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# National Identity and Judicial Interculturality :The Dáil Courts Experience (1919-1923)

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## Résumé

Identity and interculturality are two closely connected concepts, not so much because of their apparent contradiction, but, more so, because they entertain a more dynamic relation. Identity is a composite notion that can never be confined to a few static features. History shows that, identities are shaped by intercultural interactions, and this process is always an ongoing one, something that, following Deleuze and Guattari, can only be a "becoming". Due to its past colonial status, Ireland has strived to oppose its national identity to the heritage of British rule as it gradually severed ties with its former rulers. Cultural, linguistic and religious differences were invoked as evidence of a separate national identity, even if reality was far more contrasted. Nationalism being a political notion, it is normally reflected in the country's institutions, the latter getting their legitimacy by constitutional means, and this is how the national/foreign, and identity/interculturality dichotomies were shaped. One can oppose to that vision the idea that nationalism, be it British "imperialism" or Irish "patriotism" are two blocks (like the old Eastern and Western blocks), two molar systems infiltrated by molecular, micro-political movements :

The two great molar aggregates of the East and West are perpetually being undermined by a molecular segmentation causing a zigzag crack, making it difficult for them to keep their own segments in line. It is as if a line of flight, perhaps only a tiny trickle to begin with, leaked between the segments, escaping their centralization, eluding their totalization. The profound movements stirring in a society present themselves in this fashion, even if they are necessarily "represented" as a confrontation between molar segments. (Deleuze & Guattari, *A Thousand Plateaus*, transl. B. Massumi.1987 : 217)

This paper will examine a particular case of molecular v. molar opposition in the context of the first Republic (1919-1923) whose judicial institutions competed with the existing British court system during the War of Independence. It will deal with the setting up of a system of courts, called the Dáil courts, and how they came to represent some sort of Irish identity in the making (what Deleuze & Guattari called a "becoming"), while aggregating both British and foreign legal features. The prompt winding up of those courts in 1923 by Dáil Éireann will also be analysed as a molar reaction to an assemblage that might have been seen as a challenge to the budding national institutions, and a rebuff to radical, revolutionary movements within Irish nationalism.

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