

EMERGENCY PRICE REGULATION AS A CONSTITUTIONAL PROBLEM: FROM DIOCLETIAN TO THE POLISH PEOPLE'S REPUBLIC

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Abstract. This article offers a constitutional and institutional analysis of emergency price regulation through a structural comparison of two historically distinct interventions: the Edict on Maximum Prices issued by Emperor Diocletian in 301 CE and the system of official price controls and rationing introduced during martial law in the Polish People's Republic (1981-1983). Rather than treating these episodes as isolated historical curiosities, the study conceptualizes them as manifestations of a recurring pattern of crisis governance. The central thesis is that emergency price regulation represents a form of normative substitution in which political authority attempts to replace decentralized coordination mechanisms with administrative command. Drawing on institutional economics, constitutional theory of emergency powers, and legal theory of systemic complexity, the article introduces the concept of "Regulatory Utopia" as an analytical framework for understanding structural misalignment between legal normativity and economic coordination. The findings demonstrate that while emergency intervention may temporarily stabilise political order, suppression of the informational function of prices generates informal adaptation, institutional misalignment, and long-term erosion of legitimacy. The comparative perspective reveals structural recurrence across divergent constitutional orders and highlights the limits of normative power in governing complex economic systems during crisis.

Keywords: regulatory utopia; Edict of Diocletian; martial law in Poland; price ceilings; institutional economics; crisis governance.

INTRODUCTION

State intervention in price formation is one of the oldest and most controversial instruments of public authority. Whenever economic crises threaten political stability, governments tend to interfere directly with market mechanisms, particularly with the formation of prices and the distribution of essential goods. While such interventions are often justified as temporary and necessary measures aimed at protecting the common good, their structural consequences raise fundamental questions about the limits of legal normativity in the economic sphere.

This article examines two historically distant yet functionally comparable instances of emergency price regulation: the Edict on Maximum Prices issued in 301 CE by the Roman Emperor Diocletian (*Edictum de pretiis rerum venalium*), and the system of state-controlled prices combined with rationing introduced in Poland during the period of martial law (1981-1983) within the framework of a centrally planned socialist economy. Despite the vast chronological and institutional differences separating these cases, both represent moments in which political authority attempted to replace the informational function of price with an administratively determined norm.

Existing scholarship has analysed the Edict of 301 primarily from the perspectives of Roman legal history, epigraphy, and economic decline in Late Antiquity. Similarly, studies on socialist price controls have focused largely on the structural inefficiencies of centrally planned economies. What remains insufficiently explored is a comparative and theoretically grounded analysis of emergency price regulation as a constitutional phenomenon – namely, as an expression of the state’s attempt to assert normative control over systemic economic processes.

In constitutional terms, emergency economic intervention constitutes a specific modality of crisis governance in which executive authority expands beyond ordinary normative equilibrium. The phenomenon may be interpreted within the broader framework of constitutional emergency and states of exception, where legality is formally preserved while the balance between public power and private autonomy undergoes structural re-configuration [Schmitt 2005, 5-15; Gross and Ní Aoláin 2006, 45-63]. Such moments reveal not merely policy choices but transformations in the hierarchy of normative values within a given constitutional order.

The central research question of this article is therefore the following: Are there structural limits to the effectiveness of legal norms when they attempt to replace economic coordination mechanisms in times of systemic crisis?

The working hypothesis advanced here is that both the Diocletianic edict and the late socialist rationing system reveal recurring patterns of what may be termed a *regulatory utopia*: a situation in which the state seeks to stabilise economic order by administratively fixing prices or quantities while disregarding the structural role of price as a coordination and information mechanism. Such interventions may temporarily manage the visible symptoms of crisis, yet they tend to generate parallel informal markets and unintended social hierarchies, thereby exposing the boundaries of legal intervention.

Methodologically, the study combines historical-dogmatic analysis of normative sources, comparative legal history, and insights drawn from law and economics. The Roman edict is examined not only in its political and fiscal context but also against the background of classical Roman private law concepts such as *pretium* and *iustum pretium*. The socialist rationing

regime is analysed as a system of administratively managed scarcity embedded within a constitutional framework that formally recognised state ownership and central planning. The comparative analysis does not aim at historical equivalence but at identifying structural recurrence within distinct constitutional architectures [Sartori 1970, 1033-1053]. The objective is analytical clarification rather than analogical simplification.

The contribution of this article lies in three areas. First, it proposes a conceptual framework – *regulatory utopia* – for analysing emergency economic legislation across different constitutional orders. Second, it demonstrates that instrumentalisation of law in times of crisis often signals deeper structural tensions within a political system. Third, it argues that historical experience functions as a form of institutional memory, delineating the practical limits of state intervention in market coordination.

The article proceeds as follows: Literature Review, Historical and Constitutional Context of the Edict of 301 (The Crisis of the Third Century and the Normative Structure of the Edict, Economic and Constitutional Analysis: Limits of Normative Intervention, Enforcement Limits and Institutional Misalignment), The System of Official Prices and Rationing in the Polish People's Republic, From Private-Law Autonomy to Administrative Price Control, Economic and Institutional Perspective, Economic and Political Consequences of Rationing in Late Socialist Poland (Economic Effects: The Institutionalisation of Shortage, Political and Constitutional Effects: Legitimacy and Control, Official Justification and Ideological Framing), Regulatory Utopia in Two Constitutional Orders: A Structural Comparison, Regulatory Utopia: A Conceptual Framework, Conclusion – Law, Crisis, and the Limits of Normative Power. The conclusion reflects on the broader theoretical question of law's capacity to govern systemic economic processes in times of crisis.

1. LITERATURE REVIEW

Scholarly engagement with the *Edictum de pretiis rerum venalium* has a long and predominantly Romanist tradition. Modern research began in the early nineteenth century with fragments identified in Stratonikeia by William Sherard and recorded by Edmund Chishull in *Antiquitates Asiaticae Christianam Aeram Antecedentes* [Barański 2007, 7]. Subsequent discoveries, especially those incorporated by Theodor Mommsen into *Corpus Inscriptionum Latinorum* (vol. III), significantly expanded the textual basis [Mommsen 1893, 1228-953].

A decisive turning point was the critical edition by Siegfried Lauffer, who reconstructed thirty-seven chapters and established the philological foundation for further studies [Lauffer 1971]. Later scholarship refined the epigraphic

and contextual analysis. M.H. Crawford and J. Reynolds examined the Aezani inscription, one of the most complete surviving copies, highlighting its administrative character and function within the local *macellum* [Crawford and Reynolds 1975, 160-63]. N. Lewis argued that the Greek version from Aezani was an official translation aimed at broader enforcement and clarified that the edict imposed maximum price ceilings rather than fixed prices [Lewis 1991, 15-20]. G. Pugliese Carratelli supplemented this reconstruction through fragments from Iasos concerning textile goods, enabling assessment of regional consistency in implementation [Pugliese Carratelli 1985, 381-83].

Recent studies have introduced comparative perspectives. Tamás Hontvári juxtaposed the Diocletianic edict with the Hungarian “price stop” measures (2021-2022), showing the recurrence of administrative price ceilings in crisis situations, though within different systemic frameworks [Jusztinger 2023, 261-67]. Alia Kiryk traced the evolution of consumer protection from Roman public law, including the edict and *Lex Iulia de Annona*, to contemporary EU regulation, situating the measure within a broader trajectory of state intervention [Kiryk 2021, 165-74].

Despite the richness of Romanist, epigraphic, and economic-historical research, three limitations remain evident: 1) the edict is primarily analysed within the framework of the third-century crisis or imperial administration; 2) modern socialist price regulation is usually discussed through economic inefficiency and political transition; 3) comparative approaches are often descriptive rather than conceptually structured.

What remains insufficiently explored is a structural and constitutional comparison of emergency price regulation as a recurring form of state response to systemic crisis. Although Hontvári and Kiryk opened comparative pathways, the constitutional dimension of emergency economic intervention – particularly regarding the limits of legal normativity – has yet to be systematically developed.

2. HISTORICAL AND CONSTITUTIONAL CONTEXT OF THE EDICT OF 301

2.1. The crisis of the third century and the normative structure of the Edict

The third century CE constituted a period of profound political, fiscal, and monetary destabilisation within the Roman Empire. The debasement of the denarius, increasing military expenditure, and fiscal fragmentation contributed to significant price instability and inflationary pressures.

The Edict on Maximum Prices issued by Diocletian in 301 CE must therefore be situated within the broader framework of Diocletian’s structural reforms, which encompassed administrative reorganisation, tax restructuring, and monetary adjustments [Barnes 1982, 91].

In paragraph 5 of the preamble, the emperor presents the political situation as one of restored peace and justice. Yet the normative justification of the edict reveals an underlying economic anxiety. The text attributes market instability to moral decay and “insatiable greed” (*avaritia desaeviens* 5; *a sensu humanitatis extorris est* 10). Price increases are framed not as systemic outcomes of monetary imbalance but as ethical failures of traders.

The edict thus operates through a moralised narrative: economic crisis is personalised; market imbalance is attributed to greed; public authority intervenes in the name of *salus rei publicae*.

Normatively, the act establishes: 1) maximum price ceilings (not fixed prices); 2) severe criminal sanctions, including capital punishment; 3) empire-wide applicability; 4) no parallel mechanisms regulating supply.

The edict was not incorporated into the *Codex Theodosianus* nor into the *Corpus Iuris Civilis*, suggesting its exceptional and non-systemic character. It was an emergency administrative measure rather than a structural transformation of private law.¹

Epigraphic transmission (Aezani, Aphrodisias) confirms its public promulgation, yet scholarly debate persists as to whether it was uniformly enforced throughout the Empire.

2.2. Economic and constitutional analysis: limits of normative intervention

From an economic perspective, a maximum price set below equilibrium level generates shortage. This mechanism – well established in modern economic theory – results from the distortion of price as a coordination signal [Temin 2006, 138-42; 143-45].

Friedrich A. Hayek’s analysis of the informational function of price provides a particularly illuminating theoretical framework. Hayek argues that price functions as a condensed communication system transmitting dispersed knowledge within society [Hayek 2013, 27-38]. When central authority replaces price formation with administrative decree, it effectively suppresses the decentralised flow of information necessary for efficient coordination [ibid.].

¹ Issues related to price regulation, anti-inflationary measures, and the suppression of excessive price gouging were also reflected in certain imperial constitutions, particularly during the late empire. These provisions, although not as comprehensive as the Edict of 301, indicate a persistent tendency toward state intervention in the economic sphere during extraordinary circumstances. CTh 14.17.1 (386 AD) concerns the control of grain supplies and prices in Rome; CTh 13.5.7 (364 AD) refers to practices involving the artificial inflation of prices; and CTh 11.16.15 (397 AD) pertains to the monitoring of fiscal burdens.

In the Diocletianic case, the state attempted to restore order not by addressing monetary debasement but by normatively freezing price signals. This corresponds to what may be conceptualised as a *regulatory utopia*: the belief that normative command can substitute for systemic coordination mechanisms.

Douglass North's institutional theory further clarifies this structural tension. Institutions function as constraints shaping incentives and reducing transaction costs. When formal rules conflict with underlying economic incentives, informal institutions – such as black markets – emerge [North 1990, 3-10; 92-104].

The limited long-term effectiveness of the edict may therefore be interpreted not merely as administrative failure but as institutional misalignment: the formal legal rule contradicted prevailing incentive structures.

Constitutionally, the edict represents a significant shift from classical Roman private-law autonomy toward public-law domination. In classical doctrine, price was determined by agreement (*pretium ex conventionione*), and intervention was corrective and ex post (*laesio enormis*) [Van Den Bergh 2012, 42]. By contrast, the edict imposed ex ante administrative control backed by penal sanction.

The intervention thus signals: expansion of executive authority; publicisation of private transactions; prioritisation of fiscal and military stability over contractual autonomy.

It was an emergency instrument designed to stabilise the imperial system, yet structurally incapable of replacing the market's coordination function.

2.3. From private-law autonomy to administrative price control

In classical Roman law, price (*pretium*) constituted an essential element of consensual sale (*emptio venditio*). Juristic doctrine emphasised contractual autonomy: price had to be certain, yet its determination resulted from agreement between parties. Ulpian famously stated: *Sine pretio nulla venditio est: non autem pretii numeratio, sed conventio perficit emptionem* (D. 18.1.2.1) [Kaser 1971, 520-25].

The concept of *iustum pretium* did not denote a state-imposed price, nor an abstract moral standard. Rather, it functioned as a corrective mechanism preventing extreme imbalance between prestations. Intervention occurred ex post and exceptionally, most fully expressed in the doctrine of *laesio enormis* in later Roman law. The state did not determine price ex ante; it corrected manifest injustice ex post [Zimmermann 1996, 251-58; Sič 2006, 199-227].

The Edict of 301 marks a structural departure from this classical model. Price was transformed from a contractual category into an administrative

one. Exceeding the prescribed maximum ceased to be a private-law irregularity and became a public offence.

From a constitutional perspective, this shift signifies the publicisation of private law. The autonomy of contracting parties was subordinated to an imperially defined public interest. The edict thus represents not merely an economic intervention, but a reconfiguration of normative hierarchy: fiscal and military stability prevailed over contractual liberty.

Such transformation anticipates later patterns observable in emergency economic regimes, where executive authority expands at the expense of private autonomy.

2.4. Enforcement limits and institutional misalignment

Literary sources, particularly Lactantius (*De Mortibus Persecutorum*), report that the imposition of maximum prices led to withdrawal of goods from official markets and to the expansion of informal exchange. According to Lactantius, merchants preferred to withhold goods rather than sell at prices insufficient to cover real costs. His account is polemical and ideologically charged; nevertheless, it reflects a perception of regulatory failure [Lactantius 1954, 458-59].

From the perspective of economic theory, a price ceiling set below equilibrium level generates shortage and incentives for evasion [Temin 2006, 143-45]. When the legal price diverges from the market-clearing price, suppliers reduce quantity offered, and alternative distribution channels emerge.

Analysis of dispersed knowledge clarifies the structural mechanism behind this process. When central authority overrides price formation, it suppresses the informational function of price as a coordination device [Lavdari 2025, 36-47]. The resulting distortion does not eliminate scarcity; it merely relocates allocation into informal networks.

Douglass North's institutional framework provides further explanatory depth. Formal rules that contradict prevailing incentive structures generate informal institutions operating alongside official norms [North 1990, 92-104]. The emergence of black markets under the Edict of 301 may therefore be interpreted not simply as moral corruption, but as institutional adaptation.

Importantly, the scale of these effects cannot be determined with absolute certainty. The epigraphic record does not prove complete paralysis of daily trade across the Empire. Enforcement capacity varied regionally, and late Roman administrative structures were insufficient for uniform control. The limited bureaucratic apparatus reduced the state's ability to monitor compliance systematically.

Thus, the practical effectiveness of the edict depended on local administrative conditions and military-fiscal priorities. Rather than a total collapse

of commerce, what appears more plausible is differentiated enforcement combined with gradual normative erosion.

This outcome confirms the central thesis of the present study: legal command can temporarily discipline market behaviour, but when it structurally conflicts with economic coordination mechanisms, informal adaptation becomes inevitable.

3. THE SYSTEM OF OFFICIAL PRICES AND RATIONING IN THE POLISH PEOPLE'S REPUBLIC

Emergency price regulation and rationing were not unique to socialist regimes. During both World Wars, the United States and Germany introduced comprehensive price controls and rationing to manage scarcity and stabilise wartime economies [Rockoff 1984, 89-112; Tooze 2006, 77-84]. In those cases, however, such measures were explicitly temporary and remained embedded within market-based systems

In centrally planned socialist economies, by contrast, administrative price fixing and rationing were not merely emergency tools but structural elements of governance [Kornai 1980, 141-52].

The legal basis for the expanded system of official prices and rationing in the Polish People's Republic during martial law was the Decree of 12 December 1981.² It authorised extraordinary economic measures, including trade restrictions, rationing, and direct control over production and distribution.

The Act of 25 January 1982³ replaced the decree and validated prior administrative decisions. It preserved quantitative limits and price controls, consolidating the legal framework of rationing.

Numerous implementing regulations specified monthly quotas for essential goods – meat, fats, sugar, flour, gasoline – and defined allocation through personalised or non-personalised ration cards.

Administrative price adjustments and selective rationing had already been applied in the 1970s, especially after the 1976 crisis. Yet between 1981 and 1983 the system became fully institutionalised [Kaliński 1995, 101-16].

Ration cards regulated not only price but access. The state assumed direct distributive functions, determining both nominal prices and available quantities. As a result, price ceased to coordinate supply and demand and became an administrative variable within a centrally planned allocation system.

² Journal of Laws No. 29, item 154.

³ Journal of Laws No. 3, item 18.

4. ECONOMIC AND INSTITUTIONAL PERSPECTIVE

From the perspective of socialist economic theory, chronic shortage was not an accidental phenomenon but a structural feature of the system. Administrative price ceilings set below equilibrium levels suppressed incentives for increased production and encouraged the emergence of informal exchange networks.

János Kornai demonstrated that shortage economies generate parallel informal markets precisely because formal price structures fail to reflect real scarcity [Kornai 1980, 185-98]. In such systems, rationing does not eliminate shortage; it redistributes it.

From an institutional standpoint, Douglass North's framework again proves illuminating. When formal rules fail to align with incentive structures, informal institutions emerge to compensate for rigidities [North 1990, 92-104]. The proliferation of unofficial trade, preferential access networks, and barter exchange in the Polish People's Republic may thus be interpreted as adaptive institutional responses rather than mere legal violations.

Unlike the Diocletianic case, however, the socialist state possessed a far more developed bureaucratic apparatus capable of sustained enforcement. Yet increased enforcement capacity did not eliminate structural inefficiencies; it enabled long-term administrative management of scarcity.

5. ECONOMIC AND POLITICAL CONSEQUENCES OF RATIONING IN LATE SOCIALIST POLAND

5.1. Economic effects: the institutionalisation of shortage

The introduction of ration cards did not remove the structural causes of crisis; it institutionalised scarcity. Quantitative limits on essential goods – meat, fats, sugar, gasoline – responded to insufficient supply without increasing production.

As János Kornai showed, shortage in centrally planned economies is systemic, arising from administratively suppressed price signals [Kornai 1980, 141-52; 301-306]. When official prices remain below market-clearing levels, excess demand becomes permanent.

In Poland, rationing reduced production incentives, distorted distribution, generated significant administrative costs, and weakened the informational role of price. The official price ceased to coordinate supply and demand; the real equilibrium price emerged in informal markets, barter exchange, and preferential networks.

From Hayek's perspective, price fixing suppresses the communicative function of prices as signals of scarcity [Hayek 2013, 27-38]. Bureaucratic allocation replaced decentralized coordination, producing what Kornai termed a "shortage economy" [Kornai 1980, 185-98].

Fiscal effects followed. Artificially low prices required hidden subsidies, deepened budget deficits, and intensified inflationary pressure. Instead of stabilising the system, rationing shifted structural imbalance into public finances and prolonged systemic inefficiency [ibid., 497-504].

5.2. Political and constitutional effects: legitimacy and control

Beyond economic inefficiency, rationing had profound political consequences. The ration card became a visible symbol of systemic incapacity. Instead of restoring confidence, it reinforced the perception of structural crisis. In institutional terms, persistent shortage undermines political legitimacy because it reveals the gap between formal promises and material outcomes [North 1990, 92-104].

Rationing also expanded executive control. Access to goods became dependent on administrative decisions, increasing citizens' dependence on state structures. The system enabled monitoring of distribution channels and reinforced bureaucratic oversight.

Moreover, differential access to goods – through occupational status, workplace privileges, or institutional networks – generated social stratification within an officially egalitarian system. Informal hierarchies emerged alongside formal equality.

Such dynamics correspond to North's insight that when formal rules constrain exchange inefficiently, informal institutions compensate, often producing parallel systems of privilege and access [ibid.].

5.3. Official justification and ideological framing

The official argumentation accompanying rationing emphasised: prevention of market chaos, rationalisation of consumption, protection against speculative profits, equitable distribution of scarce goods.

The rhetoric framed intervention as temporary and necessary for stabilisation. This discourse parallels the moral framing present in the Diocletianic preamble, where "avaritia" was identified as the source of economic disorder. In both cases, structural economic dysfunction was personalised and moralised.

In socialist Poland, however, the language was predominantly technocratic rather than moralistic. The intervention was presented as administrative necessity within a planned economy rather than as moral correction of greed.

Nevertheless, in both systems, normative rhetoric served to legitimise expanded executive authority.

6. REGULATORY UTOPIA IN TWO CONSTITUTIONAL ORDERS: A STRUCTURAL COMPARISON

The Edict of 301 and the rationing system introduced during martial law in the Polish People's Republic emerged in radically different constitutional and economic environments. Yet both represent structurally comparable attempts to restore systemic stability through administrative intervention in price formation and distribution.

6.1. Constitutional context and sources of legitimacy

The Edict issued by Diocletian was enacted within the framework of the late Roman *dominatus*, where imperial authority constituted the ultimate source of law. Its legitimacy derived from the personal authority of the emperor, sacral-political ideology, and the imperative of safeguarding imperial stability. No institutionalised mechanism of review or constitutional limitation constrained the measure [Sitek 2011, 90-96].

By contrast, rationing in the Polish People's Republic was formally introduced within an existing constitutional order through the Decree of 12 December 1981 and subsequent statutory validation. Although the regime was authoritarian, the intervention operated within a structured legislative hierarchy (decree–statute–implementing regulations). Its legitimacy was articulated in terms of state security, public order, and economic stabilisation. Andrzej Ajnenkiel analyses here the mechanism of issuing decrees by the Council of State and their subsequent 'approval' by the Sejm as an attempt to legitimise martial law [Ajnenkiel 1983, 364-82].

Despite these differences, in both systems the intervention functioned as an expansion of executive authority in response to perceived systemic crisis.

6.2. Regulatory technique: price ceiling vs. quantitative allocation

The Diocletianic model relied on empire-wide maximum price ceilings backed by severe criminal sanctions. Formally, the market structure remained intact; parties could contract below the ceiling, but not above it. The mechanism preserved nominal market exchange while suppressing upward price adjustment.

The socialist Polish model operated differently. Prices were already centrally administered; the core intervention concerned quantity. Through

ration cards, the state assumed direct distributive functions, allocating goods according to administratively determined norms. In effect, scarcity was bureaucratically managed rather than market-cleared.

The distinction is crucial: a) Diocletian intervened in a predominantly market-based environment by constraining price; b) the PRL system intervened in a structurally planned economy by constraining access.

Both models, however, sought to replace decentralized coordination mechanisms with administrative command.

6.3. Enforcement capacity and institutional constraints

The effectiveness of each intervention was conditioned by administrative capacity. In the late Roman Empire, enforcement was geographically uneven and institutionally limited. Epigraphic evidence suggests promulgation, yet uniform monitoring across the Empire was improbable. The deterrent severity of sanctions – up to capital punishment – compensated for limited bureaucratic reach.

In the Polish People's Republic, enforcement relied on a developed bureaucratic apparatus, supported by internal security services and structured distribution networks. The state possessed far greater monitoring capacity, allowing prolonged management of shortage.

Yet in both cases, enforcement did not eliminate informal exchange. Black markets and preferential access networks emerged as adaptive responses to regulatory rigidity. This pattern confirms Douglass North's thesis that when formal rules contradict incentive structures, informal institutions arise to restore functional exchange [North 1990, 92-104].

6.4. Economic dynamics: suppressed signals and persistent scarcity

From the perspective of economic theory, both interventions suppressed the informational function of price. As Friedrich A. Hayek argued, prices transmit dispersed knowledge necessary for coordination [Hayek 2013, 27-38]. When central authority overrides price formation, it eliminates the signalling mechanism that balances supply and demand.

In the Roman case, price ceilings below equilibrium generated withdrawal of goods and parallel trade. In the socialist case, administratively fixed prices combined with quantitative limits institutionalised shortage, a phenomenon extensively analysed by János Kornai [Kornai 1980, 141-52].

The structural difference lies in temporality: the Diocletianic edict appears to have been relatively short-lived and administratively fragile; the Polish rationing system functioned as a sustained instrument of systemic management.

Nevertheless, both reveal a common structural logic: normative command cannot eliminate scarcity; it redistributes its effects.

6.5. Regulatory utopia: law as substitute for systemic coordination

The comparison allows articulation of a broader theoretical concept: Regulatory Utopia. Regulatory Utopia denotes a situation in which political authority assumes that administrative norms can substitute for systemic coordination mechanisms – particularly price formation – during periods of crisis. It is characterised by: 1) moral or technocratic framing of economic imbalance; 2) expansion of executive power; 3) suppression of price as an informational device; 4) emergence of informal compensatory mechanisms [Elion-Valter 2022, 59-75].

In both the Roman and socialist cases, crisis was attributed not primarily to structural economic distortions but to behavioural or distributive imbalance – avaritia in Late Antiquity, speculative demand and irrational consumption in socialist rhetoric.

In both cases, intervention was justified as temporary stabilisation. In practice, it exposed structural limits of legal normativity.

The Diocletianic edict illustrates the fragility of regulatory utopia in a partially monetised imperial economy. The Polish rationing system demonstrates its sustainability within a centrally planned regime—but at the cost of chronic inefficiency and declining political legitimacy.

6.6. Limits of normative power in economic crisis

The comparison ultimately reveals not historical similarity but structural recurrence. Different constitutional systems – imperial autocracy and late socialist authoritarianism – responded to crisis through analogous normative strategies.

Both interventions demonstrate that: legal norms can discipline economic actors temporarily; administrative capacity conditions duration of effectiveness; but systemic economic coordination cannot be permanently replaced by command without generating informal adaptation.

Thus, the two cases provide empirical support for the central thesis of this study: law possesses stabilising potential in crisis, yet encounters structural limits when it attempts to override fundamental coordination mechanisms of the economy.

7. REGULATORY UTOPIA: A CONCEPTUAL FRAMEWORK

Regulatory Utopia should therefore be understood not as a normative evaluation but as an analytical category describing recurrent structural misalignment between legal command and systemic coordination mechanisms [Luhmann 2004, 142-58]. It designates a pattern in which political authority overestimates the substitutive capacity of normativity in relation to complex adaptive economic processes.

The comparative analysis of the Edict of 301 and the rationing regime of late socialist Poland allows formulation of a broader theoretical category, which may be termed Regulatory Utopia.

Regulatory Utopia describes a structural pattern of state intervention that emerges in moments of systemic crisis. It denotes the belief that normative command – through administrative price ceilings, quantitative allocation, or penal enforcement – can substitute for decentralized coordination mechanisms within the economy. At its core lies the assumption that legal regulation is capable of restoring equilibrium by direct normative determination of prices or access to goods. Three analytical dimensions define this concept.

7.1. Normative substitution

Regulatory Utopia is characterised by the substitution of spontaneous coordination mechanisms with centralised normative determination. In market systems, prices function as information signals reflecting dispersed knowledge [Hayek 2013, 27-38]. In planned economies, allocation mechanisms attempt to perform equivalent coordination through administrative planning. Regulatory Utopia arises when political authority assumes that crisis-induced imbalance can be corrected through direct prescriptive intervention, rather than through structural adjustment of underlying incentives [Drabińska 1998, 131-40].

7.2. Moral or technocratic legitimization

Both historical cases reveal a distinctive justificatory discourse. In the Diocletianic edict, economic dysfunction is attributed to *avaritia* – moral failure of traders. In socialist Poland, shortage and panic buying were framed as irrational behaviour requiring rationalisation and equitable distribution. Whether moral or technocratic, the rhetoric externalises structural causes and legitimises expansion of executive power.

8. INSTITUTIONAL MISALIGNMENT

Drawing on institutional theory [North 1990, 92-104], Regulatory Utopia arises when formal legal norms clash with incentive structures embedded in economic reality. When prices are administratively suppressed or access is bureaucratically rationed, informal institutions – black markets, preferential networks, shadow exchange – emerge to restore coordination.

The concept does not suggest that emergency regulation is inherently irrational. States have legitimate stabilising functions in times of war, fiscal breakdown, or political crisis. Regulatory Utopia becomes relevant when authorities assume that normative command can permanently replace coordination mechanisms without producing distortions.

The Roman and socialist cases illustrate different degrees of sustainability. In the late Roman Empire, limited administrative capacity made the intervention fragile and short-lived. In socialist Poland, stronger bureaucracy enabled prolonged management of shortage. In both systems, however, scarcity was not eliminated but redistributed.

Regulatory Utopia thus marks the boundary between necessary stabilisation and systemic overreach. It is defined not by intent, but by the structural consequences of substituting price coordination with administrative control.

CONCLUSION – LAW, CRISIS, AND THE LIMITS OF NORMATIVE POWER

What remains insufficiently explored is a structural and constitutional comparison of emergency price regulation as a recurring form of state response to systemic crisis. Although Hontvári and Kiryk have opened important comparative perspectives, the broader constitutional implications of such interventions remain underdeveloped.

Existing scholarship has largely treated the Edict of 301 within the framework of the third-century crisis or imperial administrative reform, focusing on epigraphic reconstruction and economic decline. Likewise, modern socialist price regulation has been analysed primarily in terms of economic inefficiency, systemic shortage, and political transformation. In both strands of research, the emphasis has tended to remain either historical or economic.

What is still lacking is a conceptually grounded analysis that situates emergency price regulation within constitutional theory. In particular, the question of how far legal norms can legitimately and effectively replace economic coordination mechanisms in times of crisis has not been addressed in a systematic manner.

A structural comparison of the Diocletianic edict and late socialist rationing therefore offers more than historical analogy. It enables examination of emergency regulation as a constitutional technique: a form of executive expansion justified by stability, public order, and the common good. Such an approach shifts the focus from descriptive parallels to normative limits, asking not only whether regulation succeeded, but what it reveals about the boundaries of legal authority in economic governance.

By integrating legal history with constitutional and institutional analysis, this study seeks to fill that gap and to frame emergency price regulation as a recurring constitutional response to systemic disruption rather than as an isolated historical phenomenon.

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