procedural rhetoric that prioritised oversimplified good–evil binaries and legitimised any violence that protected this ‘good’.⁷⁰ The Vox continue Levine’s post-ideological stance of scepticism towards fanaticism over any particular ideology.⁷¹ The only difference between Ryan and Fitzroy is that Ryan is a white man and Fitzroy is a black woman.

However, this difference is only irrelevant if one ‘doesn’t see race’. Equating violence committed by a rich white man and a poor black woman only works if they receive the same treatment. Of course, this does not reflect reality. For example, while Senator Zellnor Myrie and Assemblywoman Diana Richardson were assaulted by the New York Police Department for their part in the Black Lives Matter peaceful protests,⁷² Donald Trump has still faced no criminal convictions for inciting a violent attack on the United States Capitol, a disparity that prompted Gordon to comment that:

The message of this blight on justice is clear. The United States is not a country dedicated to justice except against those who are disadvantaged ... The message of white license in this case is loud and, proverbially, clear.⁷³

⁵⁷ Haney-López, *White by Law*, 71–72.

⁵⁸ Benjamin, *Race after Technology*, 12.

⁵⁹ Benjamin, *Race after Technology*, 3.

⁶⁰ Benjamin, *Race after Technology*, 3.

⁶¹ Haney-López, *White by Law*, 104.

⁶² Mafe, “Race and the First-Person Shooter,” 103.

⁶³ Tamburro, “Ken Levine Defends.”

⁶⁴ Irrational Games, *BioShock Infinite*.

⁶⁵ Wysocki, “Critique with Limits,” 2.

⁶⁶ Mafe, “Race and the First-Person Shooter,” 116.

⁶⁷ Ken Levine in Tamburro, “Ken Levine Defends.”

⁶⁸ hooks, *Ain’t I a Woman*, 6.

⁶⁹ Shaw, “Ideology in Bioshock,” 91.

⁷⁰ Fuchs, “Bioshock Infinite and Against the Day,” 304.

⁷¹ Packer, “Battle for Galt’s Gulch,” 210.

⁷² Newman, “Lawmakers Sue N.Y.P.D.”

⁷³ Gordon, *Fear of a Black Consciousness*, 49.

While *BioShock* criticises right-wing attitudes, it actually reinforces them overall by villainising the movements that challenge them.⁷⁴ Blanketly condemning ideology does not challenge the status quo as it inherently maintains itself. Acts that maintain ‘the peace’ almost exclusively prevent change and preserve institutions,⁷⁵ which in colonial contexts has historically prioritised settler claims to the detriment of indigenous peoples.⁷⁶ Levine’s post-ideological approach stunts institutional criticism in the guise of a moderate and therefore ‘reasonable’ choice, as criticised by Rubin:

In political life, it is all too easy to marginalize radicals and to attempt to buy acceptance for a moderate position by portraying others as extremists. Liberals have done this for years to communists ... It is shameful to deny their contribution, misrepresent their positions, and further their stigmatization.⁷⁷

To treat both the Founders’ argument of white supremacy and the Vox’s argument challenging racism as equally immoral is a gross oversimplification. Resisting fanaticism should not prevent value judgements on different social structures;⁷⁸ while ideologies are created, they are not created equal.

Levine is not only blind to social reality but also to the context of games. While the ‘GamerGate’ campaign emerged after the release of *BioShock Infinite*, it demonstrated deep-seated cultural prejudices predating the game’s development.⁷⁹ While arguably originating as a campaign for greater transparency in games journalism, GamerGate was almost instantaneously overshadowed by targeted hate propagated through Twitter, predominantly towards women.⁸⁰ Under this attitude, women should only ever be sex objects or invisible, and any call to address limited representation in video games should be met with immediate backlash,⁸¹ which Gray, Buyukozturk and Hill trace back to:

the response of the default gamer being forced to accept the inclusion of women and increased diversity in game narratives ... it is a movement that focuses on men’s anxieties over losing ground in a once homogenous universe.⁸²

This hostility towards inclusion is the same mindset behind the Howard Beach Incident, an attitude that killed a man. The gaming community had become an online cultural white male haven, now facing its own perceived attack by the presence of the Other.⁸³

This is where *BioShock Infinite*’s take on race matters because it tells its story from the position of the heroic white man.⁸⁴ This goes beyond playing as the white male avatar of Booker and raises Pearson’s argument that many games designed for the ‘hardcore’ gaming market rely on patriarchal standards of success.⁸⁵ While the narrative of the game tries to argue against ethnocentrism, by relying on the FPS system to convey this message, a procedural rhetoric emerges with its own contradictory argument.⁸⁶ *BioShock* structurally prioritises the ability to use violent force against one’s enemies and, by having these enemies drop resources upon death, links this violence with economic growth.⁸⁷ Procedurally, *BioShock Infinite* celebrates patriarchal power under neoliberal capitalism.

While Fitzroy is not an oversimplified paragon, her antagonism still creates an outcome where the anti-racist movement is presented as a dangerous force. But this reflects systemic prejudice in light of, not despite, recognition under cases such as *Mabo*,⁸⁸ which, rather than accepting alternative legal systems, forces them to adopt the dominant power’s standards⁸⁹ and, in doing so, legitimise them.⁹⁰ If Fitzroy is not helping Booker tell his story, then *she* is illegitimate. This reflects the key issue

⁷⁴ Ante-Contreras, “Bioshock’s Paranoid States,” 192.

⁷⁵ Wall, “‘No Justice, No Peace,’” 2.

⁷⁶ Gordon, What Fanon Said, 117–118.

⁷⁷ Rubin, “Thinking Sex,” 174.

⁷⁸ Nehamas, Nietzsche, Life as Literature, 39.

⁷⁹ Parker, “There’s Always an Introduction,” 15.

⁸⁰ Braithwaite, “It’s About Ethics,” 4.

⁸¹ Braithwaite, “It’s About Ethics,” 2–6.

⁸² Gray, “Blurring the Boundaries,” 2.

⁸³ Braithwaite, “It’s About Ethics,” 5.

⁸⁴ Mafe, “Race and the First-Person Shooter,” 90.

⁸⁵ Pearson, “Legal Personhood in Video Games,” 87.

⁸⁶ Bogost, Persuasive Games, 47.

⁸⁷ Ante-Contreras, “Bioshock’s Paranoid States,” 184.

⁸⁸ *Mabo v Queensland (No 2)* (1992) 175 CLR 1.

⁸⁹ Watson, “Aboriginal Laws,” 472.

⁹⁰ Watson, “Aboriginal Laws,” 478.

with *BioShock Infinite*'s argument at the surface level; not only does it equate the anti-racist movement to the racism it fights against, but it also does so from a position of white masculinity.

An unsurprising consequence of this is that the game, at several points, fails to actually condemn racism to the extent of the anti-racist movement. By paralleling the United States, Columbia is simultaneously separated from the United States, amplified in the game by Comstock's contemptuous descriptions of mainland America as the 'Sodom Below'. Quite literally, the condemnation floats above the United States as the Founders provide a different racist society to passively condemn without engendering player responsibility for their own racist society.⁹¹ The game can easily be read not as a critique of Christian and American values but rather their exploitation⁹²—maintaining that these strong values are still good if used correctly. This separation could be justified by Levine's consideration of the religious views of his development team,⁹³ but while he excluded symbols such as the Bible and the cross out of respect,⁹⁴ the black skin of the Vox Populi does not receive the same charitable treatment.

This is not an issue exclusive to *BioShock Infinite* but reflects a consistent Western trend to present racism as 'elsewhere', while the racism here is made invisible, a technique most prevalently used in relation to Nazi Germany. While feeling horrified by the Nazis is appropriate, the narrative that they were distinct from other Western powers is questionable. Hitler's limitation of citizenship to the 'Aryan race' made Germany the *second* country in the world to base citizenship on race, after the United States.⁹⁵ The eugenics movement that led to the 'final solution' originated in Ivy League Schools, while Auschwitz's 'Angel of Death', Josef Mengele received scientific funding from the Rockefeller Foundation.⁹⁶ The first concentration camps of the twentieth century were constructed by the British during the Boer War and killed over 30,000 civilians.⁹⁷

To downplay these examples as 'the past' is not only a temporal example of the exact same thing but also overlooks the critical point that this all happened under legal systems that do not just still exist but are still celebrated.⁹⁸ Fitzpatrick argues that racism is so embedded into the foundations of law that the notion of the sovereign subject cannot be properly understood outside of its roots in prejudice.⁹⁹ While it is impossible for any law produced within such a system to be completely uninfluenced by this history, this influence is turned into a requirement as the legal system, through precedent, demands that all decisions must be based on pre-existing law, dooming it to repeat its mistakes.¹⁰⁰ Perhaps this explains why Australia's razor wire-lined detention facilities for asylum seekers must be kept offshore, for such horror must exist 'elsewhere'.¹⁰¹

This is the same denial of responsibility that can be seen in *BioShock Infinite*. Fitzroy's villainy does not take place in a medium where minorities are excessively valorised but in a context of mass under-representation. Villainising *a* developed black female character in gaming has very different implications than villainising *one of the only* developed black female characters in gaming. While *BioShock Infinite* discusses systemic racism, it misunderstands the true extent of the problem and its own complicity.

The Sea of Doors and Queering Critical Potential

While this article has discussed the hypocrisy of the *BioShock* games, there is room to propose an alternative critical reading that emphasises the hypocrisy as an aspect of the franchise.¹⁰² The first step towards finding this alternative reading is to closely examine the ending of *BioShock Infinite*.

Throughout *BioShock Infinite*, Elizabeth opens 'tears' to parallel universes. While Booker kills Comstock in one reality, Elizabeth emphasises that there are still an infinite number of Comstocks left alive. As such, they agree to use the time-travelling capabilities of the tears to kill Comstock at the moment of his birth, so that he never existed. However, when they arrive at this moment, they instead find themselves at Booker's baptism, revealing that Comstock is Booker from a parallel universe. In one

⁹¹ Manderson, "Bodies in the Water," 288–289.

⁹² Wysocki, "Critique with Limits," 11.

⁹³ Bosman, "Accept Your Baptism," 102.

⁹⁴ Wysocki, "Critique with Limits," 10.

⁹⁵ Haney-López, *White by Law*, 34.

⁹⁶ Benjamin, *Viral Justice*, 109.

⁹⁷ Manderson, *Danse Macabre*, 140.

⁹⁸ Haney-López, *White by Law*, 39.

⁹⁹ Fitzpatrick, *Mythology of Modern Law*, 65.

¹⁰⁰ Vismann, "Cultural Techniques and Sovereignty," 84–85.

¹⁰¹ Manderson, "Bodies in the Water," 287.

¹⁰² Wall, "Ordinary Affects of Law," 2.

reality, Booker rejects the baptism, but in another, he accepts it and adopts the born-again persona of ‘Comstock’. To prevent the events of the game from ever happening, Booker lets Elizabeth drown him in the baptismal waters.

Rather than taking this ending literally, it is better understood thematically, particularly considering the precedent of the previous games. A key moment of the original *BioShock* was the ‘would you kindly’ twist, revealing that Jack was mind-controlled for the entire game to follow any instruction preceded by the phrase ‘would you kindly’. Ryan demonstrates this by forcing Jack kill to him, and throughout this sequence, the player is unable to control Jack as he beats Ryan to death. However, it is less important that Jack has been manipulated than the player himself has. As Youngblood emphasises, the player is forced to realise that they have killed a colossal number of people purely because Atlas, a stranger on a radio, told them to do so.¹⁰³

Bruner theorises that stories ask the audience to take for granted the ordinariness of the original situation in order for it to be upset.¹⁰⁴ In *Little Red Riding Hood*, ‘the ordinary’ is upset by the wolf pretending to be a grandmother, but the starting point of a girl visiting her grandmother goes unquestioned.¹⁰⁵ Similarly, in *BioShock*, the various dangers throughout Rapture are an ‘upset’, but Jack being an ‘ordinary guy’ goes unquestioned. Almost paradoxically, even the ‘upset’ is expected, for violence is normal in video games but, as Hoffman highlights, only in the anticipated way as a marker for success rather than *real* violence.¹⁰⁶

In contrast, the ‘would you kindly’ twist disrupts these formulae and questions not only the player’s morality as a murderer but also their agency to be anything else.¹⁰⁷ While the video game appears to provide greater audience agency through interactivity, Murnane highlights that its procedural nature controls player actions: ‘in theory the outcome of the game is controlled by the user; but of course, all possible outcomes are programmed in advance by the software’.¹⁰⁸ This is best thought of as a mistaken understanding of technology, which (by covering all artificial tools used to fulfil an intended purpose) includes law.¹⁰⁹ While software clearly prescribes its usage, Tranter emphasises that the medium has always dictated the way that law is practised, from the Roman codex facilitating Justinian’s codification to the twentieth-century file allowing for the organisation essential to Foucauldian governmentality.¹¹⁰

Crucially, this also has moral consequences. While popular understanding holds that a computer cannot be evil since it is incapable of immoral belief, it is also incapable of the moral judgement necessary to avoid an immoral outcome.¹¹¹ The decision of an amorally logical device might seem inevitable, but this overlooks that all technology is designed to meet a human desire,¹¹² leaving room for not only imagination in technological design¹¹³ but also human fallibility¹¹⁴ and prejudice.¹¹⁵

While it might be desirable to think that a liberal legal subject could overcome this, the structure holds more power than the individuals within it. Just as a computer is incapable of making a moral judgement, Crofts and van Rijswijk argue that this could be extended to the corporate structure; by requiring companies to maximise profits for shareholders, those who work in the company are also legally required to prioritise numbers to the exclusion of morality.¹¹⁶ No system treated as a machine, be it computer, company or even the law, will perceive the world outside its own procedural standards.¹¹⁷

While many criticise *BioShock* for maintaining the same procedural formula following the twist,¹¹⁸ this actually demonstrates the player’s role in their own subjection. Even though the player’s choices are meaningless, as within the system there is only one option, the player must still choose to continue.¹¹⁹ To return to the previous example, while an individual within the corporate structure has limited agency, attributing all faults to the corporation as a ‘person’ masks that these individuals are

¹⁰³ Youngblood, “‘Your Life? Your Family?’” 154.

¹⁰⁴ Bruner, *Making Stories*, 6.

¹⁰⁵ Bruner, *Making Stories*, 6.

¹⁰⁶ Hoffman, “Sideways into Truth,” 115.

¹⁰⁷ Reblin-Renshaw, *Ludonarrative Synchronicity*, 33.

¹⁰⁸ Murnane, “Objectivism in *BioShock*,” 151.

¹⁰⁹ Tranter, *Living in Technical Legality*, 1–2.

¹¹⁰ Tranter, “‘Come a Day,’” 291.

¹¹¹ Crofts, “Negotiating ‘Evil,’” 86.

¹¹² Vismann, “Cultural Techniques and Sovereignty,” 83–84.

¹¹³ White, “Imagining the Law,” 30.

¹¹⁴ Manderson, *Songs Without Music*, 114.

¹¹⁵ Duncanson, “Bodies, Cinema, Sovereignty,” 209.

¹¹⁶ Crofts, “Negotiating ‘Evil,’” 85–87.

¹¹⁷ White, “Law as Rhetoric,” 686.

¹¹⁸ Reblin-Renshaw, *Ludonarrative Synchronicity*, 34.

¹¹⁹ Travis, “*BioShock* as Plato’s Cave,” 69.

still determining the acts of the company.¹²⁰ Similarly, while a judge may be able to argue that their decision is only the continuation of a historically objective system, this reflects a blindness to the fact that they are equally an aspect of that system and that their decisions will result in violent action carried out on their authority.¹²¹ The treatment of law as mechanically objective does not abandon political decisions but rather the awareness that compliance is also a political decision.¹²² It is not just that law ‘doesn’t see race’, it is that law ‘doesn’t see politics’ of any kind.

Applying this thematic reading to *BioShock Infinite*, the fact that Booker is Comstock could mean that *the player* is also Comstock, reframing the aforementioned faults with the game as potential foreshadowing for this critical point.¹²³ This undermines not only the binary distinction of the hero fighting the racist tyrant¹²⁴ but also the distinction between the liberalism and totalitarianism they represent. While totalitarianism is undeniably worse, this has been taken to mean that liberalism can do no wrong¹²⁵ and that any systemic undesirable outcome is actually an individual failure that justifies the extension of liberal legality to prevent future ‘aberrations’.¹²⁶ However, Manderson emphasises that the devastation of totalitarianism does not come from chaos but rather absolute order.¹²⁷ The liberal answer of finding morality in compliance with stable formulae also demonstrates a deep conservatism.¹²⁸

But if Booker is acknowledged as a gendered and racialised avatar, then it becomes clear that the game’s structure was not inevitable but chosen to reflect white patriarchal values.¹²⁹ While protagonists such as Jack and Booker can be said to carry out ‘legitimate violence’, Schillings emphasises that not only has the law on legitimate violence been incredibly gendered¹³⁰ and racialised¹³¹ over time but also never truly consistent and ultimately arbitrary.¹³² By revealing that Jack was a slave and Booker was the villain the entire time, the games can be seen to demonstrate how easy it is to assume that the side that we are aligned with must be legitimate. The reason for this is that the protagonist is the ‘majority figure’ within the game, not because they reflect a high numerical value—otherwise mosquitoes would be the ruling class of the world—but rather because they act as a normalised reference point from which everything else deviates.¹³³

The experience of the majority goes uninterrupted as procedures and order itself are designed to support them.¹³⁴ However, Curtis emphasises that, rather than this being the grounds that make violence legitimate, this is a violence that declares its own legitimacy.¹³⁵ Neither Jack nor Booker are protagonists because they deserve it but because the system artificially places them in that role. This is amplified by the fact that *we* are also the protagonist and to accept this illegitimacy is to accept our own.¹³⁶ The majority power does not need to actually have valid authority; rather, enough people need to *act like* it has valid authority.¹³⁷ Law must constantly be presented as having authority because, lacking a natural reference point, authority only exists in its presentation.¹³⁸ While the power of legal administration exclusively relies on belief, the entire system is designed to engender this belief.¹³⁹ There is no evidence that Jack and Booker are heroes, but it is implied so heavily that the twist still works.

However, this also relies on other games. The story of a hero in a fantastical location defeating the evil villain also describes the setup for countless video games,¹⁴⁰ from fantasy epics such as *The Witcher* to family favourites such as *Super Mario Bros*. As such, the player has been trained to see their avatar as an uncontroversial hero. At a mechanical level, both *BioShock* and

¹²⁰ Crofts, “Negotiating ‘Evil,’” 86.

¹²¹ Cover, “Violence and the Word,” 1629.

¹²² Tranter, *Living in Technical Legality*, 35–38.

¹²³ Manderson, “Bodies in the Water,” 288.

¹²⁴ Curtis, “Superheroes and the Contradiction of Sovereignty,” 210.

¹²⁵ Crawley, “Reproducing Whiteness,” 347.

¹²⁶ Fitzpatrick, “Racism and the Innocence of Law,” 121–122.

¹²⁷ Manderson, *Songs Without Music*, 158.

¹²⁸ Romero, “Republicanism Meets (Dystopian) Faërie,” 279.

¹²⁹ Sharma, “What If Feminist Judgments,” 87.

¹³⁰ Schillings, *Enemies of All Humankind*, 22.

¹³¹ Schillings, *Enemies of All Humankind*, 124.

¹³² Schillings, *Enemies of All Humankind*, 3.

¹³³ Deleuze, *A Thousand Plateaus*, 122.

¹³⁴ Wall, “‘No Justice, No Peace,’” 2.

¹³⁵ Curtis, “Superheroes and the Contradiction of Sovereignty,” 214.

¹³⁶ Manderson, “Bodies in the Water,” 289.

¹³⁷ Fisher, “Pirates, Giants and the State,” 36.

¹³⁸ Legendre, *God in the Mirror*, 42.

¹³⁹ Vismann, *Files*, 57.

¹⁴⁰ Youngblood, “‘Your Life? Your Family?’” 154.

BioShock Infinite utilise,¹⁴¹ but also perpetuate,¹⁴² normalised patterns in video games, which, by definition, must be normal to other video games. For instance, Mantello highlights that the *Call of Duty* series, which uses similar FPS mechanics to *BioShock*, through its arguably propagandist valorisation of the US military and in-game cash rewards for kills, equally promotes ethnocentrism¹⁴³ and capitalist logic.¹⁴⁴

While *BioShock* and *BioShock Infinite* use traditionally problematic procedures, when considered alongside their narratives, this instead creates a rhetoric that emphasises the problems with these formulae.¹⁴⁵ By following the traditional FPS structure only to be forced outside of it, players are better able to detect it,¹⁴⁶ not only changing the player's interaction with *BioShock* but also, as Bogost argues, exposing a chosen and normalised logic that can no longer be unseen:

Once a procedural rhetoric advances a new logic that a subject interrogates, it no longer remains possible to feign ignorance about that logic. Like love and revolution, procedural rhetorics persuade through intervention, by setting the stage for a new understanding unthinkable in the present.¹⁴⁷

There is no inevitable design, for games or for law, with Western law's 'inevitability' instead reflecting a concentrated effort to destroy any possible alternatives.¹⁴⁸ Benjamin argues that the greatest challenge that the Black Panther Party posed to the United States Government came from their community support work, such as establishing medical clinics, because such aid demonstrated the extent to which the state was failing its most vulnerable.¹⁴⁹ By demonstrating an alternative society, the Panthers were able to cause what Wall describes as 'micro-revolutionary' moments where the atmosphere of the public sphere radically changed and disproved the narrative that normalised state practice was unavoidable.¹⁵⁰ This is not inherently destructive of law; rather, this somewhat Brechtian approach to revelation will only ever pose a threat to legal systems without something worthwhile to reveal¹⁵¹—and considering that the alternative is a law that positions itself above criticism, the value of such a move appears clear.¹⁵²

Conclusion

While *BioShock* deals with its themes in a clever way, there are numerous faults with its narrative and development. However, the critical value of science fiction is not just proposing alternative worlds but unsettling our relationship with our own,¹⁵³ and the current Western legal system needs unsettling. Rather than focusing on specific laws, Goodrich highlights that the legal system needs to recognise that its current understanding of apolitical mediums is not only historically questionable but defunct in an increasingly digital culture.¹⁵⁴ *BioShock* is a prime candidate for *this* discussion because of its focus on the medium of games over their contents, for as McLuhan argues regarding literature:

the 'content' of a medium is like the juicy piece of meat carried by the burglar to distract the watchdog of the mind ... The 'content' of writing or print is speech, but the reader is almost entirely unaware either of print or of speech.¹⁵⁵

This critical potential focuses less on foreground issues and instead on the issues that have been relegated to the background, the visible parts of the scene designed to avoid attention.¹⁵⁶ Just as one cannot venture through Rapture and Columbia without being in *BioShock*, Philippopoulos-Mihalopoulos emphasises that one cannot exist in the world without being in the lawscape. While some areas might feel more legal than others, this is not because there is more law there, but rather that the law has been rendered in/visible to varying extents.¹⁵⁷

¹⁴¹ Pointon, "BioShock's Meta-Narrative," 11.

¹⁴² Mafe, "Race and the First-Person Shooter," 95.

¹⁴³ Mantello, "Legitimacy and the Virtual Battlefield," 639.

¹⁴⁴ Mantello, "Legitimacy and the Virtual Battlefield," 643.

¹⁴⁵ Bogost, *Persuasive Games*, 112.

¹⁴⁶ Wall, "'No Justice, No Peace,'" 8–9.

¹⁴⁷ Bogost, *Persuasive Games*, 339.

¹⁴⁸ Keenan, "Subversive Property," 424.

¹⁴⁹ Benjamin, *Viral Justice*, 210.

¹⁵⁰ Wall, "'No Justice, No Peace,'" 9.

¹⁵¹ Ngai, "Theory of the Gimmick," 482.

¹⁵² Johns, "Disciplinary Privilege," 189.

¹⁵³ Adebisi, "Black/African Science Fiction," 24.

¹⁵⁴ Goodrich, "Europe in America," 2033.

¹⁵⁵ McLuhan, *Understanding Media*, 18.

¹⁵⁶ Wall, "Ordinary Affects of Law," 2.

¹⁵⁷ Philippopoulos-Mihalopoulos, *Spatial Justice*, 39.

However, as the *BioShock* games have demonstrated, the background often hides the true extent of the violence of systems, be they code or law. This is the violence to absolutely govern behaviour, requiring the law to be as unobtrusive as possible to hide this influence.¹⁵⁸ The other side of this, however, is that the system must exert itself in this way because there are alternative forms of understanding. The queering power of a counterfactual like *BioShock* is not just demonstrating an alternative political ideology but demonstrating the political ideology behind the truly normalised.¹⁵⁹

A binary judgement on these games would be oversimplistic. Are they Booker, the heroic threat to the status quo? Are they Comstock, the ignorant false prophet preaching a problematic ideology? No, they are both. The arguments of the games are problematic and ethnocentric; however, by emphasising these as visible parts of the game, a challenge to the wider medium and systemic violence becomes visible. *BioShock*'s potential does not come from its individualistic heroism but from its drowning in the baptismal waters by highlighting its complicity in systemic problems.

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¹⁵⁸ Wall, "Ordinary Affects of Law," 5.

¹⁵⁹ Sharma, "What If Feminist Judgments," 87.

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