

## A Theoretical Framework of the State Action Doctrine

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The framework for state action analysis is to examine whether a particular action or course of conduct is governmental in character, it is relevant to examine the following 1) the extent to which the actor relies on governmental assistance and benefits, 2) whether the actor is performing a traditional governmental function, and 3) whether the injury caused is aggravated in a unique way by the incidents of governmental authority.

The basic principles which lie in state action doctrine are 1) public-private distinction, 2) federalism and 3) the separation of powers.

Although the conduct of private parties lies beyond the Constitution's scope in most instances, governmental authority may dominate an activity to such an extent that its participants must be deemed to act with the authority of the government and, consequently, be subject to constitutional constraints. This is the jurisprudence of state action, which explores the "essential dichotomy" between the private sphere and the public sphere, with all its attendant constitutional obligations (*Edmonson v. Leesville Concrete Co.*).

In addition, careful adherence to the state action requirement preserves an area of individual freedom by limiting the reach of federal law and federal judicial power (*Lugar v. Edmondson Oil Co. Inc.*). The purpose of the state action doctrine is to ameliorate the problem of vesting federal courts with an enormous discretion to adjust the allocation of authority within the federal system of government.

Furthermore, state action requirement ensures that the prerogative of regulating private business remains with the representative branches, not the court (*American Manufacturers Mutual Insurance Company v. Sullivan*). Therefore, the state action doctrine can be interpreted as preserving a sphere within which the American people

have the unfettered right to govern themselves.

It is noteworthy that the state action doctrine is consistent with the fundamental constitutional value, in which the goal of constitutional law involves safeguarding individual rights from governmental infringement. The logic of state action doctrine brings an idea full of suggestion when we consider the reach of constitutional law in Japan.