

## **Speech to the St Andrew's Society**

**26 November 2004**

**The Hon. Justice James Douglas**

You have asked me to toast Scotland and the Society. Thank you for the honour; I appreciate it greatly.

What I liked best about the original instructions was that I was to speak for 14 minutes, a very Scottish precision. What was most challenging was the breadth of my topic. Let me start then at the beginning.

God was creating the world. He turned to the Archangel Gabriel and said:

“Today I’m going to create Scotland. I will make it a country of dark beautiful mountains, purple glens and rich green forests. I will give it clear, swift, flowing rivers and I will fill them with salmon. The land will be lush and fertile, on which people will grow barley and malt to brew into an amber nectar which will be much sought after the world over. Under the land I shall lay rich seams of coal. In the waters around the shores there will be an abundance of fish and beneath the seabed there will be vast deposits of oil and gas. The men will be brave and the women beautiful. They will value scholarship ...”

“Excuse me Sire,” interrupted the Archangel Gabriel, “don’t you think you’re being a bit too generous to the Scots?”

“Oh no,” replied the Almighty, “wait till you see the neighbours I’m giving them!”

Or as the Englishman said to the boastful Scot: “Take away your mountains, glens and lochs, and what have you got?” “England,” replied the Scot.

That’s really quite enough about the English. What I want to talk about more tonight is Scotland and the French. Why? I could say that it’s because this year marks the 100<sup>th</sup> anniversary of the Entente Cordiale between Britain and France. But that’s not the real reason. It’s really because I like the French and their country almost as much as I like Scotland and the Scots; because many of my ancestors travelled there in search of further opportunities to fight the English and for the French; because of the Auld Alliance – I think the longest lasting treaty relationship between two nations; in sorrow for the too limited French influence on traditional Scottish cuisine; in gratitude for their influence on Scottish intellectual and legal life and in the hope that they might help show the way to the Scots’ overcoming one of their current problems – the diminution of the Scottish population partly caused by the diaspora of which we form part but mainly caused by their current low birth rate.

Let me mention the Auld Alliance. Although it probably dates from about 1165, the first documented treaty between Scotland and France was made in 1295 when John Balliol, set up by Edward I of England as his vassal king of Scotland, turned against Edward and allied himself with Philip IV of France. It was about then that my ancestor, the first James Douglas, fled Scotland as a youth to go to Paris to maintain his freedom and further his education. His father was one of the few members of the Scottish nobility to fight with Sir William Wallace, had been imprisoned and died in the Tower of London, his lands forfeit and his son James at risk of similar treatment at the hands of the English.

On James's return to Scotland he was further educated in the household of the Bishop of St Andrews and then allied himself with Robert the Bruce and became, to the English, the Black Douglas, to the Scots the good Sir James Douglas, Bruce's main lieutenant both at Bannockburn and in general. It was he who took the Bruce's heart on a crusade against the Moors of Granada and died there in the midst of a battle in 1330.

His grandson, the 4<sup>th</sup> Earl of Douglas, continued the struggle against the English on French soil during the Hundred Years' War. He was created Duke of Touraine by the French monarch – on condition that he retrieve those territories from the English – something he failed to do. He was buried in the Cathedral of Tours.

There are other links. The cathedral at Orléans has a tomb to another Douglas who fought with the French at the time of Joan of Arc. The link that has stayed with me most, however, is one that I explored on my first trip to Paris in 1974. There I visited the sepulchral *Église de St Germain des Près* in the Boulevard St Germain. At opposite positions in its nave are two tombs – one of Sir William Douglas, Earl of Angus, and his grandson, Sir James Douglas. I forgive them for the fact that they were Red Douglases. Each had been colonel of a Scottish regiment then serving, in the 17<sup>th</sup> century, under the French crown. I had assumed that they were part of the famous *Garde Écossaise* of the French King; his bodyguard whose fierce spirit led to the French proverb, “*fier comme un Écossais*”, proud as a Scotsman, entering their language. I was wrong.

I still visit that church each time I go to Paris but about 12 years ago I went again to Edinburgh and visited the museum of the Royal Scots in Edinburgh Castle. There I discovered that that famous regiment, the first regiment of foot and the most ancient in the British Army, had its origins in a mercenary company led alternately in the 17<sup>th</sup> century by colonels from the Hepburn and Douglas families. Sir John Hepburn created it. He had been given a warrant by Charles I to raise a force to serve in France. By 1635 he commanded more than 8,000 men. It was that regiment that went to France to assist the French in the wars of the Austrian Succession in the mid-17<sup>th</sup> century. The Douglasses in the church of St Germain were two of its colonels, a curious gift at that time by Protestant Britain to Catholic France.

The Royal Scots is one of the famous Scottish regiments, like the Black Watch and the King's Own Scottish Borderers now at real risk of losing their separate identities in the proposed changes to the organisation of the British military; that prospect is causing considerable angst in the pages of *The Scotsman*.

Let me go back to the Auld Alliance. It was put on a firmer footing by the Treaty of Corbeil in 1326 and lasted formally until 1560 when most of its provisions were terminated by the Treaty of Edinburgh which allied Protestant Scotland and England. One curious historical relic lasted until 1903, namely that all Scots could be French citizens. That ceased just before the Entente Cordiale between Britain and France was created in 1904.

Even though the Auld Alliance ceased before the Act of Union the intellectual and cultural links between France and Scotland continued. They were particularly strong

during the period of the Scottish Enlightenment in the 18<sup>th</sup> century when Francis Hutcheson, David Hume and Adam Smith led an intellectual society far in advance of most of its contemporaries, benefiting from the commercial opportunities opened up by its access to the British Empire's world markets while continuing its intellectual links with universities in Holland, like Leiden, and in Paris. Some of those intellectual links were encouraged no doubt because Scottish law was and still is based on the Roman legal system and drew from continental influences to a significant degree. For example, James Boswell, the biographer of Dr Johnson and Scottish lawyer as well as English barrister pursued some of his legal studies at Utrecht.

I lamented earlier the limited French influence on Scottish cuisine. You might be interested to know, however, that the haggis derives its name from one of the French words for mince – hachis – and French wine has always been very popular in Scotland. I read recently that, in 18<sup>th</sup> century Edinburgh, it was delivered like milk is today.

Let me finish briefly by touching on another topic of constant concern to *The Scotsman*, which I regularly read on the web - the decrease in the Scottish population. It's linked with the merging of the Scottish regiments I mentioned earlier. They aren't able to raise enough recruits to fill their ranks. It isn't a problem unique to Scotland. Italy faces it too. In fact, in Europe, it is really only France that still remains able to reproduce at least at the replacement level by a combination of strong family relationships and legislation designed to encourage their maintenance. Perhaps

the Scots with their greater independence through devolution can do something about it now too.

But perhaps the problem is more deep-seated - David Hamilton is an excellent Scottish tenor whom I heard sing at an operatic concert in a paddock outside Inverell in March this year. He was talking with his sister about their father who still lived as a widower in Edinburgh. His 83<sup>rd</sup> birthday was coming up. What could they do for him? Surprisingly his sister said to him – “You know it’s a long time since Mum died. Do you think that the old man would like a bit of the old you know what?”

“Leave it to me”, said David. On the night of his birthday the old fellow heard a knock at his door. He shuffled out to open it up and there was a statuesque lassie dressed in a fur coat. She opened the coat to reveal her beautiful, naked body, leaned across and whispered: “I’m here to gi’e ye super sex.”

The old fellow looked her up and down and said: “I’ll ha’e the soup.”

I give you the toast to “Scotland and the Society”.