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In Rosenbloom v. Metromedia, Inc. the Supreme Court developed a public issue test for defamation cases involving a media defendant. Recent Supreme Court cases have narrowed the applicability of the public figure category and evidence a trend toward favoring the individual's right to protect one's reputation over the press right to report newsworthy events.

ECONOMIC EFFICIENCY

Allocative Efficiency
A policy increases allocative efficiency if and to the extent that the number of dollars its beneficiaries would have to receive to leave them as well off as they would be if the policy were adopted exceeds the number of dollars its victims would have to lose to leave them as badly off as they would be if the policy were adopted.

The ability of economics to illuminate various legal issues is undermined by its inability to distinguish (a) prejudices from tastes, (b) entitlement interests from psychological and welfare interests, (c) liberty as independence from liberty as license, and (d) right-bearing entities from nonright-bearing entities.

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