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Journalistic work requires ethical choices

Introduction

The goal of the society is to create balanced surroundings which promote the community's and its members' "good life" and "happiness".¹ For this aim there are commonly agreed and accepted rules according to which the members of the society are expected to act and which are controlled by the society. The strongest control is taken by the law and the lightest by the written and unwritten ethical norms and manners.

Ethical codes can be seen as constituting a voluntary contract between journalists and the rest of society, as the codes spell out the expected behavior of journalists.² This means that the journalists have a sense of ethics, validity and legitimacy.³ The ethics is important in the activities between journalists and audiences. The doctors in medicine and the lawyers in law have the clear and exact professional rules.⁴ Further the action and power of various occupational groups such as public authorities are regulated by legislation. Looser than these ones – and also less clear – is for example the code of ethics in journalism, even if the journalists' action is closely linked to the fundamental law, the 'freedom of expression' and to the 'protection of privacy'. However, for example, according to Wilkins et al., in the schools of journalism there are not specific courses to analyze the law of journalistic actions on the base of ethics.⁵ This would be important because the legislation alone is not sufficient as a guide for a journalist to decide how to behave in various situations in which one needs ethical methods to make durable decisions of how to work. There is always a 'grey zone' between the legislation and ethics where the individuals have to be able to make autonomous decisions. In

¹ Cohen-Almagor, Raphael (2013); *Freedom of Expressions v. Social Responsibility: Holocaust Denial in Canada*, Journal of Mass Media Ethics: Exploring Questions of Media Morality, 28:1 (2013), 42.56. pp 43-44.

² Nassanga, Linda Goretti (2008); *Journalism ethics and the emerging new media culture of radio talk shows and public debates (Ekimeeza) in Uganda*. Journalism 9:646, 2008. Sagepub.com. p 649.

³ Deuze, Mark; *What is journalism? Professional identity and ideology of journalists reconsidered*. Journalism, Vol. 6(4) 2005: 442-464. p 449.

⁴ Bertrand, Claude-Jean (2002); *Media Ethics & Accountability Systems*. Transaction Publishers. p 22.

⁵ Wilkins, Lee and Coleman, Renita (2005); *The Moral Media. How Journalists Reason About Ethics*. Lawrence Erlbaum Associates, Inc. p 129

this article the freedom of media is an umbrella term, which consists of the terms freedom of expression and freedom of speech.

Journalism critics

The media has a significant power in society while publishing stories and programs in the action of society. The journalist's "role is to inform the public about what is happening in their environment and the world at large". The issue of media's "increasing power and influence over society has been concern to many people, especially governments".⁶ It is dangerous if the media is "exercising a massive power", but it is "more a power without responsibility".⁷ The modern information technology "offers not only more speech, but more ways to deliver that speech".⁸ It is easy to act nationally as well as transnationally and send messages all over the world.

Generally the reputation of journalists is continuously being questioned and the people "doubt if they can trust the news media".⁹ Further the net media¹⁰ and especially the new media are often connected with the contents which "are challenging what it means to be human".¹¹

The confidence in journalistic self-regulation in the choice of the right method and behavior has decreased. Ethics in journalism too often falls back on simplistic appeals to general concepts such as "truth-seeking", "freedom", "serving the public" and "democracy".¹² Journalists' "demand for self-regulation has been taken to mean that journalists do not want to be accountable to anyone but to themselves".¹³ And there are not any "legal steps which can be taken against the media house or journalists who refused to cooperate".¹⁴

⁶ Nassanga, Linda Goretti (2008); *Journalism ethics and the emerging new media culture of radio talk shows and public debates (Ekimeeza) in Uganda*. Journalism, 2008, 9:646. Sagepub.com. p 649.

⁷ Nassanga, Linda Goretti (2008); *Journalism ethics and the emerging new media culture of radio talk shows and public debates (Ekimeeza) in Uganda*. Journalism, 2008, 9:646. Sagepub.com. p 649.

⁸ Garry, Patrick M. (2003-2004); *The first amendment in a time of media proliferation: Does freedom of speech entail a private right to censor?* University of Pittsburgh Law Review, Vol. 65:183 (2003-2004), pp. 183-225. p 183.

⁹ Smith, Ron F.(2008); *Ethics in Journalism*. Blackwell. p ix

¹⁰ Jyrkiäinen, Jyrki; *Journalistit muuttuvassa mediassa (The journalists in changing media)*. Tampereen yliopisto, Journalismin tutkimusyksikkö. Sarja B50/2008. p 116.

¹¹ Silverstone, Roger (2002); *Regulation, Media and Media Civics. E-merging Media: the digitalization of media economics*, European Communication Council Report, Spinger. p 2.

¹² Ward, Stephen J.A.; *Ethics (2008): Widening the Conceptual Base*. Global media Journal, suppl. Mapping Communication and MEDIA Studies in Canada 1. Inaugural Issue 2008: n/a.

¹³ Nassanga, Linda Goretti (2008); *Journalism ethics and the emerging new media culture of radio talk shows and public debates (Ekimeeza) in Uganda*. Journalism, 2008, 9:646. Sagepub.com. p 649

¹⁴ Minnie, J.(2001); *Journalism and Self-Regulation*. Handbook on Journalism Ethics: African Case Studies. Ed. U. Chudi. Media Institute of South Africa. (2001), p 38.

Nassanga, Linda Goretti (2008); *Journalism ethics and the emerging new media culture of radio talk shows and public debates (Ekimeeza) in Uganda*. Journalism, 2008, 9:646. Sagepub.com. p 649.

To study ethics is important because journalism and journalistic practices have faced strong criticism in recent years. The journalists have been criticized for the fact that “some of the behavior of journalists stems from basic lack of morality”¹⁵ and a reporter is “a man without virtue who writes lies... for his profit”.¹⁶ To study ethics is also important, because “Thinking about ethics is to think what journalism is and what journalists do”.¹⁷

The economical profit is also more predominant and it has become more important than the public service or general good¹⁸ or the interest of audience to quality journalism.¹⁹ The journalists write for the profit of themselves and their employers²⁰ and their only aim is to make a selling story. There is “a constant temptation (more than a temptation) to print trivial stories” and “salaciously presented”.²¹ This leaves very little room for ethics and journalist’s principles of how to do the story.

The essential form of work in journalism is the acquisition of information and the main critics has focused on it. There have been a lot of critics especially against the journalists’ practices in information gathering. The information has been “obtained by suspected methods”.²² In serious accidents (the Utøya shooting in Norway 2012, the school and university shootings in Blacksburg, United States 2007, in Montreal, Canada at 2006 both in Finland Jokela 2007 and Kauhajoki 2006 or the tsunami 2005 and the Estonian accident back in 1994) the journalists have been criticized for hurting the “protection of privacy” and using interviewing methods which are not acceptable on an ethical and moral base.²³

On the other hand the duty of media is, however, very important in crisis. The media can “help community’s healing process” following a tragic event. Having their stories told

¹⁵ Smith, Ron F.(2008); *Ethics in Journalism*. Blackwell. p x.

¹⁶ Sanders, Karen (2003); *Ethics & Journalism*. Sage. p 1.

¹⁷ Sanders, Karen (2003); *Ethics & Journalism*. Sage. p 3.

¹⁸ Obijiofor, Levi & Hanusch, Folker (2011); *Journalism across cultures: An introduction*. Palgrave Macmillan. p 157.

¹⁹ Belsey, Andrew (2002); *Journalism and ethics: can they co-exist? Media ethics*. Ed. by Matthew Kierran. Routledge. p 5.

Picard, Robert G. (2004); ‘*Commercialism and newspaper quality*’, *Newspaper Research Journal*, 25 (1), pp. 54-65. p 55.

²⁰ Sanders, Karen (2003); *Ethics & Journalism*. Sage. p 1.

²¹ Belsey, Andrew (2002); *Journalism and ethics: can they co-exist? Media ethics*. Ed. by Matthew Kierran. Routledge. p 12.

²² Belsey, Andrew (2002); *Journalism and ethics: can they co-exist? Media ethics*. Ed. by Matthew Kierran. Routledge. p 12.

²³ Raittila, Pentti, Haara Paula, Kangasluoma Laura, Koljonen Kari, Kumpu Ville, Väliverronen Jari (2009); *Kauhajoen koulusurmat mediassa (Kauhajoki school shootings in media)*. Tampereen yliopisto, *Journalismin tutkimusyksikkö*, pp 12 and 119.

Kay Linda, Rosemary C. Reilly, Elyse Amend, Terry Kyle (2011); *Between a rock and a hard place: The challenges of reporting about trauma and the value of reflective practice for journalists*. *Journalism Studies*. Vol 12 No 4 August 2011. p 3.

Belsey, Andrew (2002); *Journalism and ethics: can they co-exist? Media ethics*. Ed. by Matthew Kierran. Routledge. p 12.

sensitively and accurately can help survivors reconnect with their lives and community, and validate their feelings about the event.²⁴ One duty of the media is to help in processing grieves.

The research problem in this article is how to balance the ‘freedom of expression’ and ‘protection of privacy’ in journalism. How a journalist should do one’s work, in order to work ethically in a right way and to work in accordance with the principles adopted by the society.

The research question is, what ethical principles a journalist has to perceive in order not to violate the “individual freedom” and “rights” and to behave in the way accepted by the society especially when acquiring information for one’s story and making one’s story.

I study in this article the principles presented in the discussion of the ethics history and the principles presented in the scientific articles considering the ethics in journalism.

In this article I analyze the code of ethics on the base of ethics principles presented in history, I mean Aristoteles’s ‘good life’ and ‘good deeds’ as well as Kant’s ‘virtue ethics’ and ‘good will’, the ‘utilitarianism’, the ‘natural law’ and the ‘moral relativism’. After this I analyze the main principles of ethics which have been in the current discussion and which can be the precept for the work of information acquisition in journalism.

Firstly, on the base of historical development the actual ethics has been divided into three sections: (a) the basic principles, (b) the situation ethics and (c) the consequentialism. Secondly the academic ethics studies and their practices in journalism are analyzed. Thirdly they are summoned as an ethical base for journalistic practices. I hope to classify the main principles of media ethics to help in the journalistic practices and also in continuing the research of ethics in journalism.

The main sources are works and articles by M.Deuze (2005), L.G. Nassanga (2008), R.F: Smith (2006) and J. Sykes (2003 and 2006).

Ethics in history

In the history of the western ethic thinking there are four influential thinkers and their principles. The first one is Aristotle's (384 - 321 BC) “virtue ethics”, the second one Immanuel Kant's (1724 - 1804) “good will ethics”, the third one is the utility-moral, utilitarianism, founders of which are seen to be Jeremy Bentham (1748 - 1832) and John Stuart Mill (1806 - 1873), the latter one of which adapted the utilitarianism to the economics;

²⁴ Kay Linda, Rosemary C. Reilly, Elyse Amend, Terry Kyle (2011); *Between a rock and a hard place: The challenges of reporting about trauma and the value of reflective practice for journalists*. Journalism Studies. Vol 12 No 4 August 2011. p 3.

and the fourth principle is the “natural law”, which is based on the agreements between the various groups of people. Again, according to G.E.Moore (1873 - 1958) the moral understanding is always subjective, which must be taken into account in its evaluation.

The “good life” brings happiness

Aristotle's “ultimate goal” is a successful human life which is naturally sought by all living species. The happiness itself is not a goal but “the good life” and “good deeds” which are connected to “the ultimate goal”. According to Aristotle, the happiness will be reached through the good life, in other words through good deeds.²⁵ The main question here is what is good for the human being.²⁶ The right activity requires a choice that is made on the basis of man's reason, in which all the factors influencing the situation have been taken into account. The factors influencing the situation are for example the man, the time, the place and the conditions.²⁷

On this basis I consider Aristotle's “virtue ethics” as a “situational ethics”: the value of a man's action is one's correct behaviour in different situations.

Kant's “general law”

However, people estimate various situations in different ways. So Kant can be considered to have supplemented Aristotle's “virtue ethics” while tightening the “good will” as a starting point for man's own moral thinking. According to it, the man must act only according to such values which can become general laws at the same time.²⁸ According to this for example ‘lying’ is wrong. If lying would become a general law, all the discussions would be useless - which does not correspond even to the liar's own aims. Secondly Kant considered that another man must always be treated as a goal himself and not as a tool for reaching one's own or some other aims.²⁹ We always have to value the “human dignity” in others and must not use others as a tool to achieve something for ourselves.

²⁵ Aristoteles (1989); *Nikomakhoksen etiikka (Nicomachean Ethics)*. Suomentanut ja selitykset laatinut Simo Knuuttila. Gaudeamus, Helsinki. pp 9, 83, 89.

Saarinén, Esa (1985); *Länsimaisen filosofian historia (History of Western Philosophy)*. Huipulta huipulle Sokrateesta Marxiin. WSOY Juva, pp 78-79.

²⁶ Aristoteles (1989); *Nikomakhoksen etiikka (Nicomachean Ethics)*. Suomentanut ja selitykset laatinut Simo Knuuttila. Gaudeamus, Helsinki. pp 7-9.

Vikström, John (1987); *Uutisvälitys ja etiikka (News transmission and Ethics)*. Juhlapuhe Suomen Tietotoimiston 100-vuotisjuhlassa 1.11.1987. Arkkipiispan kanslia. Unpublished.

²⁷ Aristoteles (1989); *Nikomakhoksen etiikka (Nicomachean Ethics)*. Suomentanut ja selitykset laatinut Simo Knuuttila. Gaudeamus, Helsinki. pp 20 and 58.

²⁸ Kant, Immanuel (1972); *Gesammelte Schriften 4*. Berliini 1902-04. *Grundlegund zur Metaphysik der Sitten*, 4. p 421.

Saarinén, Esa (1985); *Länsimaisen filosofian historia (History of Western Philosophy)*. Huipulta huipulle Sokrateesta Marxiin. WSOY Juva. pp 246-247.

²⁹ Kant, Immanuel (1972); *Gesammelte Schriften 4*. Berliini 1902-04. *Grundlegund zur Metaphysik der Sitten*, 4. p 429.

Kant's "general laws" I define as a "pre-decided ethics" in which everyone should define the principles which are the base of one's action.

Utilitarianism – the individual and collective happiness

Bentham continued further the view of Aristotle and Kant on the human pursuit of happiness. In his utilitarianism, the right activity maximises the pleasure and minimises the suffering.³⁰ In this way the advantage of the community can be reached as the sum of the advantages of equal individuals.³¹ From this point John Stuart Mill developed a base theory for free market economy, liberalism. If every individual is free to seek one's fortune, the society automatically achieves the largest common utility.³² To the utilitarianism, the happiness is the sum of the individuals' happiness.

One of the main principles in utilitarianism and further liberalism is, that while every individual is seeking one's own fortune as well as that of society, this action must not cause harm to anyone else.

Bentham's utilitarianism is the same with the "consequentialism" in which the consequences of one's behavior are the basis for any judgment about the rightness of that behavior.

Natural law – the common agreement

The virtue- both good will and utilitarianism -ethics, however, leave space for interpretation: how good and right operations can be defined in practice? From the base of practical definitions the ethics is approached by the "natural law", which has its roots in ancient Greece. The natural law emphasised an order (Solo), justice (Plato) and the prescribing of laws as the protection of the suffering ones (Pericles). The natural law was developed especially by Hugo Grotius and again John Locke in the 1600's. The significance of the natural law (or rightness) is in the fact that it defines those ethical principles on which mankind has collectively agreed as important values and which are held as a starting point for the intercourse of communities. The natural law has had a central part for example in the United States Declaration of Independence in 1776, in the principles of French Revolution in 1789 and in the United Nations' Universal Declaration of Human Rights in 1948, as well as in

³⁰ Bentham, Jeremy (1961); An introduction to the principles of morals and legislation. Hafner Press, New York. p 11.

Tolonen, Juha (1989); Valtio ja oikeus (The state and the justice). Åbo Akademis Förlag, Åbo. p 79.

³¹ Bentham, Jeremy (1961); An introduction to the principles of morals and legislation. Hafner Press, New York. pp 12-13.

³² Mill, John Stuart (1976); Principles of Political economy (1848). Fairfield. pp 7-8.

the constitutions of different countries. For example Finland's constitution guarantees everybody "the right to life" and "personal liberty" as well as "integrity" and "security".³³ More clearly than Kant's "general law" or Bentham's "utilitarianism" the natural law represents the pre-defined, "base principles" for the human behaviour.

Moral relativism – the man decides oneself

However, the definition of the right and wrong action is problematic because the communities and people have different values. According to Moore behind the subjective values and maxims there can be an individual human being, a group, a social class, a tribe, a people, a religion, a culture or different ways of life and different environments etc.,³⁴ which makes it difficult to agree on the ethical questions. Furthermore the ethical debate in recent decades has expanded into new areas and to new questions to be considered. Especially the impact of particular technological development (such as biotechnology) and environmental problems have affected it. People live in close interaction with their environment and nature. The ethical debate of our time wants to answer the questions of how and on what basis to appreciate and treat nature and animals. Does the man "have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the Earth, and over every creeping thing that creep upon the Earth".³⁵

Three models of the ethics

I summed the discussion of ethics in history to three points of view: to the (Aristotle's) base and pre-decided ethics; to the (Kant's) situation ethics and to the (Bentham's utilitarianism, i.e.) consequentialism.

The base and pre-decided principles of ethics and the normative rules directing the behaviour of the individuals have been decided in advance. The pre-decided principles are connected also to the evaluation of the individuals' motives as well as with the growth and development as a good man. These are also known as so-called "duty ethics", agreement ethics and virtue ethics. The problem here is how to respond to the different considerations on "good" and "bad" or "right" and "wrong" when they are presented by groups coming from different conditions and values of life.

The second point is "situational ethics", in which the people have to assess the right manner to act based on the situation. The responsibilities, duties as well as rights and various alternatives have to be considered. The problem is if there is enough time and information to make the

³³ Constitution of Finland, 7 §. http://www.finlex.fi/fi/laki/kaannokset/1999/en19990731_(accessed 25. October 2010).

³⁴ Moore, G.E.(1966); Ethics. Oxford University Press. pp 44-46.

³⁵ Bible I/26.

right assessment of the situation. How can activities be assessed on an ethical base, if the decision has to be made only on the base of the current situation? Is it right to try to find “any port in a storm”?

The third point is “consequentialism”, which evaluates the action on the basis of the final outcome. How many good or bad things does the deed or action produce? The problem in the consequentialism is how “the good consequence” can be defined. How to react to ‘useless’ people or is one allowed to behave badly if the final result is good?

Ethics in journalism

The base, pre-decided principles

The principle “Everyone has the freedom of expression”³⁶ is generally accepted. The freedom of expression is everyone’s freedom, but in the modern society it is very much used by journalists. A journalist represents one’s audience in collecting and publishing information. So the freedom of media is based on the freedom of expression. It is the most important institutional value in journalism. It is mentioned in the code of ethics in different countries as well as in the discussion of ethics in journalism.

“Virtually all constitutional democracies purport to respect the freedom of speech [media]...”³⁷ This is the starting point for discussing ethics in journalism.

The freedom of media based on the freedom of expression has two dimensions: firstly it is a precondition for a journalist to do his or her work – to collect information and to transmit information for the audience. Secondly the freedom of media is based on the principle “public’s right to know”. According to Sykes, who is very critical, “The public’s right to know has become a mantra, repeated so often that communications commentators have come to believe it is so fundamental to a functioning democracy that it over-rides all other considerations”.³⁸

As a representative of the public the journalists have many “public service” duties: the journalists are “watchdogs” or “newshounds”. The expressions “Fourth Estate” and “Watch the Environment” reflect journalists’ privileges and responsibilities³⁹ and prove the journalists’ role as “active collectors and disseminators of information”.⁴⁰

³⁶ Constitution of Finland, 12 §. [http://www.finlex.fi/fi/laki/kaannokset/1999/en19990731_\(accessed 25 October 2010\).](http://www.finlex.fi/fi/laki/kaannokset/1999/en19990731_(accessed%2025%20October%202010).)

³⁷ Krotoszynski, Ronald J.(2006); The First Amendment in cross-cultural perspective. A Comparative Legal Analysis of the Freedom of Speech. New York University. p xiv.

³⁸ Sykes, Jololyn (2006); A Tradition of Sediton: Journalism for the Public Benefit. University of Canberra, p 1. Smith, Ron F.(2008); Ethics in Journalism. Blackwell. p 12.

³⁹ Sykes, Jololyn (2006); A Tradition of Sediton: Journalism for the Public Benefit. University of Canberra. p 1.

The freedom of media is closely in connection with the “public’s right to know”. According to Smith the journalism “nurtures the democratic process”.⁴¹ Journalism gives information for the audience to understand the society. And more widely the journalism also “Insures Social Communication”, “Provides an Image of the World” and “Transmits the Culture”.⁴² Along Balkin “The freedom of expression protects the ability of individuals to participate in the culture in which they live and promotes the development of a culture that is more democratic and participatory”.⁴³

As a summary the journalism gives the information which helps the audience to understand the world, society and politics and further makes the decisions of how to vote in the next elections. The freedom of media is the basis for the freedom of expression. So the freedom of expression and media are the elementary, pre-decided principles in a democratic society.

The other important, pre-decided principle in journalism is the duty to “tell the truth”.⁴⁴ The journalists have to be independent which means that journalists are according to Deuze “autonomous, free and independent”.⁴⁵ The journalists must be able to protect themselves from undue pressure”.⁴⁶

The other important principles in journalists’ work are the “immediacy”, “actuality” and “speed” inherent in the concept of news.⁴⁷

The main journalistic principle, freedom of media, connected with the principle “public’s right to know”, is seen to be in a conflict with other ethical principles. While using one’s priority (preference) to the freedom of expression, the journalists are criticized to hurt the other constitutional rights and principles accepted by the societies, especially the protection of privacy.

According to Krotoszynski the freedom of expression [media] faces “the same conflicts regarding the proper accommodation of competing social values when freedom of expression

Smith, Ron F. (2008); *Ethics in Journalism*. Blackwell. p 12.

⁴⁰ Bertrand, Claude-Jean (2002); *Media Ethics & Accountability Systems*. Transaction Publishers. p 14

Deuze, Mark (2005); *What is journalism? Professional identity and ideology of journalists reconsidered*. *Journalism*, Vol. 6(4)(2005): 442-464. p 449.

Sykes, Jololyn (2006); *A Tradition of Sedition: Journalism for the Public Benefit*. University of Canberra. p 2.

⁴¹ Smith, Ron F.(2008); *Ethics in Journalism*. Blackwell. pp 10-11.

⁴² Bertrand, Claude-Jean (2002); *Media Ethics & Accountability Systems*. Transaction Publishers. pp 14-15.

⁴³ Balkin, Jack M.(2004); *Digital speech and democratic culture: A theory of freedom and expression for the information society*. p 4.

⁴⁴ Smith, Ron F. (2008); *Ethics in Journalism*. Blackwell. pp 10-11. p 11.

McQuail, Denis (2000); *Mass Communication Theory*. London, Sage. p 125.

⁴⁵ Deuze, Mark (2005); *What is journalism? Professional identity and ideology of journalists reconsidered*. *Journalism*, Vol. 6(4) (2005): 442-464. pp 447, 449 and 456.

⁴⁶ Nassanga, Linda Goretti (2008); *Journalism ethics and the emerging new media culture of radio talk shows and public debates (Ekimeeza) in Uganda*. *Journalism*, 2008, 9:646. Sagepub.com. p 648.

⁴⁷ Deuze, Mark (2005); *What is journalism? Professional identity and ideology of journalists reconsidered*. *Journalism*, Vol. 6(4) 2005: 442-464. pp 449 and 457.

presents risks to other constitutional values, including equality, human dignity, and personal reputation”.⁴⁸

The problem is that many of the (Finnish) journalists are not willing to understand the conflict. There are two main groups of journalists: The first one is too careful and does not have enough courage to use the freedom of media; and the second one is opposite to the first one in thinking that everything is allowed, even if the content is fact or fictive.⁴⁹ This group swears by the freedom of expression, but it does not take into account the other constitutional values, of which the most important is the protection of privacy.

Many journalists think that the reverse side of freedom of expression is the “censorship”. There are no compromises in this, and the duty of journalists is to protect and use the freedom of expression and media.

The conflict is very difficult. According to Krotoszynski the most talented legal thinkers have been “in efforts to establish a persuasive theory that justifies protecting speech over the constitutional interest” and that “defines the metes and bounds of the free speech...” “None of these efforts has succeeded in ending the ongoing debate”. It is impossible to avoid wrestling with these issues in the contemporary policy debates: “free speech (and equality) are not merely on a collision course, they have in fact already collided”.⁵⁰

This problem concentrated with the information gathering and with the contents of the message. It is very possible to hurt the individual rights in the information gathering, and it belongs more to the “situation ethics”. The content of message again concentrates more on the “consequentialism”.

Situational ethics

While doing journalist’s duties, the journalist is working in the area of ‘situational ethics’. There one’s main action is the information gathering. It is the base of all story publishing. The journalist is able to make a good and truthful story only if the journalist is successful in information gathering.

The journalists have to be credible in public service. Being credible means according to Deuze who quotes Koach and Rosenstiel that journalists are “impartial”, “neutral” and “objective”.⁵¹ Smith says the same with word “fairness”, i.e. “presenting both sides”.⁵²

⁴⁸ Krotoszynski, Ronald J.(2006); The First Amendment in cross-cultural perspective. A Comparative Legal Analysis of the Freedom of Speech. New York University. p xiv.

⁴⁹ Korhonen, Johanna (2011); Raakaa vapautta (Raw Freedom). Helsingin Sanomat, Column, 20.4.2011.

⁵⁰ Krotoszynski, Ronald J.(2006); The First Amendment in cross-cultural perspective. A Comparative Legal Analysis of the Freedom of Speech. New York University. pp 1-2.

⁵¹ Deuze, Mark (2005); *What is journalism? Professional identity and ideology of journalists reconsidered.* Journalism, Vol. 6(4) 2005, 442-464. p 446.

Secondly the journalists must also have “a sense of ethics”.⁵³ All these principles are important in the information gathering.

There has been a lot of criticism against the journalists’ practices in information gathering. Journalism has a poor image with the public. The journalists have been accused of information gathering “by suspect methods”.⁵⁴ The journalists have for example interviewed shocked people, the under aged victims and bereaved of the accidents without consent, even on the doorstep of their homes. The information for the stories was gathered from the discussions between the victims and authorities. The victims were photographed secretly and against prohibitions. The journalists have even gone into the hospitals and have posed as relatives to get interviews.⁵⁵

The journalism seems to use “the invasion of privacy” in the information gathering.⁵⁶

The right way to work in accidents is difficult to define. The journalists are the only group which comes to the accident place to do something else than to help, save or protect. According to the experts Anne and Daniel Nelson quoted by Sykes, interviewing the victims or bereaved “can be damaging or therapeutic for the victims”.⁵⁷ Simson emphasizes that one has to ponder “how to balance job duties and how to respond to those needs at the scene - whether to help, interview or leave people alone”.⁵⁸ In some cases, according to Kay, the journalist should be able to extend the “news reporter’s role to include that of a food distributor, a counselor, a messenger, a missing person locator and a refuge advocate...”⁵⁹

⁵² Smith, Ron F.(2008); *Ethics in Journalism*. Blackwell. p 10.

⁵³ Deuze, Mark (2005); *What is journalism? Professional identity and ideology of journalists reconsidered*. Journalism, Vol. 6(4) 2005: 442-464. p 447.

Romenesco, Jim (2010); “SPJ Tells Journalists in Haiti Not to Become Part of the Story”; <http://www.poynter.org/column.asp?id=45&aid=176402> (accessed 22. February 2010).

⁵⁴ Belsey, Andrew (2002); *Journalism and ethics: can they co-exist?* Media ethics. Ed. by Matthew Kierran. Routledge. p 1.

⁵⁵ Raittila, Pentti, Haara Paula, Kangasluoma Laura, Koljonen Kari, Kumpu Ville, Väliverronen Jari (2009); *Kauhajoen koulusurmat mediassa (Kauhajoki school shootings in media. Tampereen yliopisto, Journalismin tutkimusyksikkö*. p 12.

Kay Linda, Rosemary C. Reilly, Elyse Amend, Terry Kyle (2011); *Between a rock and a hard place: The challenges of reporting about trauma and the value of reflective practice for journalists*. Journalism Studies. Vol 12 No 4 August 2011. p 3.

Belsey, Andrew (2002); *Journalism and ethics: can they co-exist?* Media ethics. Ed by Matthew Kierran. Routledge. p 12.

⁵⁶ Nassanga, Linda Goretti (2008); *Journalism ethics and the emerging new media culture of radio talk shows and public debates (Ekimeeza) in Uganda*. Journalism 2008, 9:646. Sagepub.com. p 648.

⁵⁷ Sykes, Jololyn & Green, Kerry (2003); *The Dangers of dealing with journalists*. University of Canberra, p 3.

⁵⁸ Simpson, Robert and Coté, William (2006); *Covering violence. A Guide to Ethical Reporting About Victims and Trauma*. Second Edition. Columbia University Press. p 271.

⁵⁹ Kay Linda, Rosemary C. Reilly, Elyse Amend, Terry Kyle (2011); *Between a rock and a hard place: The challenges of reporting about trauma and the value of reflective practice for journalists*. Journalism Studies. Vol 12 No 4 August 2011. p 119.

The problem is how the journalists are allowed to make their work in society? Where are the limits?

The core of the question is closely connected with the ‘information gathering’ in journalism. How do we emphasize the ‘freedom of expression’ and in the ‘protecting of privacy’? Both of them are mentioned in the in the ‘Universal Declaration of Human Rights’. The Article 12 protects the privacy and tells that “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attack upon his honor and reputation”. And the Articles 18 and 19 protect the freedom of expression and declare: “Everyone has the right to freedom of thought, conscience and religion... either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance (18).” And again “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers (19).” Here the principle to “seek” information is the main base for information gathering.⁶⁰

The principles are – naturally – mentioned also in the Constitutions of different countries. For example the sections 10 (*The right to privacy*) and 12 (*Freedom of expression and right of access to information*) in Finland: “Everyone's private life, honor and the sanctity of the home are guaranteed” and “Everyone has the freedom of expression. Freedom of expression entails the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone”. The Finnish Constitution does not mention the right to “seek”, but it can be seen to belong to the content of general statement of expression. But there is a detailed principle, “the right to access to public documents and recordings”, which belongs to the information gathering.⁶¹

The journalists often swear by the Freedom of expression, but forget the Right to privacy. Sykes advises always to “act with sensitivity and discretion” and proposes “to use the ‘golden rule’ in treating victims of violence and trauma as one’s own family and friends.”⁶² Simpson tells to “share control with people who have suffered from trauma” and to “focus the interview on the survivor’s efforts to recover from the abuse, rather than on the abuses.”⁶³

⁶⁰ Universal Declaration of Human Rights.12 §, 18 § and 19§. <http://www.un.org/en/documents/udhr/> (accessed 22 February 2013)

⁶¹ Constitution of Finland, 10 § and 12 §. <http://www.finlex.fi/fi/laki/kaannokset/1999/en19990731> (accessed 22 February 2013)

⁶² Sykes, Jololyn & Green, Kerry (2003); *The Dangers of dealing with journalists*. University of Canberra, p 4.

⁶³ Simpson, Robert and Coté, William (2006); *Covering violence. A Guide to Ethical Reporting About Victims and Trauma*. Second Edition. Columbia University Press. pp 269 and 274.

There are quite many pieces of advice for journalists to work on the scene, but they are mainly very cursory and general ones. The advices stress the journalist to ponder how to work in different situations. But how can the journalist decide which way is the right one, because it is also difficult for the real crisis professionals? The advice and the training of journalists are not profound enough to help in the information gathering.

Generally the liberal societies recognize the principle to protect “freedom of action as /far as/ one’s actions do not harm others”.⁶⁴ So, could the freedom of expression be reasonably limited if it caused harm to others?⁶⁵

Hurley again asks if there is “a distinctive right” to freedom of expression that “goes beyond this general liberal principle”. That is, should freedom of expression have special protection, even when it does harm others? If so, the theory of freedom of speech [media] should tell us why.⁶⁶ Sturges ended up in the same: “If freedom of expression does have limits, just how can these limits be defined?”⁶⁷

Most researches mentioned in this article seem to have ended up that the limits in information gathering have not been defined well enough. This is one very important duty for journalism and society to define – but it has not been done.

Consequentialism

Consequentialism means that the results of one’s behavior are the ultimate basis for any judgment about the rightness of that conduct. The consequences of one’s action will produce a good outcome. In journalism the consequentialism means, that even if the journalism is the critical watchdog in society and journalism has to concern also the negative matters in society, during a long term period the results should be positive for the society.

The main question is what are the consequences of the stories published in society and what is the journalist’s responsibility for it.

⁶⁴ Hurley, Susan (2004); *Imitation, Media violence, and freedom of speech*. Philosophical Studies 117: 165-218, 2004. p 165.

⁶⁵ Nassanga, Linda Goretti (2008); *Journalism ethics and the emerging new media culture of radio talk shows and public debates (Ekimeeza) in Uganda*. Journalism 2008, 9:646. Sagepub.com. p 647.

Sturges, Paul; Limits to Freedom of Expression? Considerations arising from the Danish cartoons affair. (2006) (<http://ifl.sagepub.com/content/32/3/181>). p 183. (accessed 22. February 2011).

Sykes, Jololyn & Green, Kerry (2003); *The Dangers of dealing with journalists*. University of Canberra, p 3.

⁶⁶ Hurley, Susan (2004); *Imitation, Media violence, and freedom of speech*. Philosophical Studies 117: 165-218, 2004. p 165.

Whitehouse, Ginny (2010); *Newsgathering and Privacy: Expanding Ethics Codes to Reflect Change in the Digital Media Age*. Journal of Mass Media Ethics: Exploring Questions of Media Morality, 25:4, 310-327. 2010, p 320.

⁶⁷ Sturges, Paul (2006); Limits to Freedom of Expression? Considerations arising from the Danish cartoons affair. (<http://ifl.sagepub.com/content/32/3/181>). p 182. (accessed 16. February 2011).

The other questions are, what kind of publicity do the victims of news events get in the media; do the criminals get the publicity they want to get, and finally, is it allowed for the media to publish everything they want or are there any limits?

The victims of violence and different accidents get publicity in the media. Sykes quotes Judith Herman⁶⁸ saying that “the first principle of recovery is the empowerment of the survivors”.⁶⁹ After the tragic events the journalism stories can impede community’s and victims’ ability to heal from the traumatic event. For example the study of the destruction of the WTC 9/11 reported that the victims “were further traumatized by the televised images of people falling out jumping from the towers and also reported higher percentages of symptoms of post traumatic stress disorder or depression.”⁷⁰

It is very important to pay attention to the content of the stories after the events and that the information gathering has been done properly. The media can help the victims – and audience – to succeed in this and it should be – on the base of ethics – also one of the main aims of the media. If the journalism succeeds in doing it, the media has done its work well.

Sykes sees that one problem is the inverted pyramid writing structure and the journalistic agenda-setting. According to Sykes the stories can further traumatize sources and victims, and jeopardize the depth and adequacy of the coverage.⁷¹ These newsrooms practices should be changed. Green mentions the same: “As rating and circulation follow the content of the story rather than the manner in which it is prepared, there has been considerable pressure on individual journalists to ‘bend the rules’ to get the story with the most audience impact”.⁷² There should be less reliance on the inverted pyramid writing structure.⁷³ The pyramid structure is not the best one to use in stories connected with strong emotions of accidents and crimes.

The other problem mentioned by Sykes is the journalistic agenda-setting. He sees that a greater sharing of control at various stages of the news information flow will result in more positive outcomes for the victims of trauma and more readily comprehensible and acceptable

⁶⁸ Sykes, Jololyn & Green, Kerry (2003); *The Dangers of dealing with journalists*. University of Canberra, p. 2.

⁶⁹ Sykes, Jololyn & Green, Kerry (2003); *The Dangers of dealing with journalists*. University of Canberra, p. 4.

⁷⁰ Kay Linda, Rosemary C. Reilly, Elyse Amend, Terry Kyle (2011); *Between a rock and a hard place: The challenges of reporting about trauma and the value of reflective practice for journalists*. Journalism Studies. Vol 12 No 4 August 2011. pp 3-4.

⁷¹ Sykes, Jololyn & Green, Kerry (2003); *The Dangers of dealing with journalists*. University of Canberra, p 2.

⁷² Green, Kerry (2004); *Communication breakdown: When the crisis managers meet the news media*. ANZCA04 Conference, Sydney, July 2004. pp 6-7.

⁷³ Sykes, Jololyn & Green, Kerry (2003); *The Dangers of dealing with journalists*. University of Canberra, 2003. p 9.

stories for the news media. These recommendations are not saying that these stories should not be reported; they are suggesting a better way of reporting them.⁷⁴

The criminals - for example the terrorists or school shooters also get publicity, but we have to ask if they can get the publicity they want to get. In some cases “the terrorism has been defined as a mean of politics... ..which is generally aimed at the largest possible publicity”.⁷⁵ So the terrorism needs and wants the publicity in the media. The question is if it is right to give publicity for the actions and aims of terrorism? Do the school shooters get the publicity that they want to get?⁷⁶ - Usually the media have been interested and have wanted to tell the names and to find the causes behind the events. And it is – of course – one of the duties of the media. But does it work in every case?

The Utøya shooter in Norway 2012 wanted to get publicity both for himself and his islamophobic and anti-immigrants views. But for example the Norwegian Prime Minister Jens Stoltenberg did not even mention the Utøya shooter by name in his speech after the tragedy.⁷⁷ He wanted to show that the criminals do not have any right to get publicity.

But if nothing is told, does it mean that the terrorist will exploit much powerful explosive the next time in order to get more publicity? – The crimes and accidents have to be told about, but there has to be limits in the style of the story – as Sykes says – and in the amount of the publicity. One has to ponder how much space and time is given for the crimes and accidents. The final question is if it is possible, on the base of freedom of media, to publish everything. If a journalist has pieces of information which can cause a great danger for all the society or societies – does one have to publish or delete it?

For example the magazine Nature and Science first refused to publish the information on how to prepare a “killer virus”, a modified version of the avian influenza virus developed by the Dutch and U.S. research team. The reason was that with the information for example the terrorists would be able to prepare the virus and kill millions of people. But finally the magazine decided to publish the information. The justification was that all the information will serve the societies during a longer period.⁷⁸

⁷⁴ Sykes, Jololyn & Green, Kerry (2003); *The Dangers of dealing with journalists*. University of Canberra, 2003. pp 9-10.

⁷⁵ Ministry of Foreign Affairs of Finland; *Terrorismi ja Suomi (Terrorism and Finland)*. 31.12.2004. p 1. http://formin.finland.fi/public/default.aspx?contentid=50380#Terrorismi_ilmionä (accessed 22 February 2013).

⁷⁶ Raittila, Pentti, Haara Paula, Kangasluoma Laura, Koljonen Kari, Kumpu Ville, Väliverronen Jari (2009); *Kauhajoen koulusurmat mediassa (Kauhajoki school shootings in media)*. Tampereen yliopisto, *Journalismin tutkimusyksikkö*. p 115.

⁷⁷ *Der Spiegel* 20.07.2012. <http://www.spiegel.de/international/europe/norway-after-breivik-populists-gain-lost-ground-a-845586.html>. (accessed 15. December 2012).

⁷⁸ Tieteen Kuvalehti 14/2012

After the Boston Marathon 2013 the main Finnish newspaper Helsingin Sanomat published on its webpages detailed information on the ‘pressure cooker bomb’. The story told by the words of a military expert what is the difference between a weak and an effective ‘cooker bomb’.⁷⁹ The cooker bombs have been used especially at the crises spots all around the world.⁸⁰

A Finnish man and a lady were kidnapped in Yemen in December 2012. Both of them have strong army backgrounds; the man is a professional officer in the army and the lady in the reserve – furthermore she is the Business Excellence Director in Neste Oil in Finland. The authorities and the relatives appealed to the media not to reveal the hostages’ background for the security reasons. The Helsingin Sanomat and the Finnish Broadcasting Company, both of them, decided not to tell even the names of the hostages. This information was published after the hostages were released in May 2013.⁸¹

According to Berry “It is perfectly legitimate for societies to reach a consensus about what is acceptable for the media to publish, or more usually, not to publish (Berry 2009, 90). Again according to Bertrand “It is clearly better for the press to exert self-discipline, within reasonable limits”.⁸² If the media is not able to take care of themselves with the contents of stories, society will do it by tightening the legislation; an example of this is the restriction of journalists’ working area in the Parliament of Finland in 2003.⁸³

http://tieku.fi/files/bonnier-ill/bp_restricted_download_files/ill_fi_14_160622-ceb-drabervirus-14.pdf (accessed 15. December 2012).

⁷⁹ Pugin, Leo (2013); *Bostonissa käytetyt painekattilapommit yleisiä kriisipesäkeissä* (Pressure cooker bombs used in Boston are common in crisis spot). Helsingin Sanomat.
<http://www.hs.fi/ulkomaat/Bostonissa+k%C3%A4ytetyt+painekattilapommit+yleisi%C3%A4+kriisipes%C3%A4kkeiss%C3%A4/a1366163321117>. (accessed 14. April 2013).

⁸⁰ Crowley, Michael; *A Short Recent History of Pressure-Cooker Bombs*. Time Swampland 16.4.2013.
<http://swampland.time.com/2013/04/16/a-short-history-of-pressure-cooker-bombs/>. (accessed 25. April 2013).

Pugin, Leo (2013): *Bostonissa käytetyt painekattilapommit yleisiä kriisipesäkeissä* (Pressure cooker bombs used in Boston are common in crisis spot). HS Internet 17.4.2013.
[<http://www.hs.fi/ulkomaat/Bostonissa+k%C3%A4ytetyt+painekattilapommit+yleisi%C3%A4+kriisipes%C3%A4kkeiss%C3%A4/a1366163321117>] (accessed 17 April 2013).

⁸¹ Helsingin Sanomat; *Siepatuina olivat yliluutnantti ja Neste Oilin johtaja* (The hostages were lieutenant and Neste Oil Director) 9.5.2013.

<http://www.hs.fi/ulkomaat/Siepatuina+olivat+yliluutnantti+ja+Neste+Oilin+johtaja/a1368063668565> (accessed 10. May 2013).

Yle (2013). *Jemenissä siepatuilla suomalaisilla sotilastaustaa* (The Yemen hostages have army backgrounds).

http://yle.fi/uutiset/jemenissa_siepatuilla_suomalaisilla_sotilastaustaa/6634306 (accessed 25 October 2013).

⁸² Berry, David (2009); *Journalism. Ethics and society*. Ashgate Publishing Group. (2009)

Bertrand, Claude-Jean (2002); *Media Ethics & Accountability Systems*. Transaction Publishers. p 22.

⁸³ Ilta-Sanomat (2003); *Lipponen hääti toimittajat eduskunnan käytävältä ja kahvilasta (Lipponen threw the journalists from the Parliament)*. Ilta-Sanomat 17.6.2003. <http://www.iltasanomat.fi/kotimaa/art-1288335397960.html> (accessed 17. October 2013).

The ultimate examples help us understand the responsibility for questions of what journalists can tell and are not to tell. It is very difficult to accept that the journalism would have the right to publish information which helps the criminals and is dangerous for the society and its members. The journalists have the responsibility for the information which the journalism disseminates.

Conclusion

The freedom of media is the base for journalism in the society. Journalism helps the society to develop and can help the audience in the healing process after tragic occasions. But the journalism's freedom of expression and protection of privacy can be collided. It is very possible to hurt the individual rights in the information gathering or in the story contents. The most researches mentioned in this article seem to have concluded that the limits in information gathering have not been defined well enough.

There is the question of how to balance the 'freedom of expression' and 'protection of privacy'. The base is the liberal principle 'do not harm others'. The journalism should find some kind of a balance between them. Another man would always be treated as a goal himself and not as a tool to reach one's own goal or some other aims. If the freedom of expression has special protection even if it does harm others, the situations should be defined.

The second main question is the results of the story information. On the base of philosophers' discussion can be asked, if the published information would be good for the human being and constructive for the society during a longer period? The duty of journalism is to promote the development of the society as well as to keep up the critical discussion and in this way to form a better society. Journalism is a part of the politics in society. The negative things do not have to be banned, but it should be pondered how to tell them and how much to give space and time for them. Where is the borderline between sensationalism and information? Is the journalism able to take care of the responsible story content or does the society do it?

In the context of this study the "freedom of expression" and the "protection of privacy" are not parallel values even if both of them are constitutional. The protection of privacy is more important: the protection of privacy is an absolute value and belongs to everyone as a human being, but the freedom of expression is an instrumental value, a tool to make something, for example to participate in the public discussion. The individual must have protection of privacy in order to use one's freedom of expression. So the protection of privacy is something more valuable, some kind of a "state", which makes it possible for one to use various tools, for example the freedom of expression.

If the journalists as a professional group act along the ethical norms, it can improve the confidence of the audience in journalism. If they do not succeed in this, the audience loses its confidence and society will also restrict the journalistic action with various prohibitions – and at the same time restricts the freedom of expression. The freedom of media demands reasonable self-discipline used by journalists, but before all it demands the understanding of the ethics values of the democratic society. On the base of ethics the answer is: what is good for the audience and society. But which one will make the final decision, the journalistic self-regulation or the legislation of the society?

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Abstract

There are two main principles in the relations between journalism and the audience and society. They are ‘the freedom of expression / media’ and ‘the protection of privacy’.

Freedom of the media, considering the public’s right to know and the journalist’s duty to tell the balanced and diverse truth, are the base for journalism in the society. Journalism gives the information which helps the audience in the healing process after tragic occasions and even in developing the society in general. But the freedom of expression and the protection of privacy can collide. It is very possible to hurt individual rights in the information gathering and in the story contents. Most researchers mentioned in this article seem to have ended up with a conclusion that the limits in the information gathering have not been defined well enough.

In this article, on the base of historical ethic discussion, the ethics has been divided into three sections: ‘the base, pre-decided principles’, ‘situation ethics’ and ‘consequentialism’.

In the information gathering the main question is if hurting the protection of privacy is allowed. If the freedom of expression has special protection even if it does harm others, these situations should be defined. The second question is what are the results of the story information? Negative things do not have to be hidden, but we need to ponder how to express them and how much space and time to allocate for them.

At this moment journalistic self-regulation and the legislation of society are not able to give the answers. On the base of ethics the answer is what is good for audience and society. But which one will make the final decision, the journalistic self-regulation or the legislation of the society?

Keywords - ethics, journalism, freedom of expression, protection of privacy, self-regulation