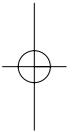
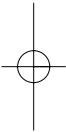


5:00 AM-9:00 AM  
SPECIAL AGENT  
JACK BAUER



5:00 AM–6:00 AM

WHAT WOULD JACK  
BAUER DO? MORAL  
DILEMMAS AND MORAL  
THEORY IN 24

*Randall M. Jensen*

The later episodes of 24's first season open with Kiefer Sutherland's weary and heartfelt voiceover introduction: "I'm federal agent Jack Bauer. And this is the longest day of my life." In fact, every one of 24's day-long seasons competes for the title of the longest day in Jack's life. Bauer's days are long for a perfectly obvious reason: they're jam-packed full of surveillance, investigation, pursuit, political wrangling, interrogation, and combat. By the end of each season we feel we must have lived through more than just one day with Jack. But his days are long for another reason as well: Jack is constantly forced to make agonizing and gut-wrenching decisions. Time after time he has to decide who lives and who dies, often at his own hand and all too often with the life of someone he cares about hanging in the balance. Such moral dilemmas are one of the true hallmarks of 24. Not only do they help keep us glued to the screen, they show us what Jack and the rest of the characters on 24 are really made of. Sometimes we see something to admire and emulate; other times we react with pity or disgust.

Fortunately, we don't often find ourselves in situations where the stakes are so high and the options so frightening. At times, however, most of us face moral dilemmas that have the same *structure* as the ones Jack confronts, but on a much smaller scale, of course. And if we spend some time thinking about some of 24's many moral dilemmas, we'll have the chance to explore some really interesting territory in *ethics*, the area of philosophy that has to do with what's right and wrong and

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what's good and bad in human affairs. In particular, we'll be able to think about the idea of a *moral theory*, which is a general and systematic account of how all of us, including Jack Bauer, ought to live our lives. A moral theory potentially offers us a way to navigate through difficult moral terrain. But a moral dilemma may test our limits—and the limits of moral theory as well. Sometimes, like Jack Bauer, we may find ourselves in a kind of “moral hell” with no clear way of escape.

### Jack's Dilemmas

Not every difficult decision is a moral dilemma. Many decisions are daunting for reasons that have little or nothing to do with morality. For example, some of Jack's decisions are tough calls because it isn't obvious what the outcomes of his various options are going to be, and so it's unclear which course of action is tactically preferable. Here the problem isn't really a *moral* one; instead, it's *epistemic*, which means that it concerns what we do and don't *know*. If an enemy agent—Nina Myers, for example—has some valuable intel, then Jack will be forced to comply with her demands, perhaps even to the point of letting her try to kill him. But if she doesn't actually have any important information, he might do something quite different, like put three rounds into her to make sure she's good and dead. Jack's strategy in dealing with Nina thus depends crucially on his figuring out what she does and doesn't know, and that's no small task. Although Jack's training, experience, and well-honed intuition equip him to handle such disturbing uncertainty, we ordinary folks are often paralyzed by our lack of knowledge even in less dire circumstances. But while our ignorance is a real problem for us, and while the resultant paralysis may render us incapable of making a decision, we're not yet in the grip of a moral dilemma. You see, if the problem is our ignorance of certain facts, the solution is obvious: more information. A true moral dilemma, however, is not resolved simply by more data-mining.

We have a genuine moral dilemma when there is a compelling moral reason to perform action A as well as a compelling moral reason to perform action B—and here's the kicker: we cannot do both A and B. So, a moral dilemma is the result of a conflict between competing

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moral reasons. What's a *moral reason*? Well, to begin with, it's a *practical* reason, which means it's a reason to *do* something (or not to do something) rather than a reason to *believe* something. And a moral reason is a reason to do something *because it's the right thing to do* and not for some other reason, such as *because it will impress someone* or *because it will please me* or whatever else. While moral philosophers argue about *exactly* what counts as a legitimate moral reason, it's pretty safe to say that moral reasons usually concern how we treat other people. Let's have a look at how competing moral reasons create a moral dilemma.

When Jack is on a mission, he often has some really important *end* in view: he's trying to stop an assassination or to prevent someone from deploying a nuclear, chemical, or biological weapon. This end supplies Jack with an overarching moral reason—*because it will save people from a threat*—that explains why he's doing many of the things he does. However, as we know, sometimes Jack's only *means* of pursuing this end involves doing something that strikes us as morally questionable, or sometimes even morally horrific. And don't we usually think we have moral reasons not to do things like that? Let's call this a *means-end* moral dilemma, since the conflict arises because we approve of Jack's end but disapprove of his means.

In Season Five, for example, Jack is tracking down a large supply of nerve gas that terrorists are planning to use on American soil. Thousands and thousands of lives are at stake. He's just captured Christopher Henderson, his former CTU mentor who is somehow involved in all this. Henderson won't talk, and Jack knows that standard interrogation techniques won't work on him because of his training. Thus, in desperation, Jack shoots Henderson's wife in the leg to try to force him to reveal the location of the nerve gas canisters. Clearly, we endorse Jack's end, which is to stop the release of the nerve gas and save numerous lives. But we also strongly disapprove of his means of achieving it: shooting someone who is an innocent bystander in all this. Doesn't morality tell us not to threaten or attack innocent people? Jack seems to have a moral reason to shoot Henderson's wife (*because it will save thousands of lives*) and a moral reason not to shoot her (*because it would harm an innocent bystander*).

So how should we evaluate what Jack has done? The answer is not obvious to everyone, which is why this strikes us as a dilemma.

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24 supplies us with any number of additional means-end dilemmas. In his efforts to stop terrorists and save lives, is there anything Jack Bauer won't—or shouldn't—do? We've seen him shoot and kill an unarmed man (who is admittedly not a nice guy, but he's in custody and is no threat to anyone) and then cut off his head! We've seen him interrogate people in many cruel and unusual ways. In Season Three we even watched him execute Ryan Chappelle, a loyal and blameless Division operative, because a terrorist demanded it. And Jack doesn't just do such things to other people. We saw Jack get himself hooked on heroin to keep his cover, and it goes without saying that he's willing to sacrifice his own life in pursuit of a good end. Now all of these things are done for a good cause. But aren't there moral limits to what can be done even for a good cause?

The second kind of dilemma we often see on 24 is a *personal* moral dilemma. Here the conflict is between what strikes us as the morally right thing to do and what we feel compelled to do for personal reasons. By a personal reason we mean a reason that's based on our particular projects, commitments, and relationships; the reasons of love, family, and friendship are at the center of the realm of personal reasons. Notice that these personal reasons needn't be *selfish* ones, for many of them arise from our relationships with others. 24 began with an ongoing personal dilemma way back in Season One when Jack's family was held by terrorists who were forcing him to do whatever they wanted. Recall, for example, that Jack was forced to smuggle a weapon into a secure location and give it to a man who would assassinate Senator David Palmer. Surely Jack had some kind of moral reason not to cooperate with these nasty characters and not to endanger the life of a presidential candidate. But he also had very strong personal reasons to do whatever it took to save his wife and daughter! And it isn't just Jack who is caught in such a predicament, either. In Season Three, Tony Almeida must decide what to do when Stephen Saunders is holding Michelle Dessler and asks for his help in escaping, and then later in Season Four, Michelle faces the same awful choice when it's Tony who has been captured. In the end, Tony caves to the terrorist's demands to save Michelle, saying along the way, "I don't have a choice. I wish I did, but I don't." But Michelle refuses to go along with Tony's captors when his life is on the line, because, as Bill Buchanan puts it, "You can't put Tony's life ahead of the lives of millions." Who's right here? What should any of us

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do when forced to choose between love and morality's rules or the greater good?

Whatever the exact nature of the dilemma, Jack and his friends (and even his enemies) are all too often caught between a rock and a hard place. How do they deal with it? Can we learn anything from them? Or can we instead offer them some helpful moral advice, perhaps by way of a moral theory that will help them and us know how to handle a moral dilemma? After all, we face means-end and personal moral dilemmas too. We find ourselves trying to decide whether to tell a lie if it will prevent someone we know from suffering, for example, or whether to help a friend if it involves doing something morally dubious.

### The Utilitarian Solution: Don't Be Squeamish!

Our first reaction to a moral dilemma is probably to find a way out of it. Sometimes we're lucky enough to think of a creative exit strategy that helps us to avoid making a seemingly impossible moral decision. Other times no such strategy is available and we're forced to choose between what look like two evils. But we want desperately to make the right choice! Perhaps a good moral theory will equip us to do just this. In fact, a moral theory may even *eliminate* many of our moral dilemmas by showing us that there's a morally correct choice after all—even if it's a hard choice to make.

The moral theory known as *utilitarianism* maintains that morality can be summed up by a single principle: you should always do what maximizes utility, where utility is to be understood as happiness or well being. Morally speaking, then, what really matters for the utilitarian is *the greatest happiness of the greatest number of people*. And given that its ultimate concern is to maximize happiness (and to minimize unhappiness), there is only one very general utilitarian moral reason for doing anything whatsoever: *that this action will produce the greatest balance of happiness over unhappiness*.<sup>1</sup> As a result, if the

<sup>1</sup> The founding fathers of utilitarianism (consequentialism) are British philosophers Jeremy Bentham (1748–1832) and John Stuart Mill (1806–1873). Peter Singer is a well-known contemporary utilitarian.

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end in an apparent means-end dilemma produces more happiness than whatever unhappiness is produced by the means, there's really no moral dilemma at all. For the utilitarian, the moral objection to shooting Henderson's wife, for example, is that it will cause her a good deal of pain and suffering, and it no doubt has other bad consequences. But in this case a utilitarian might judge that *not* shooting her would lead to even more suffering! So there's no dilemma. If we're not willing to do what will maximize happiness just because it seems wrong, the utilitarian diagnosis is that we're just being squeamish or that we're too moved by what is nothing more than a moral taboo or superstition. After all, morality sometimes demands that we do something we really don't want to, and that we get our hands dirty while doing it.<sup>2</sup>

If someone were to be unwilling to do what would maximize happiness for personal reasons, a utilitarian would regard this as a straightforward case of selfishness or partiality. A utilitarian might very well understand why it would be very difficult for Jack to sacrifice someone he loves simply because the sacrifice will maximize happiness. And a utilitarian might even partially *excuse* his failure to do so, as Tony Almeida apparently does in Season One when he says that while he doesn't agree with Jack's methods, Ryan Chappelle can't convince him to condemn anything Jack did while his family was being held hostage. But a utilitarian won't see Jack's personal reasons as having anywhere near enough moral force to create a moral dilemma when so much is at stake.

Utilitarianism doesn't assume that moral decisions are easy to make. Often, we face an epistemic problem: it may be nearly impossible to *know* which course of action will lead to the greatest happiness. Thus, while Jack thought that shooting Henderson's wife would force him to talk, it didn't. All utilitarianism requires is that we do what is *expected* to bring about the best results, and we don't always know what that is. Other times it may seem that our options lead to roughly the same amount of happiness, in which case we are facing a real moral dilemma, and the only kind a utilitarian would recognize. Suppose that canisters of nerve gas have been placed in two buildings,

<sup>2</sup> For a detailed treatment of the "dirty hands" phenomenon in morality, see the chapter by Stephen de Wijze.

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each of which contains roughly the same number of people, for example, and Jack only has time to get to one of these canisters. But except for situations like this, utilitarianism leaves no room for moral dilemmas. In this way, utilitarianism offers us a way of solving some very tricky moral problems: just figure out what course of action maximizes happiness. And while that might be hard to do, it's not spooky or mysterious in the way some moral systems might be.

Utilitarian reasoning should sound very familiar to *24* fans. Anyone who talks about what must be done for the greater good is probably talking the utilitarian's language. Think of the Season Six opener where Morris O'Brian says that if anyone understands what has to be done for the greater good, it's Jack, who's about to be handed over to a terrorist after being released by the Chinese government. And he's right, since Jack's own actions often seem motivated by a concern for the greater good. Of course, *24* fans know that villains who talk about the greater good are sometimes just using such language as a cover for their own agenda. In contrast with such thoroughly political creatures, real utilitarians actually mean it when they say something is for the greater good!

### The Deontological Solution: You Just Can't Do That!

The unfamiliar word *deontology* is derived from *deon*, a Greek word that means duty or obligation. So it's no surprise to hear that the aim of a deontological moral theory is to say what we're obligated to do and what we're forbidden to do. Such a theory is often expressed in a series of rules or principles that together make up the moral law. Different deontologists endorse different rules, of course, but nearly all deontological theories include prohibitions of deceit, assault, murder, and the like. For a deontologist, a moral person is someone who does the right thing for the right reason, and this may or may not lead to the best consequences.<sup>3</sup> Such a moral theory may also help us to eliminate moral dilemmas: Jack should follow the moral rules, never mind the consequences.

<sup>3</sup> Immanuel Kant (1724–1804) is the key figure in the history of deontological ethics.

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In Season Five, CTU decides to allow the release of one canister of nerve gas in a mall filled with shoppers because it seems to be the only way to track the terrorists back to the other 19 canisters. The reasoning for this decision is clearly utilitarian: sacrifice a large number of lives to save an even larger number. But Audrey Raines strenuously objects to this decision in fine deontological fashion, saying that they have no right to sanction the deaths of innocent people, presumably because it's wrong to treat these people as pawns in a strategy to beat the terrorists, rather than seeing them as persons who must be treated with respect. Think also of Kate Warner's very deontological moral revulsion (or is it just squeamishness?) in Season Two when she thinks that Jack has killed the son of a terrorist he's interrogating—even though she knows very well that thousands of lives are at stake. Now Jack didn't really kill the boy; he faked it, which was good enough to get the boy's father to tell Jack what he wanted. But most deontological theories would prohibit Jack from using deception as well as torture and murder, even if his cause is a good one. For the deontologist, then, it's *always* morally right to act on principle, regardless of the consequences for the greater good or for those we love. If the moral law prohibits torture or shooting someone who's innocent, then it's wrong to do so no matter what Jack or anyone else might be trying to achieve. No means-end or personal dilemmas here.

### Finding a Compromise?

We now have two potential ways of handling moral dilemmas. But it may seem that all we've accomplished is to shift the dilemma to the theoretical level, for we may now feel torn between these two theories, unable to accept either one of them wholeheartedly. Is there some way to forge a theoretical compromise?

The version of utilitarianism we've been considering is called *act-utilitarianism*, since it evaluates *acts* in terms of how much happiness they produce. *Rule-utilitarianism*, on the other hand, determines what set of *rules* produces the most happiness and then requires that we live according to those rules. So a rule-utilitarian might consider the various rules regarding torture and decide that a rule that's too permissive of torture—allowing it in any case where it will do even *slightly* more good than harm—will have bad results over the long

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haul if we were to accept and follow it. A more restrictive policy might thus be more beneficial for all of us. CTU might well operate along rule-utilitarian lines, as might any number of bureaucracies.

Alternatively, we might consider a version of deontology whose principles aren't absolute. Suppose torture is prohibited for the deontological reason that it treats another person as a mere means to an end, and thus we shouldn't torture someone just because it leads to a somewhat greater good. It's possible to think that this moral reason against torture can at some point—call it a threshold—be overridden by a highly compelling utilitarian reason, such as that thousands and thousands of lives can be saved.<sup>4</sup> This form of deontological theory is founded on moral principle, but it doesn't simply ignore the consequences of acting on principle. And so the deontologist moves some distance toward the utilitarian.

Each of these compromise strategies involves making moral theory a much more complicated business. And in the all too complicated moral landscape of *24*, this is probably a good thing. However, such strategies make two assumptions that we might not want to assume: first, that we should indeed make a choice between utilitarianism and deontology, and second, that it's a good thing if a moral theory works to eliminate moral dilemmas. But—as *24* shows us on any number of occasions—we should be very careful about what we assume!

### Now It's Personal!

Think back to Season Three when Jack stages a prison break to spring Ramon Salazar. They're in a chopper headed for Los Angeles. Salazar is a very dangerous man, so of course the US government doesn't want him on the loose. President David Palmer is asked whether or not they should shoot down the helicopter. His response? "I can't give the order to kill Jack Bauer." Why does the president say this? No doubt it's because of all Jack has done for him and for the country and because of his own friendship with Jack as well. Thus he has strong personal reasons for refusing to let CTU shoot down Jack and Salazar. But Wayne Palmer replies: "You have to think about

<sup>4</sup> For more on the utilitarian argument for torture and its perils, see Dónal P. O'Mathúna's chapter.

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national security, David . . . You have got to make this decision as if it wasn't Jack Bauer on that helicopter." Wayne is urging President Palmer to consider the greater good, to think about this decision from a utilitarian perspective rather than a personal one, which is no doubt something a president often has to do. Now it may very well be that Wayne is right to urge President Palmer to have the helicopter shot down. A utilitarian would think so. After all, the damage Salazar could do if he got away far outweighs the cost in happiness of shooting them down. And it may be that a deontologist would see this action as Palmer's duty as president. We might agree. But is it obvious that Wayne is right to tell his brother to make the decision *as if Jack wasn't involved*? A utilitarian or deontological morality seems to ask us to treat someone who's a friend—someone we're connected to—as we would treat anyone else, because friendship has no real moral weight.

One of the complaints sometimes lodged against both utilitarianism and deontology is that they're *impersonal*. It isn't that love and friendship don't matter at all on a utilitarian or deontological scheme. Rather, it's that they don't matter enough, and they matter in the wrong way. Consider utilitarianism first. Suppose Kim Bauer is being held hostage somewhere and Jack's trying to rescue her. And suppose further that Jack finds that a small group of five people is also being held at the other end of the fairly large building from Kim. Who does Jack go after? Utilitarianism doesn't tell Jack to ignore Kim entirely. He can factor into his calculations the fact that he'd be very saddened by her death. But that's not going to move the scales of utility very much when we weigh that against the deaths of a few more people and the sadness of those who'll mourn for them. The fact that Jack is Kim's father just doesn't count for much here, morally speaking. In effect, he does have to make this decision as if it weren't his daughter at the other end of the building. Psychologically speaking, no doubt Jack feels nearly compelled to save Kim. But that's not a moral compulsion, at least not according to utilitarianism.

But wait a minute. Is it possible that Jack has overlooked some more remote bad consequences of his deciding not to save Kim? After all, what if his failure to save Kim meant that he'd wind up a broken man, unable to continue saving the world? Much unhappiness might come of that. What if his failure to save Kim in some strange way led to other fathers caring less for their daughters? Even more unhappiness! Maybe an ingenious utilitarian can make it turn out so that Jack

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is allowed to save Kim after all. Whew! But even if that works, which isn't to be taken for granted, surely that's not what we were looking for. What we wanted was for Jack's *direct concern* for his daughter to be assigned some real moral weight, not for the calculations of the global consequences to turn out a bit differently. Utilitarianism treats people as units of happiness in an enormous utility calculation rather than seeing each of us as an individual person, separate from all the rest. And that's why it's objectionably impersonal. Indeed, it almost seems inhuman.

What about deontology? Here what governs our moral dealings with other people is duty and obligation. Where does this leave love and friendship? Many deontologists are likely to see these relations as merely relying on natural human sentiments, which need to be constrained by the moral law. Another option for a deontologist would be to account for the importance of personal concerns by portraying them as a form of obligation. To act out of friendship would then be to do what we're duty-bound to do by the moral law as it pertains to friendship. Again, while such a move might be successful, it doesn't seem to locate the significance of friendship in the right place. Imagine Jack trying desperately to save Kim, thinking to himself, "She's my daughter! I've got to save her! And under these circumstances duty requires me to save her!" As philosopher Bernard Williams has observed, the last sentence here seems to be "one thought too many."<sup>5</sup> Acting out of love and friendship just doesn't fit into the mold of obligation and duty. Deontology, like utilitarianism, doesn't seem to give a plausible and attractive account of the role of love and friendship in the moral life. If we take personal moral reasons seriously, we may have a reason to worry about whether either of these moral theories tells us the whole story.

### Some People are More Comfortable in Hell

Jack himself is neither a utilitarian nor a deontologist. That he's no committed deontologist is relatively clear, for at some point he has broken nearly every plausible candidate for a deontological rule, even

<sup>5</sup> Bernard Williams, "Persons, Character, and Morality," reprinted in his *Moral Luck* (Cambridge: Cambridge University Press, 1981).

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if he regrets doing so. Jack is just not a “play by the rules” kind of guy, which suggests he’s not a rule-utilitarian either. But he’s clearly not an act-utilitarian, since he doesn’t always relentlessly pursue the greatest good, no matter what. Sometimes he is swayed from that path by a deontological reason. He agrees with Audrey that they cannot sacrifice a mall full of innocent people in order to save even more innocent people. And in Season Six, he vehemently (and deontologically!) proclaims to Bill Buchanan that he’s not trying to save Josh just because he’s his nephew, but rather because he’s an innocent kid and it’s the right thing to do. However, Jack is often motivated by personal reasons when those he loves are at risk. He does not just pursue his mission and ignore their fate. But neither does he simply abandon his mission due to their plight. So what should we say about Jack Bauer and the things he does? And what can we learn about morality from watching him in action?

The difficulty we experience in categorizing Jack’s behavior should provoke us to ask whether we want the kind of moral clarity our two theories offer us. Do we want our moral theory to try to eliminate the possibility of moral dilemmas as far as it can? It might seem so, for wouldn’t a world without moral dilemmas be a more rational and morally superior world? And if there are moral dilemmas, then we have to abandon the idea that the claim that we *ought* to do something implies that we *can* do it. For in any bona fide moral dilemma there’s going to be something that we ought to do but can’t. Yet the “ought-implies-can” principle assures us that we won’t ever be obligated to do anything that’s beyond our grasp. That’s reassuring.

But sometimes being reassured isn’t a good thing. In at least some of Jack’s dilemmas, we should be dissatisfied with any definitive moral solution. Why so? Because our world is messy, complicated, and tragic, and if that’s the way things are, then our moral theory should see the world in that way rather than painting the world as a better place than it really is. In Season Four, Tony Almeida memorably says that Jack Bauer may be more comfortable in hell. Maybe we need our moral theory to be more comfortable there too. What we need, I submit, is a moral theory that recognizes the hellish and deeply problematic nature of human life. That is, we want a moral theory that refuses to work to eliminate moral dilemmas and instead accepts them as a necessary if terribly unfortunate part of the moral landscape: a messy theory for a messy and tragic world. Such is the world of 24.

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We can see Jack Bauer as a living example of such a moral outlook. He doesn't operate as if he is driven *only* by a concern for the greater good, or *only* by a concern to do what's right as a matter of principle, or *only* by a concern for those he loves. No, he's driven by *all* of these concerns. None of them takes pride of place in every situation. Sometimes Jack is nearly torn in half by competing concerns. When that happens, he often has no time to think and must react swiftly and decisively, as his training has taught him to do. But in the rare moments where Jack has the luxury of stopping to think about what he's doing and what he's done, the terrible moral toll life is taking on him shows itself. Think about the end of Season Three, when Jack sits in his SUV and sobs. Remember him staring out over the ocean as Season Six closes. Or look at Jack just after he's shot fellow agent and friend Curtis Manning in the beginning of Season Six. Of course, in each of these moments Jack is exhausted, both physically and emotionally. But while we can't really get at the interior of Jack Bauer, we detect in these moments a display of profound moral regret. And this regret isn't just a feeling to be excised because it's irrational. Instead, it's an emotional expression of Jack's moral judgment that some of what he did was morally wrong, maybe even deeply so. It isn't just that something turned out badly and Jack now wishes he had acted differently, which is no doubt the case at times. Even if Jack wouldn't have changed a single thing, he may regard some of what he did as deserving moral condemnation—even if not doing these things would also have deserved moral condemnation!

In the end, what does a day with Jack Bauer teach us about morality? Since we're not likely to face the situations he does, practically speaking, he can't be much of a moral role model. We probably don't approve of everything he does either. He isn't perfect. And his responses to difficult situations are varied enough that they resist any simple analysis. Indeed, they may very well seem inconsistent! But isn't that the point? Sometimes the world throws us a curve, presenting us with a situation where there's no morally correct response—a real, live moral dilemma, or a "moral blind alley," as Thomas Nagel has put it.<sup>6</sup> We'll have to decide what to do, of course, and we'll do that by weighing the various kinds of moral reasons that compete for

<sup>6</sup> Thomas Nagel, "War and Massacre," reprinted in his *Mortal Questions* (Cambridge: Cambridge University Press, 1979).

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our attention, without any simple formula that shows us the way. But if we've paid attention to 24's teachings, we won't assume we're guaranteed an option that will leave us with a clean conscience and without grounds for regret. Ironically, in the world of 24 it's the bad guys who often seem to have a crystal clear and uncompromising moral vision. But in living through the hardest days of Jack's life with him, we'll have learned that ambiguity, conflict, and dilemmas are part and parcel of the moral life.