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# Structure and play: rethinking regulation in the higher education sector

Kerry Harman and Erik Bohemia

**Abstract:** *This paper explores possible tactics for academics working within a context of increasing regulation and constraint. One suggested tactic is to move outside of a creativity–conformity binary. Rather than understanding creativity and conformity as separable, where one is seen as excluding the other, the authors consider the potential of examining the relationships between them. The theme of ‘structure and play’ illustrates the argument. In the first part of the paper, using various examples from art and design – fields generally associated with creativity – the authors explore the interrelatedness of creativity and conformity. For example, how might design styles, which are generally understood as creative outcomes, constrain creativity and lead to conformity within the design field? Is fashion producing creativity or conformity? Conversely, the ways in which conformity provides the conditions for creativity are also examined. For example, the conformity imposed by the state on artists in the former communist bloc contributed to a thriving underground arts movement which challenged conformity and state regulation. Continuing the theme of ‘structure and play’, the authors recount a story from an Australian university which foregrounds the ongoing renegotiation of power relations in the academy. This account illustrates how programmatic government in a university, with its aim of regulating conduct, can contribute to unanticipated outcomes. The authors propose that a Foucauldian view of distributed power is useful for academics operating in a context of increasing regulation, as it brings into view sites where power might begin to be renegotiated.*

**Keywords:** *discourse; university governance; power; creativity; conformity*

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The aim of this paper is to generate discussion on possible tactics that might be taken up by academics in response to increasing regulation in the higher education sector. The paper was written after an initial

visit to the Website of the ‘Creativity or Conformity’ conference held in Cardiff in January 2007 ([www.creativityconference.org](http://www.creativityconference.org)). As academics who had recently arrived in the UK, we were interested in the

issues to be explored at the conference, which included 'promoting creative learning'. However, we were troubled by the conference title, 'Creativity or Conformity', and the either/or position it constructed. We were also concerned with the top-down view of power implicit in the text on the conference Website.

Drawing on a Foucauldian concept of governmentality (Burchell *et al*, 1991; Foucault, 1980, 1982, 1991; Patton, 1994), which foregrounds the relationships between power, knowledge and subjectivity, we believe that it is useful to consider the complexities of power. In this view of power, power is understood as both enabling and constraining. Thus, rather than understanding creativity and conformity as separate elements, with one being seen as necessarily excluding the other, we discuss the potential of examining the relationships that might exist between them.

In other words, how might creativity produce conformity, and how might conformity provide the conditions for creativity? In the first part of the paper we provide a brief outline of the Foucauldian post-structural theory we draw on and provide some examples from art and design to illustrate the complex relationship between creativity and conformity. In the second part, we link our theoretical position to a key concern of the 'Creativity or Conformity' conference: the discovery of 'practical methods of promoting creative learning in the face of increasingly stringent economic, legislative, and pedagogic constraints' ([www.creativityconference.org](http://www.creativityconference.org)). Drawing on examples of everyday work practice in an Australian university, we foreground a relational aspect of power and the ongoing renegotiation of power within the academy. This account directs attention to the indeterminacy of power and the tactical use of discourse in a higher educational context.

## Structure and play

As noted above, this paper draws on Foucauldian post-structural theory which directs attention to power-knowledge formations and the tactical function of discourse (Foucault, 1980, 1998; Mills, 1997; Weedon, 1987). Post-structural theorists point to the way meanings are never fixed and discourses are not always used for the purposes they were intended (de Certeau, 1984; Lloyd, 2005; Ransom, 1997; Rose, 1999a). A Foucauldian conceptualization of power provides a view of power as distributed rather than residing in a single authority (Foucault, 1980, 1998; Ransom, 1997; Rose, 1999a, 1999b). This view enables the indeterminacy of power to be explored and brings out the complex and unstable processes whereby



**Design  
Institute of Australia**

**Figure 1.** Design Institute of Australia logo. In colour, the triangle is yellow, the circle is blue and the square is red. (See [www.dia.org.au](http://www.dia.org.au).)

discourse is an instrument of power but also a point of resistance.

With the push to increasing programmatic government in the higher education sector, this take on power merits careful consideration. We suggest that, within the structure and regulation currently being imposed by government<sup>1</sup> with the aim of producing conformity and unification, there is also space for creativity and 'play' (Rose, 1999a; Usher, 2000). The notion of structure and play reveals potential spaces where existing relations of power might begin to be renegotiated and highlights the unrealized freedoms that are still possible. While actions 'may be prescribed by a discursive system, there is always room for reinterpretation and manoeuvre' (Linstead, 2005).

This view of power enables another take on the conference theme of 'Creativity or Conformity', in which it may be useful to consider the relationships between these elements, rather than presupposing that they are necessarily in opposition. In the following section, using examples from art and design – fields usually associated with creativity – we foreground the complex relationships between creativity and conformity. While we briefly consider the ways creativity might provide the conditions for conformity, our focus is on how conformity and regulation have provided the conditions for creativity. Our interest here is in making visible tactics for opening up space within regulation and conformity (de Certeau, 1984).

## Creativity and conformity

In beginning to explore the relationship between creativity and conformity, we ask how a design style might *regulate* what is possible and imaginable. Bauhaus<sup>2</sup> provides a good example of a design style and ideology that had a major influence on design and architecture – a style which might still regulate in some ways what is permissible in design. The Design Institute of Australia's logo (see Figure 1) provides an indication of the pervasiveness of Bauhaus thinking within the field of design. The reference to Kandinsky's yellow triangle, red square, and blue circle in this corporate logo suggests the importance of Bauhaus principles to design.



**Figure 2.** Audio system PC4000, Braun .

Source: Rams (1977).

The principles of Bauhaus dominated design style until the arrival of Memphis design in the early 1980s. For example, Braun, under the design leadership of Dieter Rams, incorporated 'Good Design' principles based on the Bauhaus teaching/doctrine in its range of products for over 40 years (see Figure 2). It is in this sense that design styles, which are generally understood as creative outcomes, can also be understood as constraining creativity and leading to conformity within the design field.

Another example of the complexity of the relationship between creativity and conformity can be found in fashion. Fashion is generally understood as a creative form and a way of expressing an 'authentic' identity. However, Simmel, in an essay on the philosophy of fashion, draws attention to the ambivalence of fashion. He proposes that:

'As soon as a fashion has been universally adopted, that is, as soon as anything that was originally done only by a few has really come to be practised by all – as is the case in certain elements of clothing and in various forms of social conduct – we no longer characterize it as fashion'. (Simmel, 2001, p 238.)

Simmel points to the ongoing tension between creativity and conformity that is expressed in fashion: clothes express individuality and creativity but at the same time produce conformity and 'sameness'.

Perhaps more relevant to our concerns and interests here is an exploration of how conformity provides conditions for creativity. One example is the conformity imposed by the state on the arts in the former communist bloc and how regulation created a thriving underground movement that exhibited a high level of creativity in challenging the imposed conformity. Czech



**Figure 3.** A scene from *The Firemen's Ball* – 'The Beauty Contest'.

Source: Horton (undated).

film provides a wonderful example of the notion of structure and play. We briefly discuss below two now classic films that were produced during the communist era in Czechoslovakia.

The satirical film *Hoří, má panenko*, 1967 (*The Firemen's Ball*), directed by Miloš Forman, is an example of the way in which Czech and Slovak artists, such as film directors, writers, comedians, musicians and singers, used allegory to comment on the ruling regime. The film ostensibly explores the corruption and apathy of small-town folk. The comic story is about a poorly executed ball put on by the local fire brigade to which all the town is invited. The firemen's incompetence, corruption and lethargy can be read as a metaphor for the Communist Party, which was the government. The film was withdrawn from circulation in Czechoslovakia, after about a year on the order of the President Gustav Husák (Ventura, undated).

Our second example is *Ucho*, 1969–70 (*The Ear*), directed by Karel Kachyňa. *The Ear* was unusual in that it directly criticized the Communist Party practice of keeping a close surveillance on its citizens, including its own 'devoted' party members. Usually, a more subtle criticism of the government was employed by directors. Because of its overt political comment, the film was banned for 20 years (Brennan, undated). Along with many other films, it was to be screened in Czechoslovakia only after the collapse of Communism in 1989.

There are many examples of the way regulation and control by the state contributed to unanticipated and often very creative outcomes in the performing arts. These include: the dissident playwright Václav Havel, future President of post-communist Czechoslovakia,

who satirized communist bureaucracy and worked with one of the key underground bands, The Plastic People of the Universe; Karel Kryl, a writer of protest songs who became an icon of the anti-communist movement and escaped prosecution by living in West Germany; the comic duo Lasica & Satinský who used well-known plays such as *Waiting for Godot*, which became *Not Waiting for Godot*, to comment on the day-to-day struggles of ordinary people – struggles which in official communist propaganda existed only in capitalist countries.

These examples are illustrative of an ongoing renegotiation of the power and regulation imposed by the communist government. However, it is important to note here that we are not suggesting that increasingly programmatic government is a ‘good’ and necessary thing; rather, we seek to direct attention to the complexity of the relationships between creativity and conformity. Nor do we suggest that there is something inherent in artists, some essential characteristic, that enables them to resist top-down power. Indeed, it is this individualized notion of the autonomous subject that we seek to disrupt.

As already explained, an aim of this paper is to direct attention to a view of power as distributed and relational, rather than simply top-down. Therefore, we now turn to the theme of structure and play, and the spaces that are opened up by this take on power in the context of the push to programmatic change in higher education (Usher, 2000).

## Structure and play within the academy

One of the authors was the Head of Programme of an Industrial Design bachelor degree offered at an Australian university, and this discussion draws on that everyday experience to foreground the theme of structure and play. The following story focuses on government in the university and the attempt to regulate academic conduct through the introduction of policy and organizational restructuring. The ongoing contestation and renegotiation of power by academics, however, illustrates the unanticipated outcomes of government and shows that programmes do not necessarily play out as intended. The story thus offers insight into the complexity of power. We suggest that, in better understanding the complexities of power in the academy and its relational aspects, tactics for renegotiating relations of power come into view. We provide a descriptive account of changes to a final-year Industrial Design Honours course at an Australian university, and then use Foucauldian concepts to provide a more complicated reading of power at this site.

## The fourth-year Honours programme

The fourth year of the Industrial Design degree at this particular university had been structured as a compulsory (embedded) Honours year since its inception in the 1990s, with students graduating from the programme with Class 1 Honours, Class 2 Honours or a Pass. In this final year of their degree, the students undertake a year-long research-based project. The Honours course had been structured with the aim of encouraging innovative approaches to design problems. It was delivered in two stages. The aim of the first stage was for the student, through research, to identify opportunities and propose possible solutions to a design problem that he or she was interested in exploring. This research stage culminated in the production of an Honours thesis that would be used in the second stage to guide the subsequent realization of the design proposal. The second stage offered the student the chance to consolidate the range of methods and processes developed and evaluated during the first stage.

Each year, students’ research topics varied substantially in the areas they elected to explore. Thus each student’s research project differed in complexity, scope and application. The supervisor and the student regularly discussed the expected project outcomes and the student’s progress in the design studio – a process requiring considerable resources in terms of academic staff.

While this course structure had worked well in the past, a number of challenges had arisen which had prompted the redevelopment of the final-year programme. One of these challenges was a decline in the percentage of students proceeding from the third year and undertaking the final Honours year. While the overall number of students in the final year was increasing – itself a significant challenge and discussed below – not all students were interested in the research focus of the fourth-year programme and some were exiting after completing only three years of the Industrial Design degree.<sup>3</sup> The early departure of students, and their failure to take up a fourth year of study was problematic for the school, as it meant that the completion rate was low. In the Australian higher education context, completion rates are an important indicator of quality.

Another challenge to the existing structure lay in the fact that some of the industrial design lecturers involved in the Honours year course saw little or no value in the thesis writing component of the programme and were critical of its relevance to design practice. Thesis writing was not important for these lecturers, and so they had no interest in supervising this component of the project.

Another, perhaps more pressing issue, at least for the course coordinator, was increasing class size. The existing structure had worked quite well with a relatively small group of students as two or three academic supervisors shared the supervision of the entire class. Having only one final-year class, with all academic supervisors present in the fourth-year studio, enabled project deliverables to be discussed in the classroom setting with all the staff involved. This gave the lecturers a sense that assessment was consistent across the group. However, over the past five years the student intake into the Industrial Design degree had trebled and, as a result, the number of students enrolling in the final year of the course had more than doubled. This increase meant that more and more lecturers were needed to supervise the Honours course and contributed to the reorganization of the final-year class in 2003 into two separate groups. These two classes were conducted at different locations and were supervised by different sets of lecturers. An unexpected outcome of the split was that the staff working with the Tuesday group no longer knew what was happening in the Wednesday group, and *vice versa*. This created problems in the coordination of the final-year course. For example, conflicting information on assessment would sometimes be given to students in the different groups.

The above conditions prompted the course coordinator, in collaboration with staff working on the course, to reassess the course structure. One outcome of this review was a proposal to introduce a new parallel stream to the existing Honours year programme. The aim was to provide students and staff with a teaching and learning environment in which the focus would be on the further development of design studio skills rather than research skills, thus building on their design studio experience. However, at the same time the university was rationalizing courses, and the parallel final-year stream could not be introduced: senior management wanted to reduce the number of courses on offer to bring about economic efficiencies through larger class sizes (Contractor, 2003).

One way of achieving this management objective was through the implementation of an 'Embedded Honours policy', the aim of which was to standardize the rules, structure and requirements of Embedded Honours programmes across the university, with the accompanying rationale that more resources could be provided for Honours-year students. This was accomplished by limiting the number of students who were eligible for admission into Embedded Honours courses. Thus the admission rule made the Embedded Honours course virtually indistinguishable from 'End-On Honours' programmes, for which only the top-performing students were eligible. The introduction

of this policy had troubling implications for industrial design students, as only about one third of them would be able to proceed from the third year into the final-year Embedded Honours class. This was problematic, because a four-year Industrial Design degree is the minimum requirement for registering with the Design Institute of Australia and other professional associations.

However, the proposed implementation of the Embedded Honours policy was used by the Head of Programme to renegotiate the introduction of the parallel stream in the final-year Industrial Design degree. It was argued that the implementation of the policy would disadvantage students who had insufficient marks to commence the Honours course, as it was necessary to have completed a four-year Industrial Design programme to be admitted into professional associations. The parallel stream for the fourth year was subsequently introduced and it is now in its third year of operation. All students successfully completing their third-year studies are able to proceed to a fourth-year course.

## Renegotiating relations of power

While a story about university administration might seem rather dull and humdrum, and changes to an embedded honours policy are a seemingly innocuous event, a reading of this story using Foucauldian concepts enables an exploration of the complexities of power.

A Foucauldian reading complicates a taken-for-granted assumption that power, knowledge and subjectivity are separate from each other, and instead foregrounds their relationships (Dean, 1994). For example, in the above account the industrial design lecturers were attempting to produce particular types of student conduct through the structure of the Honours-year course. Rather than understanding power as only top-down and only taking the form of oppression (Foucault, 1980, 1982; Rose, 1999b), this view foregrounds the complexities of power and the exercise of power in and through pedagogical relationships (Edwards *et al*, 2004; McWilliam, 2002; Usher *et al*, 1997). However, the complexity of power tends to be overlooked when power is understood as residing in a single authority – for example, in the state or with senior management in the workplace (Rose, 1999a). And it is a top-down view of power that we suggest is re-echoed in the text of the 'Creativity or Conformity' conference Website. While the conference website claims that 'we all agree that students learn best when they are strongly motivated' ([www.creativityconference.org](http://www.creativityconference.org)), we actually do not agree with the liberal humanist assumptions

underpinning this universal claim. The notion that 'motivation is best stimulated in an environment which is open and flexible, which encourages innovation, which is, in a word, creative' ([www.creativityconference.org](http://www.creativityconference.org)) is, while an incredibly seductive concept, one which overlooks the exercise of power in pedagogical relationships. We suggest that the views expressed on the Website are underpinned by a humanist notion of autonomous subjectivity, in which it is presupposed that subjectivity is essential and unified (Ransom, 1997; Rose, 1996; Weedon, 1987).

The assumption by many academics that learning is necessarily empowering and liberating and outside regulation requires much closer examination. For example, as Dean (1999, pp 36–37) points out,

'. . . by noting that notions of 'empowerment' are capable of being used by very different political stances and are themselves imbricated in definite sets of power relations, we produce a certain discomfort for the advocates of such notions of all political persuasions, particularly those who imagine themselves to be standing outside relations of power. Similarly, a consideration of how the self-governing capacities of the governed are a key feature of contemporary political rule problematizes the radical view of emancipation as the liberation of the agency of those who are oppressed.'

A recognition of the complex relationship between power and learning, and the part played by academics in networks of power that work to reproduce particular modes of subjectivity as seemingly natural, is an important start in beginning to renegotiate relations of power.

Also, a Foucauldian take on the relationship between power and subjectivity disrupts the deterministic view according to which governors are understood as being in control and determining organizational outcomes. The success of programmes of government is never automatic, as they rely on the active take-up of subject positions. As Miller and Rose (1993, p 84) conclude, 'Whilst "governmentality" is eternally optimistic, "government" is a congenitally failing operation.'

It is the indeterminacy of government that we want to foreground in this paper as it draws attention to sites of struggle that remain out of view when power is understood as top-down. A Foucauldian reading of the above account of the Honours course reveals the failure to take up particular subject positions and subjectivity as a site of resistance (Ransom, 1997).

One such site was the students' renegotiation of the disciplinary power of the academy through failing to take up the fourth-year course. While industrial design

academics and professional associations might consider it necessary to complete a four-year degree in order to 'become' an industrial designer, the students were renegotiating this disciplinary mode of power by leaving the course after the third year. Many of those students were already working (but not necessarily in the field of industrial design) and a fourth year of academic study held little appeal.

Another site was the struggle around 'what counted' as knowledge in the Industrial Design degree and the renegotiation of the final-year course structure by industrial design staff. Many of the industrial design lecturers in the school have not had a traditional academic apprenticeship by way of completing a doctoral thesis. Instead, they have gained their knowledge of industrial design as practitioners, and this is how they know and understand themselves. The inclusion of research methods and an academic way of knowing in the Honours-year course was not considered to be an important or necessary aspect of the course. In other words, this knowledge did not count. This story echoes the contemporary struggle being played out around practice-based versus disciplinary knowledge, and what counts as learning (Gee *et al*, 1996). A post-structural view complicates a taken-for-granted separation between practice and theory, and opens up space for ways of knowing *other than* through the methods of science (Henriques *et al*, 1998; Latour, 1988; Michelson, 1996).

Another site for the renegotiation of power is exemplified in the struggle between the Head of Programme and the university's senior management. A discourse of qualification is a powerful discourse in circulation in the academy, because a university is an institution responsible for administering qualifications. This discourse, however, was taken up by the Head of Programme and used for purposes other than those intended. That is, it was used to introduce a new course at a time when the university was 'retiring' courses and reducing the number of programmes available to students. It is this type of thinking about how academics might use mainstream discourses creatively in an effort to transgress regulation that we think is productive.

## Summing up

The accounts provided in this paper illustrate how programmatic government, with its intention of controlling and regulating conduct, often leads to unanticipated outcomes. They point to spaces within regulation for the renegotiation of power. A relational view of power, however, is not to suggest that top-down power does not exist in the academy. This would be a particularly naïve view. The ongoing restructuring at the

university discussed above was very much part of the operation of top-down power by senior management, itself not disconnected with changes in government policy and the push towards more enterprising modes of conduct (du Gay, 1996; Fullerton, 2005; Gallagher, 2000).

While these accounts come from an Australian higher education context, we believe that they exemplify a way of thinking that is generally useful in an increasingly regulated higher education environment and that they suggest possible creative tactics for academics. However, we do not propose that these accounts provide a rationale for models to be transferred to the UK. While there are similarities between the two settings, there are also differences. It is a programmatic view, underpinned by the Enlightenment belief in universal reason and generalizable laws, that we are attempting to disrupt.

The account of the renegotiation of power in an Honours-year course might appear mundane, and not particularly important in the overall context of the globalization and corporatization of education, quality assurance schemes and measures such as the UK's Research Assessment Exercise (see, for example, Edwards and Usher, 2000; McWilliam, 2002). However, that is what we see as its tactical value. It is to the renegotiation of strategies of power through our *everyday* practices as academics, for example in curriculum design, course organization and research practice, that we seek to draw attention. This view re-presents academics as active players in renegotiating power relations in the academy – not as passive subjects, controlled by top-down forces. It is a view that offers some hope in an increasingly regulated higher education sector, but is not a romantic and idealized vision such as might be offered, for example, by a discourse of 'empowerment' or a liberatory understanding of learning.

## Notes

<sup>1</sup>This includes government by the state, the government of workplaces, such as the government of higher education institutions by senior management, and the government of the self (Foucault, 1988; Miller and Rose, 1993).

<sup>2</sup>The Bauhaus school (1919–35) encouraged its students to design for mass production and produced style which was characterized by geometric design (Whitford, 1984; Wingler, 1976).

<sup>3</sup>The Industrial Design degree has an early exit point which provides students with an option to leave in their third year with a Design and Technology degree. The difference between these two degrees is that the Design and Technology is a foundation degree to be complemented with a follow-on postgraduate education degree to qualify students to become design and technology high-school teachers while the four-year Industrial Design degree qualifies students to register as industrial designers with the DIA, a professional association for industrial design.

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