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Strong Suits

Sullivan/Schreffler

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Is Thom Browne an Outlaw in Tennessee?

Thom Browne did not wear white after labor day or wear socks with sandals. However, he may be committing a serious fashion crime. Not a fashion faux pas, but one that could land him in jail, and not by the fashion police. He is currently not wanted by any authorities, but he could be if he took a fashion show to Tennessee.

A recent bill in TN often called the anti-drag bill prohibits “adult cabaret performances”(Yawn). These performances, which feature cross-dressing, have been at the center of a cultural debate about decency, the rules of gender, and the customs of clothing. Browne’s fashion shows, whose clothing asks these same questions, could be classified under this category, making him an outlaw. This is not the first time Browne has faced blowback for pushing the boundaries of fashion, nor is it the beginning of anti-trans and drag legislation. Self-expression as we know it is under fire.

The Audacity of the Skirt

An NBA player wears a skirt in 2022, what could possibly go wrong? The NBA fashion critics were quick to judge Russell Westbrook’s Met Gala look. One Twitter user commented, “When you got a magic show at 6 and The Salem witch trials at 7” (Richisonandgrind.) The outrage was not because Westbrook had a bad outfit, but because he was wearing a skirt: made by Thom Browne. Was it truly a fashion fail, or just an antiquated view?

When Barbra Streisand was the first woman to wear pants to the Oscars, she received similar scathing feedback. It was deemed “*The Audacity of the Pants*” (Gray). Her choice was marked by a time when many women began to discover newfound freedoms in their lives. The same people who were upset about these changes were quick to comment on Streisand’s outfit. This example is one of hundreds where androgyny makes the general public feel uncomfortable. Streisand defied the normal bounds of clothing, therefore, challenging the limits of gender.



Barbra Streisand (left) at the 1969 Oscars (Gray) and Russell Westbrook at the 2022 Met Gala (right) (Evans)

Both Streisand and Westbrook's fashion choices dispute that gender is nature, rather it is fluid. For Westbrook, he is the epitome of masculinity as one of the top

professional basketball players in the world while Streisand is the embodiment of femininity as a highly accomplished actress and singer. For both of these admired figures to dress in an androgynous way is startling. Westbrook and Streisand were at the top of their respective fields portraying a very normative view of gender prior to these iconic fashion moments which display the opposite. They ask questions about what femininity and masculinity are and challenge these stereotypes. They both push what is deemed socially acceptable at their respective times.

Similarly, Thom Browne abides by these principles. Besides dressing men in skirts, he blurs the lines of gender by intermixing his male and female models in his shows. Browne does not comment on gender, rather he adorns models in what he thinks they will look best in (Browne). Westbrook looked the best in his signature skirt, so he dressed Westbrook in a skirt.

Clothing is an important matter of gender expression. Especially for those who have to deal with their identity not aligning with the norm, specifically for transgender people and people who do drag. Just like Browne's thesis, trans people wear what they want because it is what they feel and looks the best in. It helps express their own identity. This is why the recent bills to ban cross-dressing are idiotic and detrimental to self-expression.

We've Been Here Before.

The recent bans on cross-dressing across the US are nothing new. They first appeared in 1863 when over forty US cities banned a dress not belonging to his or her sex. "During the nineteenth century, anti-cross-dressing laws operated as flexible tools for policing a wide range of gender transgressions" (Sears). This included anything from

as little as men wearing makeup or women dressed in men's clothing for work. This forced people in these cities to strictly abide by their sex assignment which prohibited any type of self-expression. Into the 1950s police began to use the "three-article rule," which necessitated three items of clothing be worn by a person's assigned sex at birth to avoid being arrested (Yurcaba). The rule began to fade when the line between men's and women's clothing began to blur and androgynous clothing became more commonplace. Moreover, many people in the trans and queer communities began protests and started organizations to help challenge these police attacks. This also included legislature from the Ohio Supreme Court that stated men's and women's clothing is not categorical, and cross-dressing laws are too vague (Sears).

Today, a slew of states are going backward. In Tennessee specifically, new legislation has recently been passed that prohibits "adult cabaret performances," essentially an anti-cross-dressing bill. Sears comments on history repeating itself stating, "Both sets of laws are concerned with the public visibility of gender nonconformity, and both conceive of drag as a form of indecency" (Sears). That is what is at the heart of all of these bills; just the mere act of existing is viewed as insulting to these politicians. This is only the start of the recent attacks on transgender people, including the North Carolina bathroom bill, the recent laws against trans women in sports, and Alabama's proposed bill to block doctors from providing health care to minors transitioning. Clearly, "the legislatures are overly represented with people who carry an anti-LGBTQ bias." (Holcomb). It is essential that these bills are protested and repealed, as it has been done in the past, and now before they spread across the country.

Thom Browne: The Outlaw

So what would a Thom Browne show really look like in Tennessee?

First, we have to establish whether or not Thom Browne's shows would be illegal. The bill that passed in Tennessee prohibits "adult cabaret performances on public property or in a location where a performance could be viewed by a person who is not an adult" (TN Code Title 7, Chapter 51, Part 14). Let's break that down.

The bill defines adult cabaret performances which include; "male or female impersonators who provide entertainment that appeals to a prurient interest, or similar entertainers, regardless of whether or not performed for consideration" (TN Code Title 7, Chapter 51, Part 14). If you ask the people at Vogue France if Thom Browne's show fits this definition, they would wholeheartedly agree, particularly because they defined Browne's spring-summer 2023 collection as, "Sexy! Sexy! Sexy!" (Mararin). This specific show's defining moment featured a modern-day cowboy in a crop top and jock strap galloping down the runway. This clearly makes Browne's show of prurient interest especially because the rest of the show featured many BDSM references. Therefore, a Thom Browne fashion show would be considered an adult cabaret performance in the eyes of Tennessee law. Even if we take a show of Browne's that was not as explicit in its sexual references, his shows still fit this definition. Men in Browne's shows often wear traditionally female clothing and vice versa. At its core, the brand is androgynous. Consequently, the models would fit under the "male and female impersonators" category. Therefore, even the average consumer of Thom Browne could be considered an adult cabaret performer.



Browne's Cowboy 2023 (left) (Marain via Estrop/Getty Images), Browne's androgynous looks through the years (right) (Marain)

The second part of the bill states that adult cabaret performances can not be on public property (TN Code Title 7, Chapter 51, Part 14). Let's take Browne's fall winter 2023 show at The Shed. The Shed was built off of capital grant funding and is built on city land (Mafi). This would mean that Thom Browne's show would be on public property. Browne's show consequently meets the two stipulations of the TN law to be an illegal show. Browne could therefore face potential felony charges and jail time if one of his fashion shows took place in Tennessee.

Finally, the bill states that adult cabaret performances can not take place where a child could view the show (TN Code Title 7, Chapter 51, Part 14). Hypothetically, if Browne were to open a store front in Tennessee, that could be considered an adult cabaret performance. Most Thom Browne storefronts feature glass in the front, which means that a casual shopper can see into the store. Importantly, every Thom Browne employee is outfitted with the brand. Female employees often wear the signature gray

suit, and men could wear the iconic skirt. Subsequently, a child could peer into the store, witnessing a “Browne adult cabaret performance.” TN law states that it does not matter, “whether or not performed for consideration” (TN Code Title 7, Chapter 51, Part 14). Therefore, even though that is not the intent of the storefront, charges could still be pressed. This means that the sale of any Thom Browne clothing would be considered illegal.



Thom Browne Boston employees (left) (via Julie Muir photography), Thom Browne Boston Copley Storefront (right) (via Thom Browne Instagram)

If a fashion brand that is widely respected and worth half a billion dollars is in peril in TN, then how is any transgender person supposed to feel comfortable being

themselves? How is any person supposed to test the boundaries of fashion? This analysis is not supposed to be a warning for Thom Browne not to host a show in TN. Rather, it is an analogy that self-expression and identity are at stake in a major way. By the general wording of the bill, any type of androgynous clothing is under fire. This means that not only trans people are under attack, but any deviation from the norm regarding clothing as a vehicle of expression is now under the microscope. Merely walking around on public property could be considered an adult cabaret performance. There seems to be no limit to how far this bill could go. We need to reevaluate the legislature. We need meaningful change before more states follow suit.

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