Framing the Trial of Binayak Sen: The Intersection of Procedural Justice, Distributive Justice, Legitimacy, and Collective Action Framing

Siobhan E. SMITH-JONES
Greg LEICHTY
Margaret U. D'SILVA
Nicole L. MEYER
University of Louisville, USA

Abstract: In 2007, the Chhattisgarh state government in India arrested Binayak Sen, a pediatrician and human rights activist, and charged him with sedition in relation to his prison visits of a jailed Maoist leader. The Indian media extensively covered Sen's case, sparking a social movement, the Free Binayak Sen Campaign. This research explored how Sen's case was framed in two national Indian newspapers, *The Hindu* and *The Times of India*. In contrast to previous research, it was found that citations of Sen's supporters outnumbered citations from state authorities and the prosecution. This study also found that procedural justice and legitimacy were important components of the diagnostic collective action frame. Mentions of distributive justice were less salient and central to defining the nature of the problem. In addition, the collective action frames of prognosis and motivation were less prominent in the news articles.

Keywords: Social movement, framing, procedural justice, diagnostic collective action frame, Indian newspapers

1.   Introduction

Social movement leaders face the same functional imperatives as formal organizations, such as attracting supporters and working them into an efficient unit and persuading the surrounding society to accept their product or agenda. Social movements, however, face much more difficulty in achieving these goals because of their informal composition. They have few tangible rewards and punishments to motivate people to act. For the most part, they must tap ideological and social commitments that motivate individuals to voluntarily cooperate in pursuit of collective goals (Simons, 1970). Facing these formidable rhetorical requirements, social movements largely grow or diminish as a function of how successful they are in gaining access to influential communication media that are receptive to the social movement's framing of social problems (Gamson, 1992; Simons, 1970).

Informal communication networks can sustain social movements in their nonpublic phases (e.g., Della Porta & Diani, 2006), but during the public mobilization phase of social movement work, where a chronic problem is transformed into an acute problem, a social movement must gain access to the public as a whole to motivate participants (Brooks, Sutherland, D'Silva, Leichty & Jackson, 2019). A social movement must gain both attention *and* sympathetic coverage of the media (Gamson & Wolfsfeld, 1993). The mass media as such play a central role in influencing people's understanding of socio-political issues (Culley, Ogley-Oliver, Carton & Street, 2010). As a result, social movement agents must be concerned with how the issues, and the movement itself, are represented in media coverage.

Whether social movement agents or opponents get primary voice is of considerable concern because the predominant voice in any given story is likely to be considered more legitimate and reliable by the public. Beyond the mere amount of coverage, the specific content of the predominant frames that characterize both the issue and the social movement in media coverage will also influence the public phase trajectory of a social movement (Rojecki, 1999). Whether the media adopt a social movement's collective action frames in their coverage of a particular issue can advance or impede the movement's efforts to mobilize particularly public support and various resources that flow from such a mobilization.

We examined how the Free Binayak Sen Campaign, was framed in Indian media coverage. Specifically, we focused on how concerns related to procedural justice, distributive justice and legitimacy in media coverage influenced the construction of collective action frames in news coverage of Binayak Sen's arrest, trial, incarceration and ultimate release on bail. We focus on how these justice concerns contributed to the definition of the collective action frames regarding the social problem (i.e., diagnosis frame), the suggested solution for the problem (i.e., prognosis frame), and the campaign's collective identity (i.e., motivational frame). We begin with a brief description of the setting of the case, the Indian state of Chhattisgarh.

2. Literature Review

2.1. Chhattisgarh – The Context of Sen's Arrest

Chhattisgarh is a relatively new State in India that was carved out of the state of Madhya Pradesh in 2000. Chhattisgarh has rich mineral deposits of coal, tin, iron and bauxite. These minerals have attracted industries and multinational corporations to the region. However, the mineral wealth is located in the dense forest lands that originally belonged to the Adivasis (Chhattisgarh's original, tribal peoples). The Adivasis have lived on these lands since a time that pre-dates modern Indian history, yet, after Indian independence from the British, "The Constitution ratified colonial policy and made the State custodian of tribal homelands. Overnight, it turned the entire tribal population into squatters on their own land" (Roy, 2010, para. 7). Despite tribal dependence on the forest for their livelihood, Chhattisgarh state used colonial laws, such as the Land Acquisition Act (1894) to take Adivasi land and sell it to multinational corporations and Indian mining companies (Guha, 2007; Padel, 2009; Padel & Das, 2010).

Dispossessing the Adivasis of their tribal lands, moreover, was not accompanied by adequate measures to mitigate the impact of the measures on the Adivasis (e.g., improving public health, housing and education). In this context Maoist insurgents [also known as Naxalites] gained a foothold in the tribal areas. A report from the Ministry of Home Affairs (2009) states that the insurgents "operate in the vacuum created by functional inadequacies of field level governance structures… and take advantage of prevalent dissatisfaction and feelings of perceived neglect and injustice..." (p. 15).

Chhattisgarh authorities used police forces to repress challenges to state policies. The State also funded a vigilante group, the SalwaJudum, which was responsible for the violence, rape, and deaths of many Maoists and Adivasis. The SalwaJudum, with the assistance of state and central security forces, aggressively removed the populations of 600 villages in southern Chhattisgarh (Kennedy & King, 2011). These confrontations escalated into an open war as the armed wing of

the Maoists engaged in combat with the police and the SalwaJudum. The Adivasi people who resisted forced removal from their land were regarded as Maoist sympathizers. They were relocated to state-designated camps; they were treated inhumanely.

Civil rights activists filed law suits and after a protracted legal struggle, on July 5, 2011, the Supreme Court of India banned the SalwaJudum. It stated that vigilante movements created by the State are prohibited (Bhatia, 2011). Binayak Sen's arrest and detention occurred in the context of turbulent social and economic upheaval.

2.2. The Case of Dr. Binayak Sen

On May 14, 2007, Dr. Binayak Sen returned to his home in Chhattisgarh, India, following a visit to his ailing mother. The Police Superintendent called him to the police station where they interviewed him and then placed him under arrest for assisting the Naxalite (Maoist) insurgency in Chhattisgarh (Doctors in Defense of Dr. Binayak Sen, 2008). State authorities charged Sen with serving as a courier between a jailed *Naxalite* leader, Narayan Sanyal, and several of his subordinates. Sen acknowledged that he had visited Sanyal, but he insisted that he had done so in his role as the General Secretary of the People's Union for Civil Liberties and that he was investigating complaints regarding police brutality and human rights violations (Doctors in Defense of Dr. Binayak Sen, 2008).

A pediatrician by training, Sen had been commended for his work in public health and his support for human rights. For example, the Indian Academy of Social Sciences awarded Sen the R. R. Keithan Gold Medal in recognition of "his outstanding contribution to the advancement of science and for improving the quality of life of the poor, the downtrodden and the oppressed people of Chhattisgarh" (R. R. Keithan Gold Medal, 2007, p. 1).

The arrest and ongoing detention of Sen was widely interpreted throughout India as an attempt to stifle opposition to the Chattisgarh state government's policy of arming local militias to combat the Naxalite insurgency. If someone of Sen's reputation could be charged and jailed, then noone could consider themselves to be safe from prosecution and detention by Chhattisgarh authorities. As Doctors in Defense of Dr. Binayak Sen (2008) explained:

[The police]…want to discourage all dissent by making an example of Binayak Sen and showing the public that even a doctor with such a formidable reputation cannot get out, so the others do not stand a chance. (p. 10)

Chattisgarh state authorities characterized Sen's interactions with Sanyal as treasonous, but Sen's supporters insisted that he was framed because he opposed the state government's plan to dispossess the Adivasis from their land. As a *Hindustan Times* editorial stated on the one-year anniversary of Sen's arrest and imprisonment:

"The state seems hell-bent on making him an example so that others don't go against its grain. What is even more appalling is the stand of the central government that seems to be playing Pontius Pilate to the whole affair...it has decided to put the ball in the state of Chhattisgarh's court. " (Hindustan Times, May 14, 2008, p. 3)

The arrest and detention of Sen triggered an outpouring of support for him both nationally and internationally. A campaign demanding his release and the dropping of sedition charges against him quickly arose... International human rights groups, such as Amnesty International and Human Rights Watch condemned Sen's arrest. His peers in the medical field submitted editorials to prestigious peer-reviewed medical journals, such as *The Lancet* (2010; 2011) and the *British Medical Journal* (Zachariah et al., 2011) in order to raise awareness of Sen's plight to scholars around the globe. The campaign also involved members of the international intellectual community (including Nobel Laureates Joseph Murray and Baruch Samuel Blumberg), Indian entertainers and political figures, and local and international citizens and student organizations.

Social media played an important role in the campaign's mobilization efforts, including a website, Twitter feed, and Facebook group among others. One of the movement's most dedicated Facebook campaigners, Kamayani Bali Mahabal (2009), developed a website that detailed up-to-date protest information (e.g., march locations). Other prongs of the movement included an awareness t-shirt featuring the bearded face of the doctor behind bars, in addition to solidarity web banners designed by Amnesty Italy. In 2012 the campaign remained active as "one of many efforts by well-wishers and supporters of Binayak Sen to bring the injustice being done to him by the government of Chhattisgarh to the attention of people around the world" (Free Binayak Sen Campaign website, 2012). For the purposes of this study, we focused on press coverage of the campaign between Sen's arrest in May 2007 and his release in April of 2011.

2.3. Theoretical Framework: Media, Collective Action, and Justice Framing

The process of framing involves highlighting certain aspects of a story while omitting or downplaying the significance of others (Scheufele & Tewksbury, 2007). Goffman (1974) developed the concept of framing to describe the organizing principles that humans draw on to construct social reality. According to Gamson and Modigliani (1987), a frame is "a story line that provides meaning to an unfolding strip of events weaving a connection among them. The frame suggests what the controversy is about, the essence of the issue" (p. 143). Simply put, a frame helps one understand a story.

Media frames not only organize facts and events, but they also serve as "guides to action" (Snow, Rochford, Wordon & Benford, 1986, p. 464). Incorporating this aspect of frames, Entman's (1993) definition states that framing involves:

"…selecting some aspects of a perceived reality [to] make them more salient in a communicating text, in such a way as to promote a particular problem definition ... frames, then, define problems ... diagnose causes ... make moral judgments ... and suggest remedies" (p. 52).

Researchers have also used framing to explore how news stories are structured in mass media. According to Gitlin, (1980), *media frames* are "largely unspoken and unacknowledged [and] organize the world both for journalists who report it and, in some important degree, for us who rely on their reports" (p. 7).

2.4. Social Movements, Collective Action, and Collective Action Frames

Collective action involves actions that are taken together by a group of people to enhance their status or achieve a common objective. Collective action efforts often take the form of social movements that aim to achieve a goal or a variety of goals in the long, mid, or short term. One of the main concerns of a social movement when attempting to mobilize support and achieve their goal/s is obtaining access to favorable media. Journalists tend to cite "elite" sources, such as government sources and other authority figures, more often than they cite social movement members when they cover controversial issues (Rojecki, 1999). Journalists consider official sources to be credible and reliable (e.g., Corbett, 1998). This pattern of sourcing tends to legitimize "figures of authority by quoting them and therefore tacitly supporting their accounting of events" (Corrigall-Brown & Wilkes, 2012, p. 224). This tendency is demonstrated in the specific context of Indian news media as well. Parameswaran (2004) found that experts who supported the Miss World pageant received more coverage in *The Times of India* than those who protested the pageant.

There was a methodological issue in defining sources that the authors desired to address in the study. Mere mentions of a person's name can be distinguished from using the quotes and paraphrases of sources. Most research has focused on the use of quotes and paraphrases (e.g., Rojecki, 1999). Mentions of authorities and social movement members may also play a role in media frame construction. Thus, we formulated the following hypotheses regarding newspaper coverage of Sen's arrest, trial, and conviction:

Hypothesis 1: Authority figures (state and national government, police, and prosecutors) will be mentioned more frequently in newspaper coverage of the arrest, trial, and conviction of Sen than members of the Free Binayak Sen Campaign and Sen's legal defense team.

Hypothesis 2: Authorities and prosecutors will be quoted and paraphrased more frequently than members of the Free Binayak Sen Campaign and Sen's legal defense team.

Media frames influence how the public perceives a political issue and as stated above, serve as "guides to action" (Snow, Rochford, Gordon & Benford, 1986, p. 464) for public engagement. Achieving favorable framing of a particular issue in influential media is a primary concern of a social movement. Media coverage, or the lack thereof, can advance or impede activists' efforts to mobilize public support of their cause (Gamson & Modigliani, 1989; Gamson & Wolfsfeld, 1993). In the social movements' literature, the concept of a collective action frame is invoked to explain how social movements frame social problems. *Collective action frames* are "action-oriented sets of beliefs and meanings that inspire and legitimate the activities and campaigns of a social movement organization" (Benford & Snow, 2000, p. 614) and develop "when people identify with a group, perceive injustice done to that group, and believe that the injustice can be resolved through collective action" (Wojcieszak, 2011, p. 328). Collective action frames are conceptualized as consisting of three types of frames (Benford & Snow, 2000). The *diagnosis frame* describes the problem and attributes blame to a particular source. The *prognosis frame* prescribes a preferred solution or strategies for addressing the problem. Lastly, the *motivational frame* characterizes the identity of the collective group as an agent usually in opposition to its adversaries. Research has found that motivational frames are less salient in news coverage than either diagnosis or prognosis frames (Walgrave & Manssens, 2005).

2.5. Justice

Besley and McComas (2005) argued that the concepts of procedural justice and distributive justice may "provide a useful framework for linking procedural elements to outcomes in a range of public engagement efforts" (p. 427). Members of the public often use procedural and distributive justice criteria to evaluate legal procedures, the actions of police and the fairness of court decisions (Tyler, 1988). Perceived fairness in organizational and societal processes and outcomes determines "what people do to achieve justice, proactively as well as retroactively" (Kazemi & Törnblom, 2008, p. 209).The perception of injustice ordinarily leads to anger, which along with group identification and perceived group efficacy, is one of the three consistent predictors of collective action intentions and collective action (van Zomeren, 2013).

Distributive justice focuses on whether an outcome is perceived to be fair. For instance, the harshness of detention or sentencing compared to normative standards would fall in this category as well as the perception that measures were unfairly directed at a particular social, ethnic or economic group. By contrast, *procedural justice* involves "focusing on the importance of unbiased and correctly enacted procedures" by authority figures in the decision-making process (Besley, McComas & Waks, 2006, p. 803). This form of justice centers on whether one is satisfied with the steps performed to reach a particular outcome. Concerns about procedural justice arise when procedures of due process are not scrupulously followed. For instance, the failure of authorities to follow due process procedures in arresting, investigating, and prosecuting an individual fit in this category. People are more likely to accept a decision, even if it is not the outcome they desire, if they deem the procedures used to reach the decision to be orderly and fair (Colquitt, 2001).

Closely linked to procedural justice is the concept of *legitimacy*, or "the degree that people feel a personal obligation to follow social rules and to obey social authorities" (Tyler, 2001, p. 419). According to Tyler (2001), the legitimacy of authority extends through many social institutions where governance plays a key role, including families, management, law enforcement, and government. Authority figures achieve legitimacy and compliance when subordinates (or, in the case of government bodies, the public) trust that those in power will enact fair rules and make decisions through fair procedures (Tyler, 1997). When an authority's legitimacy is challenged it is primarily due to concerns over procedural justice (Tyler, 1997). When the process behind a decision (or outcome) is deemed unjust, people feel less commitment to the authority figures involved (Colquitt, Greenberg & Zapata-Phelan, 2005). In the current data set, we coded for the degree to which the news article indicated to some degree that the actions of authorities were illegitimate and not deserving of acceptance, respect or compliance.

2.6. Justice Framing in News Media

Recent studies have demonstrated that the concepts of procedural and distributive justice contribute to the framing of controversial political trials in news media. Dimitrova and Lee (2009) conducted a content analysis of three US newspapers regarding Saddam Hussein's trial and execution. They found that *procedural justice* was the most frequently used to characterize whether Hussein's court-ordered execution was fair or unfair. The perceived lack of procedural

fairness in turn lessened the perceived legitimacy of the Iraqi authorities/judicial system amongst audience members. This leads to our third hypothesis:

Hypothesis 3: Procedural justice mentions will be more prominent in the coverage of Sen's arrest, trial, and conviction than distributive justice mentions.

2.7. Collective Action and Justice

Perceived violations of norms of procedural and distributive justice have been shown to motivate for collective action. Taylor, et al. (1987) found that individuals will protest a decision through collective action (rather than no action or individual action) if both the outcome of a decision itself (distributive justice) and the processes by which the outcome was decided (procedural justice) were both deemed as unjust. Arousing moral outrage over injustice among a group of people is the necessary prerequisite for mobilizing a social action or developing a social movement (Gamson, 1995). To date, however, there has been relatively little investigation of the relative roles that procedural justice, distributive justice and perceived legitimacy of a cause or action play in constituting the diagnosis frame.

We also examined the degree to which procedural justice, distributive justice and legitimacy served as building blocks for the diagnosis and motivation collective action frames. This led to the following research question that we addressed using a cluster analysis procedure of the frequency with which these coded elements overlapped or co-occurred in close proximity to each other in news stories about the Binayak Sen case.

RQ1: To what extent do name citation, direct quotations, procedural justice, distributive justice and legitimacy codes "constitute" the collective action frames of diagnosis, prognosis and motivation in newspaper coverage of Dr. Sen's arrest, trial and conviction?

3. Method

First, we conducted a content analysis to determine which sources were given a prominent voice in the coverage of Sen's arrest, trial, and conviction using Word Stat version 6.1.We then conducted a framing analysis utilizing frames previously operationalized by Benford and Snow (2000) and with mentions of justice concerns as operationalized by Dimitrova and Lee (2009) and Tyler (2001). Frame definitions and examples appear in Table 1.

Table 1. Frame Definitions and Examples

Frame	Code Definitions	Examples
Procedural Justice	The process performed to reach an outcome is described as fair or unfair, just or unjust.	"The charges against Mr. Sen have not been proven by any of the witnesses or evidence produced before the court."
Distributive Justice	The outcome of a decision is described as fair or funfair, just or unjust	"Expressing its outrage at the verdict, ICAN said the life sentence handed to Dr. Sen was a 'miscarriage of justice'."

Legitimacy	Coded for absence or lack of legitimacy. Actions of authority figures are judged to be untrustworthy, unjustified, not deserving of respect or compliance.	"The gag order handed down by the judge is unprecedented in its breadth and is considered by legal scholars not to be legally enforceable or binding."
Diagnosis	Describes the central problem to be dealt with.	"The Unlawful Activities Prevention Act, under which Binayak Sen has been convicted of sedition is unconstitutional."
Prognosis	Describes the solution proposed to remedy the problem.	"Dr. Sen's life sentence should be revoked and The Unlawful Activities Prevention Act should be revoked."
Motivation	Describes the rationale for engaging in collective action in order to remedy the problem.	"If we do not reject this illegal judgment to stand up for Dr. Sen, we would increasingly strengthen the State which is increasingly silencing all criticism."

3.1. Sampling Procedure

Three English language newspapers based in India were chosen for analysis: *The Times of India*, *The Hindustan Times*, and *The Hindu.* These sources also are three of India's most widely read newspapers. *The Times of India* has the largest circulation of any newspaper in India, and it has the largest circulation of any English language publication in the world (World's 100 Largest Newspapers, 2005). By contrast, *The Hindu* ranks third in circulation of English-read newspapers in India, behind *The Times of India* and *The Hindustan Times*.

Researchers have often utilized newspaper coverage to study social movements. Newspapers cover the "more spontaneous forms of collective behavior" (Earl, et al., 2004, p. 66), and this allows "scholars to document the diffusion of collective action across time and space, to document the intensity of collective action and to empirically test key theoretical explanations for action" (Wilkes & Ricard, 2007, p. 232).

The sampling frame consisted of articles related to the arrest and detention of Sen that were released between March 21, 2007 and December 31, 2011. The NewsBank (Access World News) database was used to gather all news articles that included the terms "Binayak Sen", "sedition", "treason", "trial", "Chhattisgarh", "protest/protestor/s" and "activist/s" in the stories headlines or bodies. Repeat cases and articles unrelated to Sen's arrest, trial, and conviction were excluded from the sample. The final sample consisted of 261 articles.

3.2. Coding Procedure

To identify the primary sources involved in the newspaper coverage of Sen's arrest, trial, and conviction, 261 articles were loaded into the content analysis software Wordstat version 6.1. Using Wordstat, the researchers identified specific names/organizations (e.g., Justice B.P. Verma, Amnesty International, etc.), descriptors (police, activist/s, etc.) and phrases (e.g. The Free Binyak Sen Campaign, The Chhattisgarh High Court, etc.) that were used to mention and cite sources within the newspaper articles. Next, the names, descriptors, and phrases that

occurred most frequently across all articles in the sample were categorized into two unique categorization models, or dictionaries: *Supporters/Defense* and *Authorities/Prosecution* (for a copy of the Wordstat dictionaries, please contact the first author). These dictionaries were then exported to QDA Miner for use in the coding procedure.

Table 1 displays the coded concepts, how they were operationalized, and examples of coded text. The database of newspaper articles was then imported into QDA Miner version 4.0.4 (Péladeau, Dagenais & Ridde, 2017) where two primary coders coded the headlines and bodies of each article in the data set for the presence or absence of a source or frame. The newspaper paragraph was used as the unit of analysis: each paragraph was scrutinized for whether or not it contained each coding element. The coders also indicated whether the sources were merely mentioned or whether they were quoted and paraphrased. Many individual paragraphs received several codes. For instance, procedural injustice and legitimacy concerns frequently occurred together in the same paragraph.

3.3. Intercoder Reliability

Intercoder reliability was calculated for the variables that required some degree of coder inference (i.e., mention and quotes did not require inference). In order to establish intercoder reliability, a systematic sample of cases was selected to analyze consensus on the procedural justice, distributive justice, legitimacy and collective action frames (diagnosis, prognosis, and motivational). Two independent coders selected every tenth news story after a random start. Once discrepancies between codes were resolved through discussion, Krippendorff's (2004) alpha (α) was calculated in QDA Miner to determine the final level of intercoder reliability. The alpha levels for each variable were as follows: Procedural justice mentions ($\alpha = .74$), Distributive justice mentions ($\alpha = 1.0$), Legitimacy mentions ($\alpha = .73$), Diagnosis frame ($\alpha = 75.$), Prognosis frame ($\alpha = .65$), and Motivational frame ($\alpha = 1.0$).

4. Results

4.1. Descriptive Statistics

Table 2 displays the descriptive statistics for all source and frame codes.

Table 2. Descriptive Statistics

Code	Frequency	% of Codes	% of Cases
Supporters/Defense Quotations	282	17%	55%
Procedural Justice	275	16%	57%
Authorities/Prosecution Mentions	264	16%	52%
Supporters/Defense Mentions	201	12%	49%
Legitimacy	169	10%	41%
Distributive Justice	159	9%	37%
Diagnosis Collective Action Frame	141	8%	34%
Prognosis Collective Action Frame	91	5%	25%
Authorities/Prosecution Quotations	63	4%	17%
Motivation Collective Action Frame	53	3%	13%

Total		1698	100%	-

The frequency of the codes per article ranged from 0 to 6. The most frequent code was the Supporters/Defense source (17% of all codes), followed by the Procedural Justice mentions and the Authorities/Prosecution source (16% each, respectively). Conversely, the Prognosis frame (5%), Authorities/Prosecution source quotations and paraphrases (4%), and Motivation frame (3%) were the least frequent codes.

4.2. Hypothesis Testing

Hypothesis 1 predicted that mentions of authority figures (state and national government, police, and prosecutors) would be more frequent than mentions of Sen supporters. Hypothesis 2 predicted that authority figures would be quoted and paraphrased more often that would Sen's supporters. Contrary to both hypotheses, the differences were in the opposite direction of what was predicted: 1) Sen's supporters and defense team were mentioned more often, and 2) quoted or paraphrased more frequently than state authorities. We ran two-tailed comparisons to determine if the observed differences were statistically significant. A paired t-test revealed a significant difference between mentions of state authority figures and Sen's prosecution ($M = 1.0$, $SD = 1.2$) and mentions of Sen's supporters and legal defense ($M = 0.8$, $SD = 1.0$), with authorities/prosecution having more name mentions in news coverage of Sen's arrest, trial and conviction than Sen's supporters and legal defense, $t(260) = 2.1$, $p < .05$.

Hypothesis #2 was disconfirmed. Contrary to expectation, quotation and paraphrase patterns were in the opposite direction of those predicted. Sen supporters were quoted or paraphrased approximately 4 times as often as state authorities and prosecutors (Sen supporters $M = 1.1$, SD 1.3, State authorities $M = .24$ (S.D. = 1.3). A follow-up two-tailed t-test also showed that this difference was statistically significant ($t(260) = -.8.6 < .01$).

Hypothesis 3 predicted that procedural justice mentions would be more prominent in the coverage of Sen's arrest, trial, and conviction than distributive justice mentions. A paired t-test confirmed this hypothesis, as procedural justice frames ($M = 1.0$, $SD = 1.2$) were more prominent than distributive justice frames ($M = 0.6$, $SD = 1.0$), $t(260) = 4.4$, $p < .01$.

4.3. Research Question 1

In order to explore the relationship between newspaper source, procedural justice, distributive justice, legitimacy, and collective action frames we conducted a hierarchical cluster analysis using QDA Miner ver 4.04. QDA Miner groups codes into clusters based on their co-occurrence within the same case (in this case, within each newspaper article). This procedure provides an output dendrogram that illustrates the final cluster solution (Péladeau, Dagenais & Ridde, 2017). Within each unique cluster the codes that co-occur most frequently (i.e. share the strongest relationship as measured by the Jaccard coefficient of occurrence, wherein 0.0 indicates no co-

SIMILARITY INDEX: JACCARD'S COEFFICIENT (OCCURRENCE)
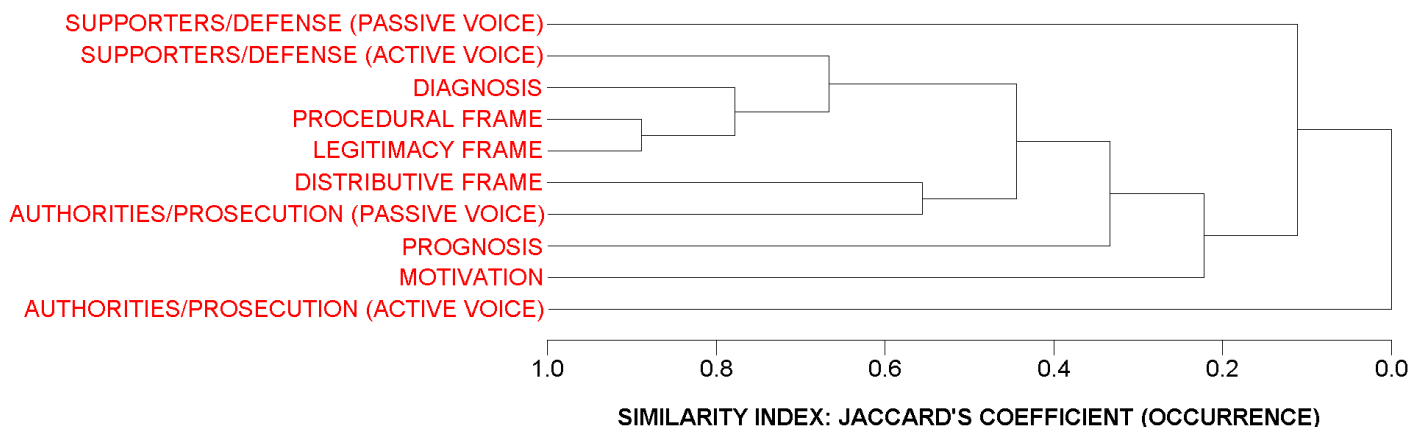
occurrence between two or more items and 1.0 indicates perfect co-occurrence) are placed on the same "branch" on the dendrogram. Figure 1 displays the cluster solution of all frames and sources.

Figure 1. Code Co-Occurence Dendrogram

In the final cluster solution procedural justice mentions, legitimacy mentions and Sen supporters' quotes or paraphrases were most closely associated. These in turn were linked to the diagnosis collective action frame. These four elements were tightly bundled together with a Jaccard's coefficient of greater than .60 for each cluster link. Procedural justice concerns as defined by movement supporters were key elements of diagnosis collective action frames.

Mentions of state authorities were also linked with distributive justice mentions. The Jaccard's coefficient of .56 indicated a moderately strong co-occurrence of these two elements. These elements in turn linked to the tightest grouping diagnosis frame cluster. The remaining elements (i.e., motivation frames, authority mentions, and prognosis frame) displayed only minimal relationships to any of the other codes within the cluster solution.

5.   Discussion

Contrary to the first hypothesis, mentions of state authorities occurred less often than mentions of Sen's supporters. Likewise, contrary to hypothesis 2, Sen's supporters and legal defense team were directly quoted or paraphrased more often than were state authorities. Though state authorities were mentioned more often than Sen's supporters, Sen's supporters and legal defense team were quoted or paraphrased significantly more often than were state authorities. Sen's supporters were given voice and were able to get their concerns and frames embedded in the news stories that covered his case and trial. This stands in contrast to the findings of previous research that has found that quotes from official sources outnumber those from social movement participants in press coverage (e.g., Lambertus, 2004). Prior research has found that journalists ordinarily give greater voice to official power than social movement members (e.g., Corbett, 1998; Rojecki, 1999). There may have been unique elements concerning this particular case or context. One possibility is that prominence of procedural justice concerns tipped the balance in this direction (e.g., hypothesis #3).

The results from the cluster analysis also reinforce this conclusion about the relative lack of voice that state actors had in the framing of coverage of Sen's arrest, detention, and trial. Quotes and paraphrases from state authorities had relatively little overlap with any of the other codes in the study.

In addition, procedural justice mentions were more prevalent than distributive justice mentions. The importance of procedural justice concerns was reaffirmed in the cluster analysis. Procedural justice mentions consistently occurred in close proximity to legitimacy concerns. Procedural justice, legitimacy mentions were the most tightly clustered themes in the news stories. These in turn were tightly clustered with the overall coding of the distributive collective action frame. Quotes from Sen's supporters were also closely associated with diagnostic frame codes. Specifically, the Chhattisgarh Special Public Security Act of 2005 and the Unlawful Activities (Prevention) Act of 2004 under which Sen was arrested and convicted were characterized as procedurally unjust by his supporters. Challenging the procedural fairness of these acts also called into question the legitimacy of the arrest and detention of Dr. Sen.

Distributive justice concerns were less prominent in relation to the three collective action frames. Expressed judgments about the disproportionate nature of the sentence or the harshness of the detention of Dr. Sen were most strongly related to the diagnosis frame in terms of its co-occurrences, but the connection was considerably weaker than the procedural justice tie to diagnosis collective action frame.

Sen's supporters utilized his case as an icon of long-standing social grievances about the Indian justice system. For example, Senior Supreme Court advocate Prashant Bhushan wrote in *The Hindu*: "Convicting Sen shows that sections of the judiciary are willing to act as instruments of a State's policy to silence dissent…this will undermine the people's faith in the lower sections of the judiciary" ("Lawyers, activists shocked by Binayak Sen verdict", 2010, ¶6). As another example, Sucheta De, joint secretary of the All India Students' Association (AISA), stated in *The Times of India*: "The mining mafia rules Chhattisgarh in the name of democracy, and when somebody protests, it is called sedition. Does the country belong to the corporates or the mafia?" ("Academics & activists protest Binayak Sen's conviction", 2010, ¶2). This finding supports Tyler's (1997) finding that subordinates will often challenge an authority's legitimacy when procedural justice grievances are associated with how authorities have processed the matters under consideration.

Although the campaign forwarded demands for larger changes in the judicial system, such as repealing the Chhattisgarh Special Public Security Act of 2005 and the Unlawful Activities (Prevention) Act of 2004 in order to prevent future arrests, Sen's defense/supporters in the sample primarily focused on his arrest and detention as violations of procedural justice rather than prescribing a plan of action for changing the sedition and security acts that originally enabled his arrest and detention. It seems likely that claims of distributive justice would be more likely in cases where the focus was a case of a disadvantaged group, rather than an act of injustice to a prominent individual (e.g., van Zomeren, 2016).

6.   Conclusion

The findings raise a question of whether general conclusions can be drawn from the Sen case about framing theory. The Sen case exemplifies the power of procedural injustice and pronouncements of illegitimacy in the construction of what is framed as a *critical case*. A critical case is an instance where the occurrence of an unexpected outcome or the nonoccurrence of an expected outcome enable the analyst to generalize beyond the case (Yin, 2013). The nature of the case enables one to conclude it happens here, it is likely to occur most anywhere, or vice versa (Flyvjberg, 2006). Binayak Sen was a doctor with a distinguished reputation. A failure to reverse this case, according to movement participants, would lead authorities to believe that they could operate with impunity in silencing their opponents. Sen's supporters saw a critical fork in the road—if they lost *this* battle, *everything* would be lost. Editors of the three newspapers in this study were clearly receptive to this interpretation. This characterization may have also been important in enabling the degree of mobilization seen in this case.

Although the Free Binyak Sen Campaign was successful in its short-term goal of obtaining his release, the larger objectives of the movement were not fulfilled. Following Sen's release, editorials in the press called for the repeal of the Chhattisgarh Special Public Security Act of 2005 and the Unlawful Activities (Prevention) Act of 2004. Likewise, the People's Union for Civil Liberties initiated a petition campaign attempting to raise one million signatures in favor of

repealing this law as a primary initiative to be followed by legislative action. If Sen's case leads to an eventual repeal of the special security laws and of the penal codes that enabled his harsh treatment, then the overall impact of his case could be profound. If on the other hand, the victory of Sen's release is simply another episode in the clash between citizens and the state, the long-term significance of the case may be limited.

The current study was limited to coverage in three English language newspapers that were distributed throughout India. As such, the researchers do not have evidence regarding how Sen's case was framed in the local press in languages other than English or in media other than newspapers. The availability of the articles in the English language press and Internet sources, however, may have been an important factor in attracting and sustaining national and international attention.

The unique aspects of the Free Binayak Sen Campaign also raise the question of the degree to which the case can serve as an analogy to other social movement campaigns. For instance, procedural justice concerns are not as likely to be as prominent a concern in many social movements. The Campaign was triggered by the dramatic arrest and detention of an icon of the human rights movement in India. Sen's arrest and detention personified the "injustice" of the system in a very concrete way; it raised fears about the erosion of laws in Indian society. Features of the triggering event may have made issues of procedural justice especially salient.

Another limitation of the study is that a content analysis alone does not allow one to determine whether and how much particular news frames contributed to the mobilization and partial success of the Free Binayak Sen Campaign. The most that the authors can conclude is that procedural justice and legitimacy were important components of the diagnosis collective action frame in the press coverage of this particular movement. Comparison across social movement campaigns and their media frames will ultimately be needed to determine the relative importance of procedural justice and distributive justice when it comes to building a robust distributive action frame. The collective action frames of prognosis and motivation (i.e., collective identity) did not feature prominently in press coverage of the Binayak Sen case. Future research which integrates these motivational framing elements of social action with perceptions of relevant social structures is especially needed (van Zomeren, 2016).

References

Benford, Robert D. & Snow, David A. (2000). Framing processes and social movements: An overview and assessment. *Annual Review of Sociology*, *26*, 611-639.

Besley, John C. & McComas, Katherine A. (2005). Framing justice: Using the concept of procedural justice to advance political communication research. *Communication Theory*, *15*(4), 414-436.

Besley, John C.; McComas, Katherine A. &Waks, Leah. (2006). Media use and the perceived justice of local science authorities. *Journalism & Mass Communication Quarterly*, *83*, 801-818.

Bhatia, Bela. (2011). Judging the judgment. *Economic and Political Weekly, 46*(30)*, 3030-3016.

Brooks, Caitlin; Sutherland, Krista; D'Silva, Margaret U.; Leichty, Greg & Jackson, Kyeland. (2019). Protest motivations of the Standing Rock Movement: A Facebook page analysis. In Ahmet Atay & Margaret U. D'Silva (Eds.), *Mediated intercultural communication in a digital age* (pp. 204-215). New York, NY: Routledge.

Corrigall-Brown, Catherine & Wilkes, Rima. (2012). Picturing protest: The visual framing of collective action by First Nations in Canada. *American Behavioral Scientist*, *56*, 223-243.

Colquitt, Jason A. (2001). On the dimensionality of organizational justice: A construct validation of a measure. *Journal of Applied Psychology, 86*, 386–400.

Colquitt, Jason A.; Greenberg, Jerald & Zapata-Phelan, Cindy P. (2005). What is organizational justice? A historical overview. In Jerald Greenberg & Jason A. Colquitt (Eds.), *Handbook of organizational justice* (pp. 3-56). Mahwah, NJ: Lawrence Erlbaum.

Corbett, Julia B. (1998). The environment as theme and package on a local television newscast. *Science Communication*, *19*, 222-237. doi:10.1177/1075547098019003004

Culley, Marti R.; Ogley-Oliver, Emma; Carton, Adam D. & Street, Jalika C. (2010). Media framing of proposed nuclear reactors: An analysis of print media. *Journal of Community & Applied Psychology*, *20*, 497-512. doi:10.1002/casp.1056

Della Porta, Donatella & Diani, Mario. (2006). *Social movements: An introduction* (2nd ed.). Malden, MA: Blackwell Publishing.

Dimitrova, Daniela V. & Lee, Kyung Sun. (2009). Framing Saddam's execution in the US press. *Journalism Studies*, *10*, 536-550. doi:10.1080/14616700902797275

Doctors in Defense of Dr. Binayak Sen. (2008). *Indian doctor in jail: The story of Binayak Sen: A report to the nation*. New Dehli: Promilla & Company.

Earl, Jennifer; Martin, Andrew; McCarthy, John D. & Soule, Sarah A. (2004). The use of newspaper data in the study of collective action. *Annual Review of Sociology, 30*, 65–80.

Entman, Roger M. (1993). Framing: Toward clarification of a fractured paradigm. *Journal of Communication, 43*, 51-58. doi:10.1111/j.1460-2466.1993.tb01304.x

Flyvbjerg, Bent. (2006). Five misunderstandings about case study research. *Qualitative Inquiry*, *12*(2), 219-245. doi:10.1177/1077800405284363

Free Binayak Sen Campaign website. (2012). Mission statement. Retrieved from http://www.binayaksen.net/.

Gamson, William. (1992). The social psychology of collective action. In Morris, Aldon & Mueller, Carol. (Eds.), *Frontiers in social movement theory* (pp. 53-76). New Haven, CT: Yale University Press.

Gamson, William. (1995). Constructing social protest. In Johnston, H., Klandermans & B. (Eds,), *Social movements and culture* (p. 85-106). Minneapolis, University of Minnesota Press.

Gamson, W. A. & Modigliani, Andre. (1987). The changing culture of affirmative action. In Richard Braungart (Ed.), *Research in political sociology* (vol. 3, pp. 137–177). Greenwich, CT: JAI Press.

Gamson, William & Wolsfeld, Gadi. (1993). Media and movements: A transactional analysis. *Annals of the American Journal of Political and Social Science, 528*, 114-125.

Gitlin, Todd. (1980). *The whole world is watching: Mass media in the making and unmaking of the new left.* Berkeley: University of California Press.

Goffman, Erving. (1974). *Frame analysis: An essay on the organization of experience*. New York: Harper & Row.

Guha, Ramachandra. (2007). Adivasis, naxalites and Indian democracy. *Economic and Political Weekly, 42(32)*, 3305-3312.

Hindustan Times. (2008, May 14).Who is afraid of Bineyak Sen? [Lexis Nexus database.]

Kazemi, Al I & Törnblom, Kjell. (2008). Social psychology of justice: Origins, central issues, recent developments, and future directions. *Nordic Psychology*, *60*(3), 209-234. doi:10.1027/1901-2276.60.3.209

Kennedy, Jonathan J. & King, Lawrence P. (2011). Understanding the conviction of Binayak Sen: Neocolonialism, political violence and the political economy of health in the central Indian tribal belt. *Social Science & Medicine, 72*, 1639-1642.

Krippendorff, Klaus. (2004). *Content analysis: An introduction to its methodology* (2nd ed.). Beverly Hills, CA: Sage Publications.

Lambertus, Sandra. (2004). *Wartime images, peacetime wounds: The media and the Gustafsen Lake standoff*. Toronto: University of Toronto Press.

Lawyers, activists shocked by Binayak Sen verdict. (2010, December 25). *The Hindu* [Lexis Nexis Academic Database].

Mahabal, K. B. (2009). Give Binayak Sen bail or give us jail [post to Facebook profile]. Retrieved from http://www.freebinayaksen.org/?cat=4

Mahajan, Esha & Akram, Maria. (2010, December 27). Academics & activists protest Binayak Sen's conviction. *The Times of India.* Retrieved from https://timesofindia.indiatimes.com/india/Academics-activists-protest-Binayak-Sens-conviction/articleshow/7175465.cms

Ministry of Home Affairs. (2009*). Annual report of the Union Ministry of Home Affairs*. New Delhi: Government of India.

Padel, Felix. (2009). *Sacrificing people: Invasions of a tribal landscape*. New Delhi: Orient Blackswan.

Padel, Felix & Das, Samarendra. (2010*). Out of this earth: East India Adivasis and the aluminum cartel*. New Delhi: Orient Blackswan.

Parameswaran, Radhika. E. (2004). Spectacles of gender and globalization: Mapping Miss World's media event space in the news. *The Communication Review*, *7*, 371-406.

Péladeau, Normand; Dagenais, Christian & Ridde, Valéry. (2017). Concept mapping internal validity: A case of misconceived mapping? https://doi.org/10.1016/j.evalprogplan.2017.02.005

Rojecki, Andrew. (1999). *Silencing the opposition: Antinuclear movements and the media in the cold war.* Chicago: University of Illinois Press.

Roy, Arundhati. (2010). *Walking with the comrades*. Retrieved from http://www.outlookindia.com/article.aspx?264738-0

R. R. Keithan Gold Medal Award to Dr. Binayak Sen. (2007). *The Indian Legislator News*. Retrieved from http://www.esocialsciences.com/News/NewsDetails.asp?Newsid=330&newstype=1

Scheufele Dietram A. & Tewksbury, David. (2007). Framing, agenda setting, and priming: The evolution of three media effects models. *Journal of Communication, 57*(1), 9-20.

Simons, Herbert W. (1970). Requirements, problems, and strategies: A theory of persuasion for social movements. *Quarterly Journal of Speech*, 55*(1),*1-11.

Snow, David A.; Rochford, E. Burke; Wordon, Steven K. & Benford, Robert D. (1986). Frame alignment processes, micromobilization, and movement participation. *American Sociological Review*, *51*, 464–481.

Taylor, Donald M.; Moghaddam Fathali M.; Gamble, Ian & Zellerer, Evelyn. (1987). Disadvantaged group response to perceived inequality: From passive acceptance to collective

action. *The Journal of Social Psychology*, 127 (3), pp. 259-272. DOI:10.1080/00224545.1987.9713692

The Lancet. (2010). Binayak Sen's conviction: A mockery of justice. *The Lancet*, *377*(9760), 98.

The Lancet. (2011). India: Towards universal health coverage: Executive summary. *The Lancet*. Retrieved March 30 from http://www.thelancet.com/series/india-towards-universal-health-coverage

Tyler, Tom R. (1988). What is procedural justice? Criteria used by citizens to assess the fairness of legal procedures. *Law and Society Review, 22*, 103.

Tyler, Tom R. (1997). The psychology of legitimacy: A relational perspective on voluntary deference to authorities. *Personality and Social Psychology Review*, *1*, 323-345.

Tyler, Tom R. (2001). A psychological perspective on the legitimacy of institutions and authorities. In John T. Jost & Brenda Major (Eds.), *The psychology of legitimacy: Emerging perspectives on ideology, justice, and intergroup relations* (pp. 416-436). Cambridge, UK: Cambridge University Press.

van Zomeren, Martijn. (2013). Four core social-psychological motivations to undertake collective action. Social and Personality Compass, 7/6, 378-388.

van Zomeren, Martijn (2016), Tower of Babel? Integration of core motivations and features of social structure into the political psychology of social action. *Advances in Political Psychology*, 37 Issue supplement S1, pp. 87-114.

Walgrave, Stefaan & Manssens, Jan. (2005). Media frames as an alternative to movement organizations. Hank Johnston & John A. Noakes (Eds.), *Frames of protest: Social movement and the framing perspective* (pp. 113-141). Lanham, MD. Rowman & Littlefield.

Wilkes, Rima & Ricard, Danielle. (2007). How does newspaper coverage of collective action vary? Protest by Indigenous people in Canada. *The Social Science Journal*, 44, 231–251.

Wojcieszak, Magdalena. (2011). When deliberation divides: Processes underlying mobilization to collective action. *Communication Monographs*, *78*(3), 324-34.

World's 100 Largest Newspapers. (2005). *World Association of Newspapers*. Retrieved September 15, 2011 from http://www.wan-press.org/article2825.html.

Yin., Robert K. (2014). *Case study research: Design and methods*, 5th ed. Thousand Oaks, CA: Sage Publications.

Zachariah, P. P.; Narayan, Ravi; Gaitonde, Rakhal; Bhattacharji, Sara; Zachariah, Anand & Narayan, Thelma. (2011). The life imprisonment of Dr Binayak Sen: This misconceived application of state power requires international action. *BMJ: British Medical Journal, 342*, d262. doi: 10.1136/bmj.d262.

Author Note

Siobhan E. Smith-Jones (Ph.D., University of Missouri) is an Associate Professor in the Department of Communication at the University of Louisville. Her research interests include the portrayals of race and gender in the media.

Greg Leichty (Ph.D., University of Kentucky) is a Professor of Communication in the Department of Communication at the University of Louisville. His research interests include argumentation and social movements.

Margaret U. D'Silva (PhD., University of Kentucky) is a Professor of Communication and Director of the Institute for Intercultural Communication at the University of Louisville. Her research interests are at the intersection of intercultural communication and media studies.

Nicole L. Meyer (M.A., University of Louisville) was a graduate student in the Department of Communication at the University of Louisville. She is a data analyst with Prismatic Services.