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[Francesco D'Amico](#)^{*} and Antonio Dimartino^{*}

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Article

When Social Conflict Takes Over the Skies. A Socio-Legal Perspective on Reduced Accessibility Driven by the Low Fare Business Model in Air Transportation

Francesco D'Amico ^{1,*} and Antonio Dimartino ^{2,*}

¹ National Research Council of Italy - Institute of Atmospheric Sciences and Climate (Lamezia Terme, Catanzaro, Italy)

² "Magna Græcia" University of Catanzaro - Department of Legal, Historical, Economic and Social Sciences

* Correspondence: f.damico@isac.cnr.it; antoniomirkodimartino@gmail.com

Summary

1. Excluding to and from rights. 2. The status quo of air travel. 3. Untangling the phenomenon. 4. On the reduced accessibility. 5. Without exhaustive claims.

Abstract

From its inception, commercial air transport has been on the rise, and only exceptional events such as COVID-19 have managed to slow down growth rates. Over its development, this branch of transportation has adapted to several niches, adapting business models and even aircraft types/configurations accordingly. Two leading business models presently exist, and hybrid models have also been reported in the airline market: each model fills a very specific operational niche. However, after a detailed analysis of transportation procedures and requirements, it has become clear that a major gap in regulation leads to situations where certain passenger categories are *de facto* excluded from air travel. Based on the main fundamentals of social rights, as well as modern approaches for the evaluation of social conflict, this work highlights how the legitimacy behind the coexistence of multiple airline business models in the free market cannot prevent the requirement for just and well-defined regulations in air transportation ensuring the right to fly to nearly all passenger categories, thus satisfying many critical travel needs. Without such regulations, the skies become a "savage space", a field of battle of a new form of social conflict where the principle of the strongest prevails. Without a proper understanding and management of this conflict, the final outcome is tangible: the exclusion – or the reduction – of the legitimate right to mobility for entire passenger categories, many of which are affected by specific medical conditions.

Keywords: air transportation; air regulation; human rights; right to travel; social conflict; reduced accessibility

* Francesco D'Amico, ora dottorando di ricerca del XXXVIII Ciclo presso il Consiglio Nazionale delle Ricerche e l'Università della Calabria, ha oltre un decennio di esperienza nel settore del trasporto aereo commerciale. È autore dei paragrafi 2, 3, 4.

** Antonio Dimartino è cultore della materia in Filosofia del diritto presso il Dipartimento di giurisprudenza, economia e sociologia (DiGES) dell'Università degli Studi "Magna Græcia" di Catanzaro. È autore dei paragrafi 1, 5.

1. Excluding to and From Rights

Conflict is conflict, something whose existence needs to be recognized. At both the national and international scale, growing interest has been reported with respect to studies on social conflict.

This work, based on an evaluation of the current key debates on the topic, also including an analysis of the framework of the social conflict phenomenon already discussed in previous articles, is set to confirm that conflict is a basic form of interaction between humans.

This article hereby shows, via an approach accounting for specific dynamics in air transportation – of which D’Amico is an expert – an innovative means of providing new insights on a phenomenon. My introduction remains focused on a line of research meant to address social differences, exclusion to and from rights, and conflicts of various types based on social, anthropological, philosophical and legal grounds.

The issue addressed in the forthcoming paragraphs underlines the exclusion to and from rights, for certain passengers, caused by the aim to minimize operational costs in air transportation. D’Amico highlights, for the first time, a particular form of present day social conflict, which is funded on the increase of “low cost” flights which in turn causes a reduction in cargo shipments and the right to travel of specific passenger categories. This topic is of particular interest, as it leads to question on whether a “right” in this field actually exists, but more importantly, it underlines the presence of injustice in the sector of air travel.

How are we supposed to discuss the elimination of injustice, and the push towards justice? For instance, we may recall some of Raymond Boudon’s thoughts in *Sentimenti di giustizia*, especially in the effort of underlining the importance of justice in social interactions: there’s nothing that can provoke indignation more than injustice.

The call for justice – as explained by the French sociologist – is not limited to occurrences such as private companies where, for example, practices driven by injustice are intentionally aimed at an employee, thus forcing them to roles they do not like, or paying them inadequately, but is also revealed in the broader context of society, when powerful and uncontrollable mechanisms drive – sometimes, as a side effect – forms of injustice.

One leading example would be medical sciences and their progresses: although the average citizen can all but gain from advances in medicine and related fields, this is counterbalanced by a “healthcare system” characterized by more complexity and increased costs, thus leading to inequal distribution of cures and the consequent lack of equal treatment for all patients. All of this demonstrates that progress can be a source of injustice¹. Based on this pattern, in fact, D’Amico shows that the “progress” marked by an increase in budget airline flights, sometimes due to state aid and subsidies, leads to inequalities and is therefore a source of injustice.

Boudon has many relevant remarks on the broader topic of injustice:

Why, depending on the situation, we perceive justice or injustice, legitimacy or illegitimacy? In the majority of cases, we cast no doubt on our verdict: there indeed are situations that drive in us a very strong sentiment of injustice; we are certain that our sentiment is funded; we are also driven to believe that most of the individuals around us would have a verdict identical to our own. Why do we have this feeling, and why are we certain? We think so because we believe our sentiment must be shared by the others?²

Social sciences, in this regard, have proposed many theories attempting to explain why individuals consider a given situation just or unjust, legitimate or illegitimate³. However, as explained by Boudon, the sentiments of justice, although representative of key social phenomena, are certainly among those that this field has more issues trying to evaluate adequately.

¹ R. Boudon, *Sentimenti di giustizia*, il Mulino, Bologna 2002, pp. 7-8.

² Ivi, pp. 10-11.

³ *Ibidem*.

One possible, leading explanation is found in Boudon's work:

A cause of this disappointing situation is that theories of justice are, in most cases, philosophical in nature. Their goal is, in other terms, founded on norms: they are set to determine what is good and what is bad, what just or unjust, what has to be done, instead of explaining why people perceive certain situations as good or bad, right or wrong or coherent with respect to what must or should be done.⁴

Fabio Macioce acknowledges the presence of a multitude of distinct definitions of justice, as well as the fact that many of the leading theories on law and moral have tried, over time, to explain the relationship between law and justice, a relationship which we are also attempting to explain.

The intended purpose is acknowledging justice as a fundamental human need, grounded on historical and social truths; this attempt is made despite the fact that many attribute justice to a concept which cannot be determined rationally, or that human reasoning is not capable of properly understanding its actual principles⁵.

This fundamental aspect requires a meticulous evaluation of the behavior of human beings which, as the hard lessons from history indicate, has never stopped pursuing justice, without neglecting an additional aspect: that of human beings capable and willing to judge the actions of ruling powers, laws, and even their own behaviors in terms of justice. Concerning this, Macioce further reports that:

If, despite everything, human beings attempt to strengthen their expectations of justice, this need, no matter how irrational, *actually affects* law, as well as choices based on the interpretation laws, and political decisions. All of law, whether it is in its pure form or its interpretations by institutions, is deeply affected by the "demand" for justice, and the need for justice by individuals.⁶

Macioce thus opens the demand for justice – which is also acknowledged by D'Amico, despite the latter not being a philosopher or sociologist – to ultimately report that human beings actively try to consolidate their pursuit of justice, at times even in irrational terms, and these choices ultimately affect law. All of law is affected by the demand for justice.

This is a core issue that leads to broader assumptions on the nature of human existence and the topic of coexistence. «Justice guarantees the possibility of establishing, in general, any form of social coexistence and, first among all, coexistences of economic and political forms» is a firm claim by Francesco D'Agostino, who elaborates further in saying «in the broader sense, and acknowledging the applicability of post-classical metaphors, it is possible to define *law* as the multitude of social practices meant to *legally* shape coexistence, thus ensuring justice». D'Agostino also specifies that it is due to similar connections with justice that Kant, in his *Lezioni di etica* work, defines law as *sacred* and also quantifies it, in *Pedagogia*, as *Augapfel Gottes auf Erden*, meaning "God's pupil on the Earth"⁷.

Why these remarks, if D'Amico actually presents us with a topic based on choices driven by the free market and the right to travel? The right to travel, assuming it has ever been a true right across the world, seems to be compromised - as will be discussed in detail - for certain types of shipping and passengers. The answer, which may seem surprisingly simple and leads back to the "operational cost reduction" dogma, does not convince us. The broader landscape we are observing lacks a detailed analysis on the increase in the number of passengers which has occurred in the past few decades, as well as air transport's deregulation processes, although institutions such as the European Union had to intervene more than once to ensure fair passenger rights in case, among other things, of cancellations and delays.

⁴ Ivi, p. 87.

⁵ F. Macioce, *Giustizia. Un bisogno umano fondamentale*, in *Dimensioni del diritto*, A. Andronico, T. Greco, F. Macioce (a cura di), Giappichelli, Torino 2019, p. 3.

⁶ Ivi, p.4.

⁷ F. D'Agostino, *Giustizia. Elementi per una teoria*, Edizioni San Paolo, Cinisello Balsamo 2010, p. 15.

This example highlights a real problem pertaining to the primary sentiment of injustice; a problem that must be dealt with based on the ideas by the economist and philosopher Sen:

In order to understand the world, our own and immediate perceptions are not sufficient. Thought is required for a proper understanding. What we feel and what we believe we see needs to be “read”: we have to ask ourselves what these perceptions are indicating and what can be done to account for them without being overwhelmed. Each occurrence needs to be evaluated with respect to the reliability of our feelings and our impressions. A feeling of injustice can constitute a signal leading us to act, but each signal needs to be critically evaluated, and the validity of conclusions based on signals only needs to be verified at all times.⁸

2. The Status Quo of Air Travel

The air transportation sector has experienced considerable increases over time in terms of passenger figures, number of flights, services and routes available to customers: ever since the first commercial flights over one century ago, air transportation has been on a nearly constant rise⁹. Only major events affecting travel on a global scale, such as the Covid-19 outbreak¹⁰, have been able to slow down the notable increase.

That this branch of transportation is reaching unprecedented levels is now clearly demonstrated by the extent of worldwide air traffic: on June 7th, 2024 the popular flight tracking service *flightradar24.com*, which allows any user to monitor non-sensitive flight data, announced that for the first time ever more than 23000 flights were being tracked all over the world at the same time, marking a true milestone.

The success of air travel has also marked a substantial change in the perception of travel times and distances in present day society. Never before in the history of humanity were approximately 24 hours of travel sufficient to reach any place in the world, an achievement holding major implications on tourism, cultural exchange, and economic growth at various scales.

Over time, aircraft designs have been adapted to specific niches in terms of operating ranges and purposes, as the difference between narrow-body (NB)¹¹ aircraft operating short-to-medium range routes and wide-body (WB) aircraft meant for long haul routes became a prominent factor driving the development of new designs¹². Due to safety concerns, certain long haul routes such as the North Atlantic air corridors were, for a long time, restricted to four-engine wide-body aircraft: it took the introduction of ETOPS (Extended-range Twin-engine Operational Performance Standards) to ensure that even two-engine aircraft were safe enough for such routes, a significant leap that had an enormous impact of intercontinental flights¹³. In fact, most transatlantic flights are now fully operated by twin-engine aircraft and some of this niche is now in the process of being filled by

⁸ A. Sen, *L'idea di giustizia*, Oscar Mondadori, Milano 2011, p. 4.

⁹ D. Oxley & C. Jain. Chapter 1.4 – *Global Air Passenger Market: Riding Out Periods of Turbulence*. Travel and Tourism Competitiveness Report 2015. International Air Transport Association. World Economic Forum 2015.

¹⁰ S. Albers & V. Rundshagen. *European airlines' strategic responses to the COVID-19 pandemic (January-May, 2020)*. Journal of Air Transport Management, 2020.

¹¹ These are also referred to as “single aisle” aircraft.

¹² C. Lanier Benkard. *A Dynamic Analysis of the Market for Wide-Bodied Commercial Aircraft*. The Review of Economic Studies, 2004.

¹³ J. DeSantis. *Engines Turn or Passengers Swim: A Case Study of How ETOPS Improved Both Safety and Economics in Aviation*. Journal of Air Law and Commerce 2013.

extended range (ER) versions of narrow-body aircraft, such as A321NEO variants now capable of extended short haul operations¹⁴.

Aircraft designs aside, one of the main factors leading to the implementation and further differentiation in what could be considered the two main niches of air travel – based on a pure business model criterion – is the appearance of low-cost (or “low fare”) carriers (referred to as LCC for the remainder of this paper). These airlines specialized in lowering ticket prices by making some of the services normally ensured by traditional, “full service” or Legacy airlines (referred to as “Legacy” for the remainder of this paper) optional, pending the payment of extra fees, or even totally absent¹⁵. This formula has been extremely successful in short haul sectors, where the need to rely on services such as checked baggage, onboard meals and seat selection was not as necessary as in long haul routes¹⁶. The effectiveness of lower ticket prices has therefore ensured a remarkable increase in the number of passengers, a push towards higher figures which continues to this day: modern airframes are now designed with efficiency in mind and the need to maximize profit per cabin seat; furthermore, one of the extra goals is the reduction of fuel consumption via specifically optimized engines and aerodynamics. The need to reduce costs and increase profit margins is such that reducing travel times is no longer a priority: though newer aircraft are meant to use less fuel compared to their predecessors¹⁷, they have much longer engine startup sequences which result in slightly longer travel times. Even airports have adapted their boarding gates to the LCC model, with pre-boarding and pre-queue areas meant to minimize the boarding times of LCC flights. This demonstrates that the success of the LCC model has a number of implications not only on air travel, but also on infrastructures.

Although different business models have their own right to exist in a free market, a major drawback linked to the gradual shift from Legacy to LCC in short haul routes has occurred: due to an apparent lack of regulation on certain key services, some of which might be argued as mandatory on moral grounds, the push towards lower prices has essentially cut off entire categories of passengers and services from many routes. Furthermore, some of these changes from Legacy to LCC airlines were at least partially driven by subsidies and state aid, an occurrence that is hereby mentioned but does not constitute the core of the issue. What is more surprising is that the broader issue of reduced accessibility is severely understudied not only in terms of extent and nature, but also in terms of economic and social consequences for present day society.

One possible explanation for the lack of substantial research and investigation on this regard may be related to the complexity of the topic for the perspective of non-experts. From the perspective of the general public, air travel is now more affordable, and media reports very often remark on increasing figures in terms of passenger volumes. The possibility that these increases may be closely tied with a poorer service does not seem to be the main focus of the general public.

Considering passenger figures alone as an indicator of air transportation’s growth, “health”, and efficiency is easy but intrinsically flawed. The analysis does not account for Legacy airlines using travel classes other than Economy/Coach on their airplanes, thus leading to the absurdity by which converting four Economy seats into a First class seat would be a “loss” in terms of capacity; it does not account for intercontinental routes and their longer travel times, thus making LCC airlines operating short haul route only apparently more “efficient”; more importantly, at no point does it consider the impact on certain passengers whose mobility is reduced (PRM, Passenger with Reduced

¹⁴ C. Miyoshi & R.J. Molina-Prados. *Measuring the impact of long-haul low-cost carriers on lowering fares: A quasi-experimental design to assess the pre-COVID market*. Transport Policy, 2022.

¹⁵ V. Majerová & M. Jirásek. *Flying high on low cost: Success in the low-cost airline industry*. PLoS ONE, 2023.

¹⁶ D. Mc. A. Baker. *Service Quality and Customer Satisfaction in the Airline Industry: A Comparison between Legacy Airlines and Low-Cost Airlines*. American Journal of Tourism Research, 2013.

¹⁷ Z. Bagdi, L. Csámer, G. Bakó. *The green light for air transport: sustainable aviation at present*. Cognitive Sustainability, 2023.

Mobility) or other categories of passengers whose access to air transportation is reduced, or stopped entirely. These are the main reasons why the topic should be subject to socio-legal evaluation, in accordance with the premises by Dimartino from the previous chapter.

3. Untangling the Phenomenon

Prior to the analysis of the affected categories, the topic needs to be addressed in a way that would explain why these changes occurred, and how they're so predominant right now. In principle, no airline would exclude a given passenger for their flights, unless said passenger poses a major safety or security issue: airlines are companies pursuing profit, therefore in absolute terms there is no reason why a number of potential customers should be prevented from flying. The reason why it happens is justified in purely operational terms: a customer would only be undesirable if they created costs that outweighed their revenue. That is, given a revenue X and cost Y from a customer, accepting them does not make operational sense if Y is greater than X .

The LCC model is largely based on reducing operating costs by minimizing services: managing connecting passengers, for example, requires *ad hoc* procedures, extra personnel, and more risks related to disruptions, as the airlines failing to ensure connections are required by law to compensate the passengers adequately¹⁸. Based on the business model and demand, an airline can simply decide not to manage connections, thus limiting the number of passengers its services are aimed at. Without considering a number of sporadic exceptions, there are no legal requirements ensuring that airports A and C should be adequately connected via B in the case that they do not have direct flights: therefore, a Legacy airline or LCC requesting to operate the same routes have identical chances to succeed at obtaining the permissions to operate said routes, in the name of the free market. Furthermore, as Legacy carriers normally tend to accept cargo while LCCs don't, a shift in operating airline also results in changes in the availability of shipping on a given route.

In a world where governmental influences over businesses and the economy are oftentimes debated, a compromise has to be found between the need to let the market control and improve itself, and the broader interests of society and consumers. Excessive governmental control would effectively prevent improvements driven by competition, while pure deregulation would lead to questionable practices aimed exclusively at profit. Some of these practices, such as those described in this work, may even be neglected by media and research.

The world of aviation is already facing issues that are the result of unclear balance between the two factors. One remarkable example of a total regulation gap is the so-called "Pay to Fly" policy, a controversial business framework by which pilots would pay the airline to fly and obtain much needed extra qualifications, or fly for months to minimal wages to cover the expenses of said certifications¹⁹.

The broader point is that, in terms of a pure cost-to-advantage logic, offering certain services is not compatible with business models aimed at reducing ticket prices as much as possible. From the perspective of ground operations, an LCC tends to minimize the so called "turnaround" time, which is the amount of time spent between two consecutive flights: all operations related to disembarkation, unloading, refueling, boarding and reloading, as well as the necessary paperwork and safety/security checks, are performed during the turn around procedure. The exact same aircraft type may be subject to turn around times differing by as much as 40%, depending on the business model of the airline operating them; needless to say that reducing turnaround times optimizes operational performance and profit, but it must also be compatible with the standard procedures applied by the airline itself.

¹⁸ European Union, Regulation (EC) No. 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (Text with EEA relevance).

¹⁹ Y. Jorens, D. Gillis, L. Valcke, J. De Coninck. *Atypical Forms of Employment in the Aviation Sector*, European Social Dialogue European Commission, Ghent, Belgium, 2015.

Accepting cargo and/or certain categories of passengers has a direct consequence on turnaround times, potentially up to the point where they would lose their competitive edge.

In addition to that, LCCs organize their entire infrastructure to reflect a business model centered on simplicity, low ticket prices and short turnaround times²⁰: this goes from applying a pure “point to point” model, where tickets are separate and there’s no such thing as a connecting flight, to adapting the entire logistics line to the model itself, including employed DCS (Departure Control Systems)²¹. Remarkable differences are also present in terms of personnel: a simple model requires fewer agents, which in turn results into lower costs.

When it comes to the customer, which is a vital part of the entire sector, choices are based on schedules, routes served and ticket price²²: as of today, there’s no indication whatsoever that the air transportation sector is based on airlines’ willingness to serve as many categories of passengers as possible. People will simply choose what’s more convenient for them, and if the choice keeps falling on LCC, the market will adapt accordingly. In fact, it’s no secret that short haul in markets such as Europe are nearly monopolized by LCCs, with Legacy carriers relying largely on the hub-and-spoke model to feed long haul flights and, vice versa, long haul flights providing passengers to the short haul network²³.

Is it appropriate to define this major shift in accessibility as a social conflict, driven by the choices of the many against the personal needs of the few? The premise by Dimartino, combined with the technical details on air transportation and its management, go in that direction. The results of this conflict are also tangible: a more detailed description of its impacts and socio-legal consequences will be described in the next chapter.

4. On the Reduced Accessibility

The previous chapters have provided an explanatory framework concerning shifts in the accessibility of services in air transportation, driven by changes – oftentimes actively influenced by governments via state aid and/or subsidies – in service availability across domestic and international networks. This chapter of the work describes a number of services directly impacted by these changes and some of their socio-legal implications, without addressing country-specific laws²⁴.

As more attention is focused globally on animal rights, and pets have gained access to more services thanks to the pressure and effort of entire associations devoted to the topic of enhanced synergy between humans and pets in numerous environments, the aviation sector also frequently covers the need to travel with animals up to the size of large dogs. One typical example would be going on vacation with pets. In operational terms, loading a living animal into an aircraft hold requires time, special care, specific equipment, a pressurized hold, all requirements that may not match generic LCC practices, though exceptions can occur. Alternatively, small pets can board the airplane alongside their passenger and travel with them, as per specific restrictions (*e.g.*, the overall number of pets on a given flight has to be limited and they generally cannot sit together). In the case of a Legacy route replaced by an LCC, the service becomes compromised, thus leading those traveling with pets to completely change their plans and even rely on other means of transportation, which

²⁰ O’Kelly M.E., Park, Y. *Contrasts in sustainability between hub-based and point-to-point airline networks*. Sustainability, 2023.

²¹ Programs used in airports to manage and handle flight figures and data.

²² M. Kos Koklic, M. Kular-Kinney, S. Vegelj. *An investigation of the customer satisfaction with low-cost and full-service airline companies*. Journal of Business Research, 2017.

²³ A. Magdalina & M. Bouzaima. *An empirical investigation of European airline business models: Classification and hybridization*. Journal of Air Transport Management, 2021.

²⁴ F. D’Amico. *A call for more detailed commercial aviation statistics in media reports*. Journal of Aviation, 2025.

may seem sustainable at first (*e.g.*, trains) unless considerable travel times are involved. This tendency is in contrast with any other context in present day society, where pets are recognized nearly to the status of official companions for their owners.

In this work, references have been made to limited cargo shipping. This issue may not be relevant for the broader public, however there are many important – and generally neglected – implications when this service is interrupted or severely limited. In fact, Legacy airlines can accept human remains and specific types of organs for rapid transportation between two airports: both services have a direct social implication, as the former would allow the loved ones of the deceased to proceed with funerals and other services in reasonable amounts of time, while the latter would ensure that more lives are saved, making up for the unavailability of government-operated fast means of transportation. Even in this case, there are no known legal requirements to maintain these services, especially when the alternatives would be inherently inefficient (*e.g.*, maritime shipping to and from islands). This example once again underlines the presence of a paradox in a sector generally characterized by rapid growth and more advanced technologies.

The examples reported above may constitute a niche, however the main “victims” of the social conflict taking over the skies are individuals with disabilities, or PRM as per the aviation jargon. While generally speaking, PRMs are allowed on any flight and regulations exist to ensure at least minimal rights in that regard, many categories of PRM cannot board LCC flights, thus leading to a major issue in the right to fly and ensure accessibility to the physically impaired. Some LCCs also apply restrictions to the number of PRMs on any given flight, while Legacy carriers operating the exact same aircraft types would accept any number on board. Passengers on stretchers, which require ad hoc procedures to be treated and transported, face the challenges of LCC airlines which completely lack cabin configurations suitable for these occurrences, thus forcing these passengers to rely on extremely expensive alternatives.

Unaccompanied minors are also heavily affected by the reduction in Legacy airline routes, as LCC airlines do not tend to accept them unless an older relative has paid to fly with them. The unaccompanied minor service requires extra personnel and care due to the numerous legal requirements of the service, but allows commercial airplanes to provide a safe means of transport to families facing issues.

Alongside specific passenger categories, a broader audience of customers is also severely damaged by unregulated shifts in the airline market. While the replacement of any given route from the Legacy to the LCC type may seem beneficial to those passengers who travel between the two cities served by the route itself, those relying on connections to reach places not served by direct flights need to face the pitfalls of a dominant “point to point” policy, which causes them to have very limited rights in case of delays, mishandled baggage, and other forms of travel disruptions. Although exceptions are present, the LCC model is generally not capable of managing connections, thus leading to another paradox by which some destinations are no longer served in the way they used to be. This example provides a clear insight into the topic addressed by this paper: the choices of the many, in this case the passengers travelling from A to B and willing to minimize their expenses, damage directly those traveling from A to C via B, who now travel with fewer rights.

Following the description of categories affected by partial or even total travel restrictions that would compromise the on-time performance of an operating airline, *i.e.* the LCCs which have adapted their allowances based on their own business model, legitimate questions arise on the consistency of these restrictions on a much wider scale, with a focus on regulations and the need to ensure equal rights in a world where technology has made such tremendous strides.

As of today, there’s no sign – at least in Europe – of regulations that require certain services to be honored for certain slots²⁵. In fact, slots are interchangeable between airlines, pending regulatory approval, but there are no tangible requirements to honor certain services and/or distribute slots in key routes between LCC and Legacy airlines. This means that under precise conditions driven by the

²⁵ In commercial aviation, slots are the rights to serve two airports A and B at a given time, and with a given schedule. Airlines own slots, which are to be considered a property.

market, and therefore by the form of social conflict described in this paper, entire routes may be excluded by special service coverages.

5. Without Exhaustive Claims

The present work did not pretend, even from its inception, to have exhaustive claims. Instead, the idea was to provide a new insight into the relationship between law and society. This relationship has been discussed based on a modern form of social conflict, the one underlined by D'Amico in practical terms as the exclusion to and from rights of select categories of passengers from air travel based on the reduction of operating costs. This is a peculiar form of modern social conflict, tied to the push – oftentimes based on subsidies and state aid – to increase passenger figures and low cost flights. This apparent form of “progress” and “notable results”, however results in the right of travel being compromised for select passenger categories.

With all of these remarks, especially when considering the notions and thoughts expressed above, it becomes clear that the context of social conflict in modern society cannot be addressed without a clear reference to Ralf Dahrendorf's thoughts: in order to achieve progress, says the author, conflict is not only necessary but is also something that must not be hindered.

The German sociologist, therefore, leads us firmly towards an evaluation of social conflict as a fundament of society, underlining that

as factors in the process of social development and change as time goes by, conflicts are profoundly necessary. There where conflicts are absent, and where they are hindered or partially resolved, change is slowed down or outright stopped. There, where conflicts are recognized and regulated, change retains a process of gradual development.²⁶

Based on these premises, conflicts are a vital factor in society, also considering that conflict in general is a key element of life as a whole ²⁷.

Dahrendorf's thoughts in *Il conflitto sociale nella modernità* are even more interesting from this regard, as the author evaluates the typical human pursuit of wealth as a contrast with justice. Modern social conflict is between those who want to increase their wealth and those who want civil rights to come first.

«Conflicts must be evaluated as real things»²⁸, says the author firmly and decisively, summing up the entire argument, and also claims that

societies seem to have a never-ending fantasy for the means by which they express tensions and antagonisms. Street battles and violent strikes, elections and harsh debates on wages, collective and individual mobility are all ways to show the same forces behind these actions. Today, we have an extra variable. Conflicts do not show up as frontlines in a revolutionary war, or in a class action war within a democracy, but they show up as anomie.²⁹

Therefore, as remarked by Alberto Izzo, Dahrendorf «refuses the scheme funding society upon equilibrium and consensus», also saying that «conversely, conflict is vital for any society, and it does not have to be regarded as a characteristic of a specific period in history, as something temporary, but as a fundament of social life»³⁰.

There's no doubt in claiming that for a long time, conflict has been addressed as something that would need to be resolved, or phased out. We are heirs of an epoch, according to Miguel Benasayag

²⁶ R. Dahrendorf, *Pfade aus Utopia*, Piper, München 1967, trad. it. di G. Panzieri, *Uscire dall'utopia*, il Mulino, Bologna 1971, p. 233.

²⁷ *Ibidem*.

²⁸ R. Dahrendorf, *The Modern Social Conflict. An Essay on the Politics of Liberty*, Weidenfeld & Nicolson, New York 1988, trad. it. di Michele Sampaolo, *Il conflitto sociale nella modernità. Saggio sulla politica della libertà*, Laterza, Roma-Bari 1989, p. 188.

²⁹ Ivi, pp. 191-192.

³⁰ A. Izzo, *Storia del pensiero sociologico*, il Mulino, Bologna 1994, pp. 374-375.

and Angélique Del Rey, which believed in the possibility of ending, one day, any form of conflict. We are afraid of whatever threatens our lives and our societies. But conflict returns blatantly, at individual and societal levels. We live, essentially, in «a civilization that does not tolerate conflicts as long as they are not normalized»³¹. According to the two philosophers

the true challenge is elsewhere, at least according to us. It is a matter of living together with what we have removed and abandoned as an inadmissible anomaly. It is a matter of understanding how the human being, as it is, with its obscure traits, can build the conditions by which common places can be shared “despite” conflict, perhaps “through” conflict, ending the dream or nightmare of whoever would like to eliminate the part of it which cannot be controlled.³²

Unfortunately, while we do agree with the two philosophers, some end up removing conflict from our lives, ignoring how important it is for mankind. And we even go a step further, attempting to refuse conflict! The real issue is that we have no future without our own changes over time. These changes lead, relentlessly, to conflict. There is no such thing as future for those who cannot sustain conflict³³.

The concept itself of conflict is pivotal in philosophical debates, as we clearly underlined in the previous chapters, as much as it is in sociological, legal, and anthropological discussions.

D'Amico highlights the occurrence of injustice, and in doing so we can all but remember Stella's thoughts, where justice is at the eye of the cyclone, called for following the experience of injustice. The idea of justice is not easy to grasp. The true purpose and meaning of it are all but untouchable for the broader public. Stella specifies, however, that «the idea of justice entrenched in the minds of the general public will allow at most to claim that justice is a goal an ideal, just society attempts to reach, a goal that gets further away at every step»³⁴.

«Of justice and wisdom, and many other positive concepts that please souls, there's nothing of their splendor in their copies, down here», said Mario Cattaneo in the introduction of *Critica della giustizia*. The well-known saying attributed by Plato to Socrates indicates, precisely, the goal and difficulty of the philosophical-legal analysis, which is searching and highlighting the gap between the platonic concept of justice and the “copies down here”.

Cattaneo defines the «currently existing legal frameworks, laws, and institutions positive matters with which we have to deal with in social and civil life; laws and institutions which, even if magnified by politics, they actually share none of the «splendor” of the original concept of justice». Consequently, the author adds, “the task of philosophical reflection on law consists precisely in the continuous analysis of the gap between the idea (of justice) and its concrete implementation»³⁵.

³¹ M. Benasayag, A. Del Rey, *Éloge du conflit*, La Découverte, Paris 2007, trad. it. di Federico Leoni, *Elogio del conflitto*, Feltrinelli, Milano 2020, pp. 7-8.

³² Ivi, p. 9.

³³ Ivi, pp. 36-45.

³⁴ F. Stella, *La giustizia e le ingiustizie*, il Mulino, Bologna 2006, p. 14.

³⁵ M.A. Cattaneo, *Critica della giustizia: natura e società moderna*, Lanfranchi, Milano 1996, p. 11. Il riferimento alla celebre affermazione è contenuto in Platone, *Fedro*, 250 a b, trad. it. di G. Galli, Firenze 1971 (II ristampa), p. 55.

References

1. Albers S., Rudnshagen V., *European airlines' strategic responses to the COVID-19 pandemic (January-May, 2020)*. Journal of Air Transport Management 87, 101863, 2020. <https://doi.org/10.1016/j.jairtraman.2020.101863>.
2. Alberton M., *La quantificazione e la riparazione del danno ambientale nel diritto internazionale e dell'Unione europea*, Milan, Giuffrè, 2011.
3. Bagdi Z., Csámer L., Bakó G., *The green light for air transport: sustainable aviation at present*, Cognitive Sustainability 2(2), 2023. <https://doi.org/10.55343/cogsust.55>.
4. Benasayag M., Del Rey A., *Éloge du conflit*, La Découverte, Paris 2007, trad. it. di Leoni F., *Elogio del conflitto*, Feltrinelli, Milano 2020.
5. Boudon R., *Sentimenti di giustizia*, Bologna, il Mulino, 2002.
6. Cattaneo M.A., *Critica della giustizia: natura e società moderna*, Milan, Lanfranchi, 1996.
7. D'Agostino F., *Giustizia. Elementi per una teoria*, Cinisello Balsamo, Edizioni San Paolo, 2010.
8. Dahrendorf R., *The Modern Social Conflict. An Essay on the Politics of Liberty*, Weidenfeld & Nicolson, New York 1988, trad. it. di Sampaolo M., *Il conflitto sociale nella modernità. Saggio sulla politica della libertà*, Laterza, Roma-Bari 1989.
9. Dahrendorf R., *Pfade aus Utopia*, Piper, München 1967, trad. it. di Panzieri G., *Uscire dall'utopia*, Bologna, il Mulino, 1971.
10. D'Amico F., *A call for more detailed commercial aviation statistics in media reports*, Journal of Aviation 9(1), 34-40, 2025. <https://doi.org/10.30518/jav.1486316>.
11. D'Agostino F., *Giustizia. Elementi per una teoria*, Cinisello Balsamo, Edizioni San Paolo, 2010.
12. DeSantis J., *Engines Turn or Passengers Swim: A Case Study of How ETOPS Improved Both Safety and Economics in Aviation*. Journal of Air Law and Commerce, 78, 359, 2013.
13. Izzo A., *Storia del pensiero sociologico*, Bologna, il Mulino, 1994.
14. Jorens Y., Gillis D., Valcke L., De Coninck J., *Atypical Forms of Employment in the Aviation Sector*, European Social Dialogue European Commission, Ghent, Belgium, 2015.
15. Kos Koklic M., Kular-Kinney M., Vegelj S. *An investigation of the customer satisfaction with low-cost and full-service airline companies*. Journal of Business Research, 80, 188-196, 2017. <https://doi.org/10.1016/j.jbusres.2017.05.015>.
16. Lanier Benkard C., *A Dynamic Analysis of the Market for Wide-Bodied Commercial Aircraft*. The Review of Economic Studies, 71(3), 581-611, 2004.
17. Macioce F., *Giustizia. Un bisogno umano fondamentale*, in Dimensioni del diritto, Andronico A., Greco T., Macioce F. (Eds.), Torino, Giappichelli, 2019.
18. Magdalena A., Bouzaima, M., *An empirical investigation of European airline business models: Classification and hybridization*. Journal of Air Transport Management, 93, 102059, 2021. <https://doi.org/10.1016/j.jairtraman.2021.102059>.
19. Majerová V., Jirásek M. *Flying high on low cost: Success in the low-cost airline industry*. PLoS ONE, 18(12), e0294638, 2023. <https://doi.org/10.1371/journal.pone.0294638>.
20. Miyoshi C., Molina-Prados R.J., *Measuring the impact of long-haul low-cost carriers on lowering fares: A quasi-experimental design to assess the pre-COVID market*. Transport Policy, 128, 52-64, 2022. <https://www.sciencedirect.com/science/article/pii/S0967070X22002499>.
21. Mc. A Baker D., *Service Quality and Customer Satisfaction in the Airline Industry: A Comparison between Legacy Airlines and Low-Cost Airlines*. American Journal of Tourism Research, 2(1), 67-77, 2013. <https://doi.org/10.11634/216837861403317>.
22. O'Kelly M.E., Park Y., *Contrasts in sustainability between hub-based and point-to-point airline networks*. Sustainability 15(20), 15111, 2023. <https://doi.org/10.3390/su152015111>.
23. Oxley D., Jain C., *Chapter 1.4 – Global Air Passenger Market: Riding Out Periods of Turbulence*. Travel and Tourism Competitiveness Report 2015. International Air Transport Association. World Economic Forum 2015.
24. Platone, *Fedro*, 250 a b, trad. it. di Galli G., Firenze 1971 (II ristampa).
25. Sen A., *L'idea di giustizia*, Milano, Oscar Mondadori, 2011.
26. Stella F., *La giustizia e le ingiustizie*, Bologna, il Mulino, 2006.

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