



## *The Hebrew University of Jerusalem*

### *Syllabus*

## *Market Media and Law - Germany and the US in a Comparative Perspective - 54921*

*Last update 12-10-2023*

*HU Credits: 2*

*Degree/Cycle: 2nd degree (Master)*

*Responsible Department: Cont. German Studies:politics, Soc.&Cult*

*Academic year: 0*

*Semester: 2nd Semester*

*Teaching Languages: English*

*Campus: Mt. Scopus*

*Course/Module Coordinator: Dr. Katya Assaf*

*Coordinator Email: [katya.assaf@mail.huji.ac.il](mailto:katya.assaf@mail.huji.ac.il)*

*Coordinator Office Hours: to be coordinated*

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Teaching Staff:

Dr. Katya Assaf

Course/Module description:

*Market, Media and Law – German and American View*

*This course will inquire about the German and the US-American perceptions of market and media, and their reflections in legal rules.*

*There are many ways to perceive the market. Is the market a place that provides opportunities to achieve any goal no matter the starting point or should established reputation, such as family business tradition, play an important role on the market? Should the market induce intensive competition, so that the most efficient producers survive and the consumers should be cautious and suspicious or should it be a place where producers act ethically and the consumers feel safe and protected? Should the market be subject to close governmental regulation or should the governmental intervention be minimal?*

*Similarly, there are many ways to perceive the media: is the media a tool that enables a democratic society to search for the truth, or is it an arena where different ideas compete for recognition? And, finally, how similar the market and the media are? Is the media just another type of a market – a market for ideas – or a wholly different sphere?*

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*German and American philosophers and economists answer the questions above differently. They have different perceptions of producers and consumers, and their roles on the market. They have different ideas about the media and its functioning in a democratic society. German and American law are remarkably different in many fields surrounding market and media. During the course, we will study several examples of such differences, thereby tracing the influences of philosophical and economic schools of thought in each legal system.*

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Course/Module aims:

*Gaining insights into German and US-American philosophical and economic theories, and their impact upon the respective legal systems*

Learning outcomes - On successful completion of this module, students should be able to:

*Understand differences in legal systems in terms of philosophical influences on these systems. Although the course deals specifically with German and US-American legal systems, it aims to provide student with a general tool of comparative legal analysis.*

Attendance requirements(%):

*Teaching arrangement and method of instruction: frontal lectures*

Course/Module Content:

*in progress*

Required Reading:

- 1. ADAM SMITH, THE WEALTH OF NATIONS (2007 [1776]), Book IV Chapter II (pp. 347-362) Chapter VIII (pp. 498-513)*
- 2. MILTON FRIEDMAN, CAPITALISM AND FREEDOM (1982 [1962]), Chapter II (pp. 22-36); Chapter VIII (pp. 119-136)*
- 3. Razeen Sally, Ordoliberalism and the Social Market: Classical Political Economy from Germany, 1 NEW POLITICAL ECONOMY 233 (1996)*
- 4. FRIEDRICH A. HAYEK, THE ROAD TO SERFDOM (2006 [1944]) (exact pages will be published later)*
- 5. MATTHEW P. MCALLISTER, THE COMMERCIALIZATION OF THE AMERICAN CULTURE, 1996 (exact pages will be published later)*
- 6. C. Edwin Baker, Advertising and a Democratic Press, 140 U. PA. L. REV. 2097 (1992)*
- 7. Jenny Weinand, The Revised Audiovisual Media Services Directive 2018 - Has the EU Learnt the Right Lessons from the Past?, UFITA, 2018, Vol.82(1), pp.260-293.*
- 8. LISA HERZOG, INVENTING THE MARKET: SMITH, HEGEL, AND POLITICAL THEORY (2013), Chapter 4 (pp. 61-83)*

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9. MAX WEBER, *THE PROTESTANT ETHIC AND THE SPIRIT OF CAPITALISM* (2005 [1905]), Chapter 5 (pp. 102-125)

10. Katya Assaf & Lisa Herzog, *Work, Identity, and the Regulation of Markets: A Study of Trademark Law in the U.S. and Germany*, forthcoming in *LAW & SOCIAL INQUIRY*

Additional Reading Material:

Grading Scheme:

Essay / Project / Final Assignment / Home Exam / Referat 80 %  
Presentation / Poster Presentation / Lecture/ Seminar / Pro-seminar / Research proposal 20 %

Additional information: