



The Hebrew University of Jerusalem

Syllabus

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

Last update 10-03-2025

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

Coordinator Office Hours: to be coordinated

Teaching Staff:

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.

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:

1. Introduction to German and British-American philosophies regarding society and the market:

- should the market bring about wealth or justice?*
- should the market supply primarily consumer goods or meaningful workplaces?*
- should the market be free or regulated?*

2. British and American philosophers:

- Jeremy Bentham*
- Adam Smith*
- John Stuart Mill*
- George Edward Moore*
- John Locke*
- Milton Friedman*

3. German philosophers

- Immanuel Kant*
- GWF Hegel*
- Karl Marx*
- Max Weber*

4. A historical overview of market regulation / welfare in Germany and the USA

5. Schools of Economic Thought:

- Classical School*

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- Neoclassical School
 - Chicago School
 - Freiburg School (Ordoliberalism)
 - Frankfurt School

6. Examples of the different theories manifesting themselves in different legal regulations of the market (Germany and the USA compared):

- The right to use one's name in business
- The right to be named as a patent inventor
- Regulation of the media
- Regulation of advertising

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)
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:

The students will write a final paper. They will present the topic of their papers - this presentation will weight 20% of the final grade.