A PARADIGM FOR TESTING SOCIETAL REACTION PROPOSITIONS:

The Case of Delinquency and Diversion*

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ABSTRACT

This paper is concerned with facilitating the testing of propositions associated with labeling theory. It presents a comprehensive paradigm as a framework for the concurrent handling of diverse variables and relationships with particular emphasis upon those pertaining to secondary deviance. The paradigm was developed in the context of, and therefore is reflective of, delinquency and police programs for the diversion of juvenile offenders. It organizes central labeling variables for sequential causal analyses and illustrates the role of organizational (social control) and social psychological factors in explicating hypothesized labeling processes. Examples are offered of major, testable propositions central to explanations of the development of secondary deviance, and of hypotheses relating social control and social psychological processes to stages in that development. The paradigm is presented in terms readily transferable to areas of deviance other than delinquency.
A PARADIGM FOR TESTING SOCIETAL REACTION PROPOSITIONS: THE CASE OF DELINQUENCY AND DIVERSION

This paper proposes and amplifies a paradigm for the empirical investigation of a highly complex, controversial, and ambiguous perspective on deviance, namely, labeling theory. It uses, as a case illustration, an application of labeling theory to delinquency and the diversion of delinquents away from the juvenile justice system. It is our belief, however, that in its basic form the paradigmatic approach taken here is applicable to other areas of deviance and societal reaction.

We believe this despite two potentially limiting circumstances. The first of these is the aforementioned setting of delinquency and diversion, specifically an evaluation research setting in which police diversion of delinquents to social service agencies represents the practitioner's operationalization of labeling theory.

The second limitation is similarly derived; our perspective has developed in a setting of policy-related research in which practitioners have seized upon simplistic versions of complex social theories to rationalize their endeavors. For the theorist, this requires a difficult retranslation of the relevant theoretical propositions to mirror the practitioner's intent yet maintain the integrity of the theory.
Both limitations, if such they be, open the door for the reader to deny the applicability of our formulations to his understanding of labeling theory or societal reaction theory. Yet our exposition is undertaken in the belief that it is possible to explicate labeling theory in a form reasonably acceptable to its adherents and critics alike, and to do so in a way which permits the simultaneous exploring and testing of relevant theoretical propositions. As both proponents and critics have noted, the task is as important as it is complex.

Prominent proponents of the labeling perspective frequently disclaim for it the full structure of a theory. The most recent such statement comes from Goode:

"Labeling theory isn't a theory at all. Perhaps it isn't even as grandiose an edifice as a general perspective. It is merely one way of looking not at deviance in general, but at some specific features of deviance. Aspects of labeling theory are relevant for some issues in examining deviant behavior and irrelevant for many others (581)."

Both Kitsuse and Schur similarly stress the flexible, multifaceted nature of what Kitsuse calls "the new perspective on deviance" whose function is less to explain what has been noted than to alert us to what has not.
Yet the complexities of the debate are such that each of the proponents just cited, in the very same articles, complains that the critics fail to understand the essentials of labeling theory. Goode complains that critiques "rarely render a faithful likeness of the original" (571), and Kitsuse says they do "not as a whole properly appreciate the logic and implications of the labeling definition of deviance" (279). Schur's somewhat more balanced statement poses an epistemological problem here, that labeling theory's proponents and critics are addressing "different aspects of deviance situations... (and) different questions germane to an understanding of deviance phenomena" (287).

The veritable explosion of labeling attacks and defenses has brought us almost to the point of a standstill in progress, a stalemate in which each side is positioned, if Schur is correct, on different boards. So far as empiricism is concerned, the positivists demand tests of hypothesized behavior outcomes, while many labelists insist upon clarifications of interactive processes. It is through the agonizing trade-offs between these seemingly antagonistic perspectives that the proposed paradigm has emerged. To appreciate the product, however, one must address the understandings which buttress it. We must therefore present our own brief summary of the situation of labeling theory.
Perspectives on Labeling

Labeling theory locates the causes of the development of many deviant careers as those who define deviance, and in particular as those societal institutions which have come to bear the mandate for defining and enforcing dominant social norms. Thus Becker finds that drug users and drug subcultures grow partly in response to the establishment of federal drug laws and the social, moral and bureaucratic enforcement machinery so activated; Scheff demonstrates the development of "mentally ill" identities as a function of mental institutions; Cicourel demonstrates the manner in which patterns of thought and report among juvenile justice practitioners involuntarily leads to the categorization of various kinds of juvenile delinquents; Lemert (b) distinguishes between primary (behavioral) and secondary (career) deviance and then applies this distinction to several alternative prevention models called "diversion" (Lemert: c) that turn away from the justice system youngsters seemingly destined for insertion into it.

Labeling theory suggests that whatever may lead initially to deviant behavior is of less significance in perpetuating such conduct than the "societal reaction" and the cycle of processes and responses it thereby initiates. For example, it is now abundantly clear that most youths commit
acts definable under federal, state and local statutes as delinquent or criminal. Yet, because most of these acts go undetected officially, and because those acts detected are usually "normalized"—i.e., responded to as if they required no social sanction (Lemert: c)—delinquent careers are the exception rather than the rule.

In the labeling theorists' view, it is the societal reaction to that small proportion of acts that are detected and sanctioned which is of concern. The reaction both defines the nature and extent of delinquency associated with the act and it sets off a chain of events, perceptions, identities, and actions which serve to call forth further interactions that reinforce the delinquent label. This process is cyclical, a "self-fulfilling prophecy" wherein the label, delinquent, has a self-perpetuating character and leads directly to reinforcements of itself. Thus, a delinquent "career" develops.

This reasoning, in its simplest form, is readily accepted by many practitioners in the delinquency prevention, treatment, and enforcement fields. Even the police, so often characterized as archetypical labelers, often release juveniles without formal processing in order to avoid stigmatizing those youngsters. It is in fact this very viewpoint that underlies the police diversion projects now mushrooming throughout the nation.
Labeling theory has been bolstered by the writings of ethnomethodologists and phenomenologists. Cicourel, Garfinkel and others have made note of processes, viewed from the perspective of the labeled individual, which mark the passage from "innocent" actor to labeled "victim." This literature is mentioned here specifically because it epitomizes an empirical difficulty of labeling theory and the symbolic interactionist perspective generally; i.e., there is a tendency to rely upon "soft" data or evidence of a non-public or non-replicable nature. This evidence has been used to illustrate the contention that labeling theory explains career deviance, rather than to test whether it explains career deviance and if so, under what conditions.

Thus it is significant that those most favorably disposed toward labeling theory have provided few tests which would satisfy those of a positivist persuasion. On the other hand, the tests undertaken by positivists have been limited in number, contradictory in their findings, and almost uniformly dismissed as irrelevant by the labeling theorists. It is to the latter set of tests that we turn next.

Empirical tests of labeling theory in the delinquency arena are relatively scarce. We must exclude here the oft-cited studies by Schwartz and Skolnick, Piliavin and
Briar, Black and Reiss and similar work for two reasons. First, they tend to suffer from methodological difficulties related to poor sampling, unknown population parameters, and non-replicability due to reporting procedures (this is least true of Black and Reiss). Second, although they demonstrate that labeling does take place and they investigate factors determining the initial parts of the process, they do not deal with the levels or the impact of labeling. The heart of the empirical controversy over labeling theory centers around the question of the conditions under which the application of the label produces more deviance or, alternatively, leads to less subsequent deviance.

Pertinent here are studies dealing directly with the question of the impact of labeling on the subsequent status of those labeled. Each of these studies deals with juvenile misconduct. Here, unfortunately, the similarity ends for they have yielded highly divergent conclusions.

For instance, Fischer's study indicated that delinquent labeling has no impact—either positive or negative—on subsequent performance in school; Gold's comparison of matched arrest and non-arrest cohorts indicated far greater recidivism among those arrested (labeled); McEachern et al. showed that court wardship (labeling) without treatment was associated with the lowest recidivism rates of the four
possible combinations of wardship and treatment. Closer to process variables, O'Connor's study of detained offenders suggested a differential impact of detention on attitudes depending on the subjects' commitment to delinquency. Finally, Foster et al. carried out interviews with boys recently released by the police or the court. The interviews revealed little perceived impact in terms of stigmatization although the data collection procedure seems likely to have placed limits on admitted perceptions of stigmatization.

A recent evaluation of a police diversion project (Lincoln) found that diverted offenders referred to community treatment facilities exhibited higher recidivism rates than a matched cohort who were handled in the usual ways. The suggestion here was that community referral, far from leading to successful treatment, merely reinforced the effects of the arrest label. Similar reasoning could at least partially explain the findings of McEachern et al. and of O'Connor, cited above.

One of the difficulties with all these studies is that they are better tests of immediate impact than of impact over time. Most labeling theorists would certainly argue that the progression from stigmatization to label acceptance takes time and, presumably, more than one labeling event (Lemert: a, 76-77). In any case, it seems
clear that we have barely scratched the empirical surface of labeling theory. The concepts involved make controlled testing very difficult, practitioners are loathe to collaborate in controlled studies, and the availability of "natural" field experimental opportunities is very limited. All of this results in our current situation of provocative suggestions not readily amenable to quantified tests.

Delinquency, Diversion, and Labeling

Our paradigm has been developed for application to delinquency and diversion. Although we believe the paradigm has broader applicability, we agree with Lemert:

No one theory or model will suffice to study the societal reaction; models must be appropriate to the area under study, to the values, norms, and structures identifiable in the area, as well as the special qualities of the persons and their acts subject to definition as deviant (d: 21).

Most juveniles commit some acts which, in the eyes of adults, could be labeled "deviant" and which the law defines as "delinquent." Accordingly, there are many formal organizations concerned with the social control of juvenile
delinquency. These include the components of the juvenile justice system (police, courts, prosecution, probation and parole, correctional institutions) and the components of the social service system (a vast number of public and private agencies offering counseling, jobs, recreational opportunities, and educative services). Our paradigm concerns itself with different organizational treatments of juvenile offenders according to whether, after an initial societal reaction (arrest), they are inserted further into the juvenile justice system or diverted and referred to the social service system (i.e., a variety of community-based counseling agencies), or released without further action (post-arrest normalization).

Let us elaborate on the meaning of these alternatives. Youths who have been arrested have, ipso facto, been subjected to an initial societal reaction. Insertion even further into the justice system leads to reapplication of the delinquency label via petitions for court appearance, pre-court investigations, detention, and so on.

On the other hand, post-arrest referral by the police to counseling agencies is supposed to avoid such stigmatization but may offer an alternative set of labels emphasizing psychological and personal deficiencies. Whether counseling referrals contribute more to further delinquency labeling or more to labeling as "in need of therapy" is at this point problematic.
Finally, outright release without either justice system insertion or social service system referral presumably amounts to an avoidance of further labeling, or at the most, to labeling as a minor offender.

Obviously, the diversion context of the paradigm developed here has given it a strong social control perspective. Although not intended to yield studies which either fully confirm or fully discount labeling theory, it can yield studies to test and explore some relevant, central theoretical notions on labeling.

For instance, the process of identity change is a common assumption in labeling approaches (Becker; Glaser; Lemert: a) and one that can readily be investigated. There is much literature on self-concept, attitude/behavior consistency, and behavior modification that explicitly or implicitly challenges the importance of identity change as a significant aspect of movement into a deviant career. There is also some deviance literature which questions this identity assumption, such as studies of embezzlers (Cressey) and homosexual activity (Humphreys).

Another major testable question relates to the contrast between deterrence and labeling approaches to societal reactions. This contrast represents both a theoretical distinction and a major split in opinion between public officials such as police and judges. Many officials, especially those who espouse various forms of diversion
programs for offenders, are impressed with the tenets of a labeling approach, at least in its broad outlines. Many others, however, view the application of a label via arrest, petition filing, detention, or court appearance as a clear deterrent to subsequent offenses of the subject (specific deterrence) and his peers (general deterrence). There are data supporting both positions (Tittle).

In the materials to follow, we do not seek to support or to deny the importance of identity change in the development of deviant careers, nor do we seek to demonstrate the superiority of a labeling over a deterrence approach. But such alternative implications might well develop through studies based on the paradigm. It facilitates both (a) the investigation of some alternative causal hypotheses and propositions concerning societal reactions and (b) the specification of some of the factors contributing to the labeling processes.

In the present context, we are concerned with the intricate label/stigma constructs attached to a youngster's involvement in the juvenile justice system or the alternative social service system. The justice domain might be indicated by such word labels as delinquent, bad kid, drug user, trouble-maker, and so on. Such words are necessary to distinguish the justice involvement from a more therapeutically oriented social service domain with its associated
word labels of sick, disturbed, unhappy, neurotic, and so on. Obviously these are matters of emphasis, as practitioners in each system also use the word labels of the other.

**The Labeling Paradigm**

The paradigm exhibited in Figure 1 is best viewed as two-dimensional. The horizontal dimension (see column headings) expresses the major causal sequence presumed to lead from police disposition following arrest to behavioral outcomes. The time sequences from left to right imply unidirectionality, but there are circular sequences here (explicitly included as last items under Contributing Factors in Columns 2 and 3).

The vertical dimension is found in the second and third columns only. Here we specify certain of the major variables said to influence or contribute to the levels of label encapsulation and label acceptance/rejection. Thus we are describing two directional "flows," the horizontal flow being directly causal and the vertical flow being more processual, with the two flows intersecting in the causal process. It is this sense of flow, intersection, and circular interplay which mirrors the flexibility, complexity, and ambiguity of the labeling process.
A. Column One merely acknowledges the three major decision alternatives available to the police once the arrest has been made. It documents the decision, but not the interactive processes leading to that decision, nor to the decision to make the arrest in the first place. Our work has concentrated on this post-arrest arena for very practical reasons; the offender cohorts are immediately available and share the common decision of arrest. Longitudinal studies of youngsters not yet arrested involve other problems (see Black and Reiss) and would require a prior column in the paradigm.

Our interest here is to indicate that a separate Column One is necessary to contrast System Response with level of Label Encapsulation. All police departments make arrests, all send youngsters on toward court, almost all make releases, and many today make referrals to community agencies. One can, from these decisions alone, make predictions to behavioral outcomes among the three consequent offender cohorts (Klein: a). However, the vast differences in practice within each of these dispositions (Klein, Labin, and Bates: b; Klein et al.: c) necessitates a recognition of a point made clear in much of the labeling literature: actions which seem similar to the observer may nonetheless have dissimilar effects.
B. In Column Two, we are concerned with some major components of Label Encapsulation and with factors presumably contributing to those components. The four components—number of contacts, label spread, label consistency and label applications—combine to yield a level of label encapsulation which is only partially determined by the police disposition (Column One)—a decision that does not ipso facto equate with full encapsulation in a label domain. One needs to distinguish between youngsters who have higher and lower levels of label encapsulation, and this can be done by gauging the number of label-relevant contacts (e.g. one arresting officer, two juvenile officers, people at the detention center, etc.), the number of persons informed of the arrest (e.g. parents, school counselor, coach, etc.), the consistency with which these latter use or define the word labels, and frequency of the label applications.

Operations associated with these components then permit the assignment of a Label Encapsulation score to youths sufficient to distinguish between those with more and less exposure to labeling. From such scores, predictions can be made directly to Label Acceptance/Rejection and to various subsequent behaviors.

However, this horizontal pattern does not deal fully with significant processes in labeling. Thus we have identified four kinds of Contributing Factors that are thought to influence how and to what degree Label Encapsulation takes place. For instance, one of these four is Label Acceptance/Rejection, the substance of Column 3.
The degree of encapsulation in a label such as "in need of therapy" is partly a function of the youngster's propensity at the time of the interaction situation to accept or reject such a label. Similarly, it depends upon the counselor/youth relationships as being punitive or supporting. Another interesting example is the treatment strategy of the referral agency. Examples of such implicit strategies include social control, conventionsmithy (Warren), or normalsmithy (Lofland), strategies that emphasize divergent approaches to rehabilitation.

Perhaps the most significant aspect of the Contributing Factors is their diversity. They range from the intra-personal to the inter-organizational. The complexity of a comprehensive view of labeling is well illustrated by the list as well as by the paradigmatic placement of the variables; those that are vertical are contributors to the processes postulated as part of the horizontal, causal chain linking societal reaction to subsequent behaviors. The chain can be studied without these contributing factors, but when specified by them it takes on far more of the interactive and situational flavor of labeling theory.

C. In Column Three, we are concerned once again with both Components and Contributing Factors. Label Acceptance or Rejection by the labelee is the point at which the social
psychological, and specifically the symbolic interactionist, flavor of much of the labeling literature comes to bear; it includes the content of the label as perceived by the labelee, and its favorableness in the sense of stigmatization or other implications about the self. If Lemert's view of the secondary deviance process is correct, predictions to subsequent behavior from Label Acceptance/Rejection scores will be more accurate than will predictions from Label Encapsulation scores. If not, then the invocation of identity change as an intervening process may be an unnecessary theoretical refinement.

Under the heading of Contributing Factors in Column 3, we have listed components of Label Encapsulation, stake in conformity, and six subjective variables that are thought to be important in the postulated labeling process. Taken together, these variables specify levels of Label Acceptance/Rejection by those internal factors--cognitive and affective--brought to the "deviance situation" (Schur) by the labeled youth. One could just as easily list here some of the non-labeling but subjective suggestions of other writers such as Reckless' good boy/bad boy self image, the Sykes and Matza techniques of neutralization or the Short and Strodtbeck concept of aleatory risk; that is, the format of the paradigm is most important, and the substance may vary.
D. Finally, in Column Four, we are concerned with the behaviors predicted from the labeling process. The practitioner's primary interest is usually in repeated offenses—recidivism—as predicted from the subjects' disposition (Column 1) as well as from the two intermediate process points, i.e., Label Encapsulation and Label Acceptance/Rejection. However, attention can equally well be given to other subsequent behaviors related to specific label domains. These may suggest stigmatizations such as "disturbed," "in need of counseling" and other implications of agency referrals, or alternatively they may constitute socially accepted conforming behaviors.

It should also be remembered that the societal reaction process is iterative, and this fact is critical to the production of secondary deviance. It would seem foolhardy to suggest that one arrest situation or one referral is sufficient to trigger the full-blown development of a delinquent career. Career development is presumably a process requiring a series of societal reactions and their aftermaths. Each recidivist or non-conforming act in Column 4 increases the chances of a new arrest and disposition, and each new arrest and disposition may thereby re-initiate the entire procedure outlined in the paradigm. This is a further complexity but a necessary component of the secondary deviance process as suggested by many of its proponents.
Descriptive characteristics of the labeled individuals are not listed in a separate column in the paradigm, but are nonetheless of much importance in the application of labeling theory. Such descriptors as age, sex, prior offense record, family composition, race, class, residence (in or out of the arresting jurisdiction), and so on take on the status of "specifying variables" in data analyses. Thus one can indicate for what categories of offenders the various dispositions are most useful and what categories of offenders, for example, seem to receive disproportionate label applications. The observation that disadvantaged persons—the poor, social minorities, etc.—are often inequitably subject to negative societal reactions is common to the labeling literature (see Gove, all chapters).

Modes of Analysis

The authors have created the paradigm to organize various modes of empirical analysis as they relate to major propositions attributed to labeling theory by critics and proponents. The major modes of analysis are listed here for illustrative purposes.

A. Disposition effects on process: Here, the three dispositions—system insertion, agency referral, and release—would be compared as they affect levels of Label
Encapsulation and levels of Label Acceptance/Rejection. Practical police actions (societal reactions) would be directly tied to theoretical process variables.

A'. These comparisons can be specified by major Labelee descriptor variables.

B. Disposition effects on subsequent behaviors: These analyses would by-pass the intervening process variables to compare the causal effects of the several police dispositions on subsequent behaviors directly. This is the kind of comparison most commonly undertaken by the practitioner. In the case of labeling hypotheses, unlike some other areas of investigation, it would be crucial to employ both official and self-report measures of subsequent behaviors, the latter being more appropriate than the former. The self-report measure would avoid the circular artifact inherent in official data of using societal reactions (re-arrests) to measure the impact of prior societal reactions; i.e., re-arrests may be a reaction to the record of prior arrests.

B'. Each of the principal comparisons can be specified by major labelee descriptor variables.

C. Process variable effects on subsequent behaviors: Here, one would directly relate Label Encapsulation scores and Label Acceptance/Rejection scores to subsequent behaviors regardless of the police disposition. If a symbolic inter-
actionist version of labeling theory has predictive value superior to that derivable from simplistic, mechanical application of stigma, then these are the analyses that should demonstrate it.

C'. Once again, labelee descriptors would be applied to specify these relationships.

D. **Vertical analyses:** of greater interest to many labeling theorists would be the analyses undertaken within Columns 2 and 3. Here we attempt to determine the degree to which various factors derivable from the labeling and symbolic interactionist literature do indeed relate empirically to the components of Label Encapsulation and Label Acceptance/Rejection. Both sets of analyses, i.e., the predictions from Contributing Factors to the two label process scores, would, in some cases, require differential predictions depending upon the police disposition given to the subjects, since these dispositions involve various Contributing Factors unequally.

Additionally, one should note that the Contributing Factors in Column 2 are more in line with the macro-analysis recommended by Schur, since they are concerned with "rule-creation and rule-change processes" (Schur, 293). Initial attempts of this sort have already been undertaken (Sundeen; Klein: a). Contributing Factors under Column 3
are more in line with the social psychological emphases found in most works by labeling proponents. Comparisons between internal Column 2 and Column 3 analyses could reveal one emphasis as being more fruitful, empirically, than the other.

E. Longitudinal Analyses: It may be rare that a single societal reaction to a disapproved act--for example, a single arrest and disposition situation--is sufficient to initiate a deviant career. The paradigm presented here is explicitly designed for reinsertion of subjects into the analyses upon repeated responses to deviant acts (re-arrests, re-referrals). Following such repeated responses, re-assessment of Label Encapsulation and Label Acceptance/Rejection scores provides an unusual, longitudinal opportunity to view the "self-fulfilling prophecy" of the labeling process. If labeling processes do, indeed, lead over time to secondary deviance, we should find increasing evidence of this in re-analyses following subsequent arrest and/or referral situations. If we do not find it here, then we would have to conclude that delinquency as a deviant career is not amenable to this labeling process.

Conclusions

In this paper, we have not elaborated on operations or hypotheses and have not presented data illustrating these.
We can report nevertheless that we have developed empirical operations to measure each of the variables in the paradigm. These operations are accomplished through case file data extraction, interviews with agency administrators, questionnaires completed by agency counselors, observational processes, youth interviews, and police file data extraction.

Similarly, literally dozens of hypotheses have been developed in line with the five modes of analysis spelled out in the preceding section of the paper, each of these being susceptible to confirmation or disconfirmation by application of data derivable from the specified operations. We mention this as a way of emphasizing once again that there is little in the labeling perspective which inherently defeats an appropriate empiricism. Though complex and difficult, the process of moving from theory to data and back is viable in the arena of labeling theory, and it is a process that should enlist the support and involvement of labeling opponents and proponents alike.
Figure 1: Paradigm of Labeling Process; the Case of Delinquency and Diversion

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<thead>
<tr>
<th>System Response (Post-arrest)</th>
<th>Label Encapsulation</th>
<th>Label Acceptance/Rejection</th>
<th>Subsequent Behaviors</th>
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<tbody>
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<td>A. Insertion into Justice System</td>
<td>A. Components</td>
<td>A. Components</td>
<td>A. Delinquent</td>
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<td>3. Label Consistencies (Justice : Agency)</td>
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<td>4. Label Applications (Justice : Agency)</td>
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<td>B. Referral to Social Service System</td>
<td>B. Contributing Factors</td>
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<td>B. Disturbed</td>
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<td>C. Release</td>
<td>1. Police Department Factors</td>
<td>1. Felt Similarity with Other Offenders/Clients</td>
<td>1. Family</td>
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<td>1. Perceived Youth attitudes re agency</td>
<td>5. Youth Attitudes Toward Labelers</td>
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<td>2. Counselor view of client characteristics</td>
<td>6. Attitude Toward Offense Situations, Seriousness</td>
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<td>c. Counselor Characteristics</td>
<td>7. Stake in Conformity</td>
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<td>d. Structure</td>
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<td>3. Department/Agency Interactions</td>
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<td>C. Conforming</td>
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<td>4. Willingness to apply labels</td>
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<td>5. Label acceptance/rejection score</td>
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<td>5. Church</td>
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FOOTNOTES

* Work leading to this paper was supported in part by grant #MH 26147 from the National Institute of Mental Health (Center for Studies of Crime and Delinquency).

** The authors express their sincere gratitude to Pierre Landry, Cheryl Maxson and Joseph A. Styles for their working contributions to various phases of the development of the paradigm, and to Daniel Glaser, LaMar T. Empey, Solomon Kobrin, and Carol A. B. Warren for their very helpful critical reviews of an earlier draft of the manuscript.

1 We do not attempt to include all aspects of the labeling perspective. We are limited by the delinquency/diversion context in which we are working. Thus, the reader will find little in the pages that follow which deals directly with rule-making, or with radical criminological viewpoints.
END