

## The Boss and the baker

By [Steve Thorngate](#)

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Rod Dreher [is annoyed by the musician boycotts](#) of state “bathroom bills” and the like:

So, now we are to understand that North Carolina and Mississippi are the latter-day equivalents of Sun City. Bruce Springsteen (whose guitarist Little Steven is) started it off by canceling his NC show to protest the new law there, and now Bryan Adams has done the same in Mississippi..... I think they are making a stupid mistake, but I believe they have a right to withhold their creative labor because to perform under these conditions would violate their consciences. Why do they get to do this, but florists, photographers, and bakers do not? Nobody is saying that florists, photographers, and bakers have the right to refuse all service to gay customers. The protection is to keep whatever minority of Christians in those professions who object to participating in a same-sex wedding from having to do so. I guess that some artists are more equal than others.

But there are at least two important differences between a touring musician who skips a state to make a point and a service provider who doesn't want to provide services on account of personal opposition to the larger thing being served.

The first difference is [articulated well by one of Dreher's commenters](#):

The boycotters are denying their services in their entirety. No specific person or class is singled out. The wedding cake baker is denying a specific class of people.

Now, as Dreher suggests, a wedding is different from, say, a birthday, even though both tend to feature cake. Plenty of people, some of them bakers, oppose same-sex marriage yet don't object to gay people existing, even getting a year older. Still, this

insistence that it's about the wedding and not the couple strikes a lot of us—[as it struck the Colorado Court of Appeals](#)—as a distinction without a difference. They're people, trying to buy a cake from someone who sells cakes. (Also, not for nothing, Christian marriage has very little to do with cake.)

So the point stands: there's a difference between refusing to do your thing at all and refusing to do it for certain people.

And even if Springsteen ends up playing a private show for North Carolina liberals, it's still not the same thing, because of the second problem with this comparison: there's no way a touring musician giving ticketed concerts counts as a public accommodation. There's a lot of precedent indicating that retail stores do.

This is what's always been at stake here: what counts as a public accommodation, and who counts as a protected class. Neither question is entirely straightforward. But nor is either at all relevant to the Boss skipping his show in Greensboro.

So why would Dreher bring up public accommodations and anti-discrimination law in reference to these rock-star boycotts—not to [the actual issue of discrimination and public accommodation](#) that's motivating them, but to the boycotts themselves?

Because we aren't talking about the law here. We're talking, as we so often are on Dreher's blog, about the social justice warriors and their liberal enablers. Dreher's on a hobby horse about social-liberal excess, and as usual it canters right over to the sort of tribal-politics binaries he resists almost everywhere else. *That liberal is asserting a right to do a thing, even though liberals claim other people don't have the right to do a different thing!* Yes, it's almost as if the two scenarios have little in common beyond the word "liberal."

I for one don't think all this talk of religious freedom from the right is disingenuous, and I don't think they're 100 percent wrong. But if we're going to reach some sort of detente in this newish front of the culture wars—and I'm not saying we are—then it's going to require creative accommodation that takes the actual, concrete issues seriously. (Exhibit A: [the Michigan Catholic Conference](#).) It's going to require good, collaborative lawmaking that sincerely tries to balance the competing interests at play. It's going to require listening to the voices of people—such as LGBT people of faith and their communities—who are genuinely, personally concerned about both LGBT rights and religious ones.

It's going to require very little in the way of pointing out that Bruce Springsteen did something pretty different from what some evangelical bakers did, and that liberals seem okay with one but not the other.