



*Perspectives from FSF Scholars*  
*November 3, 2022*  
*Vol. 17, No. 56*

**Thinking Clearly About Speaking Freely – Part 14:  
What the Chief Twit Should Do Now to Avoid the "Hellscape"**

by

**Randolph J. May \***

[Real Clear Markets](#)  
November 2, 2022

Okay, Elon Musk is officially now the self-proclaimed Chief Twit, with 111 million followers no less!

On the day his \$44 billion acquisition of Twitter closed, Musk said – via a tweet, of course – that "the bird is freed." An intriguing signal to those – like myself – who have bemoaned the overly censorious moderation actions of those in control BCT, or Before Chief Twit.

Throughout this "[Thinking Clearly and Speaking Freely](#)" series, I have argued that Twitter, and other web platforms like Facebook and YouTube, have censored too much content that should have remained within the realm of public debate. Think of all the instances of speech suppression related to COVID-19, such as its origin, treatment options, or preventative measures. Or think of the New York Post's suppressed Hunter Biden laptop story. Or speech regarding sensitive, even if controversial, matters of religion, race, and sexuality.

---

**The Free State Foundation**  
**P.O. Box 60680, Potomac, MD 20859**  
**[info@freestatefoundation.org](mailto:info@freestatefoundation.org)**  
**[www.freestatefoundation.org](http://www.freestatefoundation.org)**

Echoing his claim that "the bird is freed," Mr. Musk told [advertisers](#) that "it is important to the future of civilization to have a common digital town square." But he also said this in the same letter to advertisers: "Twitter obviously cannot become a free-for-all hellscape, where anything can be said with no consequences! In addition to adhering to the laws of the land, our platform must be warm and welcoming to all."

While I doubt the future of civilization is at stake, nevertheless, the stakes aren't insignificant for the cause of advancing greater free speech online.

As difficult as the task may be, if Musk somehow can find the sweet spot between a less censorious "digital town square" than that which presently exists and a "free-for-all hellscape," he can take an important step to advance the cause of free speech in the public square. In a nation in which protecting free speech is an important part of our constitutional culture – or at least should be – this would be no small achievement.

Of course, there will always be differences between reasonable people regarding particular instances of content moderation line-drawing. But reasonable people should be able to agree that there are distinctions that can be drawn, by Twitter and other private companies operating in good faith, between matters that should remain subject to legitimate debate and those that, instead, fall within the realm of the anything goes "hellscape." For example, posts by ISIS recruiting for terrorist acts, or posts calling for targeting minorities with violence, or posts for promoting sex trafficking might be readily placed in the hellscape bucket.

So, what specifically should the Chief Twit do now?

Musk has said he wants to form a "[content moderation council](#)" with widely diverse viewpoints to advise him on the way forward. Previously, I've proposed two fixes that I hope the council and the Chief Twit will consider. Importantly, these ideas are free market-oriented actions undertaken by private sector firms, not actions directed by the government.

First, as I proposed in [Part 8](#) of this series, platforms like Twitter, proclaiming that they wish, in the main, to be public squares promoting free speech, should incorporate into their "terms of service" explicit provisions establishing a *presumption* that content will not be removed or otherwise restricted absent *clear and convincing evidence* that the speech violates some specific, clearly delineated content prohibition. As an integral part of this presumptive "*free speech default*," the terms of service should contain procedures that allow for rapid escalation and supervisory review by senior officials of initial "take down" decisions.

I understand there's the possibility, even likelihood, that given human nature, political or philosophical biases will continue to affect moderation decisions. But with a top-level "free speech default" policy in place, approved and backed by the Chief Twit and overseen by senior executives, it will be more difficult for such biases to operate in a way that ultimately affects censorship decisions.

Second, as proposed in [Part 10](#), Twitter should implement new consumer empowerment approaches that put even more tools in the hands of its users to determine the parameters of the content they wish to access. In that part, I discussed novel ideas regarding the development of a so-called "middleware" layer consisting of personalized moderation tools that would operate on top of the normal platform interface. New market entrants then could compete to provide users with distinctive versions of middleware consisting of different kinds of filtering tools and other moderation features.

Users then would be able to opt into the speech rules they prefer while still retaining the ability to communicate with other people on the platform. And other newly employed technical means, like blockchain, non-fungible tokens, or "smart contracts," also might be deployed to enable greater consumer choice.

These free market-oriented approaches to address the excessive censorship problem have the virtue of implementation and control by private firms, rather than relying on imposition of heavy-handed, often politically motivated, government solutions.

In any event, whether heavy-handed, politically motivated or not, government solutions – which necessarily involve some degree of government compulsion or direction – run up against the First Amendment's free speech guarantee. They should never be a preferred solution if free market alternatives, such as those outlined above, might remedy the problem – here, too much censorship of content that should remain open to debate in the online public square.

The free speech values at the heart of the Founders' First Amendment, central to the development of our country's Constitutional Culture, are threatened with loss by the growing Cancel Culture. The Chief Twit has an opportunity to adopt free market-oriented free speech-friendly content moderation policies for his platform that will result in decidedly less suppression of speech.

He should seize it.

\* Randolph J. May is President of the Free State Foundation, a free market-oriented think tank in Rockville, MD. The views expressed in this *Perspectives* do not necessarily reflect the views of others on the staff of the Free State Foundation or those affiliated with it. *Thinking Clearly About Speaking Freely – Part 14: What the Chief Twit Should Do Now to Avoid the "Hellscape"* was published in *Real Clear Markets* on November 2, 2022.