Who can forget what birthdays were like when we were little? Those weeks of anticipation, that sense of a world about to change, the almost unbearable excitement of the night before… And then, usually about bedtime on the day itself, a dreadful feeling of anti-climax.

For those awaiting great things from Lord Justice Leveson on November 29 last year, the euphoria lasted only until David Cameron got to legislation: “For the first time we would have crossed the Rubicon of writing elements of press regulation into the law of the land… we should think very, very carefully before crossing this line.” And with that, the birthday was over and the world was turning as before, opening the way for negotiations between the Conservatives and the same old lags that had been in the dock for most of 2012. Why had everyone got so excited? Today, if you ask people to recall the big stories of last year, they tend not to remember Leveson.

But if people expected too much then, they’re misguided to think nothing is happening now. Things went quiet; they didn’t go away. Can Oliver Letwin’s notion of a royal charter work? In her explanation of how it might, culture secretary Maria Miller has annoyed not only supporters but also opponents of the status quo – the former because they believe she proposes an outrageous assault on free speech, the latter because she’s not giving them Leveson.

With so much now out in the open, it’s hard to see how press regulation can be stitched up away from public gaze. Labour and the Liberal Democrats are eager to see some action, though if Lord Puttnam’s late night tinkering with the Defamation Bill is the way things are going – his intervention was seen as a statement of intent by a Labour party determined to give Leveson some statutory muscle – things will not end well.

As discussions proceed, let us ask a useful question: what are we trying to solve? The evidence to Leveson revealed some very bad behaviour, much of which is already subject to statutory control. There’s criminal law on phone
and computer hacking, theft, misconduct in public office, contempt of court – these without turning too many pages of *McNae’s Essential Law for Journalists*. These laws have teeth, as a large number of journalists and police officers are beginning to understand, for if police were initially reluctant to feel the collars of journalists and fellow officers, they’ve more than made up for it since. And we haven’t even raised civil law on libel, privacy, breach of confidence…

There’s a danger that something has to be done because something has to be done, that newspapers behaved so badly that retribution is required. There is no merit in a change in the law designed merely to make a point. What do any of the current proposals do to make the newspaper industry better? The truth is that the most honourable reporters may cause pain in investigating news and the most reasonable requests for information can hurt.

Is the public desperate for change? For all the surveys, it’s hard to tell. At a recent newspaper conference, a regional editor presented the results of an impromptu survey in which he had asked readers the circumstances in which it was permissible for journalists to knock on the door of a bereaved family. By and large, respondents thought it wasn’t. Only when the editor presented the most innocuous scenario – a saintly and elderly clergyman who had died in his sleep – did those surveyed feel that an approach for information for an obituary was justified. How did all those readers believe column inches were filled? In the editor’s words, uttered before we found the food industry was serving us horse: “Readers like sausages too, but they don’t want to know what goes into them.”

Now there is confusion about what is and isn’t permissible. The pop papers have avoided pictures of a pregnant Duchess of Cambridge, though she has appeared on a public beach where she can have little expectation of privacy. *The Sun*, less sensitive about the dead South African model Reeva Steencamp, showed her in her bikini all over the front page on the day her boyfriend Oscar Pistorius appeared in court accused of her murder. Mail online, condemning a South African newspaper for printing a graphic speculating on the circumstances of Ms Steencamp’s death, reprinted the graphic for the benefit of its own readers. Would regulations have anything to say here? Or are so many of those things that people find offensive about newspapers – and which sit outside the current laws – largely to do with taste?