

# Reified throw-away European Union?

## An insight into the commodification of food waste



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*The day is coming when a single carrot, freshly observed, will set off a revolution*<sup>1</sup>.

Paul Cézanne

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<sup>1</sup> Paul Cézanne quoted in *kollektiv*, retrieved 31 March 2015, <http://www.kollektiv.co.uk/News%202011.html>.

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Finally, to Nicolas, thank you for your unconditional love, I am the luckiest girl in the universe.

## **Abstract**

Over the last decades, food waste is an issue that has attracted increased public attention, revealing the ethical conundrum involved in throwing tonnes of food away while food security is at stake in many parts of the world. Alongside this moral concern, a trend of commodification has also developed whereby food waste is assigned a valued economic materiality coveted by a plethora of corporate stakeholders.

Whereas commodification of food waste has fostered research and innovation in an effort to make societies more resource-efficient, it has also raised public concerns as to the ways in which food waste is managed. In fact, certain scholars such as Habermas argue that the assertion of economic rationale over social logics has led to modern society's inability to respond adequately to sociopolitical issues, such as food waste management.

This study addresses the question of food waste commodification in the European Union and aims to assess why, and by way of which institutional mechanisms, has such a commodification occurred. In order to do so, the study's analysis draws on a theoretical framework which combines commodification theories together with the notion of 'reification' as conceptualised by Habermas.

It is argued that food waste has been transformed into a fully-fledged market product through economic and political relationships which confer upon food waste an exchange-value via a range of legal definitions, authorisations, subsidies and taxes. Moreover, it is asserted that this process of commodification has been enabled by virtue of a social reified objectivity.

However, the research concludes that unlike initially assumed, the European public sphere has not been reified with regard to the sociopolitical problem of food waste management. Although the study does demonstrate that part of the public sphere is influenced - or colonised in Habermas' terms - by administrative and economic logics, European democratic decision-making seems to work as a bulwark against reification. Consequently, it is further argued that the reasons lying behind the occurrence of food waste commodification may be found within the broader European sociopolitical landscape. It is likely that internal and external elements play a significant role in the values appropriated by the system which in turn shapes food waste commodification policies. As a result, Euroscepticism and economic imperialism are evoked in order to explain why European administrative and economic realms construe food waste as a commodity.

## **Keywords**

Food waste

Commodification

Reification

European Union

Economic imperialism

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## List of Abbreviations

|                |   |
|----------------|---|
| EC             | European Community  |
| AD             | Anaerobic digestion   |
| CEMR           | Council of European Municipalities and Regions                          |
| CEO            | Corporate Europe Observatory  |
| DAKOFA         | Waste & Resource Network Denmark  |
| DG SANCO       | Directorate General Health and Food Safety                              |
| DG AGRI        | Directorate General Agriculture and Rural Development                   |
| DG ENVI        | Directorate General Environment   |
| EAP            | Environment Action Programme  |
| ECJ            | European Court of Justice   |
| EEB            | European Environmental Bureau   |
| EESC           | European Economic and Social Committee                                  |
| EFA            | European Free Alliance  |
| EFFPA          | European Former Foodstuff Processors Association                        |
| EIPA           | European Institute of Public Administration                             |
| ENVI Committee | Environment, Public Health and Food Safety Committee                    |
| EP             | European Parliament   |
| EU             | European Union  |
| EU FP7         | European Union's Seventh Framework Programme                            |
| FAO            | Food and Agriculture Organisation                                       |
| FEAD           | European Federation representing the European waste management industry |
| FEBA           | European Federation of Food Banks                                       |
| FIT            | Feed-in tariff  |

|         |  |
|---------|--|
| FNADE   | French Federation of Waste Management Services                                       |
| FoEE    | Friends of the Earth Europe  |
| FUSIONS | European Food Use for Social Innovation by<br>Optimising Waste Prevention Strategies |
| GUE/NGL | European United Left/Nordic Green Left   |
| IVC     | In-vessel composting   |
| MEP     | Member of European Parliament  |
| MW      | Megawatts  |
| NGO     | Non-Governmental Organisation  |
| ROC     | Renewable Obligation Certificate   |
| TFEU    | Treaty on the Functioning of the European Union                                      |
| UCLan   | University of Central Lancashire   |
| UN      | United Nations   |
| UNEP    | United Nations Environment Programme   |
| USC     | University of Southern California  |
| WFP     | World Food Programme   |
| WRAP    | Waste & Resources Action Programme   |

# 1 Introduction

As "one of the greatest challenges we face today in a world of increasingly limited resources"<sup>2</sup>, 'Scarcity and Waste' is the theme chosen for the 2015 Syngenta Photography Award exhibition in London. The scarcity-waste paradox taken up by this exhibition typically illustrates how the sociopolitical topic of food is served in both hot and cold fashion by Western medias: world food hunger and poverty on one side of the menu, and tonnes of food waste on the other side of the menu. This paradox becomes all the more striking when translated into figures: 805 million people are undernourished in today's world, equating to one in nine people<sup>3</sup>, whereas roughly 1.3 billion tonnes of food get lost or wasted in the world each year, amounting to one third of the world food production for human consumption<sup>4</sup>.

While the nexus between food waste reduction and increased food security is not a foregone conclusion<sup>5</sup>, over the last decade, the food scarcity-waste contrast has still triggered an immense wave of reaction around the world. A reaction which tends to oscillate halfway between guilt and disgust. As a result, food banking has emerged as a worldwide phenomenon. The existence of such food redistribution networks questions the reasons which lead to their creation. In fact, the development of food banks touches upon the subtle and dialectical contradiction between (1) the emancipating impact of the market economy expansion which has allowed for technological innovation in agriculture and hence increase in food production leading to overproduction, and (2) the inability of market society to respond to the sociopolitical issue of food waste. Hence food banking intervenes in a context specific to capitalist societies where food waste is produced and reused for all but social purposes.

This claim is substantiated by the whole trend of commodification which has become an entrenched feature of the modern world in the course of capitalist development. Indeed, the rise of the market economy in capitalist conditions has eventually led to the conversion of pretty much any one thing into commodities to the extent that "nothing is produced that can't be sold for profit"<sup>6</sup>. Echoing the thesis of the economist Piero Sraffa, it appears that market economies develop through "the production of commodities by means of

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<sup>2</sup> Syngenta, "Syngenta Photography Award".

<sup>3</sup> WFP, "Hunger".

<sup>4</sup> UNEP, "Food waste facts".

<sup>5</sup> See J. Tielens and J. Candel, "Reducing food wastage, improving food security?", Food & Business Knowledge Platform, July 2014.

<sup>6</sup> C. Leys and B. Harriss-White, "Commodification: the essence of our time", *Our Kingdom*, 2 April 2012.

commodities"<sup>7</sup> - that is, production draws upon a productive consumption within a circular rationale<sup>8</sup>. The development and entrenchment of commodification in modern societies, or in other words, the marketisation of societies, is linked to the ability or inability of political institutions to make use of both *laissez-faire* and protectionist policies, as the now classic Polanyi's double movement thesis would suggest<sup>9</sup>. However, there seems to be thorough evidence that the logics of capitalist exploitation have led to a "commodification of all nature"<sup>10</sup> - including 'contested commodities' such as babies and human organs<sup>11</sup> - against which the political apparatus has been powerless. In order to comprehend the society's impotence to solve sociopolitical issues such as the 'commodification of everything', Habermas relies upon the Marxist-inspired notion of 'reification' to argue that the reifying effects resulting from both the logics of capitalist accumulation and administrative state affect the capacity of societies to use a communicative mode of interaction for responding to socially meaningful issues<sup>12</sup>.

In light of the above context, this study aims to investigate the issue of food waste commodification in the European Union (EU) by seeking to answer the following question:

*Why has food waste become a commodity in the EU, and by way of which institutional mechanisms has it done so?*

In order to answer the above research question, the study will analyse EU food waste management policies by drawing upon a theoretical framework which includes the conceptual discussion of waste political economy developed by Martin O'Brien, Reader at University of Central Lancashire (UCLan), theories of commodification, as well as Habermas' interpretation of reification.

It will be argued that food waste has become a commodity in the EU through a conversion from a non-market good into an exchangeable product organised by an array of economic

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<sup>7</sup> Sraffa quoted in Leys and Harriss-White, *op. cit.*

<sup>8</sup> P. Sraffa, *Production of Commodities by Means of Commodities, Prelude to a Critique of Economic Theory*, Bombay, Vora & CO. Publishers Pvt. Ltd., 1960, p. 3.

<sup>9</sup> F. Block, "Polanyi's Double Movement and the Reconstruction of Critical Theory", *Revue Interventions économiques*, Volume 38, 2008, pp. 2-14, p. 2.

<sup>10</sup> Leys and Harriss-White, *op. cit.*

<sup>11</sup> See M. J. Radin, *Contested Commodities*, Cambridge, Harvard University Press, 1996.

<sup>12</sup> H. F. Dahms, "Beyond the Carousel of Reification: Critical Social Theory after Lukács, Adorno, and Habermas", in H. F. Dahms (ed.), *The Vitality of Critical Theory*, Bingley, Emerald Group Publishing Limited, Book Series: Current Perspectives in Social Theory, Volume 28, 2011, pp. 93-154, p. 100.

and political relationships. Moreover, it will be asserted that the process of food waste commodification in the EU has come to exist because of the very occurrence of reification advocated by Habermas.

The question of the commodification of food waste in the EU constitutes an important political and social issue. Be it within the academic, political, economic or social field, the issue of food waste in the EU has mainly been tackled through a *cause* and *solution* lens. On the contrary, the focal point of this study is not so much food waste in itself (i.e. why it has come to be and how it could be reduced). Rather, this study aims to question how and why food waste is construed by EU political, social and economic institutions in the way it is. In this sense, this study's sociopolitical perspective on the issue of food waste in the EU is greatly enriched by virtue of the 'commodification' framework.

The study also displays academic relevance with regard to the theoretical framework used in order to analyse the commodification of food waste in the EU. Indeed, academic literature on the topic as yet to have considered food waste in the EU through the prism of commodification and reification theories. As such, this piece of research also aims to contribute new insight into the understanding of food waste commodification in the EU.

## **2 Methodological considerations**

This chapter aims to specify the methodological considerations of this study related to the choice of data, the research design, the analytical generalisation, and the limitations of the research.

### **2.1 *Choice of data***

Considering its qualitative nature, this study bases its findings on primary and secondary qualitative data.

#### **2.1.1 Primary sources**

With regard to primary sources, interviews were undertaken with EU Officials from the European Commission as well as with a Green Member of the European Parliament (MEP) in order to gain empirical knowledge about food waste management in the EU:

- Interview with Eric Poudalet, Head of Unit Safety of the Food Chain, European Commission's Directorate General (DG) Health and Food Safety (SANCO), held on the 12th November 2014 in Brussels (cf. ANNEX I).
- Interview with an Economic and Policy Analyst in the European Commission's DG Agriculture and Rural Development (AGRI), held on the 17th November 2014 in Brussels (cf. ANNEX I).
- Interview with a Policy Officer in the European Commission's DG Environment (ENVI), held on the 20th November 2014 in Brussels (cf. ANNEX I).
- Interview with the Green MEP Bart Staes, held on the 21st November 2014 in Antwerp (cf. ANNEX I).

In addition to these interviews, speeches of various high level speakers given during the 2nd European Food Use for Social Innovation by Optimising Waste Prevention Strategies (FUSIONS) Platform meeting held on 30 and 31 October 2014 in Brussels were registered and retranscribed:

- Speech of Julian Parfitt, Resource Policy Advisor at Anthesis Consulting (cf. ANNEX I).
- Speech of Chantal Bruetschy, Head of the Unit Innovation and Sustainability, European Commission's DG SANCO (cf. ANNEX I).
- Speech of Anne-Laure Gassin, Policy Officer, European Commission's DG SANCO (cf. ANNEX I).

Moreover, a considerable amount of information was also available in the form of:

- Various letters from the European Parliament (EP) Greens and European Free Alliance (EFA) Group, the Sustainable Food Steering Group (EU Food Sense), and NGOs addressed to José Manuel Barroso, former President of the European Commission, Jean-Claude Juncker, President of the European Commission and Frans Timmermans, First-Vice President of the European Commission; working documents of the Member states expert group on food losses and food waste and EU Food Sense; speech of Jean-Claude Juncker; European Commission's press releases, and so on so forth (cf. ANNEX II).
- BBC Radio 4 interview "Rubbish - Civil Partnerships" given by Martin O'Brien, Reader at UCLan and author of *A Crisis of Waste? Understanding the Rubbish Society*, and Jeff Ferrell, author of *Empire of Scrounge* (cf. ANNEX I).

### 2.1.2 Secondary sources

A wealth of information was also accessible directly through EU sources, such as Directives and Communications (described in 4.2). Moreover, much information related to food waste in the EU are made available on the website of the European Commission.

In addition, this research relies to a great extent upon academic literature. Academic sources were notably useful to acquire knowledge with regard to two main domains: (1) EU food waste management policy and legislation, and (2) theoretical approaches to food waste, commodification and reification.

## 2.2 Research design

The research design works as a blueprint and constitutes therefore a "logical task undertaken to ensure that the evidence collected enables us to answer questions or to test theories as



unambiguously as possible"<sup>13</sup>.

This research aims to analyse why food waste has become a commodity in the EU and by way of which institutional mechanisms it has done so. Assuming, on a theoretical basis, that reification plays a significant role in the occurrence of food waste commodification in the EU, this study consequently draws on a causal research design. In Habermas' fashion, causality in the commodification of food waste relates to the reifying effects stemming from the EU administrative and economic rationale over the communicative (in)ability of EU society to handle the socially important issue of food waste.

Causality constitutes a challenge for the study of commodification of food waste, as by defining commodification in causal relationships with reification, other kinds of explanations are excluded. As a result, the question of knowing whether or not reification affects the process of commodification of food waste in the EU likely makes hypotheses competing or complementary.

It is therefore important that the causal analysis enables both internal and external validity of the study - i.e. ability of the research design to lead to valid internal causal conclusions on the one hand, and viability to generalise them beyond the research in question on the other hand<sup>14</sup>.

Asides from causality, the research falls within what could be called a 'philosophical approach'<sup>15</sup>. This is so in the sense that it uses a theoretical framework derived from philosophical traditions which critically challenge the entrenched academic and social conception of waste being viewed as something discarded or unwanted. The study relies upon the three overarching tools of ontology, epistemology and axiology for analysing food waste commodification in the EU. Each of these tools is comprehensively made explicit within the theoretical discussion in part 3., and appears throughout the research.

### **2.3 Analytical generalisation**

Although stemming from the analysis of food waste commodification in the EU, the results of this study are however likely to be representative of food waste commodification in other modern societies. Indeed, the trend of commodifying any one thing is intrinsic to capitalist modernisation - a trend to which most of the world has so far been subject to. Although it is not a nation state, the EU relies on democratic decision-making procedures similar in essence to other entrenched democracies. As such, the analysis of the institutional

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<sup>13</sup> D. A. de Vaus, *Research Design in Social Research*, London, Sage Publications, 2001, p. 16.

<sup>14</sup> de Vaus, *op. cit.*, pp. 27-28.

<sup>15</sup> USC, "Research Guides, Organizing Your Social Sciences Research Paper: Types of Research Designs".

mechanisms involved in the process of food waste commodification in the EU may be transposable to other capitalist democracies.

In addition, even though this research focuses on food waste, the theoretical framework used could be of relevance in the case of other socially contested commodities. According to commodification theories, the particular features of food waste as a commodity do not prevent these study results from being applied to other socially meaningful commodities.

## ***2.4 Limitations***

This research is limited in content due to academic limits on its length and the scope of its research question. It was initially planned to analyse both the EU 2008 Waste Framework Directive and the circular economy package. However, after realising that the space would not allow for such a broad analysis, focus was centred more particularly on the Waste Framework Directive for it constitutes the main EU legislation setting provisions on the management of food waste. Another reason for this choice was that the legislative proposal included in the circular economy package is currently on a hold due to President Juncker's Commission decision – however much this tense political situation between environmental stakeholders and the EU executive sphere would have been of interest. The circular economy package is considered within this study, albeit not as thoroughly as it could have been with a wider research scope.

Moreover, this research is also limited by the very ontological, epistemological and axiological choices made with regard to the analysis of food waste management, which could have been different. As underlined above, the research's theoretical hypothesis of causal relationships between commodification and reification excludes rival or complementary arguments for understanding food waste commodification drawing on contrasting ontological epistemological and axiological positions - such as neoliberalism for example - which could offer another or perhaps more comprehensive picture of the subject.

### 3 Theoretical discussion

To achieve a fruitful theoretical discussion between the different relevant approaches to analyse the process of food waste commodification in the EU, a definition of what exactly is meant by food waste and commodity in this research project is crucial. This is all the more important as depending on the different context and ontological view, food waste can take on many different meanings.

#### 3.1 Concepts

##### 3.1.1 Food waste

On a stakeholder empirical level, food waste is conveniently defined according to the use of its definition. For instance, food waste in the eyes of the European Commission takes on a meaning which serves the aim of a 'policy proposal'. In its call to Member states to reduce food waste, food waste is defined as "food (including inedible parts) lost from the food supply chain, not including food diverted to material uses such as bio-based products, animal feed, or sent for redistribution"<sup>16</sup>. In another European Commission definition applied by FUSIONS - a European Commission Framework Programme 7 (EU FP7) research project - a clear definition of food waste is needed in order to satisfy research and statistical aims. As such, food waste is defined on the basis of the food supply chain and its definition details the different 'consumption routes' that food waste may take such as composting, plough in/not harvested, anaerobic digestion, bio-energy production, and so on so forth<sup>17</sup>.

On an abstract conceptual level, the concept of 'waste' evokes various meanings depending on the ontological position endorsed. As evidenced by the academic waste literature, two main kinds of waste ontology can be distinguished: negative and positive.

A negative ontology of waste is for instance discernible in Mary Douglas' conception of dirt as a "matter out of place"<sup>18</sup>. In this perspective, waste is considered as something discarded and non-desirable. Like dirt, waste is 'relational by definition' and therefore "[f]or something to be 'waste' it would have to be defined as such in the active imaginations of human

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<sup>16</sup> European Commission, Proposal for a Directive of the European Parliament and of the Council amending Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, 1999/31/EC on the landfill of waste, 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment, COM(2014) 397 final, 2014/0201 (COD), 2 July 2014, p. 11.

<sup>17</sup> FUSIONS, *FUSIONS Definitional Framework for Food Waste*, Full Report, July 2014, p. 5.

<sup>18</sup> M. O'Brien, "Rubbish Values: Reflections on the Political Economy of Waste", *Science as Culture*, Volume 8, Number 3, 1999, pp. 269-295, p. 271.

beings"<sup>19</sup>. This definition relies upon the constructivist paradigm which conceives waste within the human cultural and symbolic valuation and categorisation<sup>20</sup>. This negative conception of waste which has dominated waste studies in social sciences until recently has been criticised by a range of scholars who advocate a positive ontology of waste<sup>21</sup>.

In a positive view, it is argued that "those things that have been deemed worthless and rejected cannot be completely social and cultural but, on some level, must possess a significant material character as well"<sup>22</sup>. It is thus the 'material reality' of waste that is emphasised and not only its 'cultural category'<sup>23</sup>. In this vein, Gille defines waste as "any material we have failed to use"<sup>24</sup>, or as 'surplus material'<sup>25</sup>. According to her, such a large definition allows for the possibility to "demonstrate the material and social consequences of one type of waste material metamorphosing into another as it traverses the circuits of production, distribution, consumption, reclamation, and 'annihilation'"<sup>26</sup>. On his side, O'Brien goes even further into underlining the materiality of waste by saying that "[w]aste is not a by-product, an excess or superfluous shadow of the 'concrete systems of production and consumption'"<sup>27</sup> but rather a category of 'everyday material objects' with its own materiality<sup>28</sup>. Hence, O'Brien conceives that wastes are material objects just like products and commodities and are thus integrated into social, political, and economic relationships<sup>29</sup>. Scholars such as Reno have nonetheless called this 'thinginess of waste' into question. Indeed, Reno questions the anthropocentric character of most of the waste conceptions in use within social sciences, including the emphasis on the materiality of waste, and explores instead bio-semiotics and the deconstruction of the human/animal dichotomy. Consequently, Reno construes waste "as a set of objects in the world that pre-exist symbolic categorization, and [which is thus] not only a mirror of human culture but also a sign of and for other-than-human beings"<sup>30</sup>.

In light of these different conceptions of waste and for the purposes of the analysis, the definition of food waste which this study relies upon is that of O'Brien's perspective, i.e.

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<sup>19</sup> J. O. Reno, "Toward a New Theory of Waste: From 'Matter out of Place' to Signs of Life", *Theory Culture Society*, Volume 31, Number 3, 2014, pp. 3-27, p. 4.

<sup>20</sup> *Ibid.*

<sup>21</sup> See O'Brien 1999, 2013; Gille 2010; and Reno 2014.

<sup>22</sup> Reno, *op. cit.*, p. 5.

<sup>23</sup> O'Brien, 1999, *op. cit.*, p. 271.

<sup>24</sup> Z. Gille, "Actor networks, modes of production, and waste regimes: reassembling the macro-social", *Environment and Planning A*, Volume 42, 2010, pp. 1049-1064, p. 1050.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> O'Brien, 1999, *op. cit.*, p. 270.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> Reno, *op. cit.*, p. 4.

food waste is seen as a "socially organized material value underpinning diverse sectors of economic and political activity"<sup>31</sup>. In this view, the world of food waste is considered not as "a world emptied or devoid of meaning and value [but as] a highly structured and tightly specified world of actions and relationships to which questions of meaning and value are central"<sup>32</sup>. O'Brien's approach, which acknowledges the political and economic framework which food waste is part of, allows for the scrutiny of the process of commodification. Such scrutiny would be unfeasible (or at least inconsistent) if it used either a negative definition of waste or a conception that transcends the anthropocentric character of wasting. This is so because commodification, crystallising both economic and political forces, is a profoundly 'human rooted endeavour'.

In keeping with this definition of food waste, the action of food wasting is then conceived as "the practices, relationships, and institutions organising what happens to [food waste]"<sup>33</sup>.

### 3.1.2 Commodity

A commodity may be defined differently depending on the academic discipline. In purely economic terms, commodity is conceived as "a standardized good, which is traded in bulk and whose units are interchangeable"<sup>34</sup>. In a more philosophical perspective, commodity may also mean "the form a product takes when the material means of existence are organized through exchange"<sup>35</sup>. However, commodity (together with alienation) having been at the core of Marx's study, is defined in critical theory as the "process produced for the purpose of exchange or sale rather than personal consumption or use by the producer"<sup>36</sup>. In this view and as originally defined by Marx, commodity takes on a 'dual character' involving two kinds of values: the use-value and the exchange-value<sup>37</sup>. The use-value corresponds to the immediate satisfaction of some human need, while the exchange-value refers to "what it can be exchanged for"<sup>38</sup>. As such, money constitutes the mean to measure the exchange-value, "enabling different goods to be commensurated in the market"<sup>39</sup>.

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<sup>31</sup> O'Brien, 1999, *op. cit.*, p. 272.

<sup>32</sup> M. O'Brien, "A 'lasting transformation' of capitalist surplus: from food stocks to feedstocks", *The Sociological Review*, Volume 60, Number 2, 2013, pp. 192–211, p. 195.

<sup>33</sup> O'Brien, 1999, *op. cit.*, p. 270.

<sup>34</sup> J. Black, N. Hashimzade, and G. Myles, "commodity", in J. Black, N. Hashimzade, and G. Myles, *A Dictionary of Economics*, 4th edn., Oxford, Oxford University Press, 2012.

<sup>35</sup> S. Blackburn, "commodity", in S. Blackburn, *The Oxford Dictionary of Philosophy*, 2nd revised edn., Oxford, Oxford University Press, 2008.

<sup>36</sup> I. Buchanan, "commodity", in I. Buchanan, *A Dictionary of Critical Theory*, Oxford, Oxford University Press, 2010.

<sup>37</sup> Buchanan, "commodity", *op. cit.*

<sup>38</sup> *Ibid.*

<sup>39</sup> Blackburn, *op. cit.*

This value conversion confers a 'sociality' upon commodities that Appadurai describes with the help of three interrelated commodity features in his essay *Commodities and the politics of value*:

- (1) a commodity's 'candidacy' - "that is, whether it meets the 'standards and criteria (symbolic, classificatory, and moral) that define the exchangeability of things in any particular social and historical context'"<sup>40</sup>;
- (2) a commodity's 'context' - "that is, 'the variety of social arenas' that determine a 'regime of value' through which the exchange of the object transpires"<sup>41</sup>; and
- (3) a commodity's 'phase' - "that is, the temporal and social limits within which 'certain things are seen as moving in and out of a commodity state'"<sup>42</sup>.

Commodities moulded by these three interrelated dimensions come into being within the process of commodification. Marxist theories contend that this process entails the transformation of use-values into exchange-values and thus alters production relationships. In other words, commodification leads to "the process whereby goods and services which were formerly used for subsistence purposes are bought and sold in the market"<sup>43</sup>. However, commodification conceived in a broader fashion encompassing various understandings from heterodox economics to critical approaches is suggested by Carvalho and Rodrigues. They both assert commodification as being "the process whereby an object (in the widest sense of the term, meaning a thing, an idea, a creature, etc.) comes to be provided through, and/or represented in terms of, a market transaction"<sup>44</sup>.

For the commodification of a good to be realised, Appadurai mentions that '*formal conditions*' have to be involved, such as "contractual bargains, legal specifications, institutional alliances and political projects"<sup>45</sup>. Moreover these formal conditions are established within a '*social situation*' which entails an intricate arrangement of negotiations, frictions, and agreements between different political and economic institutions<sup>46</sup>.

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<sup>40</sup> Appadurai quoted in M. O'Brien, *A Crisis of Waste? Understanding the Rubbish Society*, London, Routledge, 2008, p. 120.

<sup>41</sup> Appadurai quoted in O'Brien, 2008, *op. cit.*, p. 120.

<sup>42</sup> *Ibid.*

<sup>43</sup> J. Scott and G. Marshall, "commodification, (commoditization)", in J. Scott and G. Marshall, *A Dictionary of Sociology*, 3d revised edn., Oxford, Oxford University Press, 2009.

<sup>44</sup> L. F. Carvalho and J. Rodrigues, "Are markets everywhere? Understanding contemporary processes of commodification", in J. B. David and W. Dolfsma (eds.), *The Elgar Companion to Social Economics*, Cheltenham, Edward Elgar Publishing, 2008, pp. 267-286, p. 268.

<sup>45</sup> O'Brien, 2008, *op. cit.*, p. 120.

<sup>46</sup> *Ibid.*

Food waste and commodity being defined, the various conceptual perspectives regarding waste commodification are presented and discussed in the next point 3.2.

### 3.2 *Commodification of food waste: a critical approach to political economy*

The phenomenon of commodification has attracted growing academic consideration during the last half of the twentieth century as nothing has become "so sacred as to stand beyond the scope of market logic"<sup>47</sup>. In light of this tendency, Smith describes how a sort of 'universal commodification' could look like:

nearly all valuable goods and services become alienable commodities, we understand freedom primarily as the freedom to exchange these goods, we view maximum efficiency in the production of wealth as a primary social objective, and we typically conduct evaluative discourse in cost-benefit analysis<sup>48</sup>.

This evolution towards more and more commodification has raised various responses. While many have greeted this tendency, trusting 'freedom in markets', others have feared the collateral consequences of the market which could lead to an 'inexorable dehumanisation' in Radin and Sunder's words<sup>49</sup>. The delicate issue when discussing commodification lies precisely in the fact that the argumentation "too often swings between rhetorical flourishes, with "root of all evil" claims countering dogmatic faith in free markets"<sup>50</sup>. However, as Smith underlines, commodification leads to different issues, within different contexts and involving different goods<sup>51</sup>. With this in mind, commodification needs to be assessed not within a normative framework either praising or criticising the effects of commodification, but rather within a holistic approach which considers the specificity of the concerns, contexts and goods involved in the process of commodification<sup>52</sup>.

In line with the proposed definitions of food waste and commodity in section 3.1, and for the purposes of the analysis of food waste commodification in the EU, the conceptual framework discussed in this chapter relies upon a critical political economy approach. By

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<sup>47</sup> N. Smith, "Commodification in law: ideologies, intractabilities, and hyperboles", *Continental Philosophy Review*, Volume 42, Number 1, 2009, pp. 1-29, p. 2.

<sup>48</sup> *Ibid.*

<sup>49</sup> M. J. Radin and M. Sunder, "Introduction: The Subject and Object of Commodification", in Martha M. Ertman and Joan C. Williams (eds.), *Rethinking Commodification: Cases and Readings in Law and Culture*, New York, New York University Press, 2005, pp. 8-29, p. 8.

<sup>50</sup> Smith, *op. cit.*, p. 3.

<sup>51</sup> *Ibid.*, p. 27.

<sup>52</sup> *Ibid.*

seeking to study the interactions between states and markets<sup>53</sup>, a political economy perspective is particularly relevant in this research. Indeed, like production or consumption, wasting is inserted in a "regulated social framework for transacting values, comprising an arrangement of practices, relationships and institutions"<sup>54</sup>. Waste is thus firmly anchored within a political and economic context organising and regulating waste. Its scrutiny beckons for a theoretical approach which acknowledges the synergies existing between economy and politics.

The political economy approach privileged in this study is critical in the sense that it stands for "the recognition, when the economy is placed within a wider context, of the need for radical revision of conventional economic concepts in the light of their inadequacy in dealing with the questions generated by that context"<sup>55</sup>. Hegel and Marx, by advocating a critical approach to political economy, laid the ground for such a 'modification of the economic'. According to Browning and Kilmister, "[e]ach sees their account of economic life as inextricably linked to a broader analysis of social reality, which in turn provides the basis for fundamental modification of economic categories"<sup>56</sup>. Moreover, as 'dialectical theorists', they both root the idea of 'inadequacy of economic' in the contradiction that this discipline conveys. The contradiction specifically relates to the "genuinely liberating impact of the rise of market relationships and of their deep inadequacy as the sole or main guiding principle of social life"<sup>57</sup>. It is this very paradox that this chapter will seek to illustrate through a critical political economy approach to the commodification of waste. Drawing upon the waste political economy model suggested by O'Brien as well as different commodification conceptual approaches, the next parts aim to introduce an operational conceptual framework allowing for the scrutiny of food waste commodification in the EU. Accordingly, the waste commodity status, the context in which waste is organised, as well as the issues generated by waste commodification will be tackled in points 3.2.1 to 3.2.3.

### 3.2.1 Waste as a commodity: from materiality to value conversion

As emphasised in section 3.1.1, waste is neither invisible nor 'out of place' as advocated by Douglas. On the contrary, it is "a manufactured part of the world of goods and involves

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<sup>53</sup> D. Alexiadou, "Political economy", in B. Badie, D. Berg-Schlosser and L. Morlino, *International Encyclopedia of Political Science*, SAGE Publications, 2011, pp. 1980-1986.

<sup>54</sup> O'Brien, 1999, *op. cit.*, p. 270.

<sup>55</sup> G. Browning and A. Kilmister, *Critical and Post-Critical Political Economy*, Basingstoke, Palgrave Macmillan, 2006, p. 2.

<sup>56</sup> *Ibid.*, p. 4.

<sup>57</sup> *Ibid.*



labour, exchange, licensing, regulation and profiteering"<sup>58</sup> in O'Brien's words. Similarly to any material good that generates different values and interests, waste also brings about dynamics of social change. Such dynamics drive technological innovation, push for or hamper social rights as well as frame political and regulatory structures<sup>59</sup>. Moreover, this positive materiality of waste has the intrinsic particularity of manifesting itself through dual features: waste being at the same time a 'production resource' and a 'consumption good'<sup>60</sup>. O'Brien contends that this is not a 'theoretical contradiction' but an expression of the very nature of waste in our societies. Indeed, "waste *never* loses its consumption value"<sup>61</sup> as its stage of 'final consumption' directly serves the stage of 'productive consumption'. In the case of waste, "the 'exit' of value from systems of exchange through their consumption and use by individuals [final consumption] is the immediate 'entry' of value into systems of exchange as materials for the generation of goods and services [productive consumption]"<sup>62</sup>. O'Brien goes further by asserting that in some cases, a "portion of material value, as an element of productive consumption, is built into the commodity form of the object as an element of the process of final consumption"<sup>63</sup>. This means that waste while being a consumption good also has an intrinsic value of production<sup>64</sup>. For example, many goods are manufactured with the purpose of being reintroduced in the market after consumption, such as plastic bottles whose plastic is recycled, thereby generating post-consumption value.

But how does waste, as a produce and consumer good, relate to the economy? Jackson proposes an account focusing on a circular economic scheme where waste circulates efficiently around the economy. In his view, waste is managed through the last material stage of the economic system, i.e. waste management. Jackson stresses that "[a]fter passing through the waste management sector, materials will leave the economic system and re-enter the environment"<sup>65</sup>. In Jackson's argument, materials *leaving* the economic system refer thus to material objects of waste which eventually *return* within the environment.

However, this argument is opposed by O'Brien who underlines instead that an economic system does not rely upon object materiality but value materiality. Hence, the economic

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<sup>58</sup> O'Brien, 1999, *op. cit.*, p. 286.

<sup>59</sup> *Ibid.*, p. 270.

<sup>60</sup> *Ibid.*, p. 271.

<sup>61</sup> *Ibid.*, p. 282.

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*, p. 287.

<sup>64</sup> *Ibid.*

<sup>65</sup> Jackson 1996 pp. 61-63 quoted in O'Brien, 1999, *op. cit.*, p. 277.

system is not maintained by "the material objectivity of what it manages"<sup>66</sup> but by "the values that can be extruded from the exchange of those objects"<sup>67</sup>. In other words, waste is part of an economic system of *values* which functions "on the basis of what some use of some product may generate outside of its inherent material objectivity"<sup>68</sup>. This is not to say that object materiality does not matter in an economic system. It is merely essential to grasp that while value materiality makes the economic system, this system is only circumstantially linked to object materiality. As O'Brien puts it:

Once it is recognized that an economy is related only contingently to the objectivity of the things distributed within it, it is but a short step to recognizing that what leaves an economic system is not that objectivity. Objects *never* leave an economic system as such, because, *qua* their objectivity, they never enter it in the first place—even if, on another plane of analysis, it is granted that they may pass in and out of industrial sectors. Only certain dimensions of the *values* of material objects are *economically* depleted, converted and dispersed. Waste management is precisely the political economic activity that demonstrates this beyond doubt: 'waste' does not go away<sup>69</sup>.

This approach is largely inspired by Marx's conception of commodity, though Marx discusses it as an inherent feature of capitalist societies in contrast with direct barter in primitive societies. According to him, commodities come into being once use-values supply, having overcome the measure of consumption, "cease to be use-values, and become means of exchange, i.e. commodities"<sup>70</sup>. However, as stressed by Lukács, Marx delves further into assessing the materiality of commodities by claiming that within capitalist societies, commodities have developed to such a point as to become a 'dominant form', a 'universal structuring principle'<sup>71</sup>. As such, commodification is not an isolated process occurring every so often. Indeed, in the course of capitalist development, it has become a steady and entrenched feature of modern societies. This evolution gives commodities a 'new substantiality' illustrated metaphorically by Marx in the following words: "[t]he ground and the earth have nothing to do with ground-rent (...) a quality which the ground can lose without losing any of its inherent qualities such as its fertility"<sup>72</sup>.

In the case of waste as a commodity, it thus appears that wasting does not constitute "a loss

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<sup>66</sup> O'Brien, 1999, *op. cit.*, p. 278.

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*, pp. 278-279.

<sup>70</sup> Marx quoted in G. Lukács, *History and Class Consciousness: Studies in Marxist Dialectics*, Cambridge, The MIT Press, 1968 first published in 1922, p. 84.

<sup>71</sup> Lukács, *op. cit.*, p. 85.

<sup>72</sup> Marx quoted in Lukács, *op. cit.*, p. 92.

of value from objects but [rather] a regulated exchange of value between objects: a framework or system for the conversion of value"<sup>73</sup>. This process of value-conversion, or in other terms, the loss of a good inherent value for the benefit of a new materiality, is organised and regulated through political, economic and social relationships. These relationships help waste to be transformed into exploitable commodities by means of "laws, institutions, regulations, subsidies, technologies and markets as well as definitions, plans and discourses"<sup>74</sup>. As such, the waste sector acts as "a transformative political economy that bestows different values on objects that are never economically 'wasted'"<sup>75</sup>.

The interactions between stakeholders involved in the process of waste value-conversion, or waste commodification, are examined in more detail in the following part.

### 3.2.2 Commodification relationships

As emphasized by Carvalho and Rodrigues, the process of commodification may occur at different levels. While it may take place when a good is subject to a market transaction in exchange of money (3.2.2.1), it may also arise in discourses (3.2.2.2), relating to so-called 'economic imperialism' and leading to neoliberal commodification policies<sup>76</sup>. The commodification relationships involved in these two different instances are developed in points 3.2.2.1 and 3.2.2.2.

#### 3.2.2.1 Commodification as market-based transactions

Commodification as a generalised process relates to 'money-mediated exchanges' that are embedded in the broader historical context of the socio-economic capitalist system. In this configuration, "objects become commodities when their property, or temporary control, is transferred between individual or collective actors, and their value is crystallized in a price"<sup>77</sup>. As such, the commodity quality of a good is not intrinsic to it, but rather it is attributed by an institutionally regulated structure that defines and protects property rights as an essential feature of a well-functioning economic system<sup>78</sup>. Marxist political economy approaches see the generalisation of such relationships built around the medium of exchange value in capitalist societies as "responsible both objectively and subjectively for the

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<sup>73</sup> O'Brien, 1999, *op. cit.*, p. 270.

<sup>74</sup> O'Brien, 2013, *op. cit.*, p.195.

<sup>75</sup> O'Brien, 1999, *op. cit.*, p. 284.

<sup>76</sup> Carvalho and Rodrigues, *op. cit.*, p. 268.

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*

abstraction of the human labour incorporated in commodities"<sup>79</sup>. As Lukács puts it, generalised commodification relates *objectively* to the sphere of commodities and their market transactions, and *subjectively* to the fact that in fully developed market economies, "a man's activity becomes estranged from himself"<sup>80</sup> - it assumes form of a commodity<sup>81</sup>. In Marxist terms, commodification generates thus a phenomenon of 'objectification' which amalgamates "the normative and the subjective to the status of perceptible and manipulable things"<sup>82</sup>. Habermas sums up objectification in the following fashion: "[t]o the degree that the wage laborer becomes dependent on the market for his entire existence, anonymous valorization processes encroach upon his lifeworld and destroy the ethical order of communicatively established intersubjectivity by turning social relations into purely instrumental relations"<sup>83</sup>. Therefore, the process of commodification embodies capitalist production structures and illustrates the rupture existing between the worker's labour force and his 'personality'<sup>84</sup>. In the case of waste, O'Brien's theoretical position - though not contradictory - diverges from this Marxist view as wasting for him is conceived as "a process of value conversion rather than as a vehicle for the systemic internalization of capitalist production conditions"<sup>85</sup>. O'Brien demonstrates that the ways to extract economic values out of waste in our industrialised societies are 'fully politicised' and entail a "social organization that references political and economic interests, establishes (and disrupts) social relations and inspires technological development and bureaucratic regulation"<sup>86</sup>. These 'rubbish-relationships' structure the wasting process in a 'rubbish political economy' at both political and temporal level through different social arrangements such as for instance, waste recycling, burning, burying, storing or mining<sup>87</sup>. Furthermore, the flows of waste values organised through this regulated network depends on two conditions: the establishment of '*economic relationships*' between waste and other goods and services as well as the '*negotiation of periodicities*' during which the exchange value of waste is made available for exploitation<sup>88</sup>. These two dimensions integrate a 'commodification relationship', i.e. "a negotiated order of value that is inflected by government policy, the market price of related goods and services and the constraints and opportunities facing waste

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<sup>79</sup> Lukács, *op. cit.*, p. 87.

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> J. Habermas, *The Theory of Communicative Action*, Volume 1, *Reason and the Rationalization of Society*, Boston, Beacon Press, 1981, p. 358.

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.* p. 357.

<sup>85</sup> O'Brien, 1999, *op. cit.*, p. 272.

<sup>86</sup> O'Brien, 2013, *op. cit.*, p. 195.

<sup>87</sup> O'Brien, 1999, *op. cit.*, p. 287.

<sup>88</sup> *Ibid.*, p. 288.

transporters, contractors and licensors"<sup>89</sup>. Accordingly, O'Brien focuses on commodification not as a single value-conversion event which simply assigns a price to a market good but a "moment in a complex realignment of institutional relationships"<sup>90</sup>. The commodification of waste corresponds thus to negotiation of values and costs of goods between public and private institutions. This negotiation relates not to the good itself but to the social, political and economic exchanges which in turn generate the object value-conversion<sup>91</sup>. This is so because each institution possesses distinct means and opportunities for exploiting the values of waste<sup>92</sup>.

Referring to Appadurai's three commodities dimensions (cf. 3.1.2), waste commodification relationships occur within a certain *context* involving various 'social arenas' dealing with waste (such as economic and political institutions). Within this context, waste commodification relationships establish or substantiate waste's *candidacy*, "translat[ing] its status into the 'standards and criteria (symbolic, classificatory, and moral) that define the exchangeability of things'"<sup>93</sup>. In addition to establishing waste commodity's status, these relationships also introduce the *phase* during which waste's commodity value is exploitable. Therefore in a political economy of waste, wasting doesn't mean discarding waste or even eliminating it. Rather the contrary, it constitutes a socio-economic and political action which places waste in the channels of waste management. Wasting means situating 'positively' discarded goods in an institutionally regulated framework which establishes and secures finality of and access to waste<sup>94</sup>. In such a political economy of waste, rubbish value portrays "the unrepresentable constituent of a political economy in a state of perpetual emergence"<sup>95</sup> for it never exhausts its consumption value. This 'emergent quality' of a political economy of waste thereby generates "value-comparability and a struggle over what tactics will most effectively marketize waste"<sup>96</sup>.

### 3.2.2.2 From 'commodification in discourse' to commodification policies

In parallel with the process of commodification as market-based transactions, the transformation of goods into commodities may also arise at the level of discourse. Carvalho and Rodrigues identify this scenario when an object, be it a thing or an idea, is described 'as

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<sup>89</sup> O'Brien, 1999, *op. cit.*, p. 288.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*, p. 289.

<sup>92</sup> *Ibid.*, p. 290.

<sup>93</sup> O'Brien, 2008, *op. cit.*, p. 123.

<sup>94</sup> O'Brien, 2013, *op. cit.*, p. 202.

<sup>95</sup> O'Brien, 1999, *op. cit.*, p. 291.

<sup>96</sup> *Ibid.*

if it were a commodity. As a consequence, "[the object's] social value is then exhausted by the price tag metaphorically attached to it, thereby eroding the plurality of human values and generalizing a private-gain, money-minded, mentality"<sup>97</sup>. Commodification in discourse refers to the 'economic imperialism' wave which has swept the microeconomics field since the 1950s. It redefined economics as "the science which studies human behavior as a relationship between ends and scarce means which have alternative uses"<sup>98</sup>, thereby contrasting with the original definition of microeconomics applying to a 'well-delimited space' in order to transcend classical political economy<sup>99</sup>. Economic imperialism is what Polanyi relates to formal economics which refers in turn to "the logical character of the means-ends relationship"<sup>100</sup>. In other words, Polanyi's formal economics discourse designates a distinct 'situation of choice' deriving from an 'insufficiency of means'<sup>101</sup>.

In the case of waste, O'Brien tackles the question of 'means-ends relationship' drawing on Paul Sweezy's theory of capitalist expansion based on the process of underconsumption<sup>102</sup>.

According to this theory, capitalist societies constantly experience a stagnation situation due to the contradiction existing between production and consumption capacity<sup>103</sup>. Indeed, as Sweezy describes, production grows continuously "without any reference to the consumption which alone can give it meaning"<sup>104</sup>. Capitalist systems encounter thus either circumstances of excess "where there are simply too many goods on the market and the restricted consumption of the masses prevents their sale"<sup>105</sup>, or circumstances where "the productive forces themselves are left to stagnate in order to offset precisely this crisis of underconsumption"<sup>106</sup>. In this perspective, the overproduction/underconsumption rhetoric is used to illustrate the mechanisms that politically regulate the material realm for the sake of capital accumulation. The overproduction, or capitalist surplus, does require the excessive exploitation of labour and resources, but as O'Brien puts it, "[it] is precisely one face of capitalism's contradictory coinage whose flip side is the restriction of access to - and control over - those resources in a politically regulated economy of underconsumption"<sup>107</sup>. This echoes what waste policy looks like, i.e. an expression of the political contradictions

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<sup>97</sup> Carvalho and Rodrigues, *op. cit.*, p. 268.

<sup>98</sup> *Ibid.*, p. 279.

<sup>99</sup> *Ibid.*, p. 268.

<sup>100</sup> K. Polanyi, "The Economy as Instituted Process", in M. Granovetter and R. Swedberg (eds.), *The Sociology of Economic Life*, Oxford, Westview Press, 1992, pp. 29-51, p. 29.

<sup>101</sup> *Ibid.*, p. 31.

<sup>102</sup> O'Brien, 2013, *op. cit.*, p. 202.

<sup>103</sup> *Ibid.*

<sup>104</sup> Sweezy quoted in O'Brien, 2013, *op. cit.*, p. 202.

<sup>105</sup> O'Brien, 2013, *op. cit.*, p. 202.

<sup>106</sup> *Ibid.*

<sup>107</sup> *Ibid.*, p. 204.

intrinsic to capitalist development<sup>108</sup>.

In fact, as showed by the example of waste policy, Carvalho and Rodrigues underline the significant influence of economic imperialism discourse in establishing a 'new common sense' as well as in framing both institutional structure and public policy. The economic imperialism discourse has instilled 'commodified understandings' and fostered processes of commodification<sup>109</sup>. This development has been favoured by neoliberal economic theory which suggests "a frame in which choices in all areas of social life come to be conceived as if they were private choices among different commodities in a market context"<sup>110</sup>.

With regard to waste commodification policy, O'Brien proposes an innovative perspective by transposing Claus Offe's reflection on the state and social policy to waste policy<sup>111</sup>. In his essay *Contradictions of the Welfare State*, Offe argues that social policy consists of answering consistently to the contradictory needs of both capitalist accumulation and socialisation. As such, social policy addresses together "the demand for the expansion of surplus value and the development of means of production to achieve this expansion"<sup>112</sup> as well as "capital's need for a disciplined labour force, compliant with the structures of wage labour and able to reproduce itself as wage labour"<sup>113</sup>. This "push-pull of privatized and socialized supervision"<sup>114</sup> leads the state into a delicate situation where the economy requires regulatory services supply that at the same time should not be politicised so as to avoid political and social scrutiny of the capitalist system<sup>115</sup>. According to Offe's conception of social policy, the state apparatus achieves this through a double system of transactions: (1) the transaction of "welfare transfers with the social sphere for loyalty to - or compliance with - the framework of capitalist accumulation"<sup>116</sup>, and (2) the transaction of "regulatory services with the economic sphere for fiscal inputs to fund the framework of capitalist accumulation"<sup>117</sup>.

On the basis that the economy needs to be impervious to social tensions and conflicts, incomes are transferred from the economic private realm to the social public sphere as a significant mean to avoid any social pressure towards the capitalist system. The underlying trend corresponds to a 'rationalisation' of the structure of social power sustaining capital

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<sup>108</sup> O'Brien, 2013, *op. cit.*, p. 204.

<sup>109</sup> Carvalho and Rodrigues, *op. cit.*, p. 273.

<sup>110</sup> *Ibid.*, p. 274.

<sup>111</sup> O'Brien, 2013, *op. cit.*, p. 204.

<sup>112</sup> *Ibid.*

<sup>113</sup> *Ibid.*

<sup>114</sup> *Ibid.*, p. 205.

<sup>115</sup> *Ibid.*

<sup>116</sup> *Ibid.*

<sup>117</sup> *Ibid.*

development. The role of labour power is to support capital in its quest of continuous growth and social policy serves thus as the instrument by which capitalist logic is substantiated. In Offe's words, social policy constitutes therefore "the state's manner of effecting the lasting transformation of non-wage labourers into wage labourers"<sup>118</sup> - the lasting transformation of 'potential labour power' into 'actual wage labour'<sup>119</sup>.

In light of this, O'Brien considers Offe's thought in the case of capital. He explains his approach as follows:

if state policy transforms potential labour into actual labour then it can also be argued that state policy transforms potential capital into actual capital. Thus, Offe's thesis on the constitution of wage labour can be reformulated to apply to the constitution of capital accumulation by noting that the transformation of potential capital into actual capital 'does not occur through the market alone but must be sanctioned by a political structure of rule, through state power'<sup>120</sup>.

In the case of capital, state apparatus serves to palliate what capitalist market lacks for effecting the lasting transformation: "a sanctioned mechanism of compliant exchange"<sup>121</sup>. Indeed, because of what Offe calls the 'principle exchange' whereby any transaction being permitted in the market without structures of compliant exchange, individuals may ruin capitalist systems of exchange and distribution by setting up alternative economies. In the case of waste, citizens may for example choose to transform capitalist surplus into useable resources. As such, state waste policy allows for the same kind of usage than social policy. As O'Brien puts it:

if social policy is an attempt to make the needs of labour and capital mutually compatible by intervening in the rights, relationships and arrangements by which (potential) labour power is lastingly transformed into (actual) wage labour in the sphere of compliance then it can be argued that waste policy provides the same kinds of services in the lasting transformation of potential capital into actual capital in the sphere of exchange<sup>122</sup>.

In other words, waste policy ensures that capitalist surpluses are made available to capitalist exploitation by rearranging rights, relationships and structures. In doing so, it allows for the transformation of "non-accumulating capital into actively accumulating capital"<sup>123</sup>.

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<sup>118</sup> Offe quoted in O'Brien, 2013, *op. cit.*, p. 205.

<sup>119</sup> O'Brien, 2013, *op. cit.*, p. 205.

<sup>120</sup> *Ibid.*

<sup>121</sup> *Ibid.*, p. 206.

<sup>122</sup> *Ibid.*

<sup>123</sup> *Ibid.*



This scrutiny into the materiality of waste and the relationships organising its commodification offers a perspective which acknowledges the centrality of waste as "an integral and expanding element of modern economies"<sup>124</sup>. In addition to producing and consuming, contemporary societies also waste - in O'Brien's terms they are 'rubbish societies' or 'throw-away'<sup>125</sup>. Just as the consumer and producer features, this 'rubbish' quality is an intrinsic character of modern societies. The peculiarity of waste lies however in the fact that, as previously underlined, waste is at the same times a production resource and a consumption good. Once the assertion of 'throw-away societies' is accepted, it appears then reasonable to examine wasting under the same conditions as production and consumption.

What matters in this research project is thus not so much the issue of the intrinsic rubbish quality of today's modern world but rather the question as to why the political and economic realm construes waste the way they do, i.e. as a good infused with values exploitable through market exchanges. This question addresses the trend in the course of capitalist modernisation whereby social, cultural and natural life has been set alongside "the seemingly benign, yet profoundly coercive and homogenizing force of the profit motive"<sup>126</sup>. The theoretical explanation to this issue may lie in the very concept of 'reification' introduced by Georg Lukács at the beginning of the 20th century. This concept is discussed in the following point 3.2.3.

### 3.2.3 'Reified rubbish societies'? 'Reification' from Lukács to Habermas

The concept of 'reification' was developed by Georg Lukács who drew on both Hegel and Marx. However neither Hegel or Marx mention the term 'reification' itself (*Verdinglichung* in German) in any of their works<sup>127</sup>. Lukács links the idea of reification to Marx's concept of 'commodity-fetishism', i.e. "the process whereby the socially produced value of things is mistaken for natural value"<sup>128</sup>. In Lukács' perspective, reification refers to the fact that supremacy of economic rationalism in modern societies hides the social roots of production and thus tends to advantage the demands of the capitalist system<sup>129</sup>. Reification expresses the 'violence of abstraction' in that logics of capital accumulation not only allow any sort of goods to be exchanged as equal market commodities, but also reduce human production, be

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<sup>124</sup> O'Brien, 2008, *op. cit.*, p. 177.

<sup>125</sup> *Ibid.*, p. 178.

<sup>126</sup> Dahms, *op. cit.*, p. 94.

<sup>127</sup> I. Fraser, "reification", in I. McLean and A. McMillan, *The Concise Oxford Dictionary of Politics*, 3d ed., Oxford, Oxford University Press, 2009.

<sup>128</sup> I. Buchanan, "reification", in I. Buchanan, *op. cit.*

<sup>129</sup> *Ibid.*

it theoretical, cultural or scientific, to 'abstract equivalence'<sup>130</sup>. In developing this concept, Lukács shows that it is not only relationships and organisation of the capitalist mode of production which are reconfigured in order to adjust to the imperatives of capitalist production. Indeed, "the ways in which human beings think the world"<sup>131</sup> are also assimilated to the capitalist logic of accumulation. As a consequence, this control of capitalist system over human environment weakens social modes of coexistence as well as cooperation, and undermines "our capacity to perceive, conceive of, and experience reality on alternative levels of complexity and sensitivity"<sup>132</sup>. In short, Lukács' stance on reification refers to the "process of misunderstanding an abstraction as a concrete entity"<sup>133</sup>.

In light of the fact that the concept of reification was originally introduced as a means "to make sense of the failure of the working class to realize the historical mission assigned to it by Marxist theory"<sup>134</sup> - one may rightly address the extent to which this attached socio-historical feature makes the notion of reification of any relevance today, or in Larsen's terms, whether it can be 'rehistoricised'<sup>135</sup>. While a review of all the different points of view on the viability to consider 'Lukács *sans* Proletariat'<sup>136</sup> is outside the scope of this study, it is however important to underline the specific reasons for which reification may be of theoretical explanatory value in this research project. Such an explanation will be provided prior to entering into Habermas' formulation of reification theory.

### 3.2.3.1 'Reification' - a theoretical explanatory concept

According to Dahms, three trends of critical theorists have called into question the use of the concept of reification for the analysis of the social world. To begin with, (1) current critical theorists from the 'radically modernist' branch of the Frankfurt School have largely set aside the importance of reification in order to gain increased practical pertinence in the field of social research<sup>137</sup>. Indeed, they argue that the reification focus on the socioeconomic logics of capitalist exploitation eclipses other important features of the social world such as power,

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<sup>130</sup> Benhabib quoted in Dahms, *op. cit.*, p. 94.

<sup>131</sup> Dahms, *op. cit.*, p. 93.

<sup>132</sup> *Ibid.*

<sup>133</sup> I. Fraser, *op. cit.*

<sup>134</sup> M. Jay, "Introduction", in A. Honneth, *Reification: A New Look At An Old Idea*, Oxford, Oxford University Press, 2008, pp. 3-16, p. 4.

<sup>135</sup> N. Larsen, "Lukács *sans* Proletariat, or *Can History and Class Consciousness Be Rehistoricized?*", in T. Bewes and T. Hall (eds.), *Georg Lukács: The Fundamental Dissonance of Existence*, London, Continuum International Publishing Group, 2011, pp. 81-100, p. 81.

<sup>136</sup> Larsen, *op. cit.*, p. 81.

<sup>137</sup> Dahms, *op. cit.*, p. 95.

civil society, and public sphere<sup>138</sup>. On their side (2), postmodern critical scholars assert that before being able to grasp the nature of contemporary societies, we should first "move beyond seemingly self-evident enlightenment categories of analyzing society in terms of control, predictability, and commensurability"<sup>139</sup>, thereby rendering reification not essential for social analysis. Finally (3), a third kind of critique stems from the idea that human structures and organisations in modern societies must be tackled through the lenses of gender differences and practices, as advocated by 'radically feminist' and 'gender-oriented' theorists<sup>140</sup>.

Although these views all frame sensitive arguments, reification as a valuable analytical tool outside Lukács' framework is nonetheless recognised by many scholars. Among them, Feenberg stresses for instance that the role of rationality entailed in the notion of reification "suggests the need for a renewal of democratic theory, not just around the formal question of rights, but around the substantive issues that concern human beings trapped in oppressive economic, administrative and technological structures"<sup>141</sup>. More broadly and in a more epistemological vein, Adorno emphasizes that "reification itself is the reflexive form of false objectivity; [thus] centering theory around reification, a form of consciousness, makes the critical theory idealistically acceptable to the reigning consciousness and to the collective unconscious"<sup>142</sup>. Neglecting reification as a relevant category for critical theory may well therefore submit us to its very control<sup>143</sup>. Moreover, Dahms argues that as long as a comprehensive theoretical reference framework does not exist for analysing the characteristics of reification and its role within different capitalist societies, it would be premature to assert that reification is an obsolete notion<sup>144</sup>.

However in light of this, how does reification retain an explanatory value for research in social sciences? In this respect, Dahms admits that its explanatory significance may be limited due to the 'vagueness' surrounding the definition and understanding of reification. However, he advocates that transforming the concept into a fully-fledged sociological category may palliate the explanatory weakness of reification:

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<sup>138</sup> Dahms, *op. cit.*, p. 97.

<sup>139</sup> *Ibid.*

<sup>140</sup> *Ibid.*, p. 98.

<sup>141</sup> A. Feenberg, "Rethinking Reification", in T. Bewes and T. Hall (eds.), *Georg Lukács: The Fundamental Dissonance of Existence*, London, Continuum International Publishing Group, 2011, pp. 101-120, pp. 101-102.

<sup>142</sup> Adorno quoted in Dahms, *op. cit.*, p. 100.

<sup>143</sup> Dahms, *op. cit.*, p. 99.

<sup>144</sup> *Ibid.*

First of all, we must ask whether a society that has been reified retains any intellectual and cultural traditions allowing for the identification of the consequences resulting from reification in society. These traditions may not actually enable society, or a sufficiently large faction of its members, to effectively identify the consequences of reification. What is important, rather, is that society has at its disposal means ensuring that the effects of reification can be positively identified in some form – if “only” abstractly. If there are no such means, reification will attain the status of “second nature,” increasingly tilting how every single issue, problem, or challenge is being perceived in society, and condemning its members to struggle on terms that prevent success from the outset<sup>145</sup>.

In proceeding accordingly, this method implies a 'context-rooted' approach that ensures the identification of pertinent conceptual tools for practical assessment of reification. In fact (and unlike postmodernist theorists who postulate an intrinsic connection between capitalism, modernity and reification) we should carefully scrutinise whether these relationships are indeed intrinsic, or whether there exists particular dynamics between particular features of capitalism, modernity and reification. This is important in order not to generalise specific contexts<sup>146</sup>.

### 3.2.3.2 Habermas' reconfiguration of 'reification'

The concept of reification has been taken up by most Western Marxist scholars. However, Lukács, Adorno and more recently Habermas have been the most emphatic in claiming that reification constitutes an essential category for analysing modern capitalist societies, especially with regard to social change and social research<sup>147</sup>. While Lukács' original formulation is linked to the transformation of capitalism during the 20th century, Adorno attempted to reconfigure the concept of reification in order to elevate the quality of social research. In another vein, Habermas is interested in the consequences of reification over the communicative dimension of the social world. According to his formulation, the reifying outcomes generated by both the logics of capitalist accumulation and the administrative state "obstruct modern society's opportunity to rely on communicative interaction as a means to solve a multitude of socially consequential problems in more comprehensively rational ways"<sup>148</sup>. Although the comparison of every similarity and discrepancy between the three different formulations of reification theory would be of interest, it is unfortunately not possible to exhaustively scrutinise each of these views within this study. For the purposes of

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<sup>145</sup> Dahms, *op. cit.*, p. 113.

<sup>146</sup> *Ibid.*, p. 114.

<sup>147</sup> *Ibid.*, p. 100.

<sup>148</sup> *Ibid.*

this research project, Habermas' perspective appears nonetheless to provide particularly salient and insightful theoretical tools. Indeed, his recalibration of reification allows for the empirical scrutiny of reified effects in specific value spheres rather than on a conceptual ground within society in general.

In what follows, a brief introduction of the main features of Lukács' initial version of reification will be provided, followed by an introspection of Habermas' conception of reification.

### 3.2.3.2.1 Lukács' formulation of 'reification'

Lukács is the author of *History and Class Consciousness* and more particularly its chapter named "Reification and the Consciousness of the Proletariat". This work was written just after World War I at a time when the international communist movement was undertaking a growing 'materialist' move. Lukács sensed this development could be dangerous as "it reduced the movement's ability to keep in mind the critical, antipractical impetus of Marx's theory of capitalism"<sup>149</sup>. At the same time, he also thought that the increasing primacy of the logics of capitalist accumulation in Western societies could lead to the creation of a real collective action due to the 'homogenising force' to which individuals were exposed to under the capitalist mode of production. Indeed, the 'objectifying' consequences of capitalism being experienced by each and all, regardless of their class or their identity, individuals could eventually "transcend the social-structural differences that earlier had made it impossible to engage in collective action toward a common goal"<sup>150</sup>. To substantiate his thesis, Lukács associates Marx's critique of commodification to Weber's perspective of rationalisation. This combination contends that "eventually social institutions like the modern bureaucracy and the legal system (and even modern science) will come to be shaped by the same principles of predictability, calculability and formality that dominate the economic sphere"<sup>151</sup>. This theoretical association enables the conceptualisation of the social prerequisites needed for overcoming structural issues in society, and it is thus in this context that the concept of reification came into being. Lukács relies upon Marx's description of the fetishism of commodities in *Das Kapital* to develop his view of reification. However unlike Marx, Lukács is less interested in the commodity form than the reification effects under the capitalist mode of production<sup>152</sup>. In Lukács' conception, reification relates to

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<sup>149</sup> Dahms, *op. cit.*, p. 101.

<sup>150</sup> *Ibid.*

<sup>151</sup> T. Jütten, "The Colonization Thesis: Habermas on Reification", in *International Journal of Philosophical Studies*, Volume 19, Number 5, 2011, pp. 701-727, p. 703.

<sup>152</sup> Habermas, *op. cit.*, p. 357.

commodification as a 'second nature'<sup>153</sup>. As he puts it, "[j]ust as the capitalist system continuously produces and reproduces itself economically on higher and higher levels, the structure of reification progressively sinks more deeply, more fatefully and more definitively into the consciousness of man"<sup>154</sup>. Reification constitutes thus a "distorted form of cognition"<sup>155</sup> in Bewes and Hall's words, resulting from capitalist conditions and which "hid the pathological shape of modern society from its own participants"<sup>156</sup>. It is a specific kind of objectivity which "prejudices the world-relations, the ways in which speaking and acting subjects can relate to things in the objective, the social, and their own subjective worlds"<sup>157</sup>. In Lukács' view, reification works thus as a link between the issue of modernity and the economic organisation of society as well as the consciousness of such society's individuals<sup>158</sup>. According to Lukács, this abstraction resulting from reification and which makes reified minds unable to distinguish between the reified world and 'its antecedent' may be dismantled by the mean of a proletarian revolution. Though this "consciousness of the totality"<sup>159</sup> would not solve any and every of society's issues, Lukács argues that it would at least pave the way for practical solutions to the structural problems of modern Western societies<sup>160</sup>.

Habermas' main criticism of Lukács' theory of reification relates to Lukács' interpretation of Marx's reading of the link between theory and practice, in other words to the precept of "philosophy becoming practical"<sup>161</sup>. According to Habermas, Lukács, misled by Marx, makes a mistake "by bringing in this "becoming practical" on a *theoretical* plane and *representing* it as a revolutionary actualization of philosophy"<sup>162</sup>. This constitutes a 'decisive error' as it confers theory with a power it does not have the scope for. Habermas underlines that in Lukács' conception, philosophy has now "to be capable of thinking not only the totality that is hypostatized as the world order, but the world-historical process as well"<sup>163</sup>.

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<sup>153</sup> Dahms, *op. cit.*, p. 102.

<sup>154</sup> Lukács, *op. cit.*, p. 93.

<sup>155</sup> T. Bewes and T. Hall, "Introduction: Fundamental Dissonance", in T. Bewes and T. Hall (eds.), *Georg Lukács: The Fundamental Dissonance of Existence*, London, Continuum International Publishing Group, 2011, pp. 2-13, p. 6.

<sup>156</sup> Bewes and Hall, *op. cit.*, p. 6.

<sup>157</sup> Habermas, *op. cit.*, p. 355.

<sup>158</sup> Bewes and Hall, *op. cit.*, p. 5.

<sup>159</sup> *Ibid.*, p. 6.

<sup>160</sup> Dahms, *op. cit.*, p. 103.

<sup>161</sup> Habermas, *op. cit.*, p. 364.

<sup>162</sup> *Ibid.*

<sup>163</sup> *Ibid.*

Habermas criticises thus the way Lukács tries to revitalise Hegel's notion of reason's totality<sup>164</sup>. Indeed, as Jütten aptly describes it, Habermas emphasizes that

Lukács' critique of the commodification of social relations and the (formal) rationalization of all areas of life, appeals to the idea of a 'totality of a rationally organized life-context and uses it as a standard for the irrationality of societal rationalization'. As a result, Lukács could conceive of the overcoming of reification only as a revolutionary act on the part of the proletariat that overcomes capitalism and institutes 'rational life-relations' that would reconcile the social totality. By contrast, Habermas believes, with Weber, that the differentiation of cultural value spheres in the process of social rationalization is irreversible and, moreover, that this differentiation first enables these spheres to develop according to their own inner logic<sup>165</sup>.

Consequently, Habermas does not encumber himself with attempting to reconcile theory and practice as he contends it is a vain endeavour. Rather, he advocates that in order "to appropriately develop and "apply" a theory to different spheres of "social reality" and levels of social organization, the theory must be allowed to evolve according to the "inner logic" characteristic of the specific task at hand"<sup>166</sup>.

Despite his criticism towards Lukács' initial formulation of reification, Habermas remains nonetheless convinced of the salience of the concept for critical social theory. He argues that Lukács' analysis is of interest for comprehending the tension existing between "the increasingly differentiated capitalist economy and the deformation of the lifeworld and the communicative capacity embedded within it"<sup>167</sup>. In this light, Habermas reconfigures the theory of reification within his writing *Theory of Communicative Action* within the specific framework of the 'two-level concept of society' and through a functional understanding of reification as his colonisation thesis underlines<sup>168</sup>.

### 3.2.3.2.2 'Reification's context: Habermas' 'two-level concept of society'

Habermas' two-level concept of society attempts to express the social development of contemporary capitalist societies, context within which reification expresses. These societies are at the same time lifeworlds and systems but in an uncoupled way. While the lifeworld refers to "a culturally transmitted and linguistically organized stock of interpretive

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<sup>164</sup> Dahms, *op. cit.*, p. 108.

<sup>165</sup> Jütten, *op. cit.*, p. 703.

<sup>166</sup> Dahms, *op. cit.*, p. 110.

<sup>167</sup> *Ibid.*, p. 107.

<sup>168</sup> Jütten, *op. cit.*, p. 702.

patterns', which frames everyday communication"<sup>169</sup>, systems relate to "self-regulated [societies] modelled on living organisms"<sup>170</sup>. The lifeworld not only deals with cultural reproduction but also manages socialisation with the help of communicative action. Consequently, these two 'functions' of communicative action serves the purpose of "the symbolic reproduction of the lifeworld"<sup>171</sup>. However according to Habermas, the issue lies in the fact that along with the development of social rationalisation, traditional forms of social organisations are disrupted as increasingly more "interaction contexts come under conditions of rationally motivated mutual understanding, that is, of consensus formation that rests in the end on the authority of the better argument"<sup>172</sup>. This leads to the differentiation of lifeworld's structural apparatus. Unlike Lukács who developed a theory of class consciousness in order to enable "the realization of the unity of the differentiated moments of reason"<sup>173</sup>, Habermas opposes this 'objective idealism'. In his view, the differentiation of lifeworld in the course of social rationalisation generates the simultaneous growing complexity of the system, which eventually leads to the uncoupling of lifeworld and system so that "system mechanisms get further and further detached from the social structures through which social integration takes place..."<sup>174</sup>. As a result, lifeworld social integration is supplanted by system integration. In Jütten's words, "communicative action loses its integrative function and is replaced by delinguistified steering media"<sup>175</sup>. It is within this context that Habermas' functional interpretation of reification comes into being.

### 3.2.3.2.3 Habermas' functional interpretation of 'reification'

The concept of inner logic used by Habermas addresses and challenges "the seemingly inescapable and irreducible simplicity of the capitalist economic system's self-sustaining impulse, devoid of any quest for meaning, [and which] fulfills the function of unifying the increasingly "fragmented world of the social""<sup>176</sup>. Contrary to this view, Habermas advocates that it is essential to distinguish the inner logics of the different 'value spheres' and different aspects of social existence. This distinction is important in order to, on the one hand, "identify the patterning endemic to spheres that must minimize possibilities for raising

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<sup>169</sup> Jütten, *op. cit.*, p. 704.

<sup>170</sup> *Ibid.*

<sup>171</sup> *Ibid.*

<sup>172</sup> Habermas quoted in Jütten, *op. cit.*, p. 704.

<sup>173</sup> Dahms, *op. cit.*, p. 110.

<sup>174</sup> Habermas quoted in Jütten, *op. cit.*, p. 705.

<sup>175</sup> Jütten, *op. cit.*, p. 705.

<sup>176</sup> Dahms, *op. cit.*, p.110.



issues relating to meaning"<sup>177</sup>, such as the economy as well as the administrative and bureaucratic apparatus. On the other hand, it also permits "to recognize spheres whose ability to fulfill their function is contingent on the confrontation, and more or less tenuous resolution, of questions of meaning"<sup>178</sup>, such as the public sphere, including inter alia, political parties and universities.

Accordingly, lifeworlds and systems have different inner logics within a same society. With regard to the value sphere of economy, its inner logic relies upon a "minimalist form of rationality"<sup>179</sup> typical of the capitalist mode of production which reduces "the socially available options for solving sociopolitical and cultural problems and resolving conflicts"<sup>180</sup>. On its side, the rationale underpinning the lifeworld cannot be confined to one specific inner logic only, as social life is managed within a sphere with "a process of more or less successful and unconstrained communicative interaction"<sup>181</sup>.

Drawing on Parsons' social system theory, Habermas argues moreover that communication in systems is replaced by specific steering mediums: money in the sphere of economy and power in the administrative apparatus<sup>182</sup>.

It is at this stage in the argument that Habermas reformulates a theory of reification which intends to explain the 'social pathologies' of modern capitalist societies. In his perspective, reification results from "the 'colonization of the lifeworld' by the systemic imperatives of the economic and administrative subsystems of society"<sup>183</sup>. Habermas describes colonisation as follows:

In the end, systemic mechanisms suppress forms of social integration even in those areas where a consensus-dependent coordination of action cannot be replaced, that is, where the symbolic reproduction of the lifeworld is at stake. In these areas, the mediatization of the lifeworld assumes the form of a colonization<sup>184</sup>.

This systemic colonisation of the lifeworld has ambiguous consequences which are expressed in the 'dialectic of enlightenment', a core concept of the Frankfurt School. Indeed, while "the rationalization of the lifeworld represents an increase in rationality (...), this

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<sup>177</sup> Dahms, *op. cit.*, p. 110.

<sup>178</sup> *Ibid.*

<sup>179</sup> *Ibid.*, p.111.

<sup>180</sup> *Ibid.*

<sup>181</sup> *Ibid.*

<sup>182</sup> *Ibid.*

<sup>183</sup> Jütten, *op. cit.*, p. 706.

<sup>184</sup> Habermas quoted in Jütten, *op. cit.*, p. 706.

rationalization [concomitantly] imposes a burden on modern individuals"<sup>185</sup>. However contrary to Lukács, Habermas does not contend that this ambivalence carries the seeds of a social revolution<sup>186</sup>.

As to the 'epistemological value' of the concept of reification, Habermas' formulation, unlike Lukács' view, has the virtue of allowing for the empirical examination of reification in specific spheres of the lifeworld rather than at a conceptual level within all social relations<sup>187</sup>. Indeed, as Habermas describes,

[t]he conversion to another mechanism of action coordination, and thereby to another principle of sociation, results in reification – that is, in a pathological deformation of the communicative infrastructure of the lifeworld – only when the lifeworld cannot be withdrawn from the functions in question, when these functions cannot be painlessly transferred to media-steered systems of action...<sup>188</sup>.

Habermas recognises that only empirical research and not theory is in a position of determining exactly how much weighs each inner logic in a particular society - that is, to discern how economy and state relates to each other with regard to the way social decision-making mechanisms work<sup>189</sup>. As a consequence, Habermas is not able to put forward any specific remedy as to "the economy's colonization of the lifeworld and the reifying effects it exerts on the condition of communication in society"<sup>190</sup>. A hypothetic adjustment of theory and practice in a desirable direction is given the term 'decolonisation' by Habermas. Decolonisation may happen in a scenario where the reifying consequences of the capitalist mode of production in lifeworld are fully perceived and where the economic control over "modern society's communicative potential"<sup>191</sup> is watered down<sup>192</sup>.

In sum, in the eyes of Habermas, reified effects generated by economic and administrative apparatuses on social relations matter less than the restrictions they impose on the lifeworld's communicative potential in terms of its ability to both 'communicately problematise' these

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<sup>185</sup> Jütten, *op. cit.*, p. 705.

<sup>186</sup> *Ibid.*

<sup>187</sup> *Ibid.*, p. 706.

<sup>188</sup> Habermas quoted in Jütten, *op. cit.*, p. 706.

<sup>189</sup> Dahms, *op. cit.*, p. 112.

<sup>190</sup> *Ibid.*

<sup>191</sup> *Ibid.*

<sup>192</sup> *Ibid.*

effects, as well as to tackle them<sup>193</sup>. Indeed, social decision-making processes being submitted to the inner logics of particular value spheres without each value sphere having to stick to its specific nature, impede on the society's ability to address its issues via 'undistorted communication'<sup>194</sup>.

In the case of waste and in light of Habermas' functional interpretation of reification, the social, economic and political choices made with regard to surplus disposal are therefore closely related to systemic imperatives. In Habermas' logics, the waste decision-making processes are delegated to the inner logics of the economy and administrative state. Decisions are taken not via communication but through the media of money and power. As such, the complex issue of waste is managed according to the particular systemic rationality - in other words, "the bureaucratic principles of business–government cooperation"<sup>195</sup>. The effect of which impedes on societies confrontation of waste issues through other communicative ways that could perhaps be more socially and environmentally rational and legitimate. In line with O'Brien's reconfiguration of Offe's thesis (cf. 3.2.2.2) and thus closing the theoretical loop, waste policies emanating from "the historical complicity between the emerging capitalist economy and the bureaucratic administration"<sup>196</sup>, can only but remain inadequate when it comes to tackle structural food surplus issues.

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<sup>193</sup> Dahms, *op. cit.*, p. 111.

<sup>194</sup> *Ibid.*, p. 96.

<sup>195</sup> *Ibid.*

<sup>196</sup> *Ibid.*

## 4 Food Waste in the EU

As evidenced by the plethora of newspapers' articles on this matter<sup>197</sup>, governmental TV spots and awareness campaigns<sup>198</sup>, as well as commercial advertisings<sup>199</sup>, food waste has recently gained increased visibility. This exposure echoes what Alexander, Gregson and Gille define as a twofold reality: "moral concerns over profligacy and excess in the face of famine and starvation"<sup>200</sup> on the one hand, and "mounting concerns over food security and the resilience of global food supply chains"<sup>201</sup> on the other. The issue of food waste encompasses therefore both moral and political concerns.

In the EU, the European Commission estimates that over 100 million tonnes of food is wasted each year and that it could increase to 126 million tonnes by 2026 if nothing is done to prevent it<sup>202</sup>. Such waste occurs within each stage of the food supply chain, from harvesting to postconsumer and end of life stage, via threshing, drying, storage, primary processing, secondary processing, product evaluation, packaging, marketing and distribution stages<sup>203</sup>:

- At the consumers level, food waste relates to, inter alia, poor meal planning, excess shopping due to sale promotions such as 'buy one get one free', and consumer interpretation of 'best before' and 'use by' date labels;
- With regard to the catering services, standardised meal sizes and issue with anticipating the number of meals may lead to food waste;
- On their side, production and retail sectors have mainly to deal with issues relating to stock management, high quality standards, overproduction and inadequate storage or transport<sup>204</sup>.

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<sup>197</sup> See for instance *The Guardian's* serie *Live Better: Food waste challenge*.

<sup>198</sup> See for instance the French governmental campaign "Réduisons nos déchets".

<sup>199</sup> See for instance the 2014 Tesco's commercial advertising *Reducing Grape Waste*.

<sup>200</sup> C. Alexander, N. Gregson and Z. Gille, "Food Waste", in A. Murcott, W. Belasco and P. Jackson, (eds.), *The Handbook of Food Research*, London, Bloomsbury, 2013, pp. 471-483, p. 471.

<sup>201</sup> *Ibid.*

<sup>202</sup> European Commission, "Food waste".

<sup>203</sup> J. Parfitt, M. Barthel and S. Macnaughton, "Food waste within food supply chains: quantification and potential for change to 2050", in *Philosophical Transactions of the Royal Society B*, Volume 365, 2010, pp. 3065-3081, p. 3066.

<sup>204</sup> European Commission, "Stop food waste".

## 4.1 EU food waste stakeholders

The issue of food waste involves a wide range of stakeholders, from civil society to public and private organisations, each of them falling within different stages of the food supply chain and representing various interests. Moreover, food waste stakeholders within the EU have the particularity of being found at both European and Member states level. The European Commission defines them according to different categories:

- **Manufacturing and processing:** includes different packaging associations and food industry associations such as the European Federation representing the European waste management industry (FEAD) or the European Former Foodstuff Processors Association (EFFPA);
- **Distribution and wholesale:** includes retailers such as Tesco in the UK, Carrefour in France and Delhaize in Belgium;
- **Businesses and institutions:** include food and catering services such as the *Fédération Européenne de la Restauration Collective Concédée* in Europe;
- **Consultants and experts:** include universities such as Wageningen University and consultants and experts such as Beyond Waste in the UK;
- **Public authorities:** include European institutions as well as national, regional and local authorities of the Member states, and stakeholder platform on food such as the European FUSIONS;
- **Non-governmental organisations (NGOs) and associations:** include associations such as Friends of the Earth Europe (FoEE) and the European Environmental Bureau (EEB) as well as NGOs such as the UK FareShare, but also the European Federation of Food Banks (FEBA);
- **Waste management agencies:** include national agencies such as Confindustria in Italy and Waste & Resource Network Denmark (DAKOFA)<sup>205</sup>.

## 4.2 EU food waste policy

With regard to EU food waste policy, food waste has for a long time been considered within the framework of waste. Three EU legal documents regulate waste: the Packaging and Packaging Waste Directive 94/62/EC<sup>206</sup>, the Landfill Directive 1999/31/EC<sup>207</sup> and the EU

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<sup>205</sup> European Commission, *Preparatory Study on Food Waste Across EU 27*, Final report, 2010, pp. 165-172.

<sup>206</sup> European Parliament and Council of the European Union, "European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste", L 365, *Official Journal of the European Communities*, 31 December 1994, pp. 10-23.

Waste Framework Directive 2008/98/EC<sup>208</sup>. The 1999 Landfill Directive proposes binding targets in order to prevent and reduce the negative consequences of waste landfilling on environment and human health<sup>209</sup>. Within this legislative text, food waste is however not considered as a fully-fledged waste category. The term 'food waste' appears only in the definition of 'biodegradable waste' meaning "any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food and garden waste, and paper and paperboard"<sup>210</sup>. On its side, the 2008 EU Waste Framework Directive (2008 Directive hereafter) establishes the concepts and definitions governing waste management and sets out "when waste ceases to be waste and becomes a secondary raw material (...) and how to distinguish between waste and by-products"<sup>211</sup>. Like for the 1999 Landfill Directive, food waste in the 2008 Directive is examined under 'bio-waste' definition meaning "biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants"<sup>212</sup>.

In 2011, the European Commission published a Roadmap to a resource efficient Europe<sup>213</sup> in which food was identified "as a key sector where resource efficiency should be improved"<sup>214</sup>. Regarding food waste in particular, the Roadmap invites the Member states to "[a]ddress food wastage in their National Waste Prevention Programs"<sup>215</sup> and mentions that the European Commission will "[f]urther assess how best to limit waste throughout the food supply chain, and consider ways to lower the environmental impact of food production and consumption patterns"<sup>216</sup> through a Communication on sustainable food system<sup>217</sup> which should have been published in 2013.

This Communication on a European sustainable food system sets out a definition of what a sustainable food system could look like and presents actions to help realising such

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<sup>207</sup> Council of the European Union, "Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste", L 182, *Official Journal of the European Communities*, 16 July 1999, pp. 1-19.

<sup>208</sup> European Parliament and Council of the European Union, "Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives", L 312, *Official Journal of the European Union*, 22 November 2008, pp. 3-30.

<sup>209</sup> European Commission, "Waste".

<sup>210</sup> Council of the European Union, "Council Directive 1999/31/EC", *op. cit.*, p. 4.

<sup>211</sup> European Commission, "Directive 2008/98/EC on waste (Waste Framework Directive)".

<sup>212</sup> European Parliament and Council of the European Union, "Directive 2008/98/EC", *op. cit.*, p. 9.

<sup>213</sup> European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Roadmap to a Resource Efficient Europe*, COM(2011) 571 final, Brussels, 20 September 2011.

<sup>214</sup> European Commission, "EU actions against food waste".

<sup>215</sup> European Commission, *Roadmap to a Resource Efficient Europe*, *op. cit.*, p. 3.

<sup>216</sup> *Ibid.*, p. 18.

<sup>217</sup> European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Building a Sustainable European Food System*, Brussels, 2014, unpublished.

sustainable food system. These actions include food waste prevention and reduction, development of knowledge, research and innovation, fostering a renewed food production based on resource-efficiency, fairness and inclusiveness, as well as promoting sustainable food consumption<sup>218</sup>. This EU Communication addresses the issue of food waste more comprehensively than ever before and it should have been published at the end of 2013 or beginning of 2014. Although signed by the three Commissioners from DGs ENVI, SANCO and AGRI, Barroso's European Commission had showed some reluctance to release it and the text has thus remained unpublished to date<sup>219</sup>.

The food waste issue was again brought to the European spotlight in the so-called 'circular economy package' adopted in July 2014 by the European Commission. It aims to encourage recycling in order to avoid the loss of useful material, boost economic growth, demonstrate how alternative business models can lead towards zero waste and minimise negative environmental impacts<sup>220</sup>. This package includes the Communication *Towards a circular economy: a zero waste programme for Europe*<sup>221</sup>, as well as a legislative proposal<sup>222</sup> to review recycling and other waste-related targets in the EU<sup>223</sup>. Within this 2014 Communication towards a circular economy, food waste appears as a waste category on its own for which the European Commission "is considering presenting specific proposals to reduce food waste"<sup>224</sup>. Furthermore, the Commission proposes that Member states encourage "national food-waste prevention strategies and endeavour"<sup>225</sup> along the whole food supply chain to reduce food waste "by at least 30 % by 2025"<sup>226</sup>. Such a target, though non-binding, is for the first time considered within a EU text. The legally non-binding character of food waste reduction target could however come to an end with the legislative proposal included in the circular economy package. Following the European Commission's legal obligations<sup>227</sup> to review the legally-binding waste management targets set out in the three waste Directives mentioned above (i.e. the Packaging and Packaging Waste Directive

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<sup>218</sup> European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Building a Sustainable European Food System*, *op. cit.*

<sup>219</sup> B. Staes, "EU Commission drags its feet on food waste", *EurActiv.com*, 18 September 2014.

<sup>220</sup> European Commission, "Moving towards a circular economy".

<sup>221</sup> European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Towards a circular economy: A zero waste programme for Europe*, COM(2014) 398 final/2, Brussels, 25 September 2014.

<sup>222</sup> European Commission, *Proposal for a Directive*, COM(2014) 397 final, *op. cit.*

<sup>223</sup> European Commission, "Moving towards a circular economy", *op. cit.*

<sup>224</sup> European Commission, *Towards a circular economy: A zero waste programme for Europe*, *op. cit.*, p. 11.

<sup>225</sup> *Ibid.*, p. 12.

<sup>226</sup> *Ibid.*

<sup>227</sup> These legal obligations are laid down in review clauses within the three Directives on the packaging and packaging waste 94/62/EC, landfill 1999/31/EC and EU waste framework 2008/98/EC.

94/62/EC, the Landfill Directive 1999/31/EC and the EU Waste Framework Directive 2008/98/EC), the proposal asks for specific amendments to these three Directives<sup>228</sup>. These amendments are structured in accordance with the objectives defined in the 2011 Resource Efficiency Roadmap and the 7th Environmental Action Program<sup>229</sup>, and aim to propose "a more ambitious waste management policy"<sup>230</sup>. With regard to food waste in particular, the proposal sets out amendments requesting that (1) a definition of food waste "should be included in Directive 2008/98/EC"<sup>231</sup>, (2) "a framework should be established for Member States to collect and report levels of food waste across all sectors in a comparable way"<sup>232</sup>, (3) Member States food waste prevention strategies should be developed with the aim of achieving "an aspirational objective to reduce food waste by 30 % by 2025"<sup>233</sup>, and that (4) "Member States should set priorities based on the waste management hierarchy: prevention, preparing for re-use, recycling, recovery and disposal"<sup>234</sup>.

#### 4.2.1 EU food waste management policy

With regard to food waste management in particular, the EU 2002-2012 Sixth Environment Action Programme declared waste management as being one of its top priorities and thereby aimed to foster a long-term waste management strategy. In this context, the 2005 Thematic Strategy on Waste Prevention and Recycling led to the revision of the Waste Framework Directive 2006/12/EC (resulting in the 2008 Directive introduced in 4.2) with new guidelines further pointing towards a 'recycling society'<sup>235</sup>. As illustrated by the EU food waste policy framework presented above, food waste management is conceived through a clear "impetus on Member States to facilitate the separate collection of biodegradable wastes"<sup>236</sup>. In particular, the 2008 Directive specifies the meaning of waste through a distinction between 'waste' and 'by-product'. As such, by-product means "a substance or object, resulting from a production process, the primary aim of which is not the production of that item"<sup>237</sup>. It also defines 'end-of-waste' criteria which identifies "when certain waste

<sup>228</sup> European Commission, *Proposal for a Directive*, COM(2014) 397 final, *op. cit.* p. 0.

<sup>229</sup> The 7th Environment Action Programme (EAP) provides guidelines to the European environment policy until 2020, with perspectives until 2050.

<sup>230</sup> European Commission, "Official Website for the Targets Review Projects".

<sup>231</sup> European Commission, *Proposal for a Directive*, COM(2014) 397 final, *op. cit.* p. 8.

<sup>232</sup> *Ibid.*

<sup>233</sup> *Ibid.*

<sup>234</sup> *Ibid.*, p. 9.

<sup>235</sup> *Ibid.*

<sup>236</sup> L. Nattrass, "Food Waste in the European Union", in A. Kazmi and P. Shuttleworth (eds.), *The Economic Utilisation of Food Co-Products*, RSC Publishing, Cambridge, 2013, pp. 25-37, p. 33.

<sup>237</sup> European Commission, "Waste Framework Directive, By-products".



ceases to be waste and obtains a status of a product (or a secondary raw material)"<sup>238</sup>. Moreover, the 2008 Directive establishes a waste management hierarchy which Member states' waste management legislation and policy have to abide by. It operates as follows:

**Fig. 1 EU Waste management hierarchy**



Source: European Commission<sup>239</sup>

As Fig. 1 shows, this five-step hierarchy defines a priority order where waste prevention appears to be the best alternative. Next, in terms of best alternative, preparing for re-use, recycling, recovery and eventually disposal (i.e. landfilling) which should be the last preferred option<sup>240</sup>. This is because landfilling both "(1) invokes major environmental risks such as emissions of greenhouse gases and pollution of soil and groundwater and, (2) withdraws valuable resources (compost, energy) irrevocably from economic and natural cycles"<sup>241</sup>. Landfilled bio-waste in the EU amounting on average 40%<sup>242</sup>, the aim of EU waste management policy is therefore to "move waste management up the waste hierarchy"<sup>243</sup>.

Following a request made within Art. 22 of the 2008 Directive which requested the European Commission to undertake an impact assessment on bio-waste management for a potential future legislative proposal, a Communication on bio-waste management was

<sup>238</sup> European Commission, "Waste Framework Directive, End-of-waste criteria".

<sup>239</sup> European Commission, "Directive 2008/98/EC on waste (Waste Framework Directive)", *op. cit.*

<sup>240</sup> The definition of each of the hierarchy step can be found in the glossary in ANNEX III.

<sup>241</sup> European Commission, *Communication from the Commission to the Council and the European Parliament on future steps in bio-waste management in the European Union*, COM(2010)235 final, Brussels, 18 May 2010, p. 2.

<sup>242</sup> *Ibid.*

<sup>243</sup> European Commission, *Being wise with waste: the EU's approach to waste management*, 2010, p. 4.

eventually released in 2010<sup>244</sup>. It underlines several key steps for future bio-waste management related actions such as (1) fostering prevention of bio-waste, (2) managing bio-waste in accordance with the waste hierarchy, (3) protecting soils through compost and anaerobic digestion, (4) investing in research and innovation, as well as (5) reinforcing the implementation of existing EU waste legislation<sup>245</sup>.

The legislative proposal accompanying the 2014 Communication on the circular economy with a view to review waste related targets also includes elements regarding bio-waste treatment. In particular, it suggests (1) an increase in municipal waste (including bio-waste) preparing for re-use and recycling to 70% by 2030, (2) the elimination of landfilling for recyclable waste (including bio-waste) by 2025, which corresponds to "a maximum landfilling rate of 25%"<sup>246</sup>, (3) the introduction of measures to reduce food waste by 30% by 2025, and (4) the establishment of differentiated bio-waste collection<sup>247</sup>.

### 4.3 Food waste and Juncker's European Commission

On the 1st November 2014, under the presidency of Jean-Claude Juncker, a new European Commission was appointed for a five year term<sup>248</sup>. Recent developments tend to illustrate that Juncker's Commission's executive approach will mark "a departure from previous practice under José Manuel Barroso"<sup>249</sup> which could influence policy action taken towards food waste in the EU. Indeed, during the mid-December 2014 Strasbourg EP session, the European Commission's President Jean-Claude Juncker and First Vice-President Frans Timmermans presented a reduced executive's 2015 work programme that will 'scrap' 80 texts of pending legislation in 2015 and proposes only 23 initiatives while Barroso's Commission "has proposed an average of 130 new initiatives in each annual work programme, and proposed to withdraw an average of 30"<sup>250</sup>. One of the pending legislation's piece that was said to be withdrawn is the very proposal on the circular economy adopted by Barroso's Commission in July 2014, in order to "make way for a broader and more ambitious approach that can be more effective"<sup>251</sup> in Timmermans' words. This decision follows up on Juncker's Commission plan to better regulate with the idea that "[j]ust because

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<sup>244</sup> European Commission, "Biodegradable Waste, Developments".

<sup>245</sup> FUSIONS, "What is being done about food waste?".

<sup>246</sup> European Commission, "Biodegradable Waste, Developments", *op. cit.*

<sup>247</sup> *Ibid.*

<sup>248</sup> EurActiv.com, "The new Juncker Commission - as it happened", *EurActiv.com*, 10 September 2014.

<sup>249</sup> D. Keating, "Commission unveils 2015 work programme", *EuropeanVoice*, 16 December 2014.

<sup>250</sup> *Ibid.*

<sup>251</sup> edie newsroom, "European Commission scraps Circular Economy Package, 'more ambitious' proposal awaits", *edie.net*, 16 December 2014.

an issue is important doesn't mean that the EU has to act on it"<sup>252</sup>. The withdrawal of the circular economy package has raised concerns among many stakeholders and has been heavily criticised by the EU Environmental Ministers – 11 of whom sent a letter to the Commission voicing their support for keeping the waste rules edicted within the circular economy package<sup>253</sup>. Many Member states have also denounced the withdrawal of a proposal that had already entered the legislative process<sup>254</sup>.

The EP discussed the Commission's intention to scrap the legislative proposal on waste on the 13th January 2015 but "bickering between political groups prevented the Parliament from adopting an official response"<sup>255</sup> on this matter on the 16th January 2015. It however seemed that a majority of MEPs voted against amendments supporting the withdrawal of the proposal<sup>256</sup>. The Commission nevertheless decided to go on with the withdrawal of the proposal on the circular economy in order to make a more ambitious proposal in 2015<sup>257</sup>.

This new approach by President Juncker's Commission may have consequences on the way food waste and sustainability in a broader sense will be tackled within EU policy in the next five years.

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<sup>252</sup> Keating, "Commission unveils 2015 work programme", *op. cit.*

<sup>253</sup> FUSIONS, "EC's Circular economy package to be re-tabled in 2015", 22 December 2014.

<sup>254</sup> C. Kroet, "MEPs at odds over Commission work programme", *EuropeanVoice*, 13 January 2015.

<sup>255</sup> D. Keating, "Commission will not withdraw air-quality proposal", *EuropeanVoice*, 16 January 2015.

<sup>256</sup> *Ibid.*

<sup>257</sup> *Ibid.*

## 5 Analysis

### 5.1 Food waste as a commodity: the EU food waste management policy under scrutiny

As highlighted in part 4., food waste management in the EU involves many stakeholders and is regulated through a complex policy and legal framework including, inter alia, the Packaging and Packaging Waste Directive, the Landfill Directive and the 2008 Directive, the Communication on bio-waste management as well the Roadmap to a resource efficient Europe.

In the European Commission's own words, EU food waste policy has progressively evolved "from thinking about waste as an unwanted burden to seeing it as a valued resource"<sup>258</sup>. This perceived positive value nested in food waste has generated negotiations between different European political, social and economic institutions over the best way to efficiently exploit food waste value.

In order to assess the extent to which this attributed value to food waste in the EU is of commodity quality, the Appadurai's dimensions of *formal conditions* and *social situation* (cf. 3.1.2) involved in the elaboration of the 2008 Directive as well as their implications for food waste in the EU are analysed in the next part 5.1.1.

The 2008 Directive constitutes the primary EU legal act for the management of food waste in the EU (having repealed the three former Directives on the disposal of waste oils (75/439/EEC), hazardous waste (91/689/EEC), and waste (2006/12/EC))<sup>259</sup>. The analysis undertaken in the next part will permit to see whether the definitions, as well as the political and economic bias entrenched in the 2008 Directive have effectively led food waste "to be provided through, [and] represented in terms of, a market transaction"<sup>260</sup>.

#### 5.1.1 The 2008 Waste Framework Directive: a 'new substantiality' given to food waste

The 2006 version of the Waste Framework Directive was revised within the context of the ordinary legislative procedure<sup>261</sup> whereby the EP and the Council of the EU enjoy equal legislative power. During this procedure which lasted from December 2005 to November 2008, the European Commission, the Council of the EU, the EP and the European Economic

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<sup>258</sup> European Commission, *Being wise with waste: the EU's approach to waste management*, op. cit., p. 4.

<sup>259</sup> European Commission, "Waste Framework Directive, Revision of the Waste Framework Directive".

<sup>260</sup> Carvalho and Rodrigues, op. cit., p. 268.

<sup>261</sup> The ordinary legislative procedure was previously known as the co-decision procedure until the Lisbon Treaty defines it as the principal legislative procedure of the EU's decision-making system.

and Social Committee (EESC) negotiated over the design of EU waste management policy and its food waste chapter. The European Commission's legislative proposal was first addressed for formal act to the EP and the Council, and for mandatory consultation to the EESC, in order to define the 2008 Directive's objective, scope, definitions and provisions on waste management plans and prevention<sup>262</sup>. This legislative proposal then went back and forth between the EP and the Council until the latter eventually approved the 2008 Directive in a second reading. It was within this legislative procedure, or *social situation*, that EU food waste management policy was deliberated and delineated by EU political institutions. Although the scope of this study does not cater for in-depth analysis of the relationships, discussions and frictions during the institution's ordinary legislative procedure (nor does it allow for the scrutiny of each and every amendment by the EP and Council), the lengthy period of negotiations between the EU institutions nevertheless points to the existence of differing political and economic interests in the definition of an EU food waste management policy.

As an example, the 'waste hierarchy' as defined in the 2008 Directive is the result of a compromise between the EP and the Council. Indeed, while the EP insisted in establishing this hierarchy as a 'priority order', the Council would have preferred it as a mere 'guiding principle'<sup>263</sup>, as specific waste streams may appropriately require "departure from the waste hierarchy"<sup>264</sup> in order to ensure a good environmental outcome<sup>265</sup>. Moreover, as regards incineration, many disagreements between and within the EP and the Council "revolved around whether municipal solid waste incinerators may be reclassified from a disposal operation to a recovery operation"<sup>266</sup>. While Green MEPs emphasised that conferring waste incineration a better position within the waste hierarchy would disregard other European environmental measures aiming at reducing CO<sub>2</sub> emissions, the final compromise gave credit to the Council's position, according to which incinerators would be determined as disposal or recovery operations depending on their energy efficiency<sup>267</sup>.

In order to reach an approval on the 2008 Directive, the EP and the Council faced the arduous task of not only agreeing *between* themselves, but also of coming to an internal agreement within their own institutions. The content of the 2008 Directive on waste and its

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<sup>262</sup> European Parliament, "2005/0281(COD) - 21/12/2005 Legislative proposal".

<sup>263</sup> EurActiv.com, "Watered-down waste directive gets MEPs' green light", in *EurActiv.com*, 18 June 2008.

<sup>264</sup> H. A. Nash, "The Revised Directive on Waste: Resolving Legislative Tensions in Waste Management?", *Journal of Environmental Law*, Volume 21, Number 1, 2009, pp. 139-149, p. 143.

<sup>265</sup> *Ibid.*

<sup>266</sup> *Ibid.*, p. 144.

<sup>267</sup> *Ibid.*, p. 145.

final compromise thus depended on long internal negotiations and institutional alliances across parties and Member states.

In addition to being an agreement between the EP and the Council, the 2008 Directive also constitutes a "multi-party, multi-institutional and multi-national compromise"<sup>268</sup>. Every food waste stakeholder, be it public or private, tried to voice and secure its interests regarding waste management through the lobbying of EU political institutions. As an example, the FEAD was very much involved in lobbying EU decision makers during the legislative procedure of the 2008 Directive on waste. As the FEAD's Secretary General, Nadine De Greff, explains, "EU industry positions are a welcomed general source of information for EU decision makers"<sup>269</sup>. The FEAD intervened through "feed in industry position via amendments based on the Commission proposal text and the draft report of the Rapporteur"<sup>270</sup>. It also made early contacts with key actors such as the EP's Rapporteur Caroline Jackson, the Secretariat of the Environment, Public Health and Food Safety Committee (ENVI Committee, which is the EP's responsible committee for the 2008 Directive), political party desk officers, MEPs assistants, Commission officials, etc. Moreover, it distributed to MEPs FEAD voting recommendations during the plenary session (cf. ANNEX II) - which contained very detailed instructions such as the support or rejection of specific amendments regarding "key priorities for the waste management industry"<sup>271</sup>, as Fig. 2 illustrates.

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<sup>268</sup> Nash, *op. cit.*, p. 139.

<sup>269</sup> N. De Greff, "FEAD powerpoint", slide 17, 2008, ANNEX II.

<sup>270</sup> *Ibid.*

<sup>271</sup> FEAD, "FEAD Voting Recommendations, Revision of the Waste Framework Directive, Key priorities for the first reading", February 2007, ANNEX II.

**Fig. 2 FEAD voting recommendations**

#### **WASTE HIERARCHY**

It is of great importance that the 5-step hierarchy is to be interpreted as a guiding principle for waste management policy rather than as a rigid legal principle. The hazardousness of certain wastes, like clinical waste, does not allow the strict application of the waste hierarchy.

FEAD fears that the proposed wording on Life-Cycle-Analysis and cost-benefit analyses does not provide enough flexibility and furthermore that the hierarchy could be interpreted as legally binding. The life-cycle approach should at this stage only complement established EU waste policy instruments and should be used in an harmonised way across Europe.

FEAD calls for the **rejection** of amendments **14** and **118** and **supports** amendment **101**.

Source: FEAD<sup>272</sup>

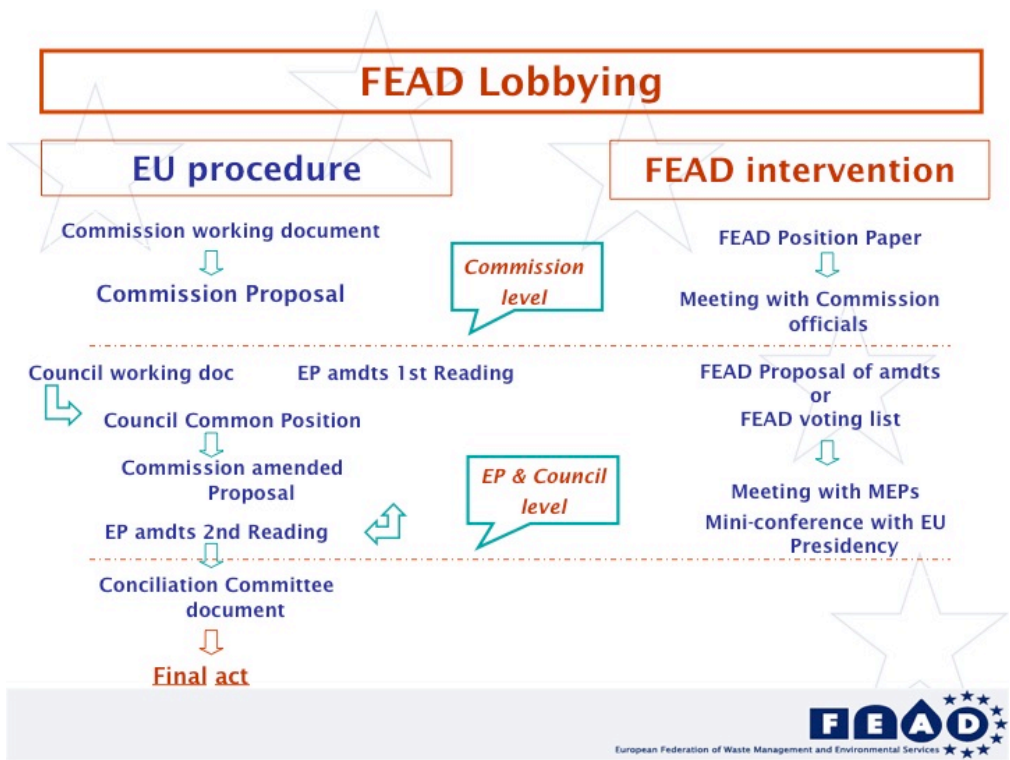
Organisations have comprehensive lobbying strategies in order to influence EU legislative outcomes according to their interests (Fig. 3). For example, the FEAD intervened with a precise timeline for action knowing that its impact would be greater before the final draft of the legislative act (Fig. 4)<sup>273</sup>.

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<sup>272</sup> FEAD, "FEAD Voting Recommendations", *op. cit.*

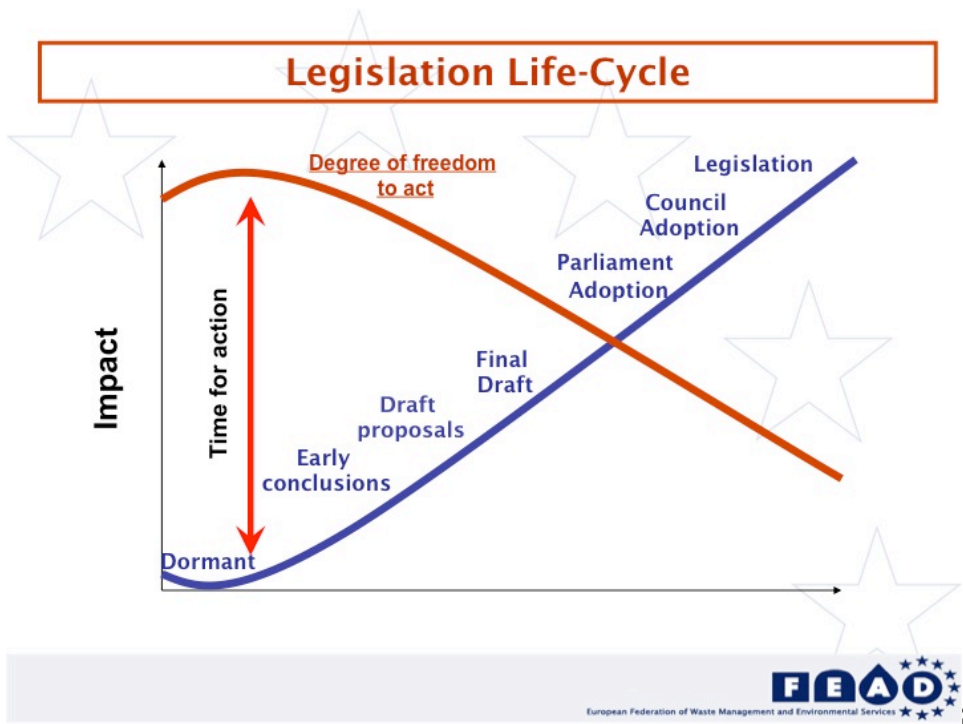
<sup>273</sup> De Greff, "FEAD powerpoint", *op. cit.*, slide 14.

Fig. 3 Lobbying strategy



Source: FEAD<sup>274</sup>

Fig. 4 FEAD timeline for lobbying strategy



Source: FEAD<sup>275</sup>

<sup>274</sup> De Greff, "FEAD powerpoint", *op. cit.*, slide 12.



In Appadurai's terms, this arrangement of political and economic relationships between EU political institutions, NGOs, industry representatives, etc., through which food waste management in the EU has come to exist, has construed a 'regime of value' (cf. 3.1.2). In other words, the elaboration of the 2008 Directive as a *social situation* involving negotiations between various public and private institutions have led to the definition of *formal conditions* which in turn, organise what happens to food waste in the EU.

These formal conditions take on different forms with different purposes within the 2008 Directive. The statuses of 'by-products' and 'end-of-waste', as well as the 'waste hierarchy' principle defined in the 2008 Directive have given food waste a new substantiality. Indeed, the EP and Council underline that the EU should seek to "use waste as a resource"<sup>276</sup> in order to become a 'recycling society'<sup>277</sup>. What the EP and Council intend to mean by 'waste as a resource' corresponds to the economic value of waste: "It is (...) necessary to revise Directive 2006/12/EC in order to (...) focus on reducing the environmental impacts of waste generation and waste management, thereby strengthening the economic value of waste"<sup>278</sup>.

#### 5.1.1.1 Food waste is not waste: the notion of 'by-product'

Relying upon the European Court of Justice (ECJ)'s jurisprudence, Art. 5 of the 2008 Directive sets that an "object which the holder discards or intends or is required to discard"<sup>279</sup> shall be defined not as waste but as a by-product if:

- a. further use of the substance or object is certain;
- b. the substance or object can be used directly without any further processing other than normal industrial practice;
- c. the substance or object is produced as an integral part of a production process; and
- d. further use is lawful, i.e. the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts<sup>280</sup>.

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<sup>275</sup> De Greff, "FEAD powerpoint", *op. cit.*, slide 14.

<sup>276</sup> European Parliament and Council of the European Union, "Directive 2008/98/EC", *op. cit.*, p. 6.

<sup>277</sup> *Ibid.*

<sup>278</sup> *Ibid.*, p. 4.

<sup>279</sup> *Ibid.*, p. 9

<sup>280</sup> *Ibid.*, p. 11.

By-products not being waste therefore fall into "the category of products"<sup>281</sup> and are subject to EU product legislation. The 'by-product' status transforms waste into a fully-fledged product which can be exchanged in the market on the basis of its economic value.

In the EU, the main use for by-products from food surplus corresponds to animal feed. In fact, industrial sectors such as "sugar production, oilseed crushing, starch production and malt production"<sup>282</sup> produce food residue that are used as feed for animals. As a result, sugar, starch or malt residual production does not constitute waste but by-product for animal feeding used by farmers and the feed industry<sup>283</sup>. By fulfilling the 'cumulative by-product criteria' set out by the ECJ above (points a., b., c., d.), these feed materials are lawful and "their further use in animal feed is certain, without further processing outside of the production process of that material"<sup>284</sup>.

#### 5.1.1.2 When food waste ceases to be waste: the 'end-of-waste' provisions

In addition to the notion of 'by-product', the 2008 Directive also establishes the specific 'end-of-waste' status (Art. 6). In this case, waste may cease to be 'waste' once it has undertaken a recovery operation, such as recycling. End-of-waste may be so if it fulfils the following criteria:

- a. the substance or object is commonly used for specific purposes;
- b. a market or demand exists for such a substance or object;
- c. the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products; and
- d. the use of the substance or object will not lead to overall adverse environmental or human health impacts<sup>285</sup>.

Validation of these four conditions should be determined for specific materials on a case-by-case basis through a Commission "regulatory procedure with scrutiny"<sup>286</sup>, i.e. comitology decisions (Art. 39 (2)). The Commission underlines that "[a] mandate to set end-of-waste criteria was introduced to provide a high level of environmental protection and an

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<sup>281</sup> European Parliament and Council of the European Union, "Directive 2008/98/EC", *op. cit.*, p. 5.

<sup>282</sup> European Commission, *Communication from the Commission to the Council and the European Parliament on the Interpretative Communication on waste and by-products*, COM(2007) 59 final, Brussels, 21 February 2007, p. 11.

<sup>283</sup> *Ibid.*

<sup>284</sup> *Ibid.*

<sup>285</sup> European Parliament and Council of the European Union, "Directive 2008/98/EC", *op. cit.*, p.11.

<sup>286</sup> *Ibid.*

environmental and economic benefit"<sup>287</sup>. This economic benefit is aptly acknowledged by the EFFPA representing the industry which processes food surplus into animal feed. Food surplus is what the EFFPA calls 'former foodstuff' and is defined by the EU Catalogue of Feed Materials as

foodstuffs, other than catering reflux, which were manufactured for human consumption in full compliance with the EU food law but which are no longer intended for human consumption for practical or logistical reasons or due to problems of manufacturing or packaging defects or other defects and which do not present any health risks when used as feed<sup>288</sup>.

As a consequence, "broken biscuit or an incorrectly shaped loaf of bread"<sup>289</sup> are bought by 'feed business operators', processed into feed for animals and eventually sold to farmers<sup>290</sup>. In this case, former foodstuff ceases to be waste as it is recycled into feed and its processing responds to a market demand. Indeed, it constitutes a lucrative market with over 3.5 million tonnes of food surplus being transformed into animal feed each year in Europe<sup>291</sup>. EFFPA's slogan of "Keeping food losses in the food chain"<sup>292</sup> echoes Mr. Keogh, the commercial director of SugaRich the UK leader former foodstuff processor, and his approach that "food is a resource from which value can continue to be harnessed"<sup>293</sup>.

Applying O'Brien's theoretical arguments (cf. 3.2.1), food waste is indeed both a production resource and a consumption good. As the examples above illustrate, neither the notion of 'by-product' nor the 'end-of-waste' status ever exhaust the consumption value of food waste. Be it a residual sugar production or a broken biscuit, food waste "*never* loses its consumption value"<sup>294</sup> as its stage of 'final consumption' directly serves the stage of 'productive consumption' (animal feed materials).

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<sup>287</sup> European Commission, "Waste Framework Directive, End-of-waste criteria", *op. cit.*

<sup>288</sup> EFFPA, "What are former foodstuffs?".

<sup>289</sup> *Ibid.*

<sup>290</sup> EFFPA, "Who are former foodstuff processors?".

<sup>291</sup> EFFPA, "Figures & Networks".

<sup>292</sup> EFFPA, "Home".

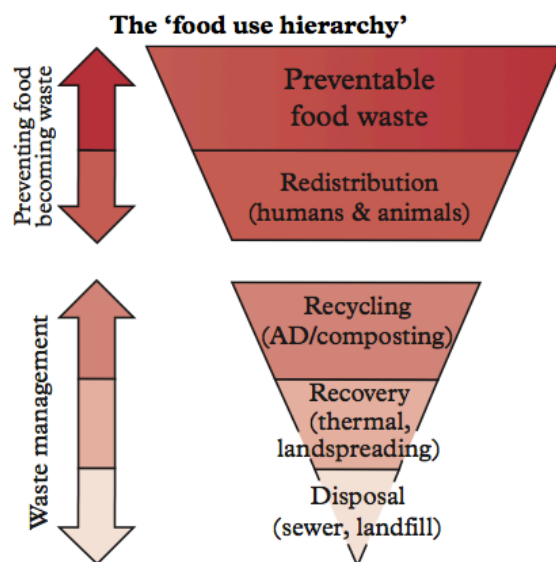
<sup>293</sup> A. White, "Livestock benefit as recycler turns store trash into cash", in *The Telegraph*, 11 December 2013.

<sup>294</sup> O'Brien, 1999, *op. cit.*, p. 282.

### 5.1.1.3 The 'food use hierarchy' principle

With regard to the 'waste hierarchy' principle, it defines a priority order relying upon "the best overall environmental option in waste legislation and policy"<sup>295</sup>. When applied to food waste, the hierarchy "translates into a 'food use hierarchy'"<sup>296</sup> (Fig. 5) whereby preventable food waste is the most preferable option before redistribution to humans and animals, recycling (such as anaerobic digestion (AD) and in-vessel composting (IVC)<sup>297</sup>), recovery and disposal<sup>298</sup>.

Fig. 5 The 'food use hierarchy'



Source: WRAP supplementary

Source: House of Lords<sup>299</sup>

However, the hierarchy's effectiveness of implementation has been criticised as "economic drivers tend to distort the hierarchy, with a result that there are incentives directed towards lower stages of the hierarchy, including both AD and IVC, rather than redistribution"<sup>300</sup>. Indeed, as the EP's Rapporteur on the 2008 Directive, Caroline Jackson, emphasises: "[i]n the countries which have made the move [away] from landfill, the Directive enlarges an

<sup>295</sup> European Parliament and Council of the European Union, "Directive 2008/98/EC", *op. cit.*, p. 6.

<sup>296</sup> House of Lords, *Counting the Cost of Food Waste: EU Food Waste Prevention*, European Union Committee, 10th Report of Session 2013–14, 2014, p. 5

<sup>297</sup> Definitions of AD and IVC can be found in the glossary in ANNEX III.

<sup>298</sup> House of Lords, *op. cit.*, p. 45.

<sup>299</sup> *Ibid.*

<sup>300</sup> *Ibid.*, p. 46.

existing commercial opportunity"<sup>301</sup>. Art. 11 specifies that Member states should put in place measures to promote re-use and recycling of waste by notably fostering the establishment of 'economic instruments'<sup>302</sup>. As an example, the AD industry in the UK has been widely subsidised by the government through Renewable Obligation Certificates (ROCs) in order to incentivise "the deployment of large-scale renewable electricity"<sup>303</sup>. In the same vein, feed-in tariffs (FITs) encourage businesses "to generate low-carbon electricity using small-scale (5 megawatts (MW) or less total installed capacity) systems"<sup>304</sup>. The British government has also increased its Landfill Tax in order to incentivise waste management businesses to move up the waste hierarchy<sup>305</sup>.

As a result, food waste is being largely monopolised by the AD and IVC industry for bioenergy uses at the expense of 'socially more favoured options' within the 'food use hierarchy' such as redistribution. This consequence is not only denounced by charities such as FareShare that argues that food waste hierarchy "is completely out of kilter with the economic hierarchy that sits alongside it"<sup>306</sup>. Specific industries that feel are losing from governments economic incentives such as the EFFPA also calls the EU for a better implementation of the food waste hierarchy. It deplores that former foodstuffs "eligible for feed use"<sup>307</sup> are currently being used for bioenergy purposes by the food processing industry<sup>308</sup>.

In Appadurai's terms (cf. 3.1.2), this analysis of the 'waste hierarchy' principle together with the statuses of 'by-product' and 'end-of-waste' established within the 2008 Directive demonstrates the *candidacy* of food waste. In other words, the formal conditions of 'waste hierarchy', 'by-product' and 'end-of-waste' shed light on the very way food waste meets the 'standards and criteria' that determine its market 'exchangeability' in the EU. Indeed, food waste in the EU being construed not as "a loss of value from objects"<sup>309</sup>, but as 'by-product' or 'secondary raw material' (end-of-waste criteria), is given a positive materiality which allows it to be exchanged in the market on the basis of its economic value. This process of food waste value-conversion takes on different forms as illustrated by the 'food use hierarchy', from prevention to disposal, via recycling and recovery.

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<sup>301</sup> C. Jackson, "The EU's New Waste Framework Directive", *Waste Management World*.

<sup>302</sup> European Parliament and Council of the European Union, "Directive 2008/98/EC", *op. cit.*, p. 13.

<sup>303</sup> Gov.uk, "Policy, Increasing the use of low-carbon technologies, The Renewables Obligation (RO)".

<sup>304</sup> Gov.uk, "Policy, Increasing the use of low-carbon technologies, Feed-in Tariffs scheme".

<sup>305</sup> House of Lords, *op. cit.*, p. 49.

<sup>306</sup> FareShare quoted in House of Lords, *op. cit.*, p. 46.

<sup>307</sup> *Ibid.*

<sup>308</sup> *Ibid.*

<sup>309</sup> O'Brien, 1999, *op. cit.*, p. 270.

#### 5.1.1.4 Food waste management: When, how and by whom? Periodicities and permits for food waste management in the EU

In addition to the definition of food waste substantiality, formal conditions in the 2008 Directive also establishes the *periodicities* (to echo O'Brien (cf. 3.2.2.1)), within which the 'exchangeability' of food waste can be made available for exploitation. In the 2008 Directive, the EP and the Council rely upon the so-called '*life-cycle thinking*' as an approach which focuses not only on the waste phase of materials but on their whole life-cycle<sup>310</sup>. In the European Commission's own words, life-cycle thinking helps to "understand which parts of a product's life cycle have the greatest environmental impacts, to enable material and economic efficiency"<sup>311</sup>. As such, the food waste life-cycle approach enshrined in the 2008 Directive encourages the identification of opportunities which could best reduce waste in each food product's life-cycle stages in order to increase resource and economic efficiency. As Fig. 6 shows, viable improvements in terms of waste reduction and increased economic benefits to food products can be identified across each stage of their life-cycle, from the extraction of raw materials to their different routes of use and consumption. Beyond the environmental and economic interests of the life-cycle approach, such modes of thinking also establish the periodicities during which food waste materials may or may not be construed as a by-product, may or may not be considered as waste for disposal, etc. This is so because the assessment of such life-cycle opportunities is carried out by political and economic institutions (governments, businesses, etc.) and is thus constrained by different interests. By supporting life-cycle thinking, the 2008 Directive allows for the definition of the temporal limits within which food waste is seen as "moving in and out of a commodity state"<sup>312</sup>. In Appadurai's words (cf. 3.1.2), it delimits food waste's *phase*.

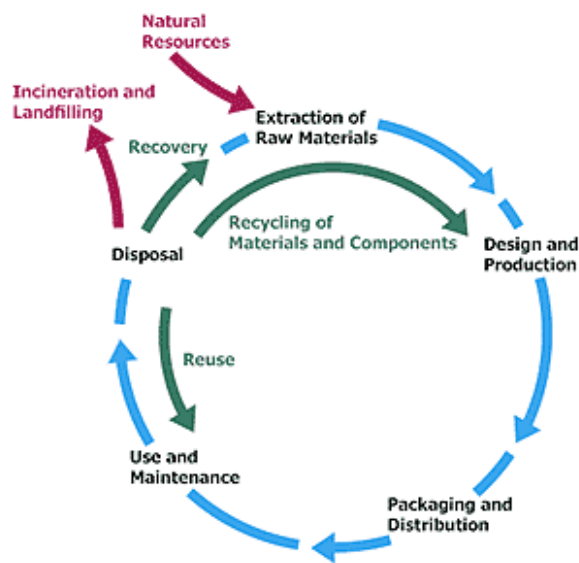
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<sup>310</sup> European Parliament and Council of the European Union, "Directive 2008/98/EC", *op. cit.*, p. 4.

<sup>311</sup> European Commission, "Joint Research Centre, European Platform on Life Cycle Assessment, About Us".

<sup>312</sup> Appadurai quoted in O'Brien, 2008, *op. cit.*, p. 120.

Fig. 6 Food waste life-cycle



Source: Life Cycle Initiative<sup>313</sup>

In order to be effective, the products life-cycle thinking needs to be supported by formal conditions which rule on *who* has the right to undertake waste management and *how* it should be undertaken. They are defined in the form of *permits* in the 2008 Directive.

Indeed, any establishment aiming to carry out waste management in the EU needs a permit from the Member states' competent authority (Art. 23). Such permits notably delineate "the quantity and type of treated waste, the method used as well as monitoring and control operations"<sup>314</sup>. For a permit to be granted, the local authority assesses the extent to which the type of waste management activity in question is environmentally and economically sustainable. With the aim to moving waste treatment up the waste hierarchy, the 2008 Directive promotes the use of waste as energy generator, thereby avoiding waste disposal. In fact, the so-called 'R1 Formula' introduced within the Annex II encourages municipal waste incinerators to provide energy to households and industries: "municipal waste incinerators meeting or exceeding energy efficiency levels of 0.65 (known as the R1 status) should be classed as energy recovery facilities, rather than disposal facilities"<sup>315</sup>.

Viridor, a UK waste management company, which is involved in the transformation of households and commercial waste into raw materials and energy, metamorphosed its business in order to proceed to such transformation of waste. As the company underlines, "[g]one is the traditional waste collection and disposal company, and in its place is a

<sup>313</sup> Life Cycle Initiative, "What is Life Cycle Thinking?".

<sup>314</sup> EUR-Lex, "Summary of legislation, Directive on waste".

<sup>315</sup> A. Kane, "'Recovery' status of Cardiff incinerator questioned", *resource*, 8 January 2015.

progressive and innovative recycling and resource management operation"<sup>316</sup>. In order to achieve its 'recovery' facility status, Viridor had thus to apply for a permit to the Environment Agency Wales which authorised its Trident Park Energy Recovery Facility in Cardiff to process 350,000 tonne of waste each year<sup>317</sup>.

The permits formal condition for food waste management in the EU not only stem from the need to protect the environment. It also emanates as a direct consequence of the substantiality conferred to food waste through the provisions of 'by-product', 'end-of-waste' and 'waste hierarchy', as analysed above. Indeed, the establishment of EU permits demonstrates that food waste is not something discarded or unwanted, but a valued resource which can generate economic value. Permits delineate who has the right to use food waste and according to which methods. As O'Brien would argue (cf. 3.2.2.1), they constitute the very political and economic mean which *positively* situates food waste within the EU food waste management framework - they define and secure the finality of and access to food waste in the EU.

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In summary for this section, the above analysis corroborates the hypothesis of this study according to which food waste has become a commodity in the EU through political and economic relationships. To encompass the various analytical elements for this section, Table 1 below illustrates how the EU political economy of waste connects political and economic interests, authorises relationships and establishes diverse and varied bureaucratic regulations such as Directives and Communications. Drawing on O'Brien's argument (cf. 3.2.2.1), wasting in the EU is in fact a process of value conversion during which the commodity quality of food waste is created in the course of institutional negotiations and deliberations during the ordinary legislative procedure. Via the formal conditions of by-products, end-of-waste, waste hierarchy, periodicities and permits provisions set in the 2008 Directive, the EU social situation of ordinary legislative procedure has conferred exchange-value, or commodity substantiality on waste, and defines when, how and who can exploit its substantiality.

The analysis illustrates that there exists an entrenched EU political economy of waste underpinned by 'commodification relationships' between EU institutions, public sphere and

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<sup>316</sup> Viridor, "About us".

<sup>317</sup> Jackson, *op. cit.*



industries which have a stake in the management of food waste. These relationships assign an economic value to food waste through negotiations crystallising political concerns (environment and human health protection), social preoccupations (social use of food waste), and economic interests (maximisation of food waste exploitation).

As such and as assumed by O'Brien (cf. 3.2.2.2), the above analysis highlights that EU food waste management policy is an attempt to conciliate food surplus with the needs of capital accumulation. Without overlooking the genuine aim of the EU to protect both environment and human health, EU food waste management policy does nonetheless intervene within the property rights and relationships which conduce *potential* food surplus to be eventually transformed into *actual* food waste products in the realm of market exchange.

**Table 1: The EU political economy of waste**

| Commodity characteristics            | <i>Social situation</i>   | <i>Formal conditions</i>  | <i>Food waste as a commodity (candidacy &amp; phase)</i>  |
|--------------------------------------|---|---|---|
| <b>EU political economy of waste</b> | <p><i>Ordinary legislative procedure</i></p> <p>Negotiations crystallising:</p> <ul style="list-style-type: none"> <li>- political concerns (environment and human health protection),</li> <li>- social preoccupations (social use of food waste), and</li> <li>- economic interests (maximisation of food waste exploitation)</li> </ul> <p style="text-align: center;">↓</p> <p>2008 Waste Framework Directive</p> | <ul style="list-style-type: none"> <li>- 'By-product' status</li> <li>- 'End-of-waste' provisions</li> <li>- 'Waste hierarchy' principle (incl. taxes &amp; subsidies)</li> <li>- Periodicities ('life-cycle thinking')</li> <li>- Permits (incl. R1 status)</li> </ul> | <ul style="list-style-type: none"> <li>- Food waste's substantiality, economic value</li> <li>- When, how and who has access to food waste</li> </ul> |

In order to understand why food waste is construed as a commodity in the EU, light needs to be shed on the way European society has been affected by the profit seeking force intrinsic to capitalist modernisation. Therefore, the next part 5.2 will investigate the extent to which food waste commodification in the EU might be imputable to the so-called *reification* as conceived by Habermas.

## 5.2 Reified throw-away European Union?

Drawing on Habermas' thesis, the 'commodified understandings' of food waste in the EU (using Carvalho and Rodrigues' terms (cf. 3.2.2.2)), may find its roots in the occurrence of reification. Habermas' concept of value spheres' *'inner logic'* enables the scrutiny of specific relationships existing between capitalism, modernity and reification without succumbing to the epistemologically mistaken postulate of an intrinsic connection. Such a scrutiny is undertaken in the following part 5.2.1.

### 5.2.1 Food waste's EU 'commodified understandings': the systemic colonisation of the European public sphere in question

#### 5.2.1.1 EU lifeworld and system

Drawing upon Habermas' two-level concept of society (cf. 3.2.3.2.2), the EU is at the same time a *lifeworld* and a *system* - that is, it is both a social world embedding a public sphere<sup>318</sup>, and a system relying upon an economic apparatus and administrative state. The EU lifeworld and system have different inner logics which allow them to fulfil their functions.

In Weberian terms, the EU administrative sphere relies upon a legal-rational logic for handling sociopolitical and cultural problems. As seen in parts 4.2 and 5.1.1, the issue of food waste is typically tackled through legal rationality and bureaucracy involving legislative and bureaucratic procedures in order to establish legal acts such as Directives, or other forms of action such as Communications. As a speech of a DG SANCO official during the EU FUSIONS Platform meeting in Brussels on 30 and 31 October 2014 helps demonstrate, the inner logic of EU administrative sphere with regard to food waste rests on a rationale of bureaucratic efficiency. Ms Bruestchy mentioned that the reason for having recently transferred the issue of food waste from DG ENVI to DG SANCO within the European Commission relates to "a matter of coherence and effectiveness"<sup>319</sup>. This administrative rationale differs from public sphere's inner logic. Greens and EFA MEPs considered this reshuffle 'unsettling' saying that "[i]t is hard to identify a logical motivation

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<sup>318</sup> There is a lively academic debate as to the existence of a EU public sphere. It is commonly acknowledged that while a single European public sphere has not (as of yet?) been established, there are however "transnational, segmented publics evolving around policy networks constituted by the common interest in certain policy fields" (cf. bibliography: Eriksen, 2005, p. 341). As such, the term 'EU public sphere' used hereafter refers to such definition.

<sup>319</sup> C. Bruetschy, Head of the Unit Innovation and Sustainability, DG SANCO, Speech, 2nd European FUSIONS Platform meeting, 30-31 October 2014, Brussels, ANNEX I.

for this, beyond a desire to stifle action in these crucial areas"<sup>320</sup>. Accordingly, Green MEP's interpretive pattern of the issue of food waste looks at the EU administrative efficiency motive as 'illogical' and harmful for solving the social and environmental challenges food waste generates.

On its side, the EU economic sphere reveals a neoliberal form of inner logic which supports a minimal involvement of the EU in economic affairs in order for food waste products to circulate freely in the market and contribute to capital accumulation. Again, the examples of the EFFPA and AD/IVC industries in 5.1.1 demonstrate that under the noble pretext of sustainability, businesses try to get increased access to food waste material needed for their industrial production.

Both the EU system's inner logics in the administrative and economic spheres draw upon the necessity of efficiency. They however use different steering mediums in order to efficiently fulfil their function. As Habermas argues, and in line with Weber, to achieve bureaucratic control over the issue of food waste the EU administrative system uses *power*. This is clearly demonstrated in the fate of the circular economy package which was withdrawn on the mere decision of Jean-Claude Juncker in his capacity as President of the European Commission. On its side, the economic sphere leans on the medium of *money* for solving sociopolitical issues. It is indeed by buying residual food production and selling it after transformation that EU businesses tackle the problem of food waste.

As regards the EU's lifeworld inner logic, it corresponds not to one specific logic but to multiple rationales as the value sphere of social world is governed by an 'unconstrained' communicative action. Habermas defines public sphere as "any realm of social life in which public opinion can be formed"<sup>321</sup>. As such, a public sphere exists through different forums in which citizens debate and express their opinions on issues of public interest. As described in 4.1, food waste in the EU is tackled by many stakeholders of the social world, from NGOs to universities, and to political parties. Each of these actors discusses food waste's *ins* and *outs* and attempts to influence system decisions taken on the issue of food waste - notably during EU legislative procedures, as described in 5.1.1. Lifeworld deals with socialisation as well as symbolic reproduction which refers to "the transmission and extension of cultural traditions"<sup>322</sup> (by contrast with material reproduction referring to 'social labour')<sup>323</sup>. With

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<sup>320</sup> Greens and EFA Group, "Letter to Jean-Claude Juncker", 26 September 2014, ANNEX II.

<sup>321</sup> I. Buchanan, "public sphere", in I. Buchanan, *op. cit.*

<sup>322</sup> N. Fraser, "What's Critical about Critical Theory?", in Johanna Meehan, (ed.), *Feminists read Habermas, Gendering the Subject of Discourse*, Abingdon, Routledge, 1995, pp. 21-56, p. 23.

<sup>323</sup> *Ibid.*

regard to food waste, the EU public sphere relays 'interpretive patterns' underpinning the meanings and values through which it construes food waste. As an example, the UK NGO FareShare which collects edible food waste for redistribution associates the notion of food waste to food poverty as 'twin issues'<sup>324</sup>. This specific interpretation is transmitted through public forums such as its website, press releases, public events, lobbying etc.

In another vein, the Wageningen University in Germany which is very much involved in the question of food waste relies upon an 'integral chain approach' to food waste. Drawing upon this interpretive model, Wageningen University provides public expertise which includes "sustainable use of raw materials, valorisation of waste streams, post-harvest and fresh-logistics technologies, all aspects of consumer perception and social innovation"<sup>325</sup>. It does so through, inter alia, academic articles and conferences.

As to political parties, there is the example of the EP's cross-party MEP alliance which has set up the Sustainable Food Steering Group called 'EU Food Sense' in order to communicate its views on food waste and food sustainability to EU institutions, civil society, businesses, etc. In a letter sent directly to Jean-Claude Juncker last January 2015 (ANNEX II), the Steering Group argues that a sustainable food strategy is essential to ensure access to food, and protection of citizens' health and environment. Moreover, for its meeting on 31 March 2015, the Steering Group intends to invite various sustainable food experts, such as the former UN Special Rapporteur on the Right to Food, to be associates of the Group. The aim of the Steering Group's meeting is to debate over the meaning of food sustainability and in the Group's own words "secure a stronger link between the academic and political worlds"<sup>326</sup> (ANNEX II).

These examples are non exhaustive and underpin different inner logics. Nonetheless they demonstrate that the EU public sphere invariably performs its role of socialisation through the discussion of and reasoning on the meaning of food waste. Be they NGOs, universities or political parties, they use the medium of *communication* in order to fulfil their functions.

#### 5.2.1.2 The systemic colonisation of European public sphere

According to Habermas' thesis, reification stems from the *colonisation* of the social world by the system logics of economic and administrative subsystems. This colonisation

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<sup>324</sup> FareShare, "About Us".

<sup>325</sup> Wageningen UR, "Reducing food waste".

<sup>326</sup> EU Food Sense, "EU Food Sense: your right to the right food, Sustainable food steering group meeting, 31 March 2015, 14h30", ANNEX II.

manifests as a conversion from a communicative mechanism of action coordination to a system 'principle of sociation'<sup>327</sup>.

In the EU, it appears that a form of lifeworld's system colonisation does exist, but not of the public sphere as a whole. In fact, colonisation occurs notably in the instance where public sphere and system exchange in a context specific to the system - as within the ordinary legislative procedure. During the legislative procedure conducive to the approval of the 2008 Directive, EP's political parties had been submitted to (1) imperatives of EU administrative sphere through the EU legislative process itself, and (2) corporate demands via heavy lobbying as highlighted in part 5.1.1. Accordingly, it can be said that EP political parties had been 'colonised' by both the imperatives of EU administrative and economic value spheres.

If we go into more depth, empirical evidence illustrates that mechanisms of action coordination in use during EU ordinary legislative procedure draw on the steering media of power. As an example, the EU system provisions of trilogues - 'informal tripartite meetings' which gather the EP's Rapporteur, Council and Commission's representatives in order to secure an agreement on amendments before the first plenary session<sup>328</sup> - have led in the case of the 2008 Directive to a final legal text which is, for certain parts, 'problematic' in the words of the EP's Rapporteur Caroline Jackson<sup>329</sup>. During these informal trilogues, she revealed that "discussions went through critical parts of the text and we made quick off the cuff quick bargains... I don't think this is a good way at arriving at legislation [she said] (...) decisions were made in a hurry- with one suggestion even written on a napkin"<sup>330</sup>. As a consequence, she highlights the wording of Art. 11 which states that "member states should take the necessary steps “designed to achieve” recycling and reuse targets of 50% for household waste and 70% for construction and demolition waste by 2020, rather than merely “achieve” them as MEPs had wanted"<sup>331</sup>. It shows that informal trilogues hinder the communicative ability and actions of political parties as they have to rely on the Rapporteur. As a result of reliance on the Rapporteur and the constant quest for compromise between 27 Members states (in 2008), decisive political measures and initiatives tend to be diluted in the final legal act.

In addition, as the example of conflict of interest of the EP's Rapporteur demonstrates, the economy 'steering media of money' was also involved during the 2008 Directive legislative

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<sup>327</sup> Habermas quoted in Jütten, *op. cit.*, p. 706.

<sup>328</sup> European Commission, "Codecision, glossary".

<sup>329</sup> letsrecycle.com, "MEP warns of pitfalls in Waste Framework Directive", *letsrecycle.com*, 23 September 2008.

<sup>330</sup> *Ibid.*

<sup>331</sup> *Ibid.*

procedure. Research reveals that while drafting the 2008 Directive, Caroline Jackson was also simultaneously a paid advisor to Shank plc - a waste management corporation. Although these conflicting interests were lawfully authorised by the EU administrative directory of interests, they however generated heavy criticism from civil society. Most notably from a watchdog coalition (including Corporate Europe Observatory (CEO), Friends of the Earth Europe (FOEE), LobbyControl and Spinwatch) pushing for more transparency which granted the 2008 'EU Conflict of Interest Award' to Caroline Jackson arguing that "the MEP is an example of the all-too-common "revolving door" phenomenon, where politicians and officials step out of the role of a regulator of one sector of the economy straight into the role of an advocate for the same sector"<sup>332</sup>.

As a result of both EU administrative and economy mechanisms of action coordination colonisation through power and money, the EP approved a 2008 Directive pervaded by mentions to system imperatives. Indeed, economic efficiency and maximisation of resources are a general feature of the 2008 Directive. As analysed in part 5.1.1, 2008 Directive legal provisions of 'by-product', 'end-of-waste', 'waste hierarchy', 'life-cycle thinking' and permits convert food waste into a fully-fledged market good.

Moreover, in the course of the legislative procedure, MEPs gave up their Art. 6 amendments to favour co-decision procedure rather than comitology for developing the 'end-of-waste' criteria. The comitology procedure approved in the final legal text to define the 'end-of-waste' criteria refers to "a set of procedures through which EU countries control how the European Commission implements EU law"<sup>333</sup>. The Council of European Municipalities and Regions (CEMR) warned that as set out, the comitology procedure puts "the European Parliament and stakeholders on the side line and raises concern about the transparency of decisions"<sup>334</sup>. By allowing the revocation of the waste status for particular waste streams through comitology procedure which merely gives the EP a right of scrutiny<sup>335</sup>, the 2008 Directive "allow[s] the use of certain waste streams outside the framework of the waste legislation and its specific requirements"<sup>336</sup>. Comitology therefore favours Member states' positions on the definition of 'end-of-waste' status at the expense of the EP's views<sup>337</sup>. As

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<sup>332</sup> Phillips Leigh, "Biofuel groups win EU Worst Lobbying Awards", *euobserver*, 10 December 2008.

<sup>333</sup> European Commission, "Comitology register, Comitology in brief".

<sup>334</sup> CEMR, *Revision of the Waste Framework Directive and Thematic Strategy on the Prevention and Recycling of Waste*, 24 March 2006, pp. 7-8.

<sup>335</sup> The regulatory procedure with scrutiny is set out in Art. 5a of Decision 1999/468/EC and is available in ANNEX IV.

<sup>336</sup> The European Cement Association, "Lifting of the waste status must be subject to strict conditions".

<sup>337</sup> The Lisbon Treaty gave comitology procedures new rules in the form of delegated and implementing acts. These acts aim to palliate institutional imbalances authorised by previous comitology practice. In 2013, the Commission proposed the EP and the Council a regulation for adapting to Art. 290 (delegated acts) of the

such, it can be argued that MEPs disregarded their view that co-decision would be essential for an issue of political importance such as the 'end-of-waste' status<sup>338</sup>.

These examples are not exhaustive but illustrate the way colonised EU political parties have come to agree on a 2008 Directive setting provisions on food waste management which they did not *logically* approve according to their inner food waste interpretive patterns. After its release, the 2008 Directive was slammed by green groups "for not going far enough"<sup>339</sup>. MEP Caroline Lucas, Shadow Rapporteur of the Greens, said that

[t]his patchwork compromise containing both positive and negative elements is a major lost opportunity to have made real progress on waste prevention. As well as promoting incineration, the compromise also includes two potential loopholes that are likely to haunt us in the future. It introduces new definitions for 'by-products' and when 'waste ceases to be a waste'. This creates possibilities to unduly escape waste legislation and may well lead to a new series of court cases<sup>340</sup>.

On the same page, MEP Bairbre De Brún representing the European United Left/Nordic Green Left (GUE/NGL) Group argued that the 2008 Directive is 'progressive' in some aspects, but she fustigated recycling targets for being "too low, and too difficult to enforce, due to vagueness of wording"<sup>341</sup>.

System colonisation of lifeworld derives from what Habermas names "the authority of the better argument"<sup>342</sup>. However, it is difficult to determine from which one of the EU administrative state and economy sphere comes the authority of the better argument in the case of the 2008 Directive legislative procedure. Indeed, in the course of the legislative process in question, the EP's political parties were confronted both *formally* to EU administrative logic via legislative procedure provisions such as informal trilogues, and as highlighted above and in part 5.1.1, *informally* to economy inner logic through heavy lobbying by food waste management businesses and industries. It is nonetheless not possible

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TFEU, various legal acts (including the Waste Framework Directive) providing for the use of the regulatory procedure with scrutiny by 2014. The EP responded positively to this proposal, but resistance is encountered in the Council. As a result, no legal acts have been adapted to Art. 290 so far (cf. bibliography: European Commission, 27 June 2013; Guéguen and Corcoran, 25 July 2014; EIPA, 2011, p. 16).

<sup>338</sup> European Parliament, *Report \*\*\*I on the proposal for a directive of the European Parliament and of the Council on waste*, Final A6-0466/2006, 15 December 2006.

<sup>339</sup> EurActiv.com, "Watered-down waste directive gets MEPs' green light", *op. cit.*

<sup>340</sup> Green Party, "Green Euro-MP labels EU vote on directive a 'wasted opportunity'", 17 June 2008.

<sup>341</sup> EurActiv.com, "Watered-down waste directive gets MEPs' green light", *op. cit.*

<sup>342</sup> Habermas quoted in Jütten, *op. cit.*, p. 704.

to assert with precision which one of the two system inner logics weighs more in the final outcome of the 2008 Directive.

This uncertainty points to the question of influence and power between administrative and economy spheres which Habermas' interpretation of reification does not account for, reminding that "the precise nature and extent of the difference [between the economy and the administrative state] in advanced capitalism is an empirical question"<sup>343</sup>.

With regard to NGOs and universities, it appears that their colonisation by EU system imperatives is not distinguishable. Therefore it is doubtful as to whether a tangible colonisation of these value spheres with regard to the specific sociopolitical issue of food waste has occurred. Indeed, there exists no sound empirical evidence to confirm that NGOs or universities in the EU are prevented from having communicative interaction for discussing and relaying their meanings of food waste. As an example, FoEE highlights that together with the European Environmental Bureau (EEB), during the 2008 Directive legislative procedure, they "successfully campaigned for huge improvements to the initial proposals (...) [including for instance] the EU's first general recycling targets for both household waste – 50% by 2020, and construction and demolition waste – 70% by 2020"<sup>344</sup>.

It seems that EU NGOs and universities are able to debate and transmit their food waste interpretive patterns freely and in an unconstrained way. However, their views on food waste management do not always convert themselves into EU system policies and legislations (as in the case for FoEE and EEB above). As the example in 5.1.1.3 demonstrates, the use of economic instruments such as subsidies and taxes encouraged in the 2008 Directive stifles the principle of redistribution supported by a majority of NGOs. This is an issue not related to the question of lifeworld colonisation but rather to the effective influence of the public sphere on the system. As a result, it can be argued that EU NGOs and universities are relatively impervious to EU system imperatives, relaying freely their views on food waste, without their views being systematically translated into EU system outcomes on food waste, such as within food waste management policy and legislation. It is likely that this output failure in academic and NGO influence is due to questions of power and influence.

Altogether, the empirical scrutiny of specific EU lifeworld value spheres reveals that colonisation by system imperatives is not evident in the case of food waste management

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<sup>343</sup> Dahms, *op. cit.*, p. 112.

<sup>344</sup> FoEE, *Bringing the voice of people to EU decision makers*, November 2011, p. 11.



issue. Indeed, it was underlined above that while there exists a form of colonisation of the EP political parties inner logic (especially when confronted to the EU system sphere over food waste negotiation in the specific administrative context of EU legislative procedure) - other EU lifeworld's value spheres such as NGOs and universities seem to be relatively unaffected by EU administrative and economic imperatives, and develop their public opinion on food waste relying upon communicative action without system constraints.

As such, EP political parties suggest a conversion to system integration when evolving within the specific system situation of legislative procedure in which communication is replaced by 'delinguistified steering-media' in a *formal* way through EU bureaucratisation, and *informal* way through monetarisation, as analysed above - without however having the possibility to distinguish which of the administrative and economic inner logic weighs more in the EP political parties colonisation.

#### 5.2.1.3 Reified European political parties?

In Habermas' theory, reification arises from colonisation. Would it accordingly mean that European political parties are reified? The answer to this question is presumably negative.

As explained in 3.2.3.2.3, Habermas specifies that reification occurs as a result of colonisation only when the lifeworld function of symbolic reproduction cannot be "painlessly transferred to media-steered systems of action"<sup>345</sup>. The 'painful' character of such colonisation manifests in an ill-fitted response to socially meaningful issues as it relies upon system's inner logic. 'Painful' colonisation occurs in the instances where 'consensus-dependent' or communicative coordination of action is essential and cannot be substituted. The reifying effects resulting from such colonisation affect the communicative capacity of lifeworld to respond rationally to sociopolitical issues - that is, lifeworld function is fulfilled through a system inner logic which is socially inappropriate.

In light of this, surely, one might assume that European political parties are reified. In this fashion, one might argue that colonisation in the EU has occurred in a very situation where communicative coordination of action cannot be 'painlessly' replaced by bureaucratic and monetary medias. Indeed, the 'communicative coordination' approach of the EP political parties is intrinsic to their function of representation of European citizens. As regards the issue of food waste, colonised EP political parties have had their representative function (i.e. representation of citizens and their public opinion on food waste) 'painfully' transferred to

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<sup>345</sup> Habermas quoted in Jütten, *op. cit.*, p. 706.

'system mode of action coordination' during the ordinary legislative procedure. In fact, food waste has eventually been tackled through EU system policy and legislation which draw upon an inappropriate administrative and economic inner logic to the social conception of food waste. As a result, certain key policies MEPs would have liked to convey (such as higher recycling targets, co-decision procedure instead of comitology for the 'end-of-waste' criteria, etc.) are neglected in the final 2008 Directive.

Thus one might contend that EU reified political parties are subject to the so-called 'violence of abstraction' described in section 3.2.3 and that their ways of conceptualising the issue of food waste are reconfigured in order to adjust to the system imperative of administrative and economic efficiency. As such, one might assume that the social rationalisation of the EU political parties within the context of EU legislative procedure has led to their reification which in turn, has brought about a rationalisation of food waste management tangible in the 2008 Directive.

This might be all relevant if the other side of the coin did not exist. As a matter of fact, EU food waste management policy and legislation in the form of the 2008 Directive is not completely black or white as Habermas' thesis of colonisation and reification claims. The 2008 Directive represents a compromise between the EP and the Council, achieved after lengthy negotiations emphasised in part 5.1.1. As a result, the EP did secure important features in the 2008 Directive which the Council and the Commission did not support such as the waste recycling and prevention targets for example<sup>346</sup>. It did so through internal and cross-party alliances and negotiations over amendments which led to the adoption of the 2008 Directive with a simple majority. As such, political parties did retain communicative leeway allowing them to relay and transpose part of their food waste management interpretations in the legal act. This proves that though colonised, EU political parties are not reified. In Dahms' words (cf. 3.2.3.1), it is a confirmation that EU society does hold some kind of 'intellectual and cultural traditions', in the form of democratic decision-making, which enables the consequences of reification to be countered. The co-decision procedure as modified by the Amsterdam Treaty (1997) and further entrenched by the Lisbon Treaty (2007) constitutes one of the form of EU democratic 'tradition' which allows for the symbolic reproduction of the EP. Indeed, it gives the EP the possibility to convey and establish public views and opinions in food waste management policy.

EU democratic decision-making practice which allows for political parties' colonisation does perhaps show that EU democratic system is not fully adequate (yet?) to circumvent

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<sup>346</sup> EPP Group, *Waste Framework Directive: Conservative MEP urges the Council to adopt European wide-recycling targets*, Press release, 3 June 2008.

overflows of administrative and economy logics linked to power and money. Nonetheless, EU democracy is the undeniable sign that reification is not the objectivity in common usage by European political parties.

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In light of the above analysis, it appears that modernity, capitalism and reification are not intrinsically linked with regard to the issue of food waste management in the EU. Capitalist modernity does not necessarily associate with reification as the empirical evidence of the EU public sphere's ability to transmit its interpretations of food waste management demonstrates. Therefore, the hypothesis according to which food waste commodification in the EU has come to exist because of the occurrence of reification is invalidated. However, the possibility for the EU public sphere, political parties notably, to solve the sociopolitical issue of food waste management according to their inner logics must be qualified. As the analysis illustrates, European political parties, though not reified, are soaked with the efficiency motive of administration and economy. In the case of the 2008 Directive legislative procedure, examples of informal trilogues as a bureaucratic mechanism for greater efficiency, as well as corporate lobbying and economic interests, show that the democratic legitimacy of political parties to express public interests on food waste management is put at stake. This claim is sustained by the omnipresence of economic rationale which converts food waste into a market product, as well as the establishment of comitology procedure for political issues in the final 2008 Directive. System colonisation of European political parties has nonetheless not led to their reification, as thanks to democratic decision-making procedure, political parties are still able to have a say and provide their inner inputs into EU food waste management policy.

Admittedly, reification does not provide an explanation as to why food waste has become a commodity in the EU. However, colonisation of political parties calls for the scrutiny of the causes which shape administrative and economy inner logics. Indeed, it is likely that a broader sociopolitical picture influences EU system interpretive patterns for food waste management, which in turn develop commodification policies. Therefore, *internal* and *external* elements which might be decisive in the ontology and axiology embedded in EU system inner logics are investigated in what follows.

### 5.3 Internal and external elements for explaining the commodification of food waste

When looking forward to the publication of the Commission's Communication on a sustainable European food system which has not been published yet because of political reluctance from the EU executive, the Green MEP Bart Staes argues that there are two broad rationales to explain why a more socially and environmentally sustainable conception of food waste management is not viable at the moment:

Catherine Day [Secretary-General of the European Commission], and Barroso, and other Commissioners, were very much afraid of launching this kind of initiatives [Communication on a European sustainable food system] because of general Euroscepticism (...) Eurosceptic organisations, Eurosceptic political parties, and in the UK, very often, Eurosceptic press jumps onto proposals and says: "how ridiculous is this, why European Union should care about this, they want to regulate everything (...) this is not a task of the European Union". (...) There was a fear that this [Communication on a European sustainable food system] would be used by Eurosceptic movements to ridicule the whole thing<sup>347</sup>.

In addition to the internal issue of Euroscepticism hanging over the EU, Bart Staes puts forward the external reason of "the whole neoliberal system in which we survive [where] (...) less rules are better rules, and there is less involvement of authorities, of the state into the economic spheres"<sup>348</sup>. Similarly, the Coordinator of the European sustainable food system Communication and Policy Officer in the Commission's DG ENVI, senses that any Commission's initiative on food sustainability "might be seen as us interfering, being too bureaucratic, making demands, and it might be seen as somehow slowing growth"<sup>349</sup>.

Both fear of Euroscepticism and neoliberal commitment are apparent in the engagement of Juncker's Commission to 'better regulation' which, under the pretext of subsidiarity and proportionality principles, "seeks to cut red tape and remove regulatory burdens, contributing to an environment conducive to investment"<sup>350</sup>.

This EU 'economic imperialism' (cf. 3.2.2.2) has consequences on the way food waste is considered by EU political institutions. As suggested by Carvalho and Rodrigues, it exhausts the social value attached to food waste, i.e. weaken the multitude of human values incorporated in food waste by "generalizing a private-gain, money-minded, mentality"<sup>351</sup>.

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<sup>347</sup> B. Staes, Green MEP, Interview, 21 November 2014, Antwerp, ANNEX I.

<sup>348</sup> *Ibid.*

<sup>349</sup> Policy Officer, DG ENVI, Interview, 20 November, Brussels, ANNEX I.

<sup>350</sup> European Commission, *Press Release, A New Start: European Commission work plan to deliver jobs, growth and investment*, 16 December 2014.

<sup>351</sup> Carvalho and Rodrigues, *op. cit.*, p. 268.

With regard to the circular economy package, the responsibility of corporate lobbying in its recent withdrawal by Juncker's Commission has been called into question by civil society since a 'BusinessEurope' communication to Frans Timmermans urging the EU executive to ditch the pending circular economy package, was made public<sup>352</sup>(ANNEX II).

Under legal arguments of the EU's Access to Documents regulation and transparency obligations linked to the Aarhus Convention which requires transparency for documents relating to environment, environmental NGOs have addressed a letter to Frans Timmermans on 3 February 2015 requesting the release of all internal documentation, including "email correspondence, minutes of meetings, data exchange"<sup>353</sup> relating to the plan to abandon the package in question<sup>354</sup> (ANNEX II). This is because civil society is "suspicious of the motivation behind its withdrawal"<sup>355</sup> as no evidence whatsoever was provided to justify such a u-turn change in policy.

Moreover, the analysis in part 5.1.1 demonstrates that the substantiality attributed to food waste by the EU institutions via the provisions of 'by-product', 'end-of-waste', 'waste hierarchy', 'life-cycle thinking' and permits is more oriented towards an economic rather than social rationale. Admittedly, this orientation is not *purely* economic in the sense that EU food waste policy does acknowledge the absolute necessity to protect both human health and environment. However, health and environment protection do not embrace the whole range of human values embodied in food waste. Other values such as food waste redistribution are considered important by society. In this respect and referring to a recent report on EU food waste policy published by the UK's House of Lords' European Union Committee, Mr Parfitt, Resource Policy Advisor at Anthesis Consulting and Speaker at the 2nd European FUSIONS Platform meeting said that:

the Committee were very concerned about some of the witnesses that told them about the imbalances in the economic incentives around the waste hierarchy and how they mess things up for some elements of the 'food use hierarchy' (...) how can we possibly compete if anaerobic digestion with its subsidies for energy generation is always going to get the material we would otherwise want to send to redistribution systems<sup>356</sup>?

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<sup>352</sup> EurActiv.com, "Gender equality and environment laws on business lobby hit list", *EurActiv.com*, 21 November 2014.

<sup>353</sup> EEB, FoEE, et al., "Letter to Frans Timmermans", 3 February 2015, ANNEX II.

<sup>354</sup> EurActiv.com, "NGOs demand Commission justify axing of Circular Economy package", *EurActiv.com*, 4 February 2015.

<sup>355</sup> *Ibid.*

<sup>356</sup> J. Parfitt, Resource Policy Advisor at Anthesis Consulting, Speech, 2nd European FUSIONS Platform meeting, 30-31 October 2014, Brussels, ANNEX I.

His question relates to the very public sphere's concerns about the different ways food waste is managed, i.e. commodified, through EU policies and legal definitions, as does NGO requests to access internal documentation which has led to the circular economy package withdrawal.

In line with the American political philosopher Michael Sandel's argument (in his recent book *What Money Can't Buy: The Moral Limits of Markets*), civil society's concerns over food waste management in the EU addresses the key question as to whether there exist "services intrinsically linked to civic identity and to mutual responsibility that only the state should provide (own translation)"<sup>357</sup>. Is food waste management in the form of redistribution so important to EU public sphere identity - in so far as any such identity exists - that it should be provided through and interpreted in terms of redistribution rather than commodification?

There is no satisfying answer to this question. The problem lies not so much in the commodification of food waste in itself, but rather in whether the wasting of food can be handled so as not to disregard public sphere imperatives, in particular the ones of political parties which serve the very stability of a democracy. This is important in order not to achieve the pessimistic postulate of O'Brien's reconfiguration of Offe's thesis (cf. 3.2.2.2), according to which waste policies are condemned to remain socially inadequate in light of the business-government nexus underpinning it. As such, a renewed democratic momentum in the EU - in the form of increased accountability and greater transparency for lobbying - may well be the remedy to a skewed interpretation of food waste. Indeed, this new democratic impulse may help counter the social risks linked to both Euroscepticism and economic imperialism.

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<sup>357</sup> Stéphane Bussard, "La marchandisation de la société", *Le Temps*, 8 January 2015.

## 6 Conclusion

Food waste in the EU does not land in an abandoned space neglected and despised by sociopolitical and economic realms until it eventually returns to nature. Rather the contrary, this study has showed that food waste embodies an intricate knot of various and sometimes opposite interests which value food waste as much as any other material goods. Owing to its economic quality, food waste has not been spared by the profit driving force underlying EU development. In fact, it has ultimately been transformed from an unwanted material to a valuable commodity coveted by a plethora of corporate stakeholders.

In order to grasp how and why this process has happened in the EU, a threefold analysis was undertaken drawing upon a theoretical commodification and reification framework.

First, and as analysed in part 5.1, it was demonstrated that food waste has acquired a commodity status in the course of institutional negotiations during the 2008 Directive ordinary legislative procedure. The 2008 Directive lengthily deliberated between the EP and the Council sets legal provisions which assign food waste with a new substantiality in the form of market exchange-value, exploitable by diverse industries from recycling and composting to former foodstuff processor businesses. Indeed, it was analysed that while statuses of 'by-product' and 'end-of-waste', as well as 'waste hierarchy' principle define the standards according to which food waste can be transacted in the market, 'life-cycle thinking' and waste permits determine when, how and by whom food waste is usable. Though environmental and human health concerns are not set aside, it has been demonstrated that the delineation of EU food waste management policy through the 2008 Directive clearly construes food waste as a commodity.

The analysis carried out in the subsequent part 5.2 in order to understand why food waste commodification has occurred in the EU pointed out that capitalist development of food waste management does not ineluctably associate with reification. In fact, commodification of food waste has not stemmed from reified European public sphere as it was initially argued in this study. The analysis underlined that EU democratic decision-making procedures seem to preserve the public sphere from being submitted to reification. In Habermas' terms, examples illustrate that NGOs and universities are able to communicate freely their interpretations for food waste treatment according to their inner logics. Consideration should also be given to the ordinary legislative procedure, as its democratic decision-making

process enables compromises between the EP and the Council through equal legislative inputs on the issue of food waste management.

Nonetheless, the scrutiny of the specific European political parties' value sphere demonstrates that though not being affected by a reified kind of objectivity, the EU does not necessarily suggest a food waste management policy which is fully socially rational and legitimate. Indeed, the analysis underlines that the EP had its intrinsic function of representing public opinion challenged by both the logics and imperatives of administration and economy in the course of the 2008 Directive legislative procedure. To use Habermas' terms, political parties were colonised by the inner logics of EU administration and economy. It was showed that the bureaucratic practice of informal trilogues authorising deliberation without the presence of political parties is governed by means of power rather than communicative interaction. Furthermore, the example of conflict of interests between public and private spheres during the 2008 Directive legislative procedure also emphasised that the steering media of money is not unknown to the EU process of decision-making. These cases demonstrate that in the drafting of EU legislation, political parties have a limited ability when it comes to effectively conveying public opinion on food waste management. As a result, it was highlighted that environmental groups and NGOs have severely criticised the pervasive mention to economic motive, the laying down of comitology provisions for political issues and the introduction of a 'waste hierarchy' principle which stifles the social imperative of redistribution.

To conclude, as colonisation appears not to have led to reified political parties, reification does not constitute an explanative element as to why food waste has become a commodity in the EU. However, it was assumed that the European administrative and economy inner logics colonising political parties are themselves shaped by a broader sociopolitical context certainly meaningful for comprehending the process of food waste commodification. Hence, further investigation was undertaken in part 5.3. Consequently, causes of Euroscepticism and economic imperialism were evoked as internal and external elements liable for system inner logics ontological and axiological positions, which in turn allow for food waste management policies which are sometimes out of tune with social expectations. Accordingly, it was suggested that a renewed democratic momentum in the EU (by way of increased accountability and legitimacy), might help to counter a general Eurosceptic and neoliberal landscape, and help prevent further negative social outcomes for EU food waste management.



The theoretical framework using commodification and reification theories proved useful in this research, although it was eventually determined that the EU is not a reified society. However, further reflection could be undertaken to reach an indepth understanding of food waste commodification. Indeed, further research with regard to questions of influence and power which Habermas' reification theory does not account for would shed much needed light on both relationships between the European administrative and economic realms, as well as between the system and public spheres.

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