

Editorial

The military history of Sydney Town

As Editor-in-Chief of the *Journal of the Royal Australian Historical Society*, I am proud to present the December 2024 issue, which brings together a set of thought-provoking papers that delve into pivotal moments in Australian history. Military power and law seem to be the theme of the issue. This issue offers readers an opportunity to engage with a variety of perspectives that, while diverse in their specific focus, converge around common themes of communication, law, public order, and the evolving relationship between authority and society. These are themes the *JRAHS* has approached over its long history.¹ Notwithstanding this, each article contributes to a broader understanding of how these forces have historically interacted to shape the Australian experience, providing insights that are not only valuable for historians but also for anyone interested in the ongoing dialogue between past and present.

One of the central threads running through this issue is the exploration of communication and its limitations in times of crisis. Lindsay Close's article on how Australians learned of their nation's entry into World War I serves as a compelling case study in the vital role of communication technologies during moments of national emergency. At a time when Australia was geographically and technologically distant from the epicentre of European conflict, the telegraph became the primary means by which news was transmitted across vast distances.

The importance of these declarations to an isolated country cannot be overstated. The importance of communications in national security issues is as relevant today as it was a century ago – Australia is still vulnerable with its underwater cables,² and contemporary strategic planning for conflict looks closely at lessons from the early days of World War I.

Close meticulously details the challenges faced in this process, including the slow transmission speeds, the complications of censorship, and the impact of ministerial and bureaucratic errors, particularly within the British Foreign Office. Her analysis underscores the significant impact that these delays and inaccuracies had on public perception and the subsequent national response to the war. This examination of early 20th-century communication technologies provides a critical lens through which we can appreciate the importance of accurate and timely information in shaping both public sentiment and policy during times of crisis.

This theme of communication under strain is further explored in Jeff Kildea's study of the Hyde Park Riots of 1878, which provides a historical perspective on the perennial tension between free speech and public order. Kildea delves into the complexities surrounding the riots, sparked by Pastor Daniel Allen's anti-Catholic open-air sermons in a socially volatile environment. The public reaction to these

sermons, which escalated into riots, highlights the difficulties of managing free speech in a society with deeply divided opinions.

The government's response – banning public meetings in Hyde Park and relocating them to the Domain – reflects a broader historical struggle to balance individual freedoms with the need for societal order. Contemporary experiences in controlling crowd access to areas or access to internet, in a bid to limit discussions, is seen played out over the global stage each week.

Kildea's work not only provides a detailed account of these events but also situates them within the larger context of ongoing debates about the limits of free speech and the role of government in regulating public discourse. This historical episode resonates with contemporary discussions on how societies navigate the fine line between protecting free expression and preventing hate speech, making Kildea's analysis particularly relevant in today's socio-political climate.

The theme of law as a mechanism of control and order is examined in depth in Desmond Lambley's retrospective on military law and justice within the Australian Imperial Force during World War I. Lambley provides a thorough exploration of how military law, which was heavily influenced by British legal traditions, was implemented to maintain discipline and order among Australian soldiers. Such a point has been made by Professor Cameron Moore regularly,³ as well as Justice John Logan of the Defence Force Discipline Appeals Tribunal in recent decisions.⁴ Lambley's article highlights the stringent nature of these laws, which were designed to enforce obedience in the face of the extreme physical and psychological conditions of war.

Lambley's work sheds light on the often harsh realities of military justice, where the need for discipline could lead to severe punishments for those who violated orders. This examination of military law underscores the broader role that legal frameworks play in maintaining control within hierarchical organisations, particularly in environments where the stakes are high and the potential for disorder is great – with no better example than military discipline. The very strictness of service discipline is perhaps the greatest issue facing the Australian Defence Force today, as it struggles to even *retain* members (many of whom are not willing to take up the King's Hard Bargain) while it is directed by government to grow.

This issue also addresses the historical use of martial law as a response to existential threats, as explored in Ben Hingley's comprehensive study of the proclamations of martial law in pre-Federation Australia. Hingley – a doctoral candidate at the University of New England – somehow impressively illuminates instances of martial law that have escaped notice within Australian colonial history. His article is significant in that it brings together, for the first time, a detailed comparative analysis of all known instances where martial law was declared in the Australian colonies between 1790 and 1853. His study reveals the adaptability of martial law as a doctrine, showing how it was employed in response to a variety of crises, from famine and rebellion to conflicts with First Nations peoples.

This work is central to understanding how law and legitimacy work within power structures – something made only too relevant in the recent bicentennial commemoration of the declaration of martial law at Bathurst. Indeed, it was a delight to see Hingley present on this work at the Dhulyny Conference in Bathurst⁵ this year. Hingley's work, by examining these instances of martial law collectively, offers new insights into the role of martial law in shaping the legal and social landscape of early Australia. His work invites readers to consider the long-term implications of such extraordinary measures and their lasting impact on the development of legal and governmental systems in Australia – as well as the ongoing relevance of these prerogative powers.⁶

Finally, we have the continuation of 'Interpreting an Image', first introduced to the *JRAHS* this year. Sue Roff offers us a glimpse into the convoluted history of the images of the first Christ Church to be built in Newcastle in 1817. She explores whether or not the depiction of the church was a concerted real estate rort to mislead potential free settlers and investors about the level of development achieved in the former penal colony of Newcastle.

This December issue invites readers to reflect on these enduring themes and consider their implications for both historical understanding and present-day policy. I hope that the insights provided by these articles will contribute to a deeper appreciation of the complexities and challenges that have shaped – and continue to shape – Australian society. By bringing together these diverse yet interconnected studies, this issue of the *Journal of the Royal Australian Historical Society* seeks to foster a deeper dialogue about the historical roots of the issues that still resonate in our world today – whether we like it or not.

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Notes

1 Robert O'Neill, 'Soldiers and historians – trends in military historiography in the nineteenth and twentieth centuries', *Journal of the Royal Australian Historical Society*, vol 56, pt 1, 1970, pp 36-47; T. G. Parsons, 'Courts Martial, the Savoy Military Prison and the NSW Corps', *JRAHS*, vol 63, pt 4, 1978, pp 248-262; Drew Cottle and Angela Keys, 'Anatomy of an "Eviction Riot" in Sydney during the Great Depression', *JRAHS*, vol 94, pt 2, 2008, pp 186-200.

2 Andrew Horton, 'The Achilles Heel of a digital nation: Australia's dependence on subsea cables', *Australian Strategic Policy Institute* – The Strategist, 6 June 2024, <https://www.aspistrategist.org.au/the-achilles-heel-of-a-digital-nation-australias-dependence-on-subsea-cables/>, accessed 17 September 2024.

3 Cameron Moore, *Crown and Sword: Executive power and the use of force by the Australian Defence Force*, ANU Press, 2017.

4 *Kearns v Chief of Army* [2022] ADFDAT 3.

5 Bathurst Regional Events, 'Dhuluny: the war that never ended', <https://www.bathurstregion.com.au/event/elders-celebration-dhuluny-the-war-that-never-ended/#:~:text=The%20exhibition%20is%20part%20of,and%20the%20ensuing%20frontier%20violence>, accessed 17 September 2024.

6 Something that Enid Campbell wrote on in 'Prerogative Rule in New South Wales, 1788-1823', *JRAHS*, vol 50, pt 3, 1964, p 167.