

# Baby It's Complicated

By: Jack Greiner on December 20, 2018 on [graydon.law](https://graydon.law)

It has become something of a recent Christmas tradition — the debate over the song “Baby It’s Cold Outside.” Depending on your perspective, it’s either a charming song about seduction or it’s an homage to date rape.

But this year, some [radio stations are banning it](#), which takes the discussion up a notch. So what is the answer? That depends on the question.

If the question is “what happened to the First Amendment?” the answer is nothing. As we’ve discussed in this space before, the First Amendment prohibits government action, but not private censorship. A radio station – even though it’s regulated by the Federal Communications Commission – can ban a song.

If the question is “should a station ban the song”? I think the answer is no. And I don’t say that because I think this is a case of Political Correctness running amok. I’ve raised concerns about this song for years, much to the consternation of friends and family. But the fact is, the song details the kind of subtle pressure one person may put on another to comply with their desires. There’s even a suggestion that the drink was spiked. It’s a mistake to casually write this off as a charming, anachronism. But even though the song was written in 1944, the “boys will be boys” mindset hasn’t gone away.

But having said all that, the song is worth talking about in all its complexity. Does the singer imploring his date to stay cross a line? Doesn’t “I really can’t stay” mean no? If not, why not? Am I over thinking this? Perhaps. But a ban ends the discussion and that makes little sense to me.

And for the same reason, let’s not adopt the “this is PC Culture” response, which shuts down the discussion just as quickly. There are points on both sides of the debate. And the truly inappropriate thing is to shut that debate down.

But if radio stations choose to ban [“Christmas Shoes”](#) I may go along with that one.