About the Commentary: The Commentary addresses selected issues within the Code of Conduct to elaborate on their meaning, provide interpretive guidance, and suggest ways of adopting the Code of Conduct. It is intended primarily for implementers, policy administrators, aviation association management, and pilots who wish to explore the Code in greater depth, and will be updated from time to time. Please send your edits, errata, and comments to <PEB@secureav.com>. Terms of Use are available at <http://secureav.com/terms.pdf>.

COMMENTARY TO
AMCC VII.e – *ADVANCEMENT AND PROMOTION OF GA*

e. Promote ethical behavior within the GA community.

> When a pilot operates an aircraft, human lives are held in the balance. Therefore, a pilot has a moral responsibility to operate in the safest possible manner.
>
> FAA[1]

Introduction – Lives depend on the quality of pilots' decisions. In this respect, aviation shares the high stakes found in other professions such as medicine and the military. Unlike those fields, however, the discussion of applied ethics in aviation has historically been limited. The *Aviators' Model Code of Conduct* (AMCC) was created to foster the development of aviation ethics.

A word or two of clarification is in order here because the word "ethics" is often misunderstood. Formally, "[e]thics is about moral choices . . . the values that lie behind them, the reasons people give for them, and the language they use to describe them."[2] Practically, in aviation, ethics underlie the art and science of making good decisions and, ultimately, of becoming better and safer aviators.

Unlike regulations and other external constraints, ethical behavior is the responsibility of each individual pilot and the aviation community as a whole. Call it self-regulation. Even better, call it self-mastery. A community's ethics define it, just as an individual's ethics define character and trustworthiness.

Developing aviation ethics is important for a number of reasons. Even in the heavily regulated world of GA, regulations alone cannot keep pilots and their passengers safe. Nor can they cover every decision that might confront an aviator. Regulations may set limits but they do not define the ideals of good aviation. Regulations can never substitute for good judgment. Finally, government regulations tend to arise whenever a group demonstrates an inability to regulate itself. (Recent scandals in the business world and the resulting Sarbanes-Oxley legislation are a good example.) For all of these reasons, attention to aviation ethics will do the GA community good.

Aviation ethics benefit the GA community and individual aviators by filling the gap between regulations and the ideals of airmanship. Good ethics lead to good judgment, a critical component of airmanship. Improving one's ability to make wise choices and execute wise decisions creates a safer environment, just as in medicine, law, and architecture.   Developing good aviation ethics develops better aviators, and increases the likelihood of on-going better decision-making, just as it does in other professions. Application of good aviation ethics promotes more enjoyment for all involved, fewer accidents, and a better image for GA. It

improves GA by helping aviators improve themselves beyond FAA standards and toward the ideals of airmanship.

Aviators' ideals are their own. Since ethics are based on free choice, ethics simply *cannot* be imposed from the outside.[3] The AMCC provides pilots an opportunity to make important personal choices. It invites aviators to think about their own judgment. If a pilot chooses to formulate a personal code of conduct, he may want to consider and discuss what to include, revise, and delete from the AMCC. These choices can help influence the pilot's behavior, facilitating good decisions, safety, and satisfaction with flying. More, just thinking about the ethical aspects of aviation can help develop airmanship.[4] Consider how everyday practices in the GA community differ from the ideal, and how much healthier our community might become if we paid more attention to making the ideals real. Ethics can define a path for every individual aviator from what *is* to what *ought to be* (which, in the case of GA, is a better, safer, more satisfying environment).[5]

Some Terms – What is the difference between ethics and morals? One academic distinguishes them as follows:

> Ethics and morals are closely related. Ethics tell you *what the standards are*—what you ought to do or what you should do. Morals deal with the application of ethical standards to actual conduct. Morals reveal *what you actually do*. Because of the close relationship, it is very difficult to talk about one without discussing the other, particularly when talking about an actual issue. In fact, many would say it serves no purpose to have standards unless those standards influence behavior. And conversely, it makes little sense to talk about right and wrong conduct without basing the discussion on some set of standards.[6]

Ethics is the "branch of philosophy that [not only] defines what is good for the individual and for society [but also] establishes the nature of obligations, or duties, that people owe to themselves and [others]."[7] Consequently, ethics encompass "not only the characteristics of the good person, but also the *best practices* in various professions, among them medicine, the law, [and] the military."[8]

This aspect of ethics (*i.e.,* best or recommended practices) is particularly relevant to GA. Indeed, ethical conduct, evidenced in part by adherence to recommended practices, is considered by many a marker or component of professionalism in aviation.[9] As one expert in aviation law explains: "Observing, knowing and practicing rules is an ethic."[10] In aviation, "ethics is a way to do *the real thing*—the manner of conducting oneself so that you are in touch and consistent with what is important and real: *survival*."[11] But it's important to remember that the practice is closely related to the practitioner. Aviation ethics are not just about individual acts and their outcomes—they are about aviators' *identity*, individually and as a group.

Ethics in GA Culture – Aviation safety depends heavily on an honor system among pilots.[12] GA pilots, in particular, enjoy great freedom to determine their own flight operations.[13] Such freedom entails choices and responsibility for them.[14] Nonetheless, the GA literature largely ignores the formal study of ethics and moral philosophy.[15] Pilot ethics today are informal and uncodified. As one aviation expert put it, pilot ethics are absorbed "by osmosis":

> by talking to other pilots, hangar flying and off-the-books knowledge transfer . . . . Not just PTS completion. This is how things really work. . . . *Gray beards* traditionally were available in GA who allowed you to get experience and who [passed] on the ethic . . . . You might make a slight case that it is not as strong today as it was in the past – less gray beards, and aviation has changed. . . . You can map [ethics] out – it is a little amorphous and some of it is informal, but I am a firm believer that it is there.[16]

Another aviation expert opined that "pilots don't consider ethics. It comes under the guise of airmanship."[17] A more formal consideration of pilot ethics might "encourage the unreflective to reconsider their position and encourage the relativistic to see that some answers are better than others."[18]

Role of the AMCC – Codes of conduct and statements of professional ethics often articulate moral responsibilities. Although such principles provide guidance in these matters, individuals must ultimately judge facts and circumstances themselves before acting. Codes of conduct cannot provide clear answers in every case. Instead, their "primary function . . . is to promote guidance . . . in ethical dilemmas, particularly those that are . . . ambiguous"[19] by providing "a standard of behavior and principles to be observed."[20] In GA, this could mean a way to systematize the community's pursuit of improvement overall and airmanship in particular.[21]

The AMCC leads GA pilots to good, safe decisions in several ways. First, it offers a code of professional[22] conduct, a set of norms and principles that promote positive values within the General Aviation community. The code describes attitudes and behaviors that pilots should avoid or emulate. Second, the AMCC provides specific guidance to pilots facing moral dilemmas in certain situations in the cockpit. The AMCC provides guidance in applied ethics as well as a general ethical framework. The AMCC does *not* provide pilots with a definitive moral handbook. Rather, the purpose of the AMCC is to identify fundamental principles[23] for a code of conduct. (The AMCC Permanent Editorial Board's assumptions in this area are publicly disclosed to the reader.) Moreover, and perhaps most importantly, the AMCC promotes an active, ongoing, systematic discussion of aviation ethics within the GA community.

One question raised about the AMCC is whether it constitutes a moral statement. "[Awareness] of moral obligations [is what] binds men together."[24] The GA community is certainly bound together by the obligation to protect life and property. Although such moral obligations are recognized by *custom* in GA, the AMCC outlines them systematically and can be said to function as a *moral statement* for the GA community, roughly akin to the *Core Values* of the U.S. Air Force.[25]

"A moral statement," it has been suggested, is about "the vision and view one has of the world."[26] What underlying vision and worldview does the AMCC reflect? All three dominant traditions of western ethical thinking are reflected in the AMCC, as in other areas of professional ethics.[27] A word about each:

a. **Virtue Theory.** Traditional virtue theory[28] focuses on the sort of a person one ought to be. For pilots faced with multiple options in an ambiguous situation, help can be found by asking "What would a wise pilot do here?" or, "If I do X, would I be the sort of pilot I want to be?" Or even, "If I were teaching my child about aviation, would I want her to see me do X, or would Y set a better example?

b. **Duty**. The second element has to do with the decision or act itself, and reflects the ethics of duty to other human beings.[29] It requires aviators to ask themselves whether a contemplated decision treats people (including the aviator himself) the way they *deserve* to be treated. Restated, does it *respect* everyone involved? "Am I overriding my passengers' right to safety and competent piloting just to get them to the destination on time?" "Am I about to mislead someone who is depending on the truth?" "Do I owe my fellow aviator a friendly discussion about something he did that scared me?" Notice that respecting people does not always mean pleasing them.

c. **Consequences.** The third element has to do with the *effects* of aviators' decisions.[30] It asks which course of action is likely to please everyone affected to the greatest

> possible extent consistent with the other two elements. If making everyone happy isn't possible then it asks that displeasure be minimized. Here, an aviator might ask "I'd be happier if we went at 12,000 ft. because the winds are a lot more favorable there, but my three passengers are uncomfortable with the light turbulence. Does my happiness outweigh their displeasure? Does their earlier arrival offset the bumps?" Or, "I made a decision that really scared and embarrassed me. Should I bring it up with others so they might benefit from it even though I'm mortified by others' knowing how bad I can be?"

A consideration of all three approaches is a necessary step to defining a competent professional set of ethics. A quick example will suffice to show that the three approaches do not always recommend the same course of action. Suppose John wants to sell his airplane, but he knows that it has a history of damage.[31] The damage was incurred over ten years ago, and there has been no indication that the incident and subsequent repairs have had any ill effect on the airplane. He advertises and sells the airplane as having "No Damage History." The buyer who is deceived never finds out about the deception, and so isn't made unhappy; the airplane flies just fine; and the seller of the airplane has received a greater price than had he disclosed the damage history. Nobody is harmed. We nonetheless know intuitively that this is wrong, and the seller knows it too. The seller is likely rationalizing because of his own discomfort. A good understanding of ethics sometimes requires confronting "divergent goods" and appreciating that while there isn't always a "right answer" it remains true that some answers are certainly better than others! The real world requires ethical *judgment*, and developing that judgment can be uncomfortable. But failing to develop it can lead to even greater discomfort and distrust.

> ***Ethical Development, Character, and Airmanship*** – Efforts at ethical development benefit not only the individual, but the community with which the individual interacts. In the case of General Aviation, such efforts benefit individual pilots as well as the GA community and society in general:

> The goal . . . is to develop good thinking so that a person can determine the best choice as well as good habits so that he tends to act on that choice almost effortlessly. Our student pilot must understand the weather, for example, but he must also learn to translate that knowledge into safe actions if he is to become a better and safer pilot. It is also important that persons of good character . . . be capable of evaluating and improving their . . . character. A good pilot conscientiously avoids complacency; he evaluates himself continually, and seeks continuous improvement."[32]

Learning plays an important role in character development, and vice versa: "A good character arises from the repetition of many small [*i.e.,* small or virtuous] acts . . . . That habituation operates on a human nature innately prepared to respond to training."[33]

> During the past few decades, aviation has come a long way in the fields of human factors and crew resource management, but in my opinion we are hitting something of a ceiling. That ceiling is our reluctance to address issues of character; thus we are attempting to prescribe and to proscribe various types of decision-making, yet with nothing more substantial than a utilitarian base. Certain decisions are right and others wrong, some are wise and some are foolish. Our next breakthrough in CRM will come when we address *character issues* on a widespread basis.[34]

Although its benefits are apparent, what actually constitutes "good character" may be more difficult to pinpoint. For example, the FAA requires airline transport pilots to "[b]e of good moral character,"[35] but the meaning of this requirement is unclear.[36] Nonetheless, "'[g]ood moral character' has some sort of envelope – the line may not be clear – it may not be a bright line, but

there is a line. It may be wide or fuzzy, but there *is* a line."[37] The AMCC provides helpful guidance on such matters, since it both presupposes a "moral sense" among pilots and attempts to define attributes and practices that will help pilots become better and safer aviators. By encouraging an active and explicit engagement with ethical issues in aviation, the AMCC fosters sensitivity to these issues, competence in handling them, and a commitment to good aviation character.

Moral Versus Legal Responsibilities – One view holds that "moral law [should take] precedence over the legal edicts of civil law."[38] Whether or not one agrees with that view, it is clear that legal requirements cannot (and do not attempt to) define the limits of moral action. In aviation, regulations do not "exhaust the moral and ethical considerations that should inform a [pilot], for no worthwhile human activities can be completely defined by legal rules."[39] In fact, the requirements of civil law can actually *discourage* morally correct action. For example, fear of litigation may keep pilots from adopting certain practices that would help them manage and improve flight safety. Nevertheless, "[t]here is a *moral obligation* to enhance safety if they can, and if they risk litigation, so be it."[40]

Code of Conduct or Moral Code? – How should the AMCC be regarded: as a Code of Conduct or as a Moral Code? The prevailing thought among reviewers is that, although there is "not a bright line of demarcation between a code of professionalism and a moral code, since many things that the AMCC advocates transcend the [minimum requirements of the] FAR, the AMCC is already substantially down the runway of casting itself as a moral code. Pilots generally take [its prescriptions] as a moral obligation."[41] Calling the AMCC a moral code may present a problem, however, since "people don't identify with ethics. It has a bad connotation."[42] Therefore, it is perhaps better to view the AMCC as a code of conduct and an educational resource than as a moral code. In short, we seek to foster the development of good judgment, and to help pilots maintain it throughout their flying lives.

Who Can Best Develop Ethical Principles? – There is an important role, both for pilots and for professional ethicists, in the development of a code of conduct for General Aviation. Ideally, each individual pilot should adopt his or her own personal code, reflecting principles presented in a model such as the AMCC—one developed by pilots, professional ethicists, and others.[43] The history of the development of bioethics is instructive:

> The scientists say that there is a reason why they, not professional ethicists, are doing the teaching. [Scientists] may not know as much as we would like about ethics, but by and large . . . ethicists are not going to know much about the practical issues of doing science . . . . They may end up providing advice that will not work, and they may have a hard time relating to our students. They are coming from a different place . . . . The truth is that somebody like me, who runs a lab, we deal with ethical issues several times a day.[44]

As Dr. Zigmond's remark emphasizes, a code of ethics must consider not only philosophical and moral issues but also the practical aspects of the field or endeavor it covers. Consequently, the AMCC incorporates the advice and reflection of everyday aviation practitioners as well as the thoughts and insights of professional ethicists.

CODE EXAMPLES:[45]

- ❑ "We [NAFI members] accept the responsibility to practice our profession according to the highest ethical standards." *Code of Ethics*, National Association of Flight Instructors[46]

- ❑ "While recognizing that it is impossible to enumerate all the attitudes and factors which comprise good business ethics, Members shall make every effort to

promote and maintain the highest business standards possible." *Code of Ethics,* Helicopter Association International[47]

DRAFTING CONSIDERATIONS:

- ✓ The treatment of ethical considerations (in AMCC VII.e) could have been presented in AMCC I because of its breadth and essential nature. Nonetheless, it was placed in this section to *cap* the entire Code. Drafters are free to reorder AMCC VII.e. to become AMCC I.i. or to place it elsewhere.

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[1] Advisory Circular 60-22, *Aeronautical Decision Making*, Ch. 6, ¶ 27.d (Dec. 12, 1991), *available at* < http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/ccdd54376bfdf 5fd862569d100733983/$FILE/Chap%204-appendix.pdf >.

[2] MEL THOMPSON, ETHICS 5 (NTC Publ'g Group 1994).

[3] "[M]orality is possible only because of the existence of a rational good will in human beings, *a freedom of choice* which is not coerced by anything but itself. The autonomous will adheres to its own dictates. No one can possibly force a person to *will* to do that which he does not *choose* to." WILLIAM S. SAHAKIAN, ET AL., IDEAS OF THE GREAT PHILOSOPHERS 46-47 (Barnes & Noble 1993) (emphasis added).

[4] Most decisions have an ethical dimension, whether that dimension is actively contemplated/discussed or not. This is especially true of a high-stakes endeavor like aviation in which the line between bad ethical judgment and disaster can be awfully thin. The AMCC seeks to clarify the ethical dimensions of airmanship.

[5] "Ethics might fairly be described as the study of *oughtness*—the issues of how one *ought* to behave toward others. Life is choice-driven, and ethics guide our choices insofar as they affect others. Ethics thus serve as an effective counterbalance to ego, and are a glue as well as a guide." Email from Prof. Michael Buckland, U. of Alaska (Oct. 10, 2005).

[6] Dale B. Oderman, Ph.D., *Ethics Education in University Aviation Management Programs in the US: Part One—The Need*, JOUR. OF AIR TRANSP., Vol. 7 (2002), p. 8, *available at* < http://ntl.bts.gov/lib/000/700/744/JAT_7-3-4.pdf > (emphasis added). *Cf.,* "Sometimes we think of mores (morals) as the practices of a culture and ethics as the systematic science of morals. The second studies and may influence the development of the first." Email from Lt. Col. Bill H. Rhodes, USAF (Ret.), Ph.D. (Dec. 5, 2005).

[7] WEST'S ENCYCLOPEDIA OF AMERICAN LAW 315 (Vol. 4 1997).

The field of ethics has subfields: normative ethics, applied ethics, and metaethics. Normative ethics concern principles of right and wrong relevant to a particular field or profession. Rules of professional conduct in medicine and the law are examples. Applied ethics is the study of making ethical decisions in particular circumstances. Finally, metaethics is the study of choosing which moral theories are best or right. This field is more theoretical than the others.

[8] Center for the Study of Professional Military Ethics, U.S. Naval Acad., *at* < http://www.usna.edu/Ethics/ > (emphasis added). And, of course, significant remedial initiatives are underway to advance ethics within the business community, precipitated by the Enron scandal and others. *See generally* Business Ethics, *Enron and Ethics, at* < http://www.businessethics.ca/enron > (includes Enron's *Code of Ethics*). Consider the challenges of effecting cultural change. One company intensively promoted integrity, including thru posters, "stickies," and other communication vehicles. "Were they living the culture and practicing it when no one was looking? The company was Enron." Interview with John W. Olcott, Pres., General Aero Co., in Phila., Pa. (Nov. 1, 2003).

[9] For example*,* "Pilots should be trained in exercising *ethical responsibility* to their passengers . . . ." GENERAL AVIATION TECHNICALLY ADVANCED AIRCRAFT – FAA-INDUSTRY SAFETY STUDY (Aug. 23,

2003) (emphasis added), *available at*
< http://www.faa.gov/education_research/training/fits/research/media/TAA%20Final%20Report.pdf >.
Cf., [E]thics should not be regarded as a body of knowledge and skills to be used as the situation arises, but rather ethics should be framed as a part of the future . . . professional[s] identity." Dale B. Oderman, Ph.D., *Ethics Education in University Aviation Management Programs in the US: Part One—The Need*, JOUR. OF AIR TRANSPORTATION, Vol. 7 (2002), p. 19, *available at*
< http://ntl.bts.gov/lib/000/700/744/JAT_7-3-4.pdf > (reflecting on the perspectives of F.W. Hafferty and R. Franks).

[10] Interview with William Wimsatt, Esq., Past Pres., Lawyer-Pilots Bar Ass'n, in Tucson, Ariz. (Jan. 15, 2004). Notwithstanding, "[w]hat the law permits or requires is not necessarily what is ethically right." WEST'S ENCYCLOPEDIA OF AMERICAN LAW 316 (Vol. 4 1997).

[11] Interview with William Wimsatt, Esq., *Id.*

[12] For example, "Currency has always been an honor system in aviation," Amer. Bonanza Society, *Bonanza to Oshkosh FAQ*, *at* < http://www.b2osh.org/FAQ_page.htm >. *See* Arlynn McMahon, *Teaching Ethics,* AOPA, FLIGHT SCHOOL BUSINESS NEWS LETTER (Dec. 2002), *at*
< http://www.aopa.org/fsb/newsletter/dec_02.html#mahon >; AirVenture, *Oshkosh FBOs Ready for AirVenture*, *at* < http://www.airventure.org/2005/wedjuly27/fbos.html > (FBOs use the honor system for payment).

[13] Compare the relative freedoms (of flight) enjoyed under FAR 91 versus FAR 121. Separately, consider the relative privacy available to GA. For example, "black boxes" are not common in GA aircraft and advocacy for "cameras in the cockpit" do not generally include GA, and, of course, VFR operations offer GA remarkable privacy.

[14] "If I am to make a moral choice, I must be free to do, or not to do, the thing in question. It cannot be morally wrong of me not to fly, because I am unable to do so." MEL THOMPSON, ETHICS 24 (NTC Publ'g Group 1994). Indeed, pilots often must make decisions instantly, and a firm ethical grounding can help them make the *correct* decisions in adverse circumstances.

[15] And, as mentioned below, moral character is only a requirement for ATPs. *See infra* text accompanying notes 32-37. The PTS for Private and Commercial Certificates do not include discrete ethical components. And, in the related area of aviation management, Oderman asserts that a "rather extensive review of the literature failed to find any writings on the subject of incorporating ethics instruction in higher education programs in aviation management." Dale B. Oderman, Ph.D., *Ethics Education in University Aviation Management Programs in the US: Part One—The Need*, JOUR. OF AIR TRANSP., Vol. 7 (2002), p. 25, *available at* < http://ntl.bts.gov/lib/000/700/744/JAT_7-3-4.pdf >.

[16] Interview with Drew Steketee, Pres./CEO, The BE A PILOT Program, in Phila., Pa. (Nov. 1, 2003). *Cf.,* "Hanger flying has dropped off in modern times because there's so much formal instruction, and experienced pilots just don't sit around talking with young people as much anymore." BOB BUCK, NORTH STAR OVER MY SHOULDER 45 (Simon & Schuster 2002).

[17] Interview with Frank Hofmann, Sec'y, IAOPA, in Phila., Pa. (Oct. 30, 2003). *See* AMCC I.b, *Seek excellence in airmanship.*

[18] Lt. Col. Bill. H. Rhodes, USAF (Ret.), Ph.D. and Capt. Bill Casebeer, *Moral Development in Theory and Practice: Tips for the Instructors*, *at*
< http://www.usafa.af.mil/df/dfpy/eatc.cfm?catname=dean%20of%20faculty >.

[19] WEST'S ENCYCLOPEDIA OF AMERICAN LAW 316 (Vol. 4 1997).

[20] "I believe that as G.A. pilots, we have a higher calling than 'merely' what's ethical as individual pilots - we should actively seek to enhance the lay view of General Aviation, and to do our utmost to avoid any action that might do further damage to our already precarious collective reputation. 'Ethics' represents 'doing right by' ourselves as pilots, our passengers, along with Aviation in general and General Aviation in particular." Email from Michael Radomsky, Pres., Cirrus Owners and Pilots' Ass'n (Sept. 15, 2005).

[21] Email from Lt. Col. Bill H. Rhodes, USAF (Ret.), Ph.D. (Sept. 13, 2005).

[22] *See* Commentary to AMCC I.f, *Aspire to professionalism, available at*
 < http://www.secureav.com/Comment-AMCC-I.f-General-Responsibilities.pdf > (explaining, in part, the inclusive nature of professionalism in aviation).

[23] "The function of a fundamental *principle* can never be directly to settle difficult moral issues; it can serve only to provide the right general framework in which moral rules and controversial issues should be raised and discussed." Allen B. Wood, *What is Kantian Ethics?, in* IMMANUEL KANT, GROUNDWORK FOR THE METAPHYSICS OF MORALS 174 (Allen W. Wood, trans. and ed., Yale University Press 2002) (1785) (emphasis added).

[24] WEST'S ENCYCLOPEDIA OF AMERICAN LAW 316 (Vol. 4 1997).

[25] Like the U.S. Air Force's *Core Values*, the AMCC can "serve as a beacon vectoring us back to the path of professional conduct; [and] allow us to transform a climate of corrosion into a climate of *ethical commitment*." U.S. Air Force, *Core Values* (Jan. 1, 1997), *available at* < http://www.usafa.af.mil/core-value/cv-mastr.html > (emphasis added). "Commitments are both useful and honorable. We are fair both because we wish others to make commitments to us and because we condemn unfairness as a violation of a general social contract – a commitment – to treat others as deserving of respect." JAMES Q. WILSON, THE MORAL SENSE 231 (The Free Press 1993).

[26] MEL THOMPSON, ETHICS 9 (NTC Publ'g Group 1994).

[27] The AMCC takes these three traditions as foundational but incomplete. Other arenas of professional ethics will develop over time, perhaps to include other traditions. The theoretical foundations of the AMCC are likely to evolve as well.

[28] Virtue theory is commonly associated with ancient Greek philosophers. It concerns itself with how a person can best live a good life, and stresses the development of certain characteristics in the self that make choosing wisely natural and pleasant. The widespread modern notion that ethics is somehow hard or that it places unnatural constraints on the good life is at odds with the Greek conception that virtue is key to living well and enjoyably.

[29] Duty-based ethics, or deontology, is probably most commonly associated with the enlightenment work of Immanuel Kant. It argues that human beings are valuable not for what they can achieve or produce, but rather valuable just because they are human. It is closely associated with theories of human rights, where those rights impose duties upon everyone to respect those rights. The right of any one passenger imposes duties on everyone involved in a flight to make that flight as safe as possible.

[30] Where duty-based ethics focus on acts themselves as intrinsically moral or immoral in themselves, regardless of the consequences of those acts, consequentialist thinking argues that the rightness or wrongness of any act is found in what outcomes it produces. The desired outcome is the "greatest good for the greatest number." Its most famous proponent is probably the 19th century English philosopher John S. Mill. *See, e.g.,* JAMES RACHELS, THE ELEMENTS OF MORAL PHILOSOPHY 91-93 (McGraw-Hill, 4th ed., 2003).

[31] *See, e.g.,* AMCC VII, Sample Recommended Practices: "Adhere to the highest ethical principles in all aviation dealings, including business practices."

[32] Lt. Col. Bill H. Rhodes, USAF (Ret.), Ph.D., *Freedom, Risk, and Character* (paper presented at the Joint Services Conf. on Prof'l Ethics 2002) (copy on file with author). Rhodes further explains: "[D]eveloping virtue requires us to accept some risks. This is because developing good character is in large part developing virtuous ways of choosing, and since the experience of choosing is free [voluntary], bad choices must be possible. This in turn means that institutional character development efforts must tolerate some risks of permitting unethical behavior in the service of developing ethical behavior . . . . The goal is to develop good thinking so that a person can determine the most moral choice as well as good habits so that he tends to act on that choice almost effortlessly." *Id.*

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[33] JAMES Q. WILSON, THE MORAL SENSE 244 (The Free Press 1993).

[34] Email from Prof. Michael Buckland, U. of Alaska (Oct. 10, 2005) (emphasis added).

[35] FAR 61.153(c) *Eligibility Requirements: General*, *available at* < http://www.faa.gov >, *also available at* < http://www.risingup.com/fars/info/part61-153-FAR.shtml >. As an aside, NAFI Master CFIs must also be of good moral character. NAFI Master CFI Requirements, *available at* < http://www.nafinet.org/mastercfi/index.html >.

[36] NICK A. KOMONS, BONFIRES TO BEACONS 97 (Smithsonian Inst. Press 1989) (considering "good moral character" under the Air Commerce Regulations pursuant to the Air Commerce Act of 1926, 49 U.S.C. § 40103(a)). "[W]hat standard the Department used as a yardstick for morality and how it went about applying it is uncertain. The suspicion is that the standard was indeterminate, and its application in the great majority of cases was merely a matter of form." *Id*.

See Administrator v. Robbins, NTSB Order No. EA-4962 (Mar. 25, 2002) ("Good Moral Character" not unconstitutionally vague. ATP who was also an IA used his inspection authority to falsify an annual inspection – individual's moral character generally connotes a broader set of virtues or qualities than those related more closely to personal integrity alone.), *available at* < http://www.ntsb.gov >; *Administrator v. Saunders*, NTSB Order No. EA-3672 (1992), *available at* < http://www.ntsb.gov > (requiring FAA to establish by a preponderance of the evidence a *pattern of conduct* by a pilot that departs from ordinary pattern of morality – here, incident of indecent exposure did not satisfy the burden required to revoke the pilot's ATP certificate); *Administrator v. Crawford*, 5 NTSB 343 (1985), *available at* < http://www.ntsb.gov > (intentional falsification of applications for airman certifications by pilot/CFI found lacking *moral character*). *See Heart vs. McLucas,* 535 F.2d 516 (9th Cir. 1976) (intentional falsification regarding pilot certificate). *Cf.* Am. Bar Ass'n, MODEL CODE OF PROF'L RESPONSIBILITY ("MODEL CODE"), Cmt. 2, R. 8.4 *Misconduct* (1980), *available at* < http://www.abanet.org/cpr/ethics/mcpr.pdf > (*moral turpitude* construed to include "offenses concerning matters of personal morality").

[37] Interview with Richard N.V. Norat, J.D., FAA, in Palo Alto, Cal. (Dec. 16, 2003).

[38] MEL THOMPSON, ETHICS 8 (NTC Publ'g Group 1994). "In certain respects, law, morality, and custom resemble one another. Law and morals are similar in that they deal with the more important of interpersonal relationships and actions, actions which affect our general well-being . . . . Law is concerned with civil order and the protection of rights; ethics is concerned with morally correct action." CHARLES E. REGAN, PH.D., ETHICS FOR SCIENTIFIC RESEARCHERS 7-8 (Thomas Books 2nd ed. 1971). Query, upon what should be base the law (in contrast to morals)? A question to help us think about law and ethics: Upon what should a culture base its laws?

Pilots should support an *ethic of care* within GA. "Regarding the ethic of care, it's interesting that the Anglo-American law of negligence begins with the *duty of care* toward others, then goes on with the *breach* of that duty, resulting *damages*, and whether or not the breach of duty proximately caused said damages. The essential theme underlying all of Anglo-American law is that each of us is responsible for the foreseeable consequences of our own actions. Thus it may be seen that our law and our moral and ethical obligations toward others comprise a rather seamless whole." Email from Prof. Michael Buckland, U. of Alaska (Oct. 10, 2005).

[39] Iterated from the MODEL CODE, *supra* note 36, at ¶ 16 *Scope,* p. 3 (1980), *available at* < http://www.abanet.org/cpr/ethics/mcpr.pdf >.

[40] Capt. Roger Whitefield , British Airways, presentation at the *NTSB Symposium on Transportation and the Law*, in Arlington, Va. (Apr. 25, 2000), *available at* < http://www.ntsb.gov/events/2000/symp_legal/LAWSYMSUMM.htm > (emphasis added).

[41] Interview with Gary W. Allen, Esq., Dir., Aviation & Admiralty Litigation, Torts Branch, U.S. Dept. of Justice, Lawyer-Pilots Bar Ass'n Winter Meeting, in Tucson, Ariz. (Jan. 16, 2004). He further remarked,

"When I think of pilot ethics, I think a little more along the lines of the things that you are talking about [in the AMCC]." *Id.*

[42] Interview with William Wimsatt, Esq., Past Pres., Lawyer-Pilots Bar Ass'n, in Tucson, Ariz. (Jan. 15, 2004).

[43] "A personal code is a good idea, but I think the most important service we can provide is the assistance in coming to understand how and why to develop one. Personal codes, like all codes, are blunt instruments. You can get into trouble if you encounter a problem that the code didn't contemplate or if you apply the code unreflectively. So—the code assists and reflects judgment, but it does not replace it." Email from Lt. Col. Bill H. Rhodes, USAF (Ret.), Ph.D. (Dec. 5, 2005).

[44] Dr. Michael Zigmond, U. of Pittsburgh, *quoted in* Gina Kolata, *Ethics 101: A Course About the Pitfalls*, N.Y. TIMES, Oct. 21, 2003, at pp. D1, D4, *available at* < http://www.nyt.com >.

[45] *Code Examples* are examples from relevant codes of conduct that are presented for background, perspective, and comparison. Code Examples are not necessarily endorsed by the AMCC Commentary.

[46] *Available at* < http://www.nafinet.org/who/code.html >.

[47] *Available at* < http://www.rotor.com/sections.php?op=viewarticle&artid=5 >.

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