

## Fighting Price Gouging by Adopting a Lenient Opinion – Possible Contemporary Applications

It is possible that if the Rabbanim feel that the local merchants are taking advantage of the Jewish community and overcharging for various religious-based needs, they may instruct the community to fight back and rely on lenient Halachic opinions. Precedent for adopting a lenient approach to fight price gouging may be found in Pesachim 30a, Sukkah 34b, Keritut 8a, Teshuvot Tzemah Tzedek 28, Kaf HaHaim 242:12 and Rav Meir Mazoz (Tehumin 35:91-102).

The Gemara presents cases where Rabbanim advised following more lenient opinions regarding Hametz after Pesah, Hadassim and the number of Korbanot required of a woman who gave birth to multiple children. In the contemporary context, Rav Meir Mazoz (a major Halachic authority in the Sephardic community) argues for relying on the Heter Mechirah (the sale of Israeli land by the Israeli Chief Rabbinate to avoid Shemittah prohibitions) rather than being forced to purchase poor quality products at unreasonable prices that satisfy the stricter approach to Shemittah.

The Kaf HaHaim mentions an opinion that limits the permission to where there is at least a one third price gouge. However, he does not subscribe to this limitation. Instead, he leaves it to the judgment of the leadership of the specific community that is being impacted.

The situation which the Kaf HaHaim addressed was a community that is being overcharged for fish for Shabbat. As is well known, the Gemara (in the famous story of Yosef Mokir on Shabbat 119a: the Kabbalah enthusiastically encourages this practice) indicates a preference for us to eat fish on Shabbat. The Kaf HaHaim writes that community leadership can decide to forego fish on Shabbat if they believe the community is being taken advantage of.

It would seem also that if community leaders deem butchers to be charging Sephardic Jews unreasonable prices for Bet Yosef Halak meat, they may advise congregants to purchase meat that satisfies the not as strict Ashkenazic standard of Glatt Kosher. Although Rav Ovadia Yosef strongly encourages Sephardic Jews to consume only Halak meat, he permits relying on the more lenient Ashkenazic version of Glatt in case of great need (Teshuvot Yabia Omer 5 Yoreh De'ah 3).

I recently applied this idea when reviewing an Eruv in the Midwest. The community is forced to use a specific company to install Lechis when needed on utility poles. The company is the only one approved

by the local utility company to perform this work on its poles. Taking advantage of the situation, the company charges exorbitant prices for its services (\$200 per Lechi; the usual charge ranges from \$50 to \$75 per Lechi).

I told the community that in such a case they may rely on the lenient approach of Rav Moshe Feinstein who believes that a Lechi is not necessary unless there is a significant change in direction in the wire used for the Eruv. Rav Zvi Pesah Frank and Rav Mordechai Willig agree with Rav Moshe. While in ordinary circumstances we make considerable effort to accommodate Rav Hershel Schachter's opinion that Lechis should not be more than .05 to 0.1 miles apart, in case of great need we may rely on the more lenient view of Rav Moshe, Rav Zvi Pesah and Rav Willig.

Those who provide Halachic based services to the Jewish community deserve to make a proper living like anyone else. However, it is intolerable for them to take advantage of the community by price gouging. There is ample basis in the Gemara and contemporary Poskim for the community to fight back by relying on lenient views. May we never have the need to wage this battle and that pricing conflicts as well as all conflicts be resolved peacefully without resort to drastic measures.