by the very terms of the statute, may be sued for constitutional deprivations visited pursuant to governmental "custom" even though such a custom has not received formal approval through the body's official decisionmaking channels. As Mr. Justice Harlan recognized: "Congress included custom and usage [in § 1983] because of persistent and widespread discriminatory practices of State officials. . . . Although not authorized by written law, such practices of state officials could well be so permanent and well settled as to constitute a 'custom or usage' with the force of law." *Adickes* v. *S. H. Kress & Co.*, 398 U. S. 144, 167–168 (1970).[55]

On the other hand, the language of § 1983, read against the background of the same legislative history, compels the conclusion that Congress did not intend municipalities to be held liable unless official municipal action of some nature caused a constitutional tort. In particular, we conclude that a municipality cannot be held liable *solely* because it employs a tortfeasor—or, in other words, a municipality cannot be held liable under § 1983 on a *respondeat superior* theory.

We begin with the language of § 1983 as passed:

"[*A*]*ny person who*, under color of any law, statute,

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[55] See also Justice Frankfurter's statement in *Nashville, C. & St. L. R. Co.* v. *Browning*, 310 U. S. 362, 369 (1940):

"It would be a narrow conception of jurisprudence to confine the notion of 'laws' to what is found written on the statute books, and to disregard the gloss which life has written upon it. Settled state practice . . . can establish what is state law. The Equal Protection Clause did not write an empty formalism into the Constitution. Deeply embedded traditional ways of carrying out state policy, such as those of which petitioner complains, are often tougher and truer law than the dead words of the written text."

Moreover, will not in general create a violation of the Constitution as we affirmed two Terms ago, where the Constitution imposes a duty on state officials to act, and they are deliberately indifferent to that duty—a form of inaction which by its nature will seldom be officially adopted or written local policy—§ 1983 provides an avenue of redress. See *Estelle* v. *Gamble*, 429 U. S. 97, 104–105 (1976).

> ordinance, regulation, custom, or usage of any State, *shall subject, or cause to be subjected,* any person . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution of the United States, shall, any such law, statute, ordinance, regulation, custom, or usage of the State to the contrary notwithstanding, be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress . . . ." Globe App., at 335 (emphasis added).

The italicized language plainly imposes liability on a government that, under color of some official policy, "causes" an employee to violate another's constitutional rights. At the same time, that language cannot be easily read to impose liability vicariously on governing bodies solely on the basis of the existence of an employer-employee relationship with a tortfeasor. Indeed, the fact that Congress did specifically provide that *A*'s tort became *B*'s liability if *B* "caused" *A* to subject another to a tort suggests that Congress did not intend § 1983 liability to attach where such causation was absent.[56] See *Rizzo* v. *Goode,* 423 U. S. 362, 370–371 (1976).

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[56] Support for such a conclusion can be found in the legislative history. As we have indicated, there is virtually no discussion of § 1 of the Civil Rights Act. Again, however, Congress' treatment of the Sherman amendment gives a clue to whether it would have desired to impose *respondeat superior* liability.

The primary constitutional justification for the Sherman amendment was that it was a necessary and proper remedy for the failure of localities to protect citizens as the Privileges or Immunities Clause of the Fourteenth Amendment required. See pp. 10–13, *supra.* And according to Sherman, Shellabarger, and Edmunds, the amendment came into play only when a locality was at fault or had neglected its duty to provide protection. See Globe, at 761 (Sen. Sherman); *id.,* at 756 (Sen. Edmunds); *id.,* at 751–752 (Rep. Shellabarger). But other proponents of the amendment apparently viewed it as a form of vicarious liability for the unlawful acts of the citizens of the locality. See *id.,* at 792 (Rep. Butler). And whether intended or not, the amendment as drafted did impose a species of vicarious liability on municipalities since it could be construed to impose

Equally important, creation of a federal law of *respondeat superior* where state law did not impose such an obligation would raise all the constitutional problems associated with the obligation to keep the peace, an obligation Congress chose not to impose because it thought imposition of such an obligation unconstitutional. To this day, there is disagreement about the basis for imposing vicarious liability on an employer for the torts of an employee when the employer itself is not at fault.[57] See W. Prosser, Law of Torts, § 69, at 569 (4th ed. 1971). Nonetheless, two justifications tend to stand out. First in the commonsense notion that no matter how blame-

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liability even if a municipality did not know of an impending or ensuing riot or did not have the wherewithall to do anything about it. Indeed, the statute held a municipality liable even if it had done everything in its power to curb the riot. See p. 8, *supra;* Globe, at 761 (Sen. Stevens); *id.*, at 771 (Sen. Thurman); *id.*, at 788 (Rep. Kerr); *id.*, at 791 (Rep. Willard). While the first conference substitute was rejected principally on constitutional grounds, see *id.*, at 804 (Rep. Poland), it is plain from the text of the second conference substitute—which limited liability to those who, having the power to intervene against Ku Klux violence, "neglect[ed] or refuse[d] so to do," see Appendix, *infra*, at 41, and which was enacted as § 6 of the 1871 Act and is now codified as 42 U. S. C. § 1986—that Congress also rejected those elements of vicarious liability contained in the first conference substitute even while accepting the basic principle that the inhabitants of a community were bound to provide protection against the Ku Klux Klan. Strictly speaking, of course, the fact that Congress refused to impose vicarious liability for the wrongs of a few private citizens does not conclusively establish that it would similarly have refused to impose vicarious liability for the torts of a municipality's employees. Nonetheless, when Congress' rejection of the only form of vicarious liability presented to it is combined with the absence of any language in § 1983 which can easily be construed to create *respondeat superior* liability, the inference that Congress did not intend to impose such liability is quite strong.

[57] We note, however, that where there is fault in hiring, training, or direction, that fault is the basis for liability under the common law, see 2 F. Harper & F. James, The Law of Torts, § 26.1, at 1362–1363 (1956), *not* the fault of the employee-tortfeasor vicariously applied to the employer.

less an employer appears to be in an individual case, accidents might nonetheless be reduced if employers had to bear the cost of accidents. See, *e. g., ibid.;* 2 F. Harper & James, The Law of Torts, § 26.3, at 1368–1369 (1956). Second is the argument that the cost of accidents should be spread to the community as a whole on an insurance theory. See, *e. g., id.,* § 26.5; W. Prosser, *supra,* at 459.[58]

The first justification is of the same sort that was offered for the Sherman amendment: "The obligation to make compensation for injury resulting from riot is, by arbitrary enactment of statutes, affirmatory law, and the reason of passing the statute is to secure a more perfect police regulation." Globe, at 777 (Sen. Frelinghuysen). This justification was obviously insufficient to sustain the amendment against perceived constitutional difficulties and there is no reason to suppose that a more general liability imposed for a similar reason would have been thought less constitutionally objectionable. The second justification was similarly put forward as a justification for the Sherman amendment: "we do not look upon [the Sherman amendment] as a punishment .... It is a mutual insurance." *Id.,* at 792 (Rep. Butler). Again, this justification was insufficient to sustain the amendment.

In sum, a local government may be sued for monetary, declaratory, or injunctive relief under § 1983 when it is at fault, but not for the fault purely of its employees or agents.[59]

See WJB's insert

[58] A third justification, often cited but which on examination is apparently insufficient to justify the doctrine of *respondeat superior,* see, *e. g.,* 2 F. Harper & F. James, *supra,* n. 61, § 26.3, is that liability follows the right to control the actions of a tortfeasor. By our decision in *Rizzo* v. *Goode,* 423 U. S. 362 (1976), we would appear to have decided that the mere right to control without any control or direction having been exercised and without any failure to supervise is not enough to support § 1983 liability. See *id.,* at 370–371.

[59] Given the variety of ways that official policy may be demonstrated, we do not today attempt to establish any firm guidelines for determining when individual action executes or implements official policy. However, given

It is only when the government's policy, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, itself inflicts the injury or itself authorizes or directs the specific act charged against its officer [60] that the government is responsible under § 1983. In all other cases, a § 1983 action must be brought against the individual officers whose acts form the basis of the § 1983 complaint.

III

Although we have stated that *stare decisis* has more force in statutory analysis than in constitutional adjudication because, in the former situation, Congress can correct our mistakes

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our conclusion that Congress did not intend to enact a regime of vicarious liability, whatever official action is involved must be sufficient to support a conclusion that a local government itself is to blame or is at fault.

For example, in *Rizzo* v. *Goode*, 423 U. S. 362 (1976), we recognized that fault is a crucial factor in determining whether relief may run against a party for its alleged participation in a constitutional tort. Distinguishing the relief approved by the lower courts in *Rizzo* from that sanctioned by this Court in school desegregation cases, the Court explained:

"Respondents . . . ignore a critical factual distinction between their case and the desegregation cases decided by this Court. In the latter, segregation imposed by law had been implemented by state authorities for varying periods of time, whereas in the instant case the District Court found that the responsible authorities had played no affirmative part in depriving any members of the two respondent classes of any constitutional rights. Those against whom injunctive relief was directed in cases such as *Swann* [v. *Charlotte-Mecklenberg Board of Education*, 402 U. S. 1 (1971),] and *Brown* [v. *Board of Education*, 347 U. S. 483 (1954),] were not administrators and school board members who had in their employ a small number of individuals, which latter on their own deprived black students of their constitutional rights to a unitary school system. They were administrators and school board members who were found by their *own* conduct in the administration of the school system to have denied those rights. Here, the District Court found that none of the petitioners had deprived the respondent classes of any rights secured under the Constitution. 423 U. S., at 377 (emphasis in original).

[60] See, however, n. 55, *supra*.