History

1.   Brad Plumer, *Why oil prices keep falling*, http://www.vox.com/2014/12/16/7401705/oil-prices-falling

[A]t its big meeting last November, OPEC did nothing. Saudi Arabia didn't want to give up market share and refused to cut production — in the hopes that lower prices would help throttle the US shale boom.

2.   Roland G. Kent, *The Edict of Diocletian fixing maximum prices*, U. of Pennsylvania Law Review 69:1 (1920)

[T]he prices of commodities of all sorts and the wages of laborers reached unprecedented heights. In the year 301, consequently, Diocletian felt obliged to issue an Edict fixing maximum prices for practically all articles and services…
The provisions of the Edict are, in simple language, that maximum prices are set for articles of trade and for services…
that the penalty for the violation of the law is death, and that leniency is not to be expected in return for a conciliatory attitude in court…

3.   The Parliament of England, *The Ale Houses Act of 1551*

[I]t is therefore enacted by the King our sovereign lord… that the justices of peace within every shire, city, borough, town corporate, franchise or liberty within this realm… shall have full power and authority, by virtue of this act… to remove, discharge and put away common selling of ale and beer in the said common ale-houses and tippling-houses in such town or towns and places where they shall think meet and convenient…

4.   Alfred William Coats, *The Classical Ecoonomists and Economic Policy*, pg. 9

Men could safely be trusted to pursue their own self-interest without undue harm to the community not only because of the restrictions imposed by the law, but also because they were subject to built-in restraint derived from morals, religious custom, and education.

Benefit for the community

5.   Talmud, Bava Metzia 60a-b

Mishnah: Rabbi Yehudah said: A store owner may not distribute parched grain and nuts to children, for this would accustom them to come to him. But the Sages permit.
[Rabbi Yehudah said:] And he should not reduce the rate. But the Sages say: He is remembered for the good.
Gemara: What is the logic of the sages? This will cause the rate to broaden.

6.   Rabbi Yosef Karo, Code of Jewish Law, Choshen Mishpat 228:18

וכן יכול למכור בזול יותר מהשער, כדי שיקנו ממנו, ואין בני השוק יכולים לעכב עליו

One may sell for less than the rate, so that people will buy from him; the other merchants cannot prevent this.

7.   Talmud, Bava Batra 22a

הנהו עמוראי דאייתו עמרא לפום נהרא, אתו בני מתא קא מעכבי עלייהו, אתו לקמיה דרב כהנא, אמר להו: דינא הוא דמעכבי עלייכו...

Wool merchants brought wool to *Pum Nahara*, and local people tried to prevent them. They came to Rav Kahana, who said to them: By law, they can stop you…

8.   Rabbi Moshe Isserles, Code of Jewish Law, Choshen Mishpat 156:7

י"א הא דבני העיר יכולין למחות בבני עיר אחרת, היינו דוקא בדליכא פסידא ללקוחות, שמוכרין כשאר בני העיר וגם סחורתם אינה טובה יותר משל בני העיר, אבל אם נותנין יותר בזול, או שהיא יותר טובה, שאז נהנין הלוקחין מהן, אין מוכרי הסחורות יכולים למחות...

Some say that the ability of local people to protest against people from elsewhere is only where that [protection] would not harm consumers – the outsiders sell as the locals sell, and their merchandise is no better. But where they charge less, or their merchandise is better, so that consumers benefit, then [local] merchants cannot protest…

And yet

9.   Rabbi Moshe Isserles, Responsum #10

"אמר רב הונא האי בר מבואה דאוקים ריחיא ואתא בר מבואה חבריה וקא מוקים גביה, דינא הוא דמעכב עליה."... אם כן הרי לפנינו שמדינינו אין לו ליענטילומר שני לדפוס זה כלל...

"Rav Huna said: Where an alley resident establishes a mill, and another resident then establishes a mill beside him, he may protest. (Bava Batra 21b)"… If so, we see that per Jewish law the second printer may not print this at all…

10.   Mishnah Bava Batra 2:10

מרחיקין את המשרה מן הירק ואת הכרישין מן הבצלים...

One must distance his soaking [flax] from his neighbour's vegetables, and his leek from his neighbour's onions…

11.   Talmud, Bava Kama 99b-100a

ההיא איתתא דאחזיא דינרא לרבי חייא, אמר לה: מעליא הוא. למחר אתאי לקמיה ואמרה ליה: אחזיתיה ואמרו לי בישא הוא, ולא קא נפיק לי, אמר ליה לרב: זיל חלפיה ניהלה, וכתוב אפנקסי דין עסק ביש...

A woman showed a coin to Rabbi Chiya, who approved it. The next day she told him, "I showed it to others, who rejected it, and I couldn't spend it!" Rabbi Chiya told Rav, "Exchange it for her, and record it as a bad deal."…

<u>The Balance of Rights: A diminished right to compete</u>

12.   Rabbi Moses Nachmanides, Commentary to Bava Batra 22a

מי שאין לו לירד לאומנות, משום מרווח תרעי ודאי לאו כל כמיניה. ואי בעו בני מאתיה דלוזיל גביהו יתנו על השערים או יושיבו ביניהן אחד מעירן...

One who does not have the right to enter this craft is not given the right because he will broaden the rate. If the residents wish it to be cheaper, let them set the rate accordingly, or establish competition from among their citizens…

13.   Talmud, Bava Batra 12b

ההוא דזבן ארעא אמצרא דבי נשיה, כי קא פלגו, א"ל: פליגו לי אמצראי; אמר רבה: כגון זה כופין על מדת סדום.

One bought land beside his father's land. When it came time to divide up [his father's estate], he requested, "Give me my portion along my existing boundary." Rabbah said: In a case like this, we compel them not to act as Sdom.

14.   Rabbi Shlomo Yehudah Tabak (19th century Romania), Erech Shai to Choshen Mishpat 156:5

ואם מוזיל כדי להזיק לחבירו, על דעת "גם לי גם לך לא יהיה", ואפילו עושה כן כדי שחבירו יתן לו דמים, ודאי כופין על מדת סדום...

And where he reduces in order to harm the other, thinking, "Neither I nor you will gain," then even where he does this in order to induce the other to pay him, we compel him not to act as Sdom.

<u>The Balance of Rights: An amplified right to protection</u>

15.   Talmud, Kiddushin 59a

רב גידל הוה מהפיך בההיא ארעא, אזל רבי אבא זבנה, אזל רב גידל קבליה לרבי זירא, אזל רבי זירא וקבליה לרב יצחק נפחא... אשכחיה, אמר ליה: עני מהפך בחררה ובא אחר ונטלה הימנו, מai? אמר ליה: נקרא רשע.

Rav Gidel was trying to acquire a certain plot of land, but Rabbi Abba purchased it first. Rav Gidel complained to Rabbi Zeira, who complained to Rav Yitzchak Nafcha… Rav Yitzchak Nafcha asked [Rabbi Abba]: Where a pauper is pursuing a cake, and another takes it from him, what is the law? Rabbi Abba replied: He is called wicked.

16.   Rabbi Moses Schick (19th century Hungary), Choshen Mishpat 20

כיון דמזלזל במקח כדי שיבואו לקנות ממנו, בודאי הוי כעני המהפך בחררה.

Since he reduces the price in order that they come to buy from him, this certainly is like a pauper pursuing a cake.

17.   Rabbi Meir Eisenstadt (17th century Poland, Austria), Panim Meirot 1:78

מדפריך "מ"ט דרבנן" הלא הטעם הוא פשוט בשביל שמהנה הלוקחים... אלא ע"כ דלא משגחינן בטובת הלוקחים כיון דאיכא פסידא למוכרים וכבר יצא השער והוא חק המדינה להתנות על השערים והוי כדינא דמלכותא ולכך הוצרכו ליתן טעם שע"י זה ישתנה השער וזה דווקא במכירת פירות ותבואה כשיראו אוצרי פירות שהוזלו יביאו כל פירותיה' למכור לשוק וישתנה השער

They asked, "What is the Sages' reason", but the reason is clear – it's because he benefits the consumers!… This must mean that we do not take the benefit of consumers into consideration, since it harms the merchants. The rate is already set, and setting rates is the national practice, so this is like the law of the land. Thus they needed to explain that this reduction will cause the rate itself to change. This is specifically regarding fruit and grain. When the hoarders of fruit see that the price has dropped, they will bring all of their produce to sell in the market, and the rate will change.

18.   Rabbi Shlomo haKohen of Radomsk (19th century Poland), Otzar Chaim, Leviticus pg. 177

דעו נא רבותי, שאין מתפללים על הכלכלה שהוזלה ואין מבקשים רחמים על רוב טובה... תניחו דעתכם, מי שעזר לעניים סיפק להם מחיה בשעת היוקר, הוא יעזור ויפרנסכם בשעת הזול.

Know, my masters, that we do not pray for food that has become cheaper, and we do not ask for mercy regarding a surplus of good… Put your minds at rest, the One who aided the poor provided them with food when prices were high, and He will help and support you when prices are low.