Food Waste, Shop-Lifting and Dumpster Diving: Ethical Conceptions of Waste and the Re-Appropriation of Goods

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Introduction

In this paper I will examine the plight of the urban poor in western society alongside the issue of "food waste" and look at ethical conceptions of waste that might act as justification for the impoverished to engage in acts of shop-lifting and dumpster diving in order to secure food for themselves.

Accordingly the first section of this paper begins with an examination of food poverty as it exists in the west, drawing from examples primarily within the United Kingdom, in an attempt to show that despite the associations of affluence with western living many in the west struggle to meet their basic needs. I also hope to emphasize that while there is demand for a systematic solution to the needs of the urban poor, the possibility of implementing any such solution is still very distant.

It should be noted that while the statistical evidence and analysis of political trends provided in this paper are generally limited to examples from the United Kingdom I believe that the trends of food poverty, waste and lack of organized political response in the U.K. are roughly analogous to similar trends throughout much of western Europe and the United States of America.

The second section of the paper will discuss two tactics which impoverished people, for whom the usual forms of aid (government welfare and charity) have been made unavailable or inadequate, might adopt. The two strategies discussed are dumpster diving and shop-lifting. This second section will also include a brief outlining of the ethical particulars surrounding these tactics, along with a short discussion regarding the legal status of dumpster diving in the west.

The third section of this essay is where I will outline two competing ethical approaches to waste. The first theory of waste will be developed from a property and usage orientated framework that can be found in both Mutualist and Lockean theories of property. The second theory of waste stems from a utilitarian approach that holds the satisfaction of human needs to be the relevant criteria for assessing wastefulness. These two approaches will respectively be referred to as "Waste as loss of productivity" and "Waste as misallocation".

The fourth section will apply these approaches of waste to shop-lifting and dumpster diving in order to examine what kinds of action these competing theories might justify.

The final and fifth section of this essay will look closely at the moral particulars of the theories of waste developed in this paper and will discuss various criticisms of the two approaches. The final section will also include a discussion on the political outlooks that could be drawn from the
competing theories of waste in an attempt to show that one's conception of waste can have a significant impact on what one believes to be a just society.

I think it is important to note that this essay makes many references to poverty and the inability of people to care for themselves. In light of this, before I begin, I would like to give an explanation of what kinds of poverty are relevant to this essay. In economics there are two distinct categorizations of poverty; relative poverty and absolute poverty. Relative poverty measures the individual's ability to provide a satisfactory life in keeping with the norms of the society that that person belongs to and as such relative poverty is measured in relation to the living standards of one's peers.\(^1\)

Absolute poverty, by contrast, is the point at which it is generally considered impossible to maintain any kind of decent life anywhere in the world (the current definition of absolute poverty sits at around or below $1.25 a day); it is the point at which a person unequivocally needs help regardless of where they live.\(^2\)

Both measurements of poverty can be misleading when trying to measure people’s abilities to provide for themselves. For instance I may be relatively poor yet still be capable of living a happy functional life, even if I am unable to purchase certain luxury goods such as sports cars.

Absolute poverty statistics can also be misleading. A country may see a reduction in the number of people living in absolute poverty but that does not necessarily mean that these people are better off. People may raise themselves out of absolute poverty by moving to a city where jobs are more abundant but find that the relatively higher living costs of the city make them even less capable of providing for them self than when they were living in absolute poverty in the countryside.

As I have neither the time nor the discipline specific expertise required to successfully interpret such measurements, the kind of poverty discussed in this paper will be of a somewhat more straightforward kind. The poverty measurements discussed in this paper are measurements of the concrete incidents in which people report that they cannot provide for themselves (as opposed to an abstract measure of their income and how that matches as an average). For the bulk of this paper I will be far more concerned with poverty as a phenomenon that prevents X% of people having access to a nutritious diet as opposed to a measurement of X% of people having earnings under a certain amount.

A word should be left here with regards to the context of this paper in relation to the already established academic literature on the subject.
I have not been able to find any academics willing to defend shop-lifting as an ethical act; indeed I have been unable to find any academics at all who have written about shop-lifting from an ethical perspective. Dumpster diving similarly has been examined from sociological perspectives but has never been thoroughly investigated in relation to any ethical justifications or problematizations of the act. \(^3\) Definitions of waste have been looked at before by philosophers generally as a way to elucidate on various aspects of Lockean theory, however waste is usually only considered from an explicitly ethical perspective when discussing ecological damage and sustainable development. \(^4,5\)

As far as I am aware this paper attempts to do something relatively new by examining the way in which ethical approaches to waste could be applied to justify the re-appropriation of wasted goods.

**Section 1: Food Waste and the Status Quo**

Western nations are often associated with a pervasive affluence. When we think of cities such as New York, London or Berlin we are often tempted to think of comfortable metropolises; our minds are drawn to images of skyscrapers that are home to powerful business elites or sprawls of cosmopolitan condo's that co-exist alongside gentrified shopping centres. When activists speak of "ending poverty" it is often assumed that the poverty in mind exists "somewhere else", we forget that poverty exists at home as well as abroad.

Yet even within the more affluent areas of the world poverty still exists. \(^6,7\) Of particular interest to this essay is the fact that there are a substantial number of people in the western world who have restricted access to even the most basic of human necessities, food. \(^8\)

Through movements such as the now well known occupy movement, that arguably peaked in various cities like New York in 2011, the poverty that faces members of otherwise wealthy nations has come to light. \(^9\) Capitalizing on the recent rise of public attention to poverty in the west, various established political movements have also raised their voices. Both Anarchist and Socialist organizations, the groups that have traditionally been the most concerned with poverty and inequality in Capitalist societies, have continued to put emphasis on the plight of the poor while other less radical, but nonetheless sincere, liberal and social-democrat political parties have also attempted to draw attention to the growing concerns of western poverty. \(^10,11,12\)

The growing demand for addressing wealth inequality and its related socio-economic bug-bears has also been visible in various religious communities including both the Roman Catholic church and
other Protestant organisations who have called for people and politicians alike to consider having more empathy and compassion for those in need.\textsuperscript{13,14} 

When it comes to food poverty in the west we undoubtedly have the money required to purchase food for the hungry. While the number of people who suffer from food poverty is of a substantial size as to warrant a serious inspection of its root causes, the number is not so great in relation to western affluence as to make the problem insurmountable.

More pressingly, and what motivates the discussion in this paper, is that in the west food is thrown out in such large quantities and with such regularity that our waste could easily be used to feed those living in food poverty.\textsuperscript{15} Looking at the statistics surrounding food waste it becomes clear that food-poverty could be solved without any need to burden the more affluent demographics of society.

I should be specific here, when we talk about food waste it is tempting to think that the food wasted is just left-over food that we scrape of our plates. However a large portion of the food that we waste in the west is food which is produced, not sold and then as a result destroyed. Nearly a third of our food waste is commercial waste.\textsuperscript{16} 

The food required to solve food poverty in the west does not necessarily need to be bought from its original owners nor does it require extra production; it already exists. Furthermore the re-direction of that food would have no significant impact on the way we live our lives today. Food poverty, to put it bluntly, could be solved without any need for well fed individuals to sacrifice their own food, nor need it necessarily require that any additional money is spent in preventing food poverty outside of what is needed to redirect the already existing food waste.

Despite the fact that food poverty in the west requires little sacrifice to resolve, as the resources already exist and go unused, there are unfortunately very few signs of any immediate systematic response. While as previously noted various religious and political interest groups have spoken out against food poverty such sentiments have yet to take hold in mainstream political parties.

The current political trend, in the wake of the economic crisis that beset the beginning of the 21st Century, has seen many governments opt for austerity measures that include a limiting of the safety nets that traditionally aided those facing poverty (something which has arguably exacerbated the problem of western food poverty).\textsuperscript{17}
Furthermore, political parties that do wish to reverse the current austerity policies are usually hampered by popular, though often unfounded, beliefs that systems that help the poor will always be abused.

To give a more concrete example of these "welfare system worries" voters are often found over-estimating the number of instances in which welfare systems are abused and the extent to which they provide for people (often people believe that welfare recipients are given far more than they actually are).\textsuperscript{18}

While structural solutions to food poverty such as a strengthening of the welfare safety net or even just a systematic redistribution of our commercial waste offer potential solutions for alleviating food poverty in the future, they are far from being implemented or able to gain currency in established political discussions.

For those needing food today the options are limited as the welfare net that exists, thanks to cutbacks, now fails to protect many from food poverty and while many people show concern for the poor the distrust towards previously established solutions to poverty, such as state welfare, ensures that systemic solutions are far from being implemented. Food is abundant and wasted in huge amounts despite many going hungry and there does not seem to be any established political response willing to address this discrepancy.

Accordingly the question that this paper will ask is: With governments less and less willing to provide for them, what lengths are poor people justified in going to in order to secure food for themselves?

Section 2: The Ethical Particulars of Dumpster Diving and Shop-Lifting

If one finds oneself in a position of being unable to feed themselves or their loved ones, and the charity of others is not enough, then what options are available? It is a fact of nature that humans must eat, food must come from somewhere; and if it is not freely available then it must be given or taken from someone else.

This paper will consider two options available to someone facing food poverty in a society that is otherwise abundantly stocked with food; firstly "dumpster diving", the retrieval of goods from waste
bins typically outside large chain stores and secondly through shop-lifting, the criminal acquisition of goods while they are on display in a shop.

Dumpster Diving seems intuitively un-problematic, the goods that are acquired have no intended use as they are often simply on their way to being destroyed. Surprisingly the food that is acquired from Dumpster Diving can be quite nutritious, one may be tempted to think of homeless individuals retrieving half eaten mouldy cheese sandwiches but often the food that is discarded, especially outside supermarkets, is still of relatively good quality.

While the act of Dumpster Diving can lead to prosecution the illegality of it tends to stem from laws against "theft by finding" and often attempts by both the state and private individuals to reduce dumpster diving are only pursued in so far as Dumpster Diving may cause excess littering as a result of refuse being strewn across the street. More commonly however Dumpster Diving, or skipping, is illegal as a by-product of the bins being on private property thereby resulting in trespassing charges. However it is not entirely unheard of for "Dumpster divers" to be prosecuted if they find something of value in the bins such as a discarded computer that contains important company documents. Generally speaking dumpster diving can lead to prosecution if what was taken from the bins can be shown to be something which the original owner did not wish to be re-appropriated or because appropriating the goods required trespassing, the actual acquisition of goods from bins is not considered problematic in of itself.

Shoplifting however has the potential to be considerably more morally troublesome. The first obvious difference between shop-lifting and dumpster diving is that shop lifting involves actively taking something from a person or institution. Dumpster divers when accused of theft tend to have that label applied only once it is shown that the Dumpster Divers have taking something which a company or person did not wish to fall into another’s hands; conversely a shop-lifter almost by definition takes something which the company or person does not want to be removed.

The clear differential here, is the intent of the original owner towards the food that is being taken. In dumpster diving the original owner is not directly concerned with what happens to the food that is appropriated by the dumpster diver whilst with shop-lifting the owner is concerned with the food as they still intend to benefit from that product.

This distinction however can be blurred. What happens if the original owner desires for the excess food to be destroyed rather than available to the home-less and desperately poor? The action of destroying excess food in order to force others to purchase ones goods makes sense from a cold economic perspective. If food is thrown out at the end of the day, because while still edible it cannot
be sold due to a company policy, then people will have the opportunity to eat for free. If people can find a loaf of bread and a couple of cans of food in the bins behind the store then what incentive is there for buying them from you in the store? Destroying these excess goods would be a sound way of ensuring that people had a reason to buy from you.

What moral arguments, could be used to argue against such a destruction of commercial waste?

Does dumpster diving become shop-lifting once the owner decides that they can make more money if they do not allow people to take food from their bins?

What if the object that is shoplifted does not directly affect the owner’s ability to continue with their business? The owner may intend to sell stock but does the owner intend that for every single individual product? If some of the stock will be thrown out anyway then how much does it change if the food is taken from the shelf rather than from the bin? Looking at the statistics of food waste in the western world we can see that very few, if any, large chain stores are capable of ensuring that the entirety of the produce on their shelves is sold.\textsuperscript{22} Following this logic shop-lifting is not a particularly egregious crime as in some cases what was taken matches in value what would have been thrown out; if four loafs of bread are thrown out every day then taking one off the shelf means that only three loafs of bread are thrown out, if anything the shop-lifting has reduced commercial waste in the same way that dumpster diving would.

If the shop-lifter is only removing goods in so far as they would already be wasted it may be worth considering whether, in certain cases, there is really a sharp distinction between an ethical shoplifter who only takes what would otherwise be wasted and a dumpster diver who only takes what is wasted once it has been put in a bin.

These are all important questions when evaluating dumpster diving and shoplifting and in order to provide a proper examination of the issues outlined above we will need to specify the kinds of moral frameworks that are relevant. In particular we must articulate the kinds of ethical approaches that might be pertinent when discussing issues such as waste and re-appropriation. Accordingly the next section will deal with two different approaches to waste that can be derived from pre-existing ethical frameworks.
Section 3: Ethical Conceptions of Waste

As noted in the above chapter the "food industry", that is to say the system in which food is produced and then sold for consumption, is incredibly wasteful. Large quantities of food are thrown out and hoarded while large numbers of the population go hungry. Justifying either Dumpster Diving or Shoplifting will require showing that the goods that are re-appropriated would be "wasted" if they were not taken by those in need. Accordingly this section of the essay will focus on examining accounts of waste that could potentially be used to justify the re-appropriation of food from a system that could be considered "wasteful".

Two approaches will be of relevancy. The approach that considers waste to be the owning of goods which are not being used and as such are degrading in value and alternately the approach that considers waste to be the in-efficient use of goods in satisfying human desire. Respectively "waste as loss of productivity" and "waste as misallocation".

Waste as Loss of Productivity

The underlying rationale behind the waste as loss of productivity approach is that waste is the process in which resources are appropriated and then used/not-used in such a way that the appropriation cannot be considered productive.

The first and most obvious place to start when discussing waste in relation to productivity is John Locke as his original acquisition approach to property includes in its proviso a discussion on waste and its effect in limiting justifiable appropriation. I will also mention the Mutualist theory of property developed by Joseph Proudhon in order to demonstrate that a moral critique of waste based on loss of productivity is not necessarily limited to a Lockean framework and instead can be seen as part of a broader project to outlines the limits of acceptable appropriation in general.

Using Locke

In Locke's second treatise on civil government Locke attempts to trace a history of original acquisition that elucidates on how things which are un-owned can become owned. This history is not necessarily a literal or factual account that takes place at any certain place or time, nor is it meant to be a history of how current property systems came to be.

Instead Locke's argument is in the most abstract sense trying to sketch out how a property claim can come into being. Given a secular interpretation, Locke's argument is that for humans the appropriation of resources is merely a logical extension of the human desire/need to use them.
Humans need water to drink and accordingly when they fill a flask with water from a river, this act of gathering the water takes the water in the flask out of the category of common property, which is available to everyone, and into the category of private property which has been sequestered for a particular persons use.26

One can read Locke’s account of property as an attempt to spell out a worldview in which humans have the right to self-governance and independence; a world where humans can appropriate and use their own share of resources to satisfy their own needs.

However to understand what could be considered as ones "share" of natural resources certain stipulations on reasonable appropriation and the proper uses of resources must be made, this is where the Lockean Proviso is developed. The proviso is a two pronged principle which outlines the conditions that must be met for an appropriation to be just.27

Firstly, the appropriation of an object from common property into private property cannot result in another person being "significantly worse off". 28

For instance if me and you lived in a small valley with a river running through it, and that river was our only access to clean drinking water you would not be allowed to claim the entirety of the river. Claiming the entire river would be potentially detrimental to my welfare as I would not be able to secure water for myself.

Secondly, the appropriated resource must be appropriated for a use and so it cannot be appropriated and then left to waste/degrade in value.29 One may pluck 50 apples and eat 50 apples, but one may not pluck 50 apples and then let those apples rot in a cellar.

For Locke objects exist for the use of humans so to subject them to private property, thereby denying their use to others, and letting them degrade in value while not making use of them oneself would make the appropriation of those resources illegitimate. For Locke the reason one is entitled to property is so that one can make effective use of such resources.

Importantly for Locke the loss of a resources value over time is what motivates him to declare non-use to be wasteful and accordingly is a condition on which ones ownership of said resource can be revoked.30

If I pick 50 apples then I have denied them to others by making them "mine". Once the apples begin to rot without anyone being allowed to eat them then I have caused it so that that resource degrades, without anyone using it, with the end result being that no one can use the apples as they have been "wasted".
Alternatively if I pick 50 apples and do not eat them but instead freeze them then I have not necessarily wasted the apples. While the apples are not being used, their value is being preserved and so they are still capable of being used at some other point in time. For Locke, waste is not simply the consequence of idle resources but rather it is the consequence of destructive idleness that reduces an appropriated resources value.

Such an understanding of waste in relation to diminishing value explains why Locke is not particularly concerned with the hoarding of money. Money does not commonly diminish in value when it is not consumed (read: spent) and so holding on to large quantities of money, or any other resource that does not similarly diminish in value, is not wasteful.\textsuperscript{31}

Some philosophers such as Andrew Jason Cohen have hinted at the idea of using Lockean conceptions of waste to argue that certain forms of hoarding could be considered wasteful even if the thing in question is not depreciating in value.\textsuperscript{32} The argument being that what is hoarded could be actively doing something productive if it were not simply languishing unused, however I believe this interpretation of Locke’s view on waste to miss the mark.

Locke does advocate for some forms of charity, arguing that help should be given to the extremely needy, but he constructs this separately from his proviso; if not giving to the needy could sincerely be called "wasteful" in the way that Locke uses the term then there would be no need for such a call.\textsuperscript{33} There may be room for argument over why Locke separates his notions of just acquisition and charity and whether such a separation is justified but alas I do not have time so I will have to leave the matter here.

Importantly, the fact that one can retain property rights even when others need the object in question is what differentiates the Lockean perspective on property and waste from the waste as mis-allocation approach that we will discuss later.

The Mutualist Approach

So far I have attempted to frame the waste as loss of productivity approach in Lockean terms and I would now like to demonstrate that an approach to waste that takes it to be a loss of productivity can be found elsewhere. The purpose of "broadening the net" here is to show that the "waste as loss of productivity" approach is not especially peculiar to Locke.

This brief section here will articulate another theoretical framework for developing a "waste as loss of productivity approach" by drawing from the Mutualist conception of property developed by the early 19th Century anarchist writer Pierre Joseph Proudhon.
The theory of Mutualism has been interpreted by a number of other authors and Proudhon’s ideas have seen various iterations, the most prominent being that of Clarence Lee Swartz. However for the sake of simplicity and general straightforwardness we shall go straight to Proudhon and his essay “What is Property” to clarify the Mutualist position, at the very least because this is the most important starting point for modern interpretations of Mutualism.

Like Locke usage plays a large role for Proudhon in discerning what is owned by whom; however unlike Locke, Proudhon rejects outright property claims and instead opts for a weaker notion of possession. One is in possession of a thing when one uses it or alternatively occupies it but for Proudhon claims of ownership cannot extend any further. This emphasis on making use of an external object in order to gain ownership over it, and subsequently the way in which a property claim can become null if the object is wasted or not put to good use, has similarities with Locke. However Proudhon’s position on property, namely that private property claims are farces with only claims of possession being legitimate, puts Proudhon in a position to oppose certain economic arrangements that Locke would otherwise deem acceptable.

Locke for instance implies that one may be considered entitled to the proceeds that are generated by having ones servant work on ones grounds. Locke can only justify this relationship through a notion of "Property with a capital P" which ensures that after the initial appropriation no one may take Property from the owner as long as the acquired Property does not violate the proviso.

For Proudhon however one can only be in possession of an object in so far as the object can be considered in use. If I no longer work on the land that is in my custody then I am no longer in possession of it. For Proudhon one cannot delegate someone else to work or occupy the land on behalf of oneself as not making direct use of the land will lose that person their claim to possession over it.

The category for waste that can be developed from Proudhon’s philosophy is similar to the Lockean conception of waste, with one caveat. A resource which is possessed but not used is being wasted and therefore no longer a possession, in Mutualist terms unused resources which are not depreciating in value are free for re-appropriation. The Mutualist differs from Locke as Locke allows for appropriation to remain legitimate if the resource is not depreciating in value whereas the Mutualist does not.

The over-arching theme here for both Locke and Proudhon is that objects exist and by using them the agent effectively justifies their appropriation of said object. Both theories take waste to be a problem in that it is the un-necessary denial of resources to others who would make use of them.
For the Mutualist approach no proviso is needed, if something is not being used it is no longer a possession hence no one can own more than they can use. Once the thing in question is no longer being used it is no longer owned. To put this in terms of "waste" we can say that something which is possessed but not used is wasted while in that person’s possession and therefore is no longer justifiably owned.

For Mutualists usage and possession are almost identical where as for Lockeans usage is the process through which property claims can come about; this explains why Lockeans can support someone using a resource for you while you retain the property claim (the conventional capitalist arrangement between capitalists and workers) but Mutualists cannot.

**Waste as Misallocation**

The second approach to waste would be to more broadly define it as the sub-optimum use of goods in general. In order for such a definition of waste to function an understanding of what "the optimum use of goods" is, must be developed and to this end we will draw heavily on utilitarianism.

Utilitarianism hails primarily from the 19th century philosopher Jeremy Bentham and one of his students John Stuart Mill. Subsequent variations of utilitarianism tend to revolve around variations on what might counts as a reasonable criteria for "utility".

All forms of utilitarianism look to maximize utility but they differ on what should be measured and count as utility. For instance while Jeremy Bentham takes all pleasures to be equal and therefore equally worthy of maximization, John Stuart Mill’s utilitarianism argues that different kinds of pleasures have different values and therefore we are justified in satisfying certain desires more than others.

However, for the purposes of this essay a precise definition of utility is not required; all that needs to be understood is that utilitarianism seeks to maximize utility in all situations.

It is also important to note the relationship, or more accurately the lack of one, between utilitarianism and property.

Utilitarianism unlike the theories of Locke and Proudhon, is relatively ambivalent to property claims. Utilitarianism is a consequentialist theory and as such has little to say about the inherent moral or ontological relationships between agents and the physical objects that constitute their surroundings. That is not to say that a utilitarian cannot respect property claims, but rather that utilitarian’s generally need something other than the claim "but it’s my property" in order for them to find such claims compelling; they can only ever recognize provisional property claims, natural rights are
meaningless to utilitarians. An appropriate reference here would be to Bentham's quip that: "Natural rights is simple nonsense: natural and imprescriptible rights, rhetorical nonsense — nonsense upon stilts".40

For instance the claim "you can't take that bottle of water, it is my property" initially does not have any pull on a utilitarian until the claim is found to include the subtext "the water bottle in my possession is the only source of water I have while in this desert and without it I might die".

Once a concern for a person's general well-being is in question then property claims may be considered worthy of consideration from a utilitarian standpoint. More precisely utility interpreted property claims could be seen as counterfactual claims of the kind "the water bottle would not/could not satisfy a more important need if it were to be removed from my possession".

For instance, while the loaf of bread in my possession cannot be sent to someone who needs it more the money in my bank account can be sent to others ergo my claim to my loaf of bread is stronger than my claim to the money in my account.

In order to more fully understand how an application of utilitarian theory to property claims would work we must ask, what kind of morally salient desires might people have with regards to the control of resources?

To begin, as mentioned previously, one might have the desire to be in possession of the water or food that one needs for the pleasure of consumption or the necessity of survival.

Alternatively, and this may be a somewhat more controversial claim, we may have more softer desires for regularity and attachment which a property claim may help us entrench. For instance, taking my house from me may not damage my survival chances, if say there is an empty house next door which I can move into, but it may upset me. It is not unreasonable to argue that I might have developed an emotional attachment to that place and that up-rooting me would be inconsiderate of my attachment or make my life more unstable and harder to organize, and therefore more stressful.

As far as I can see there is no reason for a utilitarian to dismiss a claim of psychological attachment if severing such an attachment would cause suffering.

A note should be made here with regards to a potential consequence of the utilitarian only respecting property claims provisionally. If property claims are only provisional then the act of theft, in certain cases, becomes far less problematic. If a well fed man is eating a loaf of bread and a starving man passes by looking for bread, not only is the well fed man obliged to give the bread to the starving man but the starving man is morally within his rights to take the bread from the well fed
man even without the well fed man's consent. When one is in possession or making use of a resource or object in such a way that it could be deemed wasteful then according to utilitarianism we may see fit to remove that property from that persons possession if the possession can satisfy other more important or numerous needs.

Waste as mis-allocation, in contrast to waste as loss of productivity, can be read as the "wrong use" of resources rather than simply the non-use of resources. A loaf of bread is not only wasted when it is not used or has been left to rot in an over-stocked food cellar but is also wasted, albeit in a different way, when it is being consumed or used by the wrong person.

For the utilitarian any action which does not maximize utility is a wrong action and likewise its approach to waste considers any use of an object that is not the most utility maximizing to be, to some degree, wasteful.

Section 4: Ethical Justifications for Dumpster Diving and Shop-Lifting

In the case of dumpster diving the food that has been discarded is perishable, it must be used within a certain time, and is no longer providing a use for its previous owner; it has been properly "thrown out". So how does this affect the way the approaches outlined above view dumpster diving?

The waste as loss of productivity approach would at the very least consider dumpster diving to be morally permissible, in that the food in the bins is no longer being used and therefore cannot be denied to people who wish to re-appropriate it. Interestingly however, from a Lockean perspective, one could make the case that dumpster diving is not merely permissible but is a morally "correct" action. To allow something to go to waste and instead purchase food that would otherwise not be wasted would require a higher level of production in order to meet such needs; this increased production would contribute to a need for the appropriation of more resources.

If the same needs can be met with less waste then less land is appropriated leaving more land up for the taking which thereby increases other people's ability to appropriate land. Dumpster diving then works as a measure that helps ensure the Lockean proviso is better satisfied. The more efficient we are with waste, the less resources need to be appropriated and the less likely we are to violate the proviso by appropriating resources in such a way that someone cannot appropriate resources for their own projects.
However, even if there is a morally redeeming feature in actively participating in dumpster diving it should be noted that the moral onus would still be on the store owner not to throw usable food out in the first place, the store owner may be obligated to donate it to a homeless shelter for instance rather than throw the food out. Similarly it would be absurd to say that the primary moral responsibility lies with the dumpster diver to compensate for the wastefulness of the store owner.

Mutualism likewise may consider dumpster diving to be a moral act in that it reduces the amount of land that is needed to grow food as the process by which food is grown, packaged and delivered is as efficient as possible meaning that the food industry is not incentivized to appropriate more land for growing what it does not, strictly speaking, need.

One may however raise a counter point here and argue that if people who could otherwise pay for food begin scavenging in bins to reduce society's waste then it may result in these people taking away that resource from those who need it most. The relatively small ethical act of preventing waste so that more natural resources do not need to be consumed, could result in an arguably much larger ethical travesty of a poor or homeless person being unable to eat due to the actions of someone who could otherwise survive quite happily by purchasing the goods in the store.

A scenario in which a dumpster diver re-appropriates food that a homeless person desperately needs would be considered ethically problematic in so far as it violates the first section of the Lockean proviso. The first section of the Lockean proviso holds that an appropriation is just only in so far as it does not leave another significantly worse off, therefore the appropriation of food waste cannot be just if it prevents the food from going to a starving person who relies on it to eat.

While one might consider my typology of the dumpster diver as someone who is unusually concerned with wastefulness to be inaccurate it is important to note that many people are indeed motivated to dumpster dive as part of an environmentalist ethic. Many blogs and websites that provide legal and practical information on how to dumpster dive safely and efficiently, frequently cite food waste statistics and promote dumpster diving as an alternative to buying food rather than as a necessity for a person's survival. Dumpster diving has its own sub-culture and has in part been described as a life-style that centers around the theme of reducing waste. In light of this it may be morally advisable for dumpster divers who are engaging in the activity to reduce waste to, instead of consuming what they find, pass the food on to food banks and soup-kitchens that can distribute it to the needy.

For the "waste as mis-allocation" approach dumpster diving is unproblematic as long as what is appropriated from the bins generally satisfies needs and desires that are more urgent than the
associated desires to keep people off of the property etc. Again, the morally preferable act for dumpster divers who could otherwise purchase food is to donate the food to a homeless shelter or soup kitchen instead of keeping the food for their own consumption.

Both the waste as loss of productivity and waste as mis-allocation approach justify dumpster diving; either because the act ensures that otherwise unused products are used or because it directly allows a certain group of people to satisfy their needs.

A point of note here is that dumpster diving, because of the placement of the bins on private property, may under certain circumstances constitute trespassing but it is not entirely clear what the precise position of a Lockean might be with regards to such infringements of property. However it would be relatively uncontroversial to argue that Mutualists would generally see trespassing on a supermarket’s parking lot to be a trivial offence as it is not an area that is being actively possessed or used.

In response to the concern that Lockean theory can only justify dumpster diving when it does not result in trespassing, we may be able to fashion an alternative reading of the Lockean Proviso that argues that if the waste is available to the free-appropriation of everyone, as a consequence of being waste, then the act of appropriation of such waste cannot be problematic. It would be nonsensical to allow people to appropriate the waste freely but not allow them to collect it without permission.

Arguably the moral fault lies with the business owner for putting the bins in such a place that the waste cannot be re-appropriated without trespassing and as such the owner would have little right to complain when people trespass to get access to the waste that is no longer the business owner’s property.

Conversely, shop-lifting unlike dumpster diving features the taking of objects that are still owned so justifications are significantly more problematic to navigate.

As noted before the waste as loss of productivity approach advocates for the re-appropriation of resources which are going unused. One may ask if the food that is sitting on the shelves in a heavily stocked supermarket is truly in use. A packet of macaroni pasta for instance may sit on a shelf for weeks without ever being picked up; in such a case is the pasta not going unused?

In response we can point to the fact that the pasta is not degrading in value as a result of it not being consumed ergo for the Lockean its inactivity is not necessarily problematic. A Mutualist may be tempted by contrast to assert that because the pasta is not being directly used the fact that it is not degrading in value is irrelevant and so the pasta is morally free for re-appropriation.
However it is not necessarily obvious that the pasta is going un-used. The pasta is on display for sale, arguably it is in the process of being turned into currency and even if there is a statistically significant chance that the pasta may be thrown out, as many products that go unsold are, while the pasta is on the shelf the store owner is still trying to sell the pasta. The pasta is being used in the sense that the owner has the intention to convert it into currency and as such has possession over it and so, following this logic, the owner cannot be said to be wasting the pasta.

There is another reason, that may spell out why a "waste as loss of productivity" approach cannot justify shoplifting. Both Mutualism and Lockeanism, the theories which we have used to develop this approach, cannot justify shoplifting as they look to set up conditions for trade, which require the non-consensual taking of other people’s goods to be expressly forbidden.

It can be argued that if the needs of others can over-ride my claim to resources then it would undermine my ability to engage in free trade. If I trade you a spade then it is assumed that you need a spade. If you didn't need the spade then why would you seek to purchase it from me? And if it is the case that a person's need for another person's produce demands that the person gives up the produce then what right does one have to ask for compensation?

Systems of trade work on the presumption that one has the right to deny an object in ones possession so that the person who needs the object will be forced to pay for it. If they cannot pay then they do not have the right to claim the object for themselves.

If need alone can undermine ones claim to property then what use is the property claim in the sense that Locke or Proudhon describe it? The function of a property claim is to be able to exclude others from using something or taking it away from you and if one person simply needing an object that you have gives them rights to it then property is no longer forceful in the sense that Locke and Proudhon would need it to be in order to facilitate trade agreements.

The waste as loss of productivity approach cannot be used to justify shop-lifting for two reasons; firstly because the goods are still technically in use as they are in the process of being sold and secondly because the idea of shoplifting being ethically permissible makes the property claims that underpin trade, and indeed the entire world view that these theories are based on, impossible.

Conversely for the "waste as mis-allocation" approach there are undoubtedly scenarios in which shop-lifting can be ethically justified as the mis-allocation theory of waste does not allow mere use to justify possession nor is it particularly concerned with generating the kind property claims that Lockean and Mutualist theories wish to develop.
There are understandably factors which the waste as mis-allocation perspective might consider to be important to bear in mind in order to ensure that an act of shop-lifting was conducted as ethically as possible.

When considering the use of shop-lifting as a means by which people in need might appropriate food which is being wasted (either through its misuse in what could be considered frivolous profiteering or simply by appropriating goods before they are thrown out) then it is important to consider which goods would be the most optimum to appropriate.

Shop-lifting from a smaller locally owned store would potentially have a greater negative impact on the store owner and their employees as the money made from the goods sold cannot cover for the stolen items as easily. From a utilitarian perspective the negative utility of the theft is generally larger the smaller the company that is stolen from and so the ethically optimum place to shop-lift would be a large store.

In light of this utilitarian's would generally prefer if those who needed food stole from large supermarket chains, where the people who work in the store are wage laborers not directly invested in the efficiency of the store and the people who own the store are often making so much money that the disappearance of a limited number of goods will have little serious negative effect on the owners.

There are however some other practical notes on shop-lifting which should be considered.

Firstly, shop-lifting may be considered for the hungry a better option than dumpster diving, due to health hazards.

Generally speaking food left in dumpsters is still safe to be consumed and can easily be sorted out from spoiled food that has been thrown out due to being unfit for human consumption. However for certain goods telling the difference between the two can be difficult. For instance, a crate of milk that has been left out in the sun by accident which then needs to be discarded into the bin will be cold by the time a dumpster diver gets to it and possibly infested with invisible bacteria. Such spoiled milk may be dangerous to consume especially for children or sick people with poor immune systems. Taking directly from the shelves of the store may be a considerably safer way to provide for one’s children and loved ones (as long as one can avoid prison) as the goods are more likely to be safe for consumption.44

Secondly, on the note of prison, there is a potentially very large drawback to condoning shop-lifting as an ethical act for acquiring food.
Many in the west who face poverty are unemployed or attempting to meet their needs while working low wage, short hour contracts. These people are often described as "the precariat" (a portmanteau blending the Marxist term "proletariat" and the adjective "precarious"), these people live in un-certain conditions as they fluctuate between working temporary contracts and outright unemployment while living in hope of receiving a job that could pull them out of poverty.

For someone who hopes to raise them self out of an impoverished state, risking a criminal conviction which will drastically impact their ability to gain better employment (or gain employment in the first place) is not a risk worth taking lightly. Furthermore if this person is going to be impoverished for a long period of time, then we have to remember that using shop-lifting to procure necessities for ones welfare will require multiple thefts thereby exponentially increasing the possibility of arrest and conviction over the long term.

Ultimately while shop-lifting could be defended ethically from the waste as mis-allocation or utilitarian perspective it is difficult to see what practical relevancy such an advocacy would have. The practical restrictions on shop-lifting, namely prison and a criminal record, may make it thoroughly un-appetizing to anyone genuinely in need. Providing an ethical defense for shop-lifting may be philosophically enticing but within an applied context it may simply be risqué theorizing for its own sake. Though there is evidence of people attempting to live off of shop-lifting in order to combat poverty, I do feel it is important to emphasize the practical limitations to shop-lifting especially when it comes to poor people with familial responsibilities who cannot risk imprisonment.

Section 5: Ethical Reflections on the Theories Discussed

Waste as an ethical category is linked to the way our actions, appropriations and uses of goods affect others. While I recognize that it is possible for us to consider something to be wasteful in a more solitary sense, such as a person using resources in-efficiently to satisfy their own needs, this is not the kind of waste that this paper is interested in.

In light of this, ethical definitions of waste as opposed to definitions of waste in general are concerned with the claims that others might have over other peoples use of resources. Both the waste as loss of productivity approach and the waste as misallocation approach are concerned with the way in which waste impacts others.
The waste as loss of productivity approach takes waste to be an ethical category in so far as it needlessly denies others the resources which they need to run their lives. In a broad sense both the Lockeian and the Mutualist approach want to reduce waste as it is considered to be inconsiderate of the projects and interests of others.

Importantly both Locke and Proudhon can be read as individualists in that they attempt to demarcate the freedoms of individuals rather than the individual's positive responsibilities towards others (though as previously mentioned Locke does advocate for some kinds of charity in more extreme circumstances). Both Locke's proviso and Proudhon's preference for possession over property are signs of the kind of considerations that both authors believe moral agents have towards others.

The Lockeian proviso especially should be thought of as a consideration rather than a duty because of the way in which it is expressed and the nature of its claims. It is a consideration in that it highlights the kinds of things a moral agent should think about when running their life, it does not however, on its own, claim that moral agents have a duty to actively do something for others.

For both Locke and Proudhon the economic freedoms that they espouse are intentionally limited in their own ways, Locke through the Proviso and Proudhon through possession, so as to ensure that one's claim to natural resources will not foreseeably limit the economic freedoms of others.

A utilitarian based "waste as mis-allocation" approach takes a more direct and positive approach to the ethics of waste arguing not in terms of what is optimum for economic freedom but instead in terms of what produces the most good, it frames waste in terms of the positive duties that humans have to reduce the suffering of others.

Waste as mis-allocation seems to reflect common intuitions about the responsibility of people to reduce suffering where possible. However the utilitarian definition of waste may seem to be too broad to be meaningfully called "waste".

Take for instance someone who has gathered grapes and turned them into wine and has a spare bottle left over which they intend to keep as a souvenir. One day they encounter a passer-by who desires to drink the wine. If the passerby takes the wine and drinks it, is this wasteful?

Let us assume that the passer-by had a need for the taste and pleasure of the wine, however let us also assume that the frustration and annoyance at having the wine taken away was also significant, enough so that negative utility was generated by the passer-by drinking the wine.
Intuitively it seems like the wine has fulfilled its purpose by being consumed and that not drinking it while others wished to drink was the wasteful action. One may question whether all actions that fail to generate the optimum level of utility are necessarily wasteful.

When one bakes a loaf of bread or ferments wine it is generally accepted that these things are made to be consumed. One might be able to argue that in the case of the wine and the thirsty traveler that consuming the wine is un-ethical but not necessarily wasteful as the wine is being consumed and that is what wine is made for.

To defend utilitarianism against this charge one could argue that the ontology of function applied above is questionable. One may argue that objects do not have functions in themselves and that instead functions are given to objects through our own expectations and intentions. For the winemaker the function of the bottle of wine is as a souvenir and for the passer by the function of the wine is to be consumed and provide oral pleasure and inebriation. The consumption of the wine could then be considered properly wasteful as it would provide more utility when performing the alternative function of a souvenir. In this case neither function is more "true", as functions are extensions of our subjective experience and not objective facts, so we are free to weigh them against each other in terms of bare utility.

However even if we accept this defense of such a broad conception of waste, another problem facing the application of utilitarianism to property claims arises. Namely that it is not clear that we can evaluate and discriminate between the winemakers desires and the passer-by's needs so easily.

When we are forced to choose between satisfying one desire and another, unless those desires are qualitatively identical, we may be forced into a certain level of subjectivity as we try to prioritize and equivocate between qualitatively different kinds of needs.

How can we concretely measure the passer-by’s desire for wine or the winemaker’s attachment accurately enough to come to a decision about which we should satisfy?

One may attempt to take a utilitarian list preference approach and rank various incomparable desires in terms of importance and say that hunger, for instance, is a more important need to satisfy than the preservation of attachment, but are all appetites equal?

It may be true that hunger left unsatisfied for too long may result in death where as the violation of attachment may only result in psychological discomfort, however it is not the case that all unsatisfied hungers result in death.
In a scenario where a slightly peckish traveler asks for bread from a begrudging bread maker we are not asking the traveler to starve if we decide that the bread-maker’s attachment to his bread is of greater utilitarian value, we are merely denying the traveler’s craving for sustenance on this particular occasion, not indefinitely.

Furthermore the waste as misallocation approach may be far more extreme than most would be comfortable with. The mis-allocation approach because of its pre-occupation with optimizing the right uses of the right objects may have trouble finding a place to stop and be, for lack of a better word, humane.

For instance if I have two functioning kidneys and another person needs one of mine to live, which I refuse to give to him because I am scared of the operation, then can I be forced into handing over a kidney? The waste as mis-allocation approach may lend itself to an argument that suggests that the person needing my kidney should arrange for the theft of my kidney by means of kidnap as the hoarding of both my kidneys would be deemed wasteful.

On a less hyperbolic note the waste as misallocation approach can have a very radical political reading when applied to society as a whole.

The fact that shop shelves are lined with food ready to be consumed while so many go hungry may tempt a utilitarian to view property law as a pernicious system that prevents people from meeting their needs.

A utilitarian perspective on the economic foundations of western society, that property owners have the right to deny their property to those who need it more than them, may lend utilitarianism to a radical critique of not just capitalism but trade and property as an institution. A serious utilitarian may argue that trade, property and capitalism are morally repugnant institutions that waste resources on frivolous profiteering by denying the needy free access to the resources they need to survive.

Now one may posit a counter-argument here and suggest that a utilitarian may accept the moral good of say shoplifting in certain circumstances but still accept that systems of property and trade are needed as a pragmatic measure to keep society running. Such an outlook however would risk the creation of an ethical paradox. If it is ethical in a number of situations to break the law and disregard property rights but ethically necessary for property rights to be respected in society then which is the more moral action? Should one dissent from the common consensus on property or "play the game" and spoil the opportunity to perform an ethically optimum action?
In light of the potential radicalism that could be derived from the waste as mis-allocation approach one may be tempted instead to return to the waste as loss of productivity approach. The waste as loss of productivity approach however comes with its own problems.

Outside of Locke’s stipulations that people should give something to the needy, both Locke and Proudhon would not consider the urban poor ethically justified to appropriate anything other than what has been thrown out (as everything else in the city, presumably, has been justly appropriated). There are ways however in which the limited options offered by this approach may problematic outcomes.

As previously mentioned in this essay it is, primarily the moral responsibility of the store owner not to waste resources, however if the store owners take the consideration not to waste seriously then that may leave those who cannot afford to buy food without any means to provide for themselves.

Of course the store owner could choose to reduce their waste by having the food that is not sold donated to homeless shelters and food banks but the store owners could also, and entirely legitimately, opt to reduce waste by simply purchasing fewer goods. In doing so the store owners would not need to pay for the transportation costs of redistributing the food and would ensure that poor people have a reason to at least try and buy their products.

While initially it may seem that the loss of productivity approach would advocate for dumpster diving, the more appropriate long term question might be "why is this food being wasted and free for re-appropriation in the first place?". 

While the waste as loss of productivity approach may argue for the re-appropriation of waste so that those in need may survive in the long term it may argue for the elimination of waste entirely. Something which could leave the poor with no food to re-appropriate if the store owners choose to reduce waste by doing something other than donating it to charity.

With little waste to appropriate, shop-lifting being un-justified and welfare systems inadequate what other options are available? The urban poor, which is who we are primarily concerned with in this essay on food poverty and waste, may be asked to vacate the cities if others are un-willing to provide for them. Consequently, outside of the bare minimum of charity advocated for by Locke, the only things ethically demanded that we should provide them with is access to land and the associated natural resources.

While waste as mis-attribution may be characterized as taking too broad a definition of waste could not the reverse be said for waste as loss of productivity?
To put the poor in such a position that they must vacate the cities, even though others have access to all the food that they could possibly need, may seem wasteful. The problem may be that the waste as loss of productivity approach lacks any strong definition of "wasteful usage". As long as a resource is being put to use it is not wasted under the definition of waste as loss of productivity. As a result if I use my farmland to grow tobacco plants for cigarettes in the local economy this is no less productive than if I were to grow food (even though the local economy is in dire need of food not cigarettes).

That is not to say that the waste as loss of productivity approach fails to provide reasons for why it does not consider these things wasteful, it does that quite adequately. However the point of this essay was to look for justifications for those in need to appropriate some of the food that they desperately need; to this end the waste as loss of productivity approach may be self defeating here as it advocates for a world where business owners organized so that there was no waste and therefore nothing to appropriate on such grounds.

Conclusion

In this paper I have examined two ethical approaches to waste and applied them to shop lifting and dumpster diving in the context of western food poverty.

To begin I outlined the problems facing poor people in western society and in particular their lack of food, despite both an abundance of wealth in the west and an abundance of food itself.

I emphasized the fact that while charity for the poor in terms of helping set up food banks and developing political solutions is to be commended these measures are far from providing comprehensive coverage for the poor anytime soon. As a result I have turned to look at how poor people might help themselves to the food which is abundant in the west and what measures they might be justified in taking to secure food while systemic solutions are not forth-coming.

The two approaches developed were the waste as loss of productivity approach that takes waste to be an un-productive use of goods and the waste as misallocation approach which takes waste to be a misuse of goods that fails to generate the best outcome for all people.

The former approach is developed from a pro-property, or at least pro-possession, political outlook that seeks to justify relations of trade and private industry while the latter approach has utilitarian underpinnings that are not explicitly political but arguably could be analogous to some form of
communism (the Marxist maxim "From each according to his ability, to each according to his need" comes to mind here).\textsuperscript{48}

I have argued that the approach that takes waste to be a loss of productivity can only really justify dumpster diving. While one could argue that food stored on a shelf in a large supermarket could technically fall under the banner of waste as loss of productivity, as it is a statistical probability that it will end up in a bin, this argument is unconvincing. The food while on the shelves is still technically in the process of being turned into currency by its owners and as such is not available for appropriation until it is properly fulfilling no use.

Conversely the approach to waste that sees wastefulness as the misuse of an object, can justify both dumpster diving and shop-lifting. Dumpster diving can be justified because the food can be used to help people and shop-lifting in cases where the general utility produced from the goods stolen outweighs any harm caused by their re-appropriation.

In the final section that dealt with an over-view of the two ethical approaches to waste we saw that one's interpretation of waste may have huge political consequences. As noted previously, if we accept the view of waste as a lost opportunity to satisfy the most pressing needs then institutions of trade and property law become almost morally indefensible. Not just Capitalism but all forms of exchange which rest on the presumption that a possessor can have the moral right to deny their produce to another on the grounds that the exchange is unfavorable to them will come to be seen as wasteful and malicious.

Alternatively taking a more narrow ethical definition of waste, such as that advocated by the waste as loss of productivity approach, we see the potential for a far more capitalistic world view. While calling more people to consider dumpster diving the waste as loss of productivity approach considers waste to be independent of direct needs and is far less threatening to the conventional notions of property and patterns of distribution that we see in the west today.
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