



**NEW YORK CITY COLLEGE OF TECHNOLOGY
CITY UNIVERSITY OF NEW YORK
SCHOOL OF ARTS & SCIENCES
DEPARTMENT OF SOCIAL SCIENCE
COURSE OUTLINE
SPRING 2022**

Course code: HIS2708ID

Course title: History of U.S. Fashion Law, 20th Century to Present: The Ugly Side of Fashion

Class hours/credits: 3 class hours, 3 credits

Prerequisite: ENG 1101 and (HIS 1111 or GOV 1101)

Section: OL70-LEC

Class meeting schedule: Tuesdays 6:00-8:30pm on Zoom (online-synchronous)

Instructors:

Dr. Alyssa Dana Adomaitis, Business Department (Business and Technology of Fashion)

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Prof. Kerin E. Coughlin, Law and Paralegal Studies Department

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Statement for Syllabi of Online Synchronous Classes: Synchronous classes resemble traditional on-campus in-person classes in that students must all be (virtually) present at the same time. Though they are conducted virtually, synchronous classes meet in real-time. Students must, therefore, commit to scheduled class times and sign onto their virtual learning platforms on schedule. During these classes, students will engage with the instructor and each other with online lessons, presentations, breakout rooms, and/or discussions. Active participation is an essential part of the learning process and is required of all enrolled students. A student who, for any reason, engages in non-class related activities during scheduled class times forfeits and loses the benefit of the education being provided.

Catalog description: A chronological and thematic introduction to the history of U.S. fashion law from the twentieth century through today, focusing on law relating to problems that

frequently arise in fashion, namely intellectual property (trademarks and counterfeiting), employment (safety, wages, workplace dress), and constitutional rights (freedoms of expression and religion). Students explore the social, political, economic, and other contexts of these legal developments, and how the developments have impacted the business of fashion.

Detailed description: This legal history course traces the development of U.S. fashion law from the twentieth century through the present, as that law relates to three types of problems that frequently arise in fashion: intellectual property (trademarks and counterfeiting), employment (safety, wages, workplace dress), and constitutional rights (freedoms of religion and expression). Students will study the historical contexts of the legal developments in each of these areas, including the relevant social, political, economic, and other circumstances, in order to understand the legal developments more clearly. Further, students will explore the diverse perspectives on these developments, and how the developments were experienced, by the many cultural, social and other demographic groups involved.

The twentieth century is a rich period in which to study the legal history of American fashion. During that time, significant changes took place in business and fashion—and in politics, culture, and societal relations—that fundamentally transformed the fashion industry as well as Americans' lives. A prominent fashion attorney observed: "At the beginning of the twentieth century, the fashion industry was predominately a highly fragmented, East Coast concern" characterized by "basic and very limited regulatory issues, occasional labor or union problems, minor intellectual property work, and the legal necessities occasioned by exiting the business. Much has changed in the fashion industry since the end of World War II," including globalization, and proliferation of "numerous private and public fashion giants[.]"¹ Further, as CUNY School of Law Professor Ruthann Robson has observed, "dress raises a plethora of constitutional concerns" that have evolved over time in coordination with social, political, and economic forces.² All of these complex intersections support the conclusion of the Dean of the School of Humanities and Social Sciences at Becker College, that "because fashion law is new, the evolution and history of fashion law is likewise interesting."³

This is a writing intensive course. At least 65% of your assignments and exams will be written. All assignments and exams will be graded for grammar, spelling, and other components of good writing technique, as well as content. All written assignments must be computer generated.

Description of instructional method: You will engage in the following learning activities to achieve the outlined objectives and provide a means of evaluation: (a) attend lectures, (b) complete examinations on scheduled dates, (c) prepare and present a special group research project, and (d) participate in class discussions.

Text(s) and instructional materials:⁴ Legal history involves the history of statutory, constitutional, and case law, as well as lawsuits and trials which test those laws. It also involves

¹ Alan Behr, chairman of the Fashion Practice at Phillips Nizer LLP (https://www.phillipsnizer.com/attorneys/behralan_bio.cfm), quoted in Ursula Furi-Perry, *The Little Book of Fashion Law* xi-xii (Chicago: American Bar Association 2013) (emphasis added).

² Ruthann Robson, *Dressing Constitutionally: Hierarchy, Sexuality, and Democracy from our Hairstyles to Our Shoes* 1 (New York: Cambridge University Press 2013).

³ Furi-Perry xi (emphasis added).

⁴ The following discussion of sources, and some other information in this outline, is adapted from Prof. Barbara Welke's syllabus for her Women's Legal History course at University of Minnesota, <http://users.hist.umn.edu/~bywelke/3349syl.htm>.

the social and economic history of circumstances giving rise to the laws, and political history regarding efforts to change the laws. In addition, legal historians have increasingly endeavored to understand and appreciate the diverse perspectives and contributions of participants from all racial, ethnic, religious, gender, ability, and other backgrounds. Accordingly, the required reading for this class includes many primary legal sources, such as court decisions, statutes, and the U.S. Constitution, along with textbooks, articles, and other secondary sources for historical context. Some of these materials are identified in the Weekly Course Outline below, and others will be identified throughout the semester. You are welcome to purchase any of the books, which are available at low cost through online sources. However, you need not purchase any reading materials. They will all be made available to you at no cost through the college library, or on Blackboard, or some other way.

Intended learning outcomes--what students will know or be able to do at the end of this course:

COURSE-SPECIFIC LEARNING OUTCOMES	ASSESSMENTS
Demonstrate an understanding of how U.S. fashion law has developed in the areas of intellectual property, employment, and constitutional rights from the 20th century through the present, and reasons for, and effects of, those developments.	<ul style="list-style-type: none"> • Research paper • Exams • Weekly writing assignments • Participation
Develop knowledge of the business of fashion, and ways it has evolved since the 20th century, including its participants, their respective interests and goals, how those goals have conflicted, and how the law has changed to address those conflicts.	<ul style="list-style-type: none"> • Research paper • Exams • Weekly writing assignments • Participation
Use primary sources including court decisions and other legal documents to study the history of U.S. fashion law.	<ul style="list-style-type: none"> • Research paper • Weekly writing assignments
Purposefully connect and integrate knowledge and skills across the disciplines of history, law, and the business of fashion to solve legal problems that arise in fashion, aided by an understanding of the historical development of the relevant legal principles.	<ul style="list-style-type: none"> • Research paper • Exams • Participation
Synthesize and transfer knowledge across the disciplinary boundaries of history, law and fashion, such as understanding the difference between a fashion original and a "knockoff," historical developments that led to fashion piracy, and legal methods of addressing the consequences of piracy.	<ul style="list-style-type: none"> • Research paper • Weekly writing assignments • Participation

Recognize varied perspectives on legal problems relating to fashion, as they developed since the 20th century, including perspectives of designers, manufacturers, and retailers; employees and employers; and members of various demographic groups.	<ul style="list-style-type: none"> • Research paper • Weekly writing assignments • Participation
Become flexible thinkers regarding appropriate solutions to legal problems in the fashion business, as they developed since the 20th century.	<ul style="list-style-type: none"> • Research paper • Weekly writing assignment • Participation
GENERAL EDUCATION LEARNING OUTCOMES	ASSESSMENTS
<i>Knowledge:</i> This course will develop students' knowledge of history, fashion, and law, and hone their ability to deepen and continue learning, by introducing them to new, and increasingly complex, concepts and analyses in each of these disciplines.	<ul style="list-style-type: none"> • Research paper • Exams • Participation
<i>Skills:</i> This course will help students acquire and develop tools needed for communication, inquiry, and analysis in the disciplines of history, business of fashion, and law, including research and understanding of primary historical and legal sources; application of law to real life scenarios; and oral and written presentation of historical analyses and conclusions.	<ul style="list-style-type: none"> • Research paper • Participation
<i>Integration:</i> Students will synthesize the legal and business perspectives on the historical developments in the various areas addressed. Students will also demonstrate productive use of problem-solving approaches that integrate the disciplines of history, law, and business of fashion.	<ul style="list-style-type: none"> • Weekly writing assignments • Participation • Research paper
<i>Values, ethics and relationships:</i> Each of these concepts will be explicit topics in this course, as they are intrinsically related not only to the substantive areas of law we will address (intellectual property, employment, and free expression) but also to the craft of historical research and writing, the practice of law, and the conduct of business.	<ul style="list-style-type: none"> • Research paper • Weekly writing assignments • Participation

Course organization: This course is organized thematically into three units, each addressing the historical development of an area of law relating to fashion: (I) intellectual property; (II) employment; and (III) constitutional. Instruction in each area will begin with an overview of the relevant historical context, including social, political, economic and other circumstances that gave rise to certain conflicts, and the legal developments that resulted. This historical background will provide a lens through which students can consider the legal developments, in order to understand

them more clearly. Students will obtain such background from assigned readings and classroom discussion. We will explore the developments in each area of the law in chronological order, by examining and interpreting court decisions and other primary sources, supplemented by secondary sources.

Required Technology:

- ❖ Blackboard: All students will be responsible for Blackboard access and participation
- ❖ SAFEASSIGN for the submission of papers
- ❖ ZOOM for online class lectures
- ❖ Zoom cameras for class attendance and participation

COURSE POLICIES & PROCEDURES

ATTENDANCE: Class attendance is part of course participation. Although students are graded on academic achievement and performance rather than on attendance per se, there are several in class activities, assignments, and quizzes that are completed and handed in during scheduled class times. These assignments are required and contribute to the final course grade.

Please be sure to login on ZOOM with camera ability to assure student visibility for online class. You must be online with cameras on at the start of class time for attendance and participation credit. Should a student be absent more than two days of a course, one must submit documentation of the day and time of absence on official letterhead by the next class session otherwise excused absence is not valid. Students who are not present in class on the days of assignments will NOT be given the opportunity to make-up these activities unless recognized by CUNY-City Tech along with professional documentation. It is strongly recommended that a student's personal appointments be scheduled at other than class times (this includes job interviews and medical appointments).

If you are absent when an assignment is due, you are responsible for having the assignment turned in during the class period or through SAFEASSIGN. If you are absent from class, you are responsible for the material covered. This means you must get the missed work by contacting your peers. In a case of an emergency, you may submit your assignments early but it must be prior to the start time of the class to get full credit. Documentation of the emergency on professional letterhead will be expected by the next class period. Lateness or technology issues do not constitute on emergency.

In addition to class attendance, it is also expected that students will complete readings and homework as assigned and participate in class discussions to the extent that it is possible in a class setting. Participation is important in this course. Please be sure to read all assigned materials. When students share their thoughts and experiences, class concepts become concrete in their minds as well as in the minds of other students. It is the sharing of our experiences that helps us to learn from each other as well as about each other. Members of this classroom will practice inclusively. We will listen to one another's views with respect regardless of race, gender, sexual orientation, or disability.

PARTICIPATION: Your success in this class depends on your willingness to put effort into your work. You are expected to participate in all large and small group activities, exercises and discussions. Participation will help you understand the subject matter and will be considered

when determining your final grade. Participation is 10% of your final grade. See "Assessment methods" below.

STUDENT CONDUCT: Loud, disruptive or inappropriate behavior is not permitted and will not be tolerated. Definition of such behavior is in the sole judgment of the instructor. This includes, but is not limited to:

1. Use of or interruption by any electronic device, especially cell phones. Please put electronic devices away during class, even online.
2. Talking amongst students or comments that are made to distract from the class.
3. Disrespectful comments to or about anyone or any group of people.
4. Do not attempt to discuss grades before, during or after class hours. Please make an office/Zoom appointment for these discussions.
5. All rules of conduct in the Student Handbook apply.

ELECTRONIC DEVICES: Many people in our society have not yet learned professional, considerate, behavior regarding electronic devices. Turn off all cellular telephones, wrist watch alarms, etc. during class. If you are expecting a life and death announcement from an immediate family member—brother/sister/parent/spouse/child — please notify the instructors before class.

ACADEMIC INTEGRITY: NYCCT Statement on Academic Integrity: "Students and all others who work with information, ideas, texts, images, music, inventions, and other intellectual property owe their audience and sources accuracy and honesty in using, crediting, and citing sources. As a community of intellectual and professional workers, the College recognizes its responsibility for providing instruction in information literacy and academic integrity, offering models of good practice, and responding vigilantly and appropriately to infractions of academic integrity. Accordingly, academic dishonesty is prohibited in [CUNY] and at [City Tech] and is punishable by penalties, including failing grades, suspension, and expulsion."

All students are expected to agree to a pledge of honesty concerning their academic work, and faculty are expected to maintain the standards of that code. Academic misconduct is defined as any act that violates the rights of another student with respect to academic work or involves misrepresentation of a student's own work. Academic misconduct includes but is not limited to: cheating on assignments, quizzes, or examinations, plagiarizing pieces of work, depriving others of necessary course work, and sabotaging another's work.

- ❖ Academic dishonesty on exams, quizzes, or any other graded assignment will result in a zero for that graded activity or assignment.
- ❖ Academic dishonesty includes use of any unauthorized assistance in taking quizzes, tests, or exams; dependence upon the aid of sources beyond those authorized by the instructor, or the acquisition of tests or other material belonging to a faculty member.
- ❖ Plagiarism includes the paraphrase or direct quotation of published or unpublished works without full and clear acknowledgment of the author/source.
- ❖ Academic dishonesty will bring about disciplinary action, which may include expulsion from the university. This is explained in the College's online handbook.

INFORMATION (TECHNOLOGY) LITERACY STATEMENT: Information Literacy is a valuable set of skills that empowers students to become agile information seekers who adapt to changing modes of information delivery and are selective, critical, ethical users of information in all formats. These skills are embedded within course work throughout academic programs.

QUIZZES, EXAMINATIONS, AND GRADING: In-class learning assignments are given and completed during class time. These are unscheduled and occur frequently. In-class assignments may consist of group activities, short reaction papers and so forth. Quizzes may be in the format of problem solving questions and given at the start of the class. Should you arrive late on that day/online, you risk missing the quiz. There are no make-ups on quizzes. Students who miss any quiz for reasons that are recognized by CUNY-Citytech (e.g., documented family emergencies, documented illness and the like) need to contact the instructor prior to missing the quiz. There are three written exams during the semester, one at the end of each unit. See "Assessment methods" below. There are no make-up exams. A student who is unable to take the exam at the scheduled time will result in a zero on that exam unless absence is recognized by City Tech policy.

ASSIGNMENTS/ NO LATE WORK: Assignments and projects are due at the beginning of class via SAFEASSIGN. No late work will be accepted at any time. Assignments placed under the professor's door or sent to email will not be accepted. Written work must be word processed/typed in Times New Roman font. All names must be typed on assignments to be accepted. Please plan accordingly for all your assignment due dates so all students are evaluated fairly within the same time constraints. Please do not submit work if you are running late. It must constitute an emergency.

Process for Evaluation of Course Work:

Outstanding (A) work went beyond the package and presentation requirements.

Good (B) work met all grading criteria, performed to top standards.

Average (C) work, met all but one or two of the grading criteria.

Below Average (D) work met only one or two of the grading criteria.

Project Grading Criteria:

- 1) *Initiative* - Students must prove resourcefulness in presenting meaningful information in a well-structured package. Students must demonstrate inclusion of supporting information from course materials. Students must show evidence of adequate preparation in the presentation.
- 2) *Thoroughness* - Students must have covered all topical areas. Students should provide adequate coverage within each topical area.
- 3) *Accuracy* - Students must have reached appropriate conclusions from the information they received. Students must have applied course material accurately, reflecting knowledge and understanding of the material.
- 4) *Professionalism and Creativity* – The promotional package and presentation should reflect professionalism in preparation and clarity, and creativity. They should be attractive and eye-catching. The promotional package and presentation should show evidence of advance work and planning.

Papers will be graded on the following criteria:

- Clear and thorough application of direct and database marketing concepts and principles (including material covered in the assigned reading, lectures, and discussions).
- Demonstration of original, logical, strategic thinking including a complete analysis of facts, logical synthesis, and persuasive conclusion/recommendation. Specific examples should support the analysis. Address the specific requirements of the assignment.
- Quality of research (depth, breadth, appropriateness) and proper acknowledgement of references, including complete citations using APA style in-text notes, when appropriate.

- Appropriate language and tone, accurate spelling, correct grammar, appropriate punctuation, and logical organization. You will not receive an A if your writing is awkward, contains grammatical or punctuation errors, or is disorganized.

ACADEMIC WRITING CENTER (AG-18)/online: Any student needing help will find an array of services such as study skills training; support for reading and writing skills; and assistance with mathematics, oral communication and computer applications. Both peer and faculty tutors are available for assistance. The Academic Support Center offers academic assistance to all students through the use of services including tutoring, workshops and access to computer-based programs. For further information, please visit the Academic Support Center on campus and on Blackboard. All term papers must be seen by ASC prior to submission. Please have the appointment slip with edits attached to final submission of paper. You are to edit your own paper once edited by ASC.

SAFEASSIGN AS A LEARNING TOOL: SafeAssign helps prevent plagiarism by providing both the student and the professor a feedback report that compares any student work submitted through the software with a comprehensive database of books, journals, websites and papers written by other students. Some of the writing assignments in this course will use Blackboard's SafeAssign software to help students improve their skill at paraphrasing statements contained in research on a topic and to help increase awareness of the proper use of citation when a student writes a paper using ideas or statements taken from a research source.

For any assignment requiring research and/or requiring more than two pages of writing, students will be expected to submit that assignment through SafeAssign in Blackboard, following the submission guidelines given with the assignment instructions. Prior to submitting a final draft of an assignment, students will have the opportunity to submit several drafts of that assignment to SafeAssign in order to get sufficient feedback from SafeAssign reports to help minimize the risk of plagiarism.

- ❖ If the assignment continues to have evidence of plagiarism (no APA) in the final draft of the assignment, the professor will file a report to the Department Chair documenting the use of the paper as an action of academic dishonesty. Work must have less than 20% matching in order to be accepted.
- ❖ If a student fails to submit an assignment to SafeAssign, the professor will assign a grade of zero for that assignment.
- ❖ Please understand there are time limitations that must be met. Do not e-mail the professor that SAFEASSIGN was not accepting papers after submission time-out. It is then considered LATE, and NO LATE work is accepted or because of technological issues. Please work with IT prior to make sure BB is working properly. This is your responsibility.
- ❖ By submitting a paper to SafeAssign, that paper will become source material included in the SafeAssign database.
- ❖ Matching must be less than 20% to avoid plagiarism.

CREDIT HOUR HOMEWORK ASSIGNMENT POLICY: Course work performed outside of the classroom (such as reading, studying, writing papers, doing projects or receiving tutoring) is critical to academic success. While the time requirements for individual students may vary somewhat, a general rule of thumb is that students should spend about two hours outside the classroom for every hour required in it.

E-PORTFOLIOS/OPENLAB: CUNY-College of Technology asks all students to participate in building a program-long ePortfolio of the work that they complete while taking classes at the College. Through a process of *collect, select, reflect, and connect*, students learn to judge the quality of their own work, speak about their learning, and present evidence of their current knowledge and skills. College faculty will assist with this process by recommending that you store at least one significant piece of work from each course in your Blackboard content collection. For more information, see the "ePortfolios at CUNY-College Technology" organization in Blackboard.

MIDTERM GRADES: At the midsemester point, all students will be notified through their City Tech e-mail accounts and/or Blackboard about their progress in this course.

COMPLIANCE WITH AMERICAN DISABILITIES ACT: Accessibility/Reasonable Accommodations—City Tech is committed to supporting the educational goals of enrolled students with disabilities in the areas of enrollment, academic advisement, tutoring, assistive technologies and testing accommodations. If you have or think you may have a disability, you may be eligible for reasonable accommodations or academic adjustments as provided under applicable federal, state and city laws. You may also request services for temporary conditions or medical issues under certain circumstances. If you have questions about your eligibility or would like to seek accommodation services or academic adjustments, please contact the Center for Student Accessibility (CSA), 300 Jay Street, room L-237, 718 260 5143, or <http://www.citytech.cuny.edu/accessibility/>. Students who miss a scheduled presentation or exam due to illness or medically related emergencies will be referred to CSA. CSA will review any documentation requested and give the student a letter to share with the relevant instructor if accommodations need to be made.

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WEEKLY COURSE OUTLINE: Following is a general outline of topics, assignments, and deadlines. It is subject to change, as announced during class sessions and on Blackboard.

Week One (Feb 01): Course introduction. Students are introduced to the basic historical, legal, and business concepts addressed in the course, such as: What is legal history? How does history influence law and the business of fashion? How have issues such as gender, class, ethnicity, race, sexuality, and religion shaped, and been shaped by, legal developments relating to fashion? How does the business of fashion operate? Who are its participants? What are their respective interests and goals? What conflicts might arise? How do individuals express creativity in the workplace in regards to appearance?

Historical background readings:

- Tanisha C. Ford, *Dressed in Dreams: A Black Girl's Love Letter to the Power of Fashion* (St. Martins, June 2019), pp. 1-4.
- Ruthann Robson, *Dressing Constitutionally: Hierarchy, Sexuality, and Democracy from our Hairstyles to Our Shoes* (New York: Cambridge U.P., 2013), introduction.
- Ursula Furi-Perry, *The Little Book of Fashion Law* (Chicago: American Bar Association 2013), introduction.

Tue Feb 08: College follows Friday schedule—we will not meet.

Unit I: Fashion and the History of Intellectual Property Law

Week Two (Feb 15): Fashion and the origins of intellectual property laws, including cultural, political, and social implications of the laws; early twentieth century growth of mass production and large businesses; development of "ready-to-wear" fashion and department stores; and how these developments led manufacturers to seek protection of their designs and products.

Guest lecturer: Joseph F. Murphy, Esq., Patent Attorney and Fashion Lawyer, member of the NYC Bar Association Fashion Law Committee who regularly lectures on Fashion Law, and an Adjunct Assistant Professor at City Tech and NYU. Prof. Murphy will speak on the topic of legal protections of U.S. fashion as they existed during the 20th Century, with particular emphasis on U.S. patent law.

Historical background reading:

- Rosemary J. Coombe and Joseph F. Turcotte, "Cultural, Political, and Social Implications of Intellectual Property Laws in an Informational Economy," in *Culture, Civilization and Human Society* (eds. UNESCO-EOLSS Joint Committee), in *Encyclopedia of Life Support Systems (EOLSS)* (Oxford: EOLSS Publishers, 2012).
- Furi-Perry, ch. 1, "In the Beginning, There Was Piracy."
- Alfred D. Chandler, Jr., *The Visible Hand: The Managerial Revolution in American Business* (Massachusetts: Harvard U.P., 1977), Introduction.

Excerpts from legal sources:

- *Filene's v. Fashion Originators' Guild* (1st Cir. 1937)
- *Millinery Creators' Guild v. FTC* (2d Cir. 1940)
- *Fashion Originators' Guild v. FTC* (U.S. Sup. Ct. 1941)

Fri Feb 11: Lincoln's Birthday—College Closed

Mon Feb 21: President's Day—College Closed

Week Three (Feb 22): The Lanham Act of 1946 and the social values involved in its passage, interpretation and application; social and cultural issues that continue to arise with brands like Chanel, Louis Vuitton, and other luxury apparel companies.

Historical background reading:

- Edward S. Rogers, "The Lanham Act and the Social Function of Trademarks," *Law and Contemporary Problems* (1949): 173-184.
- Furi-Perry ch. 3, "Fashion Marks and the Lanham Act: Considering the 'Likelihood of Confusion' in Fashion Handbags."
- Ethan Horwitz and Benjamin Levy, "Fifty Years of the Lanham Act: A Retrospective of Section 43(A)," *7 Fordham Intellectual Property, Media & Entertainment Law Journal* 59 (1996): 59-71.

Excerpts from legal sources:

- Federal Lanham Act, 15 U.S.C. §§ 1051 et seq.
- *Abercrombie & Fitch v. Hunting World* (2d Cir. 1976)
- *Wal-Mart v. Samara Bros.* (Sup. Ct. 1980)
- *Louis Vuitton v. Dooney & Bourke* (2d Cir. 2006)

Week Four (March 01) Creative developments in Lanham Act enforcement, and differential impacts on stakeholders in the fashion business, including consumers, workers, and owners.

Historical background reading:

- Furi-Perry ch. 9, "Tackling the Counterfeiters"

Excerpts from legal sources:

- *Hard Rock Café v. Concession Servs., Inc.* (7th Cir. 1992)
- *Burberry Ltd. v. Euro Moda* (S.D.N.Y. 2009)
- *In re Certain Footwear (Converse v. Wal-Mart et al.)* (Int'l Trade Comm'n 2016)

Week Five (March 08): Unit I Exam; discussion of Research Paper assignment as it pertains to fashion and the law (40% of course grade, described below under Assessment Methods, item I.b.). After taking the exam, students will be provided with the Research Paper assignment and we will address its nature and purpose, including its scaffolded structure; time requirements; how to choose a topic; methods of social and cultural historical research relating to law and fashion; and potential primary and secondary sources.

Unit II: Fashion Employment and the Legal Issues that Relate to It

Week Six (March 15) Safety standards within the fashion industry, focusing on the Triangle Shirtwaist Fire of 1911 and its aftermath; particularly pertaining to sweatshops, manufacturing, and unionization of International Ladies' Garment Workers' Union (ILGWU); how these developments influenced, and were influenced by, the women's movement, immigration and urbanization; and the significance of these developments within the general context of the Progressive Era.

Historical background reading:

- Richard A. Greenwald, "The Burning Building at 23 Washington Place: The Triangle Fire, Workers and Reformers in Progressive Era New York," *New York History* 83 (2002): 55-91
- Hilda L. Solis, "What the Triangle Shirtwaist fire means for workers now," *The Washington Post* (March 21, 2011) (editorial by then-U.S. Secretary of Labor)
- Thomas Dublin, *Women at Work: The Transformation of Work and Community in Lowell, Massachusetts, 1826-60* (New York: Columbia U.P. 1979)
- Gerald Markowitz and David Rosner, "'Educate the Individual . . . to a Sane Appreciation of the Risk': A History of Industry's Responsibility to Warn of Job Dangers Before the Occupational Safety and Health Administration," *American Journal of Public Health* 106 (2016): 28-35.

Week Seven (March 22): Wage requirements within the fashion industry, including the Federal Fair Labor Standards Act of 1938; social, cultural and political circumstances that led to its passage; and how the law has affected the socioeconomic and other demographics participating in the fashion industry.

Historical background reading:

- Furi-Perry ch. 11, "Slaving Away and Sweating for the Shop: Fashion and Labor Law"
- Jonathan Grossman, "Fair Labor Standards Act of 1938: Maximum Struggle for a Minimum Wage," U.S. Department of Labor website, <https://www.dol.gov/oasam/programs/history/flsa1938.htm>

- "Walmart and WTO Tagged for Globalizing Poverty," *U.S. Newswire*, November 29, 1999.
- National Labor Committee, "Walmart's Shirts of Misery," December 5, 1999, <http://nlcnet.org>.
- Ellen Israel Rosen, *Making Sweatshops: The Globalization of the U. S. Apparel Industry* (Los Angeles: University of California Press, 2002).

Excerpts from legal sources:

- Federal Fair Labor Standards Act, 29 U.S.C. § 201 et seq. (1938)
- *Lopez v. Silverman* (S.D.N.Y. 1998)
- *Zeng Liu v. Donna Karan* (S.D.N.Y. 2001)

Th March 24: MIDTERM GRADES POSTED

Week Eight (March 29): Workplace dress and creative expression, including intersections with gender, ethnic, and religious identities.

Historical background reading:

- Richard Thompson Ford, *Dress Codes: How the Laws of Fashion Made History* (Simon & Schuster, 2021).
- "EEOC History: 35th Anniversary: 1965-2000," at <https://www.eeoc.gov/eeoc/history/35th/index.html>
- Robson ch. 4, "Dressing Professionally"
- Furi-Perry ch. 15, "What's the Dress Code Here?: Laws Regarding Dress Codes"

Excerpts from legal sources:

- *Price Waterhouse v. Hopkins* (U.S. Sup. Ct. 1989)
- *Ali v. Mt. Sinai* (S.D.N.Y. 1996)
- Plaintiff's complaint in *Boudlal v. Disney* (C.D. Cal. 2012)

Week Nine (April 05): Workplace appearance and impression management, including racial discrimination and of state and federal regulation regarding hair.

Historical background reading:

- Ford, *Dressed in Dreams*, ch. 9, "Afro Puff"
- Paulette M. Caldwell, "A Hair Piece: Perspectives on the Intersection of Race and Gender," *Duke Law Journal* 1991 (1991): 365-396.
- "Creating a Respectful and Open World for Natural Hair: The Official Campaign of the CROWN Act Led by the CROWN Coalition," accessed August 23, 2021, <https://www.thecrownact.com/>.
- Sharron J. Lennon, Alyssa Dana Adomaitis, Jayoung Koo, and Kim K.P. Johnson, "Dress and sex: a review of empirical research involving human participants and published in refereed journals," *Fashion and Textiles Journal* 4 (2017).
- Furi-Perry ch. 20, "Beauty Looks and Hairstyles in the Workplace"

Excerpts from legal sources:

- The federal CROWN Act (H.R. 5309, Creating a Respectful and Open World for Natural Hair).
- NYC Commission on Human Rights, "Legal Enforcement Guidance on Race Discrimination on the Basis of Hair" (February 2019)
- *Rogers v. American Airlines* (S.D.N.Y. 1981)
- *Harper v. Blockbuster* (11th Cir. 1998)
- *Burchette v. Abercrombie & Fitch* (S.D.N.Y. 2010)

Week Ten (April 12): Unit II exam; introduction to Unit III: Fashion and the Constitutional Issues Relating to the Industry

Historical background reading:

- Ruthann Robson, *Dressing Constitutionally: Hierarchy, Sexuality, and Democracy from our Hairstyles to Our Shoes* (New York: Cambridge U.P., 2013), ch. 1, "Dressing Historically"
- Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century* (Princeton: Princeton U.P., 2001), ch. 7, introduction and sections titled "Civil Rights and Civic Nationalism" and "Speaking as a Victim of This American System"; Epilogue, introduction and sections titled "Varieties of Multiculturalism" and "Reviving the Liberal Nation"

April 15-24: SPRING RECESS (no classes)

Unit III: Fashion and the Constitutional Issues Relating to the Industry

Week Eleven (April 26): Civil rights movements, student activism, and legal claims relating to dress and expression

Historical background reading:

- Tanisha C. Ford, *Liberated Threads: Black Women, Style, and the Global Politics of Soul* (Chapel Hill: UNC Press, 2015), Introduction; ch. 3, "SNCC's Soul Sisters"; and ch. 4, "Soul Style on Campus"
- Robson ch. 5, "section 1, "School Discipline and the Rights of Others"
- Furi-Perry ch. 12, "Express Yourself: Fashion as Expression under the First Amendment"
- Alyssa Dana Adomaitis, and Diana Saiki, "Lookism," in *Berg Encyclopedia of World Dress and Fashion: Global Perspectives*. ed. Joanne B. Eicher and Phyllis G. Tortora (Oxford: Bloomsbury Press, 2018)
- Alyssa Dana Adomaitis, Rachel Raskin, and Diana Saiki, (2017). "Appearance Discrimination: Lookism and the Cost to the American Woman," *The Seneca Falls Dialogues Journal 2* (2017): 73-91.
<https://digitalcommons.brockport.edu/cgi/viewcontent.cgi?article=1016&context=sfd>

Excerpts from legal sources:

- U.S. Constitution, Amendment 1
- *Tinker v. Des Moines School District* (U.S. Sup. Ct. 1969)
- *Bethel School District. v. Fraser* (U.S. Sup. Ct. 1986)
- *H. v. Easton Area School District* (E.D. Pa. 2011)

Week Twelve (May 03): Fashion, religion, and the 1980s and 90s "culture wars"

Historical background reading:

- Robson ch. 6, "Dressing Religiously"
- Furi-Perry ch. 13, "Fashion and Beauty as Religious Apparel"

Excerpts from legal sources:

- *Goldman v. Weinberger* (U.S. Sup. Ct. 1986)
- *Xodus v. Wackenhut Corp.* (7th Cir. 2010)

Week Thirteen (May 10) Fashion and sexuality, including cross-dressing, provocative dressing, and other issues relating to gender and sex

Historical background reading:

- Robson ch. 3, "Dressing Sexily," sections titled "Cross-Dressing" and "Provocative Clothing, Sexual Violence, and State Protection"
- Daniel Rodgers, *The Age of Fracture* (New York: Harvard U.P., 2011), ch. 5, "Gender and Certainty"
- Alyssa Adomaitis *et al.*, "Between Dress and Gender Identity: LGBTQ," *Clothing & Textiles Research Journal* (2021) (reviewed, revisions CTRJ.20-194.R1)
- Theresa L. Lennon, Sharron J. Lennon, and Kim K.P. Johnson, "Is Clothing Probative of Attitude or Intent—Implications for Rape and Sexual Harassment Cases," 2 *Minnesota Journal of Law & Inequality* 2 (1993): 390-418.

Excerpts from legal sources:

- *City of Columbus v. Zanders* (Ohio 1970)
- *City of Chicago v. Wilson* (Illinois 1978)
- *Doe v. McConn*, (S.D. Tex. 1980)

Mon May 15: Last day to withdraw from any course for "W" grade.

Week Fourteen (May 17): Unit III exam; oral presentations of research papers

Week Fifteen (May 24): Oral presentations of research papers continued; course wrap-up!

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ASSESSMENT METHODS: Students will be evaluated based on two main forms of writing assignments: weekly writing assignments (25%); and a scaffolded research paper, which is the major project of the course (40%). In addition, students will be evaluated through written examinations at the ends of each of the three units (30% total), and class participation (5%). Each of these methods is described below.

Elements to be factored into students' final grades:

Weekly writing assignments	25%
Research paper	40% total (scaffolded)
Unit exams	30% total (10% each)
Participation	5%

I. ***Writing assignments:*** Writing is integrally important to each of the three disciplines involved in this course: history, law, and business of fashion. Writing is particularly critical for historians, who rely heavily on written documents, including court opinions, statutes, and the U.S. Constitution, all of which we will use in this course, to understand the past and develop a reasoned and persuasive interpretation of a historical event or process—that is, a historical argument. Historians also use writing to communicate with one another and with the public, through books, articles, and papers explaining their interpretations and arguments. A goal of the writing assigned in this course will be practicing this work of a historian.

A second, but related, goal of the writing in this course is facilitating students' own understanding of what they are learning. Much of the reading in this course is challenging: court

opinions, in particular, can be models of poor writing, and students may struggle with them (as do historians and attorneys). Moreover, many issues addressed in this course are emotional, including religion, race, and gender. Thus, writing will be a tool for students to process their own thinking and reactions. To quote the author Flannery O'Connor, "I write because I don't know what I think until I read what I say." To achieve these dual goals of writing, the following projects will be assigned:

- (a) **Weekly writing assignments (25%).** Each week, students will write a 1-2 page (250 to 500 words) written reflection on either (a) some aspect of the week's assigned readings, including historical background and legal sources; or (b) a recent news article relating to fashion law. The reflections may take a variety of forms, including open-ended, where each student chooses her/his particular focus; responses to specific questions provided by the instructors; persuasive writing, where students argue for a particular point of view; relating the reading to a class discussion; etc. The assignments will be assessed on the extent to which they reveal the student's engaged thinking about the topic. For example, does the student identify and articulate complexities, delve into puzzles and problems, confront inadequate explanations, question and respond to the sources?
- (b) **Research paper (40% total).** The main project of this course will be a scaffolded research paper of eight to ten pages, in which each student will trace, through primary and secondary research, the historical antecedents of a contemporary legal problem in fashion, and address and evaluate potential approaches to solving the problem. Students will be provided a specific schedule for the progress of this paper, and will receive feedback from the instructors after each step. The steps include: (i) topic proposal and preliminary bibliography (3%); (ii) detailed annotated bibliography (with primary and secondary sources) (5%); (iii) rough draft and/or outline (7%); (iv) oral presentation to the class, with Powerpoint or other visual content, in which classmates provide immediate feedback orally during class discussion (10%); and (v) the final revised paper, which addresses classmates' and instructor's feedback (15%).

II. **Unit exams (30% total).** The written examinations at the end of each of the three units (10% each) assess students' comprehension of the historical developments in the various legal areas addressed in the course, as well as the relevant legal and business concepts, including terminology and how the concepts and procedures apply in factual situations. Exams require students to demonstrate understanding of the social, political, economic and cultural influences on the development of the law relating to fashion, as well as the business and legal perspectives, including how they converge, diverge, and interact. Exams will include essays as well as other question types such as multiple choice and short answer. For example, an exam might offer students a selection of essay questions testing broad, general historical knowledge of the development of fashion law during the twentieth century, as well as multiple choice questions asking students to select from several options the best definitions of terms related to the areas of law we address, and short answer questions asking students to identify the purpose of certain statutes we cover, such as the Lanham Act and the Fair Labor Standards Act, and/or explain how those statutes apply to hypothetical situations.

III. **Participation (5%).** Participation includes carefully reading all assigned materials, and thoughtfully completing the weekly writing assignments before class. Because significant class time will be spent in discussion, participation also includes orally contributing one's

understandings of, and responses to, assigned materials during those discussions; respectfully listening to other students' points of view even, when one strongly disagrees with those views; and responding thoughtfully to questions and comments raised by the instructor and by other students. *Participation involves:*

- Active learning. Taking notes, asking questions and taking responsibility for your learning.
- Working with others in group activities. A chain is only as strong as its weakest link. Don't drag your team down by refusing to get involved.
- Attending class regularly. If you aren't here, you can't learn.

Participation will be assessed as follows:

	Exemplary (90-100%)	Proficient (80-90%)	Developing (70-80%)	Unacceptable (>70%)
Frequency of Participation on Class	Student initiates contributions more than three times in each recitation.	Student initiates contributions more than twice in each recitation.	Student initiates contributions more than once in each recitation.	Student does not initiate contribution & needs instructor to solicit input.
Quality of Comments	Comments always insightful & constructive; uses appropriate terminology. Comments balanced between general impressions, opinions & specific, thoughtful criticisms or contributions	Comments always insightful & constructive; uses appropriate terminology. Comments balanced between general impressions, opinions & specific, thoughtful criticisms or contributions	Comments are sometimes constructive, with occasional signs of insight. Student does not use appropriate terminology; comments not always relevant to the discussion.	Comments are sometimes constructive, with occasional signs of insight. Student does not use appropriate terminology; comments not always relevant to the discussion.
Listening Skills	Student listens attentively when others present materials, perspectives, as indicated by comments that build on others' remarks, i.e., student hears what others say & contributes to the dialogue.	Student listens attentively when others present materials, perspectives, as indicated by comments that build on others' remarks, i.e., student hears what others say & contributes to the dialogue.	Student listens attentively when others present materials, perspectives, as indicated by comments that build on others' remarks, i.e., student hears what others say & contributes to the dialogue.	Student listens attentively when others present materials, perspectives, as indicated by comments that build on others' remarks, i.e., student hears what others say & contributes to the dialogue.