Student Writing in Law: Fixed Discourse Boundaries and Hospitable Crossings

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1 Introduction

In this article I discuss the 'acquisition' of and 'engagement' with common law discourse attempted by two international postgraduate law students in terms of a relationship of hospitality with language. Like hospitality, language is marked for Derrida by a structure of a 'promise of a gift' (Derrida 1998: 21, 66) which at the same time can never be given but is 'always yet to come' (Derrida 1998: 67). Nevertheless, as in hospitality, there is necessarily a sense that this gift is real, there is 'a language' or specific discourse (such as the discourse of common law in English) that one can 'make oneself at home in'.

However, as Derrida shows, the logic implied in giving or receiving a gift or hospitality at the same time leads to the subversion of its possibility. Similarly there is a fundamental aporia in language in which the acquisition of language or discourse at the same time depends on its impossibility, though this does not foreclose the possibility of an engagement or a struggle with it. It is the privileging of one side of such a contradiction that Derrida argues cannot be justified and, in the context of student writing, the 'absolute' distinction very often insisted on between 'paraphrase' and 'plagiarism' fails to acknowledge the process of engagement students undergo and the impossibility of finally determining the dividing boundary such a 'rule' presupposes. That is, a focus on the struggle with language, rather than on what

makes language 'mine' or 'not mine', leads to a problematising of this distinction. Central then to this discussion is the question of boundaries, inclusion/exclusion, and the relationship between subject and language.

2 The Students

Both students referred to in this study were international students studying for a postgraduate Master of Laws in an Australian university and were part of a small cohort of students who agreed to participate in the PhD study this article is drawn from. Quotes by the students cited in this article are from interviews held with them. Both students had met the minimal English language proficiency entry requirement (IELTS 6.5) and had completed a compulsory pre-entry five-week English language bridging programme. These two students have been selected as 'telling cases' in that their writing practices illustrate theoretical points made in this article, but it is not claimed that they, and the points made, are necessarily representative of student writing more generally. The validity of more generalised claims would need to be tested against a much broader sample.

Thuy, a female, Vietnamese student in her thirties, had completed an undergraduate degree in law in her country; since graduating, she had worked for a number of years as a legal adviser to parliamentarians in her country. In this role, she was involved in drafting legislation. She had also engaged in discussions with overseas legal advisers who had been employed to guide Vietnam as it sought to introduce legislation that would meet obligations placed on it by international treaties (treaties that the government had either signed or wished to be a signatory to). Despite her impressive experience, her exposure to common law had been minimal, and she stated she had little understanding of it.

During the course of interviews she expressed a strong desire to 'acquire English' and to 'understand western culture' and she stated that an important reason for pursuing postgraduate study in Australia was to 'understand common law', which she appeared to equate on occasions with 'western law', presumably because of its association with United

States law. She stated that after the opening of Vietnam to the outside world, the study of English became popular and she too had decided she wanted to understand the language and the 'west', although she still lacked confidence about her use of English. Nevertheless, during her time in Australia she had made great deliberate effort to improve her vocabulary by paying attention to new words and phrases she heard, often noting them and 'trying out' new ways of saying things. She had a great interest in English language literature and during her stay in Australia had bought many novels which she could not obtain at home. She also expressed a strong interest in western popular culture. In her interviews, comments about 'the west' were often conflated with the role of the English language. Her study in Australia thus served the interest of engaging at both professional and broader personal levels with discourses and cultures she felt were still relatively unknown to her, and this process of engaging with a discourse which is 'other' to one is the concern of this article.

The second student, Narin, was a male from Thailand. He was younger than Thuy (in his mid-twenties) and had also completed a first degree in Law in his home country. However, unlike Thuy, his only legal experience was that which was required to complete his professional qualification.[1] He had spent a number of months learning English in another part of Australia prior to beginning his LLM studies, but still did not feel very confident about his English language proficiency. Despite this, he had very strong views on a number of social issues regulated by the law which he could express quite forcefully. His lecturer valued Narin's opinions, commenting that he was 'quite unlike' most Asians she taught because of his outspokenness and his willingness to seek her out when he needed advice on the research assignment he was doing for her course.

3 Language as hospitality

In his eulogy to Levinas, Derrida reiterates his agreement with him that 'the essence of language is friendship and hospitality' (2001b: 207). This is because language fundamentally entails 'a relation to the other'

which ensures that one is placed in a relation to language not of mastery but of listening and being sensitive to that which one is not already in possession of (2005d: 166). This relationship, however, is not simply with the idea communicated through an utterance which, in Bakhtin for example, always comes to us from prior uses and is 'saturated' with the voices of others which will always remain present even as we inflect and nuance such language with our own voice and make it 'our own' (Bakhtin 1986). For Derrida, this otherness is not constituted by the presence of another's meaning but by any such meaning being the product of a sign system which at the same time renders such meaning ultimately indeterminable. It is this contradiction which characterises the otherness of language and our relationship to it. A message is possible only when produced through a sign system, and therefore through signs which are of necessity iterable. However, 'by virtue of its essential iterability, a written syntagma can always be detached from the chain in which it is inserted without causing it to lose all possibility of its functioning' (Derrida 1988: 9). It can be iterated in contexts which are 'illimitable' and which are 'never absolutely determinable' (1988: 3) and are 'without any centre or absolute anchorage' (Derrida 1988: 12). Consequently, the meaning of an utterance is never finally determinable, even though at the same time it functions to communicate meaning. This contradiction represents in language an *excess* which can never be reduced to the meanings generated from language use, and this non-dialectical aporia Derrida places at the heart of language. The possibility of a unique communicative utterance relies on a code and signifiers whose iterability ensures such a unique utterance can never be finally secured. This contradiction cannot be resolved because it is the *condition* of meaning making.

Elsewhere, Derrida suggests language is marked by a 'wound' which lies beyond hermeneutic interpretation: 'Such a gaping belongs neither to the meaning, nor the phenomenon, nor to the truth, but, by making these possible in their remaining, it marks in the poem [or text] the hiatus of a wound whose lips will never close' (Derrida 2005c: 152). This wound, he adds, 'appeals to the other without condition, in the language of a hospitality that can no longer be subject to a decision'.

Thus there is in language a 'dissemination irreducible to polysemy' (Derrida 1988: 20) or to 'hermeneutics in Gadamer's sense' (Derrida 2005d: 165). As Derrida observes, 'We can inventory a multiplicity of meaning' (2005d: 165) but there is 'always an excess that is not of the order of meaning' (2005d: 165); it is this excess, a consequence of the iterability which marks language, which ensures an 'independence' of language which 'continues to act' even in the absence of a reader or writer (Derrida 1988: 8).

This non-translatable excess is also found at the material level of language. Derrida discusses the shibboleth as 'the differential mark' which in itself has no meaning yet 'becomes what one must know ... to see oneself granted the right of asylum or the legitimate habitation of a language' (Derrida 2005a: 26). The shibboleth has no meaning but 'it is the ciphered mark that one must be able to partake of with the other, and this differential capability must be inscribed in oneself, that is, in one's own body as much as in the body of one's own language' (2005a: 26). There is of course nothing natural about the shibboleth, it is entirely cultural in nature, yet itself it has no meaning, it is from 'the outside-of-meaning ... the cipher of the cipher, the ciphered manifestation of the cipher as such' (2005a: 27). Thus in the shibboleth we find 'insignificant difference as the condition of meaning' (2005a: 28-9), an indispensable mark which is untranslatable itself. A shibboleth, such a mark distinguishing a text or language, is inseparable from language, and in a similar way Derrida notes how the juxtaposition of words against each other (and in particular the introduction of phrases from a different language into a text) have an effect which cannot be retained in translation. 'Everything seems, in principle, translatable, except for the mark of the difference' (2005a: 29).

We will return again to the significance of this material, non-translatable yet indispensable element of language use in the next section when discussing the patchwriting practices of one of the students discussed. An engagement with language entails an engagement with the otherness of language, with that which cannot be translated, paraphrased or assimilated into already existing schemata,

and this engagement for Derrida involves a relationship of hospitality between the self and other.

Thus, an impossibility marks both language and hospitality, or rather, both are wholly possible because of an irreducible contradiction or aporia which marks them. Derrida argues that 'pure hospitality', like a 'pure gift', is offered without expectation of anything in return, 'without horizon' (Kearney and Dooley 1999: 70). The imperative underlying the concept of hospitality is that in welcoming the other to 'make themselves at home' the host offers to them all the rights and privileges the host enjoys. As Derrida notes, this is risky: the newcomer may wish to destroy your home. Nevertheless, 'if you want to control this and exclude in advance this possibility there is no hospitality' (Kearney and Dooley 1999: 70) and in practice borders are set up. 'Pure hospitality' thus involves an opening of self, a vulnerability in which one's relationship to the other cannot be regulated by 'law' but is supported only by trust. 'Conditional hospitality' is what we find practiced, in which limitations are necessarily imposed (see Derrida 2001: 20-23).

The setting up of boundaries or limitations is not, however, merely a self-interested act but a *necessary* act, since 'pure hospitality' would involve the host surrendering proprietorial rights over that to which the other is welcomed and in so doing surrendering the power necessary to act as host. Thus, occupying the position of host, which is necessary for hospitality to be extended, at the same time subverts the possibility of 'pure hospitality' in the name of which a host necessarily acts. True or 'pure' hospitality renders hospitality itself impossible and so hospitality necessarily fails to live up to itself. Consequently, particular instantiations of hospitality subvert the 'universal' concept which supports them and makes them possible. Imperfect, particular instantiations of hospitality are therefore not corrupt or shadowy forms of the 'real' thing, as a neoplatonic understanding might argue, but rather they are irreconcilable with this 'universal' while at the same time inseparable from it. It is this *relationship* between the particular and universal values of a concept, rather than a sharing between them

of some common 'essence', which is the condition of their possibility. For Derrida the privileging of one term in such a binary is therefore unjustified, yet it is such a privileging, on a more general scale, that he argues has plagued western metaphysics.

Still (2004: 115) suggests that 'the laws of hospitality which govern the culturally sanctioned role of host as master of the house would fit with our sense of the author as master of his work'. On the one hand, we invite the texts of others into our own text, 'suitable guests who will behave appropriately ... who are like me, speak my language' (2004: 115) or will in effect do my bidding. On the other hand, however, 'pure hospitality' (Derrida in Kearney and Dooley 1999: 70) or 'wild hospitality', as Still puts it, opens the risk of being taken over by this language of others, of being open to 'invasions by barbarians I do not know whose languages I do not speak' (Still 2004: 115) and being taken over and treated badly (Derrida in Kearney and Dooley 1999: 70).

The tension that Still refers to, between attempting to 'master' the language to make it work according to my own intentions, and the risk of it taking over, is not strictly a choice or a struggle between two separate impulses. Rather, the sense of mastery is only possible because language will resist any such mastery – the iterability that enables a language to exist for us and make 'mastery' over meanings possible is precisely that which, at the same time, makes such mastery impossible. As with hospitality, inviting a word to make itself 'at home' (as guest) runs precisely the risk that it will do so and deprive us of our position as host/master. Thus while mastery is integral to hospitality and language use, it simultaneously undermines the possibility of hospitality and of the effectiveness of language. As Derrida observes, 'There is ... in every utterance ... an inaccessible secret' (Derrida 2005d: 164) and to not remain open to that 'excess that is not of the order of meaning' (2005d: 165) and to fix the meaning of a text would be to destroy the text (2005d: 166). In his own reading Derrida says 'I try to make myself listen for something that I cannot hear or understand, attentive to marking the limits of my reading in my reading' (2005d: 166) and consequently, he argues 'one should speak while leaving to the other

the chance to speak, while giving floor to the other' (Derrida 2005d: 167). This is possible only if one has not already finalised the other's speech by imposing on the text a final word, and if one remains open to the otherness of the excess in language.

Thus in language, as in hospitality, there is a threshold which is never arrived at, never actually crossed. We can argue that this circumstance describes well the position of a student who perhaps eagerly anticipates a discourse, but does not know what the discourse is and thus awaits it to reveal itself. But the border which divides the host from the guest and in so doing makes possible the constitution of both as such is itself a border that is spectral in quality, both present and not present simultaneously. To be host, one must of necessity be master of the space into which one invites a guest, but this of equal necessity limits the possibility of hospitality, since if the host is to remain master the guest can never take up hospitality in its proper sense of assuming the gifted unconditional *right* of presence. Thus, hospitality 'forbids in some way even what it seems to allow to cross the threshold' (Derrida 2000: 14); 'It remains forever on the threshold', indeed, hospitality 'becomes the threshold'. Hospitality is this aporia, its possibility predicated on its impossibility. In this respect we can never know it as such because 'once we know it, we no longer know it' (Derrida 2000: 14): it can never be seized as such, its presence is marked also by its absence. Thus 'hospitality can only take place beyond hospitality' and consequently it 'is always to come, but a 'to come' that does not and never will present itself as such' (Derrida 2000: 14). While the motivation for engagement with language is to achieve mastery and control over the meanings we communicate, language retains a secret which ensures mastery is never complete.

The language and discourses students engage with have a similar property. Of necessity, students experience the language they work with and the disciplinary discourses they must engage as 'givens' which they need to understand and acquire in order to utilise them effectively. Yet that which distinguishes a discourse or genre from other ones of necessity needs to be reproducible, and this iterability at the same time

ensures that the boundaries and discreteness of each can never be finally settled (Derrida 1988: 10). Thus, our relationship to language is marked by a struggle, a bodily struggle even, but not mastery or appropriation (Derrida 2005b: 101).

I will now consider what this means for the two students discussed in this article. While we might see language as saturated with borders of various sorts (plagiarism / paraphrase; correct / incorrect grammar; generic forms; and so on), these borders exist in anticipation or retrospection, but are never actually encountered as such or crossed, and certainly never finally settled. Thus we might argue the moment of discourse acquisition never actually occurs: one can construe a discourse as an object one anticipates mastering at some stage, or one can identify oneself as already in possession of it, but these identity positions have illusory elements and the moment of identifying a discourse or acquiring it never actually arrives. One is always subject to the undecidability of language and consequently 'identity is never given, received or attained; only the interminable and indefinitely phantasmatic process of identification endures' (Derrida, 1998: 28). This applies equally to identities a person assumes as well as to those we attribute to and by which we distinguish discourses, genres and so on. Thus we are 'neither inside nor outside' language but instead find ourselves 'on the shores' of a language, 'on the unplaceable line of its coast' (Derrida 1998: 2).

4 Student engagement with legal texts

Both students expressed some despair at the lack of background knowledge they had about the discipline and the content dealt with by the texts they engaged with. Both stated they did not know how their texts would be read, how marks were allocated; however, both responded in significantly different ways to their shared predicament. I would characterise Narin as engaging predominantly with the 'instrumental' value of his sources, whereas Thuy was more concerned with their 'intrinsic' value, even though unavoidably they retained instrumental value (that is, they were made use of in order to fulfil the

assignment demands placed on her).

Narin sought to subject the texts he engaged with to existing interests and ideas he held. Thus he expressed great enthusiasm for texts he found which supported the position he had chosen to develop in his assignments, or because they provided a counter-argument he could use without seriously undermining his position. Nevertheless, while expressing great commitment to the position he defended in his assignments, he felt little conviction about his arguments. One reason for this was that he believed he had to rely on source texts and this not only hindered and frustrated his ability to express his point of view, but it also made his own text quite empty. That is, he felt all he could do was repeat what others said, but he could not say what he wanted to say. This suggests a relative lack of engagement with source authors; they were instead a 'mine' of information which he could instrumentally use when developing his own point of view, but doing so was in effect a process which frustrated expression of that point of view. That is, the authors he introduces into his texts as guests remain subjected to his mastery and are not permitted to speak. They are guests 'who will behave appropriately ... who are like me' (Still 2004: 115), allowed entry because they share Narin's views and fit in with his plans. Thus, for Narin this welcome is both conditional and partial. They serve pre-given interests and he accommodates them in his text because the institution demands this of him. Unfortunately, he finds that having to acknowledge and incorporate them hinders the free expression of his ideas and their presence consequently diminishes the value he places on his finished text.

One way of characterising Narin's approach is to say that he does not engage with the otherness of the discourses he is dealing with. Thuy, in considerable contrast, does. Her stated desire is to acquire a sense of the discourses she engages with, and to find a voice in them, even though (like Narin) she feels she lacks the background knowledge necessary to make clear, solid and confident meanings from them. I would argue that her engagement with the 'otherness' of these discourses is achieved to a considerable extent through her 'patchwriting'. For Howard (1995),

patchwriting refers to the process of creating a text or significant segments of a text largely from borrowed language chunks, whether at phrase or sentence level, creating in effect a patchwork composed from others' writing. Thuy drew on such a practice, only at times representing the sourced wording as a quotation which she acknowledged. We can characterise her patchwriting as a form of 'wild hospitality' (Still 2004) or 'pure hospitality' (Derrida in Kearney and Dooley, 1999: 70). That is, Thuy invites into her text authors and their words which take over and 'make themselves at home', and in an important sense author her text. Thuy thus both authors her text and is authored; she engages with the words of others which criss-cross her text and in doing so both orchestrates meaning and surrenders to meanings that for her remain thin, 'whose names I do not know' (Still 2004:115).

In this respect, the boundaries that Narin keeps so much in place between 'host' and 'guest' are now in Thuy's case destabilised, or can even be said to be reversed, in that Thuy now becomes the guest of the discourse which 'hosts' the place she wishes to be welcomed into. Thus we see in Thuy's circumstance the emergence of the ambiguity of the host-guest relationship Derrida speaks of, where the host yearns for the guest, even an unknown guest, who makes possible his existence as a host and therefore liberates the host (Derrida 2000:10). Thuy is thus constituted as writing subject in a relationship where, in Still's ambiguous phrase which alludes to the desire underpinning any engagement with language, one relishes being 'ravished by another's tongue' (Still 2004:115).

But this relationship is not an easy one for Thuy. She speaks of profound anxiety as she struggles with her assignments, and I would suggest this reflects the dissolution of boundaries that she has hitherto worked within and which normally provide a secure sense of self and identity. But at the same time her texts provide her with a degree of satisfaction which is not explicable in terms of the institutional and instrumental purpose her texts serve: as Thuy claims, 'I don't care what mark I get'. Significantly, neither is it commitment to the position developed which provides this satisfaction: she admits 'I don't feel

strongly about the position I argue'. Instead her satisfaction is with the *text itself*. There is an engagement with language not reducible to meanings but which nevertheless provides considerable satisfaction and I suggest this can be viewed in light of the ambiguous host-guest relationship she has with her source texts as representatives of the discourse she seeks to acquire and be welcomed into, and the constitution of herself as writing subject through that relationship; a subject exposed to the 'inalienable alienation' that is constitutive of the subject in language (Derrida 1998: 25).

Despite the heavy patchwriting her text incorporated, Thuy spoke of the words as being *hers*, a statement I believe reflected a genuine experience. Her process wasn't one of appropriating the ideas and words of others to fulfil already given interests, which, as we have seen in Narin's case, results in frustration when they cannot be easily subdued and made to do his bidding. In contrast, the boundaries upon which the possibility of frustration depends are dissolved and instead it is anxiety which predominates as Thuy finds herself, as writing subject, surrendering to a discourse which she believes to exist yet which remains unknown to her. In this way she is closer than Narin to a sense or experience of the 'promise' which 'precedes all language' (Derrida 1998:66).

Thuy approaches in a state of expectation that there is a language, a gift of language (1998: 67) which she wishes to receive, even though she does not know what that gift is apart from the name she gives it (common law discourse). She enters into a relationship of trust with language rather than control, and thus exposes herself to that which is other, precisely in the sense that it is unknown to her yet presupposed as having a presence. As Derrida remarks, that which is 'other' 'is infinitely other' and 'we never have any access to the other *as such*' (1999: 71, original italics). Thus it remains unknown, yet a determinate object to be possessed. Thuy is in this relationship to common law discourse. While there is therefore a sense of a boundary to cross (a point of entry into the discourse) this boundary nevertheless remains undetermined for her.

This discourse-object therefore is a peculiar one: it is precisely because it is unknown and non-defined that it can exist as an imagined 'determinate' object for Thuy, organising her desire and facilitating her engagement. This discourse she engages with is therefore characterised by being simultaneously both present and absent, a kind of spectre, where an idea is non-identical with itself, marked by a 'trace', a term Derrida uses to describe 'the part played by the radically other within the structure of difference that is the sign' (Spivak 1976: xvii). There is the assumption of a discourse which through engagement can be possessed or mastered, but where engagement instead leads to 'transformation, change and displacement' (Derrida 2005b: 104). Writing is always a rewriting. Thus 'language, the word – in a way the life of the word – is in essence spectral ... it repeats itself, as itself, and is every time other' (Derrida 2005b: 104). Unlike Narin, it is with this spectral quality that Thuy works.

The act of producing a text does, of course, require judgments be made. Thuy does sometimes make judgments of an instrumental nature, according to prior knowledge or interests, and sometimes using relatively arbitrary criterion. She says she sometimes follows a 'conservative' line because she feels it is 'safer', more established, and other times holds onto an idea or line of thought because she is 'fascinated' by it. However, she also states that on numerous occasions she reached a point where making a decision about what to say, which direction to pursue, was 'very difficult' and all she could do was 'just try'. The plaintiveness with which she said this added to the sense that at such points she found herself without bearings, without a rule to follow, but nevertheless had to continue. Such moments suggest exposure to the aporia we have noted characterise hospitality and language.

For Derrida hospitality only begins when we press against the impossibility of hospitality (2000:14) or 'experience (which means travel or go through) this paralysis' (Caputo 1997: 111), where hospitality 'remains forever on the threshold of itself' (Derrida 2000: 14). In language, this aporia exists at the moment where language itself cannot be in possession of determinate meaning, not because of multiple

possible contexts which open up multiple interpretations, but because that which makes meaning possible [iteration, citationality] at the same time ensures that it cannot be possible (Derrida 1988). There is a 'non-identity of itself to any language' (Derrida 2005b: 101) and a moment in making judgments where following a rule fails us.[2]

The dissemination of meaning in language therefore ensures there is always an excess 'irreducible to hermeneutics' (Derrida 2005d: 165) or to the potentially multiple but singular meanings we produce and for Derrida this excess calls us 'to listen for something I cannot hear or understand' in the text (2005d: 166). Thuy's desire to acquire the common law discourse places her in precisely this position of listening for what as yet she cannot hear, of refusing the boundaries that are constructed by existing understandings and interests which Narin, I have suggested, remains attached to. This pressing against the impossibility inherent in language brings us closer to the 'abiding alienation' of the subject within language; not an alienation of an already given subject but an alienation which *is* the subject, which brings it into being (Derrida 1998: 25). Thus we find 'a terror inside languages' which 'is our subject' (1998: 23). In the case of Thuy, the ontological state – of uncertainty and of terror –Derrida speaks of can be linked, I would suggest, to the anxiety and depression she spoke of which accompanied her at times while struggling with her assignments.

The difference I have tried to outline between Narin and Thuy is manifested, as might be expected, in the texts they produce. Principally, Narin's text was composed of paraphrase and what is commonly referred to as his 'own' wording, except where he provided cited quotes. In contrast, in addition to cited quotations, Thuy's text, as already noted, was heavily patchwritten. However, Thuy's text was not, in my view, an instrumental manipulation of source texts, a means of 'cobbling together' a text in order to get through her course. She stated that in fact she had been quite worried about plagiarism while writing; her main fear was that she might formulate ideas of her own which others, unknown to her, had already expressed. Furthermore, when asked about the language in her text, she insisted quite strongly that the

language, the words, were 'hers'. In my view this was not an attempt to deceive,[3] but rather an expression of the subjective relationship she had with the language.

For Narin, the intertextual activity he engages in reduces the sense he has of his own 'presence' in his text; having to use sources diminishes his capacity to express his point of view. For Thuy, in contrast, the intertextual activity enhances her sense of presence, but not at the level of meanings, which for her lack sufficient richness, but at the level of *text*. I now want to link this sense of participation, of 'self', of 'owning' the words that find their way into her text, to the excess in language that follows from the iterable and citational nature of language and which gives rise to a 'dissemination which exceeds polysemy' (Derrida 1988: 21), that is, to a dissemination not explicable in terms of the multiple meanings a text may be given.

For Derrida, every sign 'can be cited, put between quotation marks' but this also means 'it can break with every given context, engendering an infinity of new contexts in a manner which is absolutely illimitable' (1988: 12). He points out, however, that 'this does not imply that the mark is valid outside of a context, but on the contrary that there are only contexts without any centre or absolute anchorage'. This possibility is not accidental to the mark but its absolute condition, 'without which a mark could not even have a function which is called 'normal' (1988: 12).

As already noted, both students stated they lacked sufficient disciplinary context or understanding of the background from which their source texts emerged. Narin dealt with this problem largely by invoking contexts and interests he was already familiar with. This led to some frustration with understanding his sources as well as using them, but by and large they presented him with ideas he felt he could work with. In this process he willingly rewrites his sources to align them with the interests he has and causes them to speak in his voice. He uses 'citation or reference as ornamentation; choice jewels or flowers which decorate or embellish the master's house' (Still 20004:115). In contrast, Thuy resists such a move in her bid to be open to this other discourse, but because she has no firm sense of a context in which

to situate her understanding, having refused to privilege both prior interests and understandings she brings and the institutional one she finds herself in, the possibility of paraphrase is less available to her. Instead she does not give way on her desire to privilege the *disciplinary* discourses and their contexts.

Therefore, I suggest that for Thuy the source texts themselves, *as text*, provide a substitute context. They are in fact not a means to an end, but the *embodiment* of the end Thuy seeks, that is, the disciplinary discourse. They do not merely provide symbolic representations of a discourse which lurks 'behind' them in some way, but are icons of the discourse and as such the texts she engages with *are* the discourse. Her desire to engage with a discourse which in its presumed uniqueness is in excess of that which can be rewritten, the non-translatable idiom of the discourse as it were, that which distinguishes it, binds her to the texts. In this respect to re-write or paraphrase can risk *losing* the discourse she is seeking to acquire, rather than provide a means by which she accesses it. Paraphrase places at risk that which she experiences as distinguishing the discourse in the texts she engages with, even though she is certainly capable of paraphrase, as demonstrated in an interview when asked to orally outline some of the ideas she had worked with.

For Derrida, that which distinguishes a text in its uniqueness and is most proper to it is its idiom, and this 'what is most proper in language cannot be appropriated' (2005: 101) since to paraphrase is to speak that which is unique in 'a language whose generality takes on a value that is in some way structured, universal, transcendental' and hence no longer unique (Derrida 1998: 20). This non-translatable idiom of the text is not found by Thuy in the sense of meaning but is given by the material text itself. The text *embodies* this discursive uniqueness and it is retained in a re-iteration of the text. Context itself is not brought to the text to make sense of it, but is given by the materiality of the text.

 This is not a matter of the student lacking the ability to paraphrase, or believing that the original says things in a better way than the student can. While the student may believe this is so, I am suggesting that there is an element in the original which *cannot* be said in a different way

and it is this which Thuy identifies with the discourse she is engaging with. As her assessor commented, Thuy has sufficient ability in English to organise her patchwritten text into a 'seamless' text; thus, the patchwritten text provides her bedrock, against which she does indeed provide quotations and citations to foreground authorship or wording usually to good rhetorical effect. Indeed, her lecturer stated that if this text is plagiarised, 'it is such a magnificent piece of plagiarism (*she laughs quite forcefully*) that it either can't be, or, you know, [she] almost deserves credit for it [she has] strung it together seamlessly well'. Although the lecturer carried out basic checks for plagiarism, she decided 'why would [Thuy] spend so much effort doing such a supreme piece of plagiarism. That's just too much work. It's easier to write yourself'.

Thus, although Thuy was able to establish meaning in such a way that her reader read her text as, largely, a seamless unity, for Thuy the position developed was not, as already noted, the source of her satisfaction. Instead, her satisfaction lay in her text, and I am suggesting this is tied to an operation of language which exceeds and is not reducible to meanings realised through the text, that is, it is tied to the excess Derrida argues belongs to citationality. As Thuy seeks to cross the border from familiar discourses to another, it is the citationality integral to language which she identifies with and thus the material *words* she encounters provide the medium for crossing, like the shibboleth (Derrida 2005a), and it is in this moment of excess irreducible to meaning that the words she takes up are experienced as her own. We can perhaps juxtapose her practice against Derrida's statement that 'to translate is to lose the body' of the text (2005d: 168), this body which is 'the uniqueness incorporated, incarnated, in what one used to call the 'signifiers', in the graphemes which in themselves cannot be translated' (2005d: 168). It is this attempt to engage with the unique object-discourse, via her source texts, which I am suggesting exposes Thuy to the 'excess' by which she is carried forward and so engages with the 'otherness' of the discourse she seeks to acquire.

There is much more which needs to be said about how identification with the materiality of a text occurs, but this cannot be pursued here.

However, the idea that subjects are constituted through identification and positioning by discourses is a widely held view. For example, critical discourse analysis (see Fairclough 1992) attempts precisely to show how identities are formed and positioned by discourses and their meanings. A difficulty with such approaches in general is that there is little explanation of how a subject takes up the positions a discourse is said to provide, of what aligns the participants with a given reading, with specific symbolic meanings, especially when the discourse is new to the reader. I am suggesting that the materiality of texts also needs to be taken into account, and it is possible to argue that Thuy engages with the texts as *icons* of the discourses she seeks to acquire. It is through this relationship at the iconic level of meaning that Thuy is constituted as a subject and which in consequence causes her to subjectively experience the language as hers, that is, as that in which she herself has come to being as an imaginary subject of the discourse represented by the texts. Through the materiality of the signifiers this sense of 'self' is provided and it is for this reason the language she uses is experienced as her own.

5 Conclusion

In this article I have argued that language and discourse are engaged with through a relationship similar to that of the host-guest in hospitality. Such a relationship presupposes definitive categories and identities which at the same time are at risk of subversion by the process of engagement. For Derrida, neither moment – of maintaining such categories, or of their dissolution – is to be privileged since both are mutually dependent upon the other. For this reason there is a 'non-identity to itself of any language' (Derrida 2005b: 101) and indeed, of subjective identity. Yet working with determinate categories and concepts is unavoidable, and as such clear boundaries are usually maintained and indeed insisted upon.

For students, the process of learning can be often viewed as one of 'crossing' boundaries, navigating between a wide range of definitive classifications, one of which has to do with the distinction between

'paraphrase' and 'plagiarism' which is generally quite rigidly policed. In this article I have argued that engagement with unfamiliar discourses by students can follow a path where existing rules, categories or identities, both institutionally and self-imposed, are maintained, or one can engage in the kind of 'bodily struggle' which exposes the uncertainty of the boundaries such categories rely on and leads the student into unknown territory where boundaries distinguishing discourses and self are struggled with.

I have argued that in Thuy's case, reaching a point of producing a text which is 'hers' involves the creation of a self in relation to her sources which from the perspective of a rigid rule about plagiarism might seem illegitimate. Yet for both Thuy and her lecturer-assessor, while 'plagiarism' remains a signifier marking something strictly prohibited, its signified is far less determinable. The boundaries dividing what is and is not permissible become uncertain and are reinvented. Engagement with discourse effects a change in such boundaries and consequently in the subject engaging with it, and I have suggested that in Thuy's case such changes are not reducible to engagement with the symbolic function of language alone but they are also intimately bound to her engagement with the materiality of text.

Notes

1 Narin summarised his legal experience as follows: 'I completed a Bachelor degree and then took another year to finish uh [pause] Thai barrister'.

2 See Derrida 1990 (also in Kearney and Dooley 1999: 66) where a decision entails a 'responsibility heterogeneous to knowledge'.

3 See Pecorari 2003 for similar comments.

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