

Elias Neibart – Contemporary Political Lessons and Wisdom from Aristotle



Elias Neibart has undertaken practical steps to build the knowledge and skills necessary to work as an attorney and succeed in the legal field. He spent the summer of 2016 as a judicial intern in Essex County, New Jersey, shadowing Judge Michael L. Ravin and becoming familiar with the parts of the trial process. The following Fall, [Elias Neibart](#) enrolled at a prominent university as a student of political science and philosophy with a concentration in political theory.

The following summer, Mr. Neibart became a legal intern with the Essex County Prosecutor's Office. He observed court proceedings and analyzed various forms of evidence, including surveillance videos and witness statements. He also built experience in authoring a number of legal documents, including motions to suppress and post-conviction relief briefs.

[Elias Neibart](#) successfully completed a summer internship with the United States Attorney's Office for the Southern District of New York, assisting in the writing of subpoenas and the preparation of evidence for federal criminal proceedings.

This fall he will pursue an MPhil at the University of Cambridge, and in 2022, he will begin his legal education at Harvard Law School.

[Elias Neibart](#) recently shared excerpts from his research into Aristotle and why the Green philosopher's political thought is still highly relevant today.

"Aristotle generally believes that there are three competing forces that "dispute over equal treatment in the regime"—wealth, freedom, and virtue. With respect to wealth, a polity succeeds in mixing socioeconomic classes—that is the well-off and the poor. And, when mixing democracy and oligarchy to create a polity, certain "defining principles" must also be followed. Generally, the chief defining principle of a "good mixture" is that "it should be possible [for the polity] to be spoken of as either a democracy or an oligarchy" (ibid, 112). One particular way in which regime types can be mixed is by using two different methods for selecting political officers. For instance, the Spartan regime seems democratic because the people elect the ruler and the board of overseers, yet by merely having elections for these positions, and not choosing officers by lot—which is characteristic of pure democratic regimes—the Spartan regime is also oligarchic, for in oligarchies, elections—or picking representatives to rule—is commonplace."

"Additionally, the Spartan regime featured a rudimentary judiciary that ruled over cases of exile and death; in these cases, the people's judgment was not considered. Aristotle's discussion of Sparta and polity, however, is by no means an outright endorsement of polity nor should it be taken as a designation of polity as the best regime or even the best

regime possible. His reference to polity is important because it demonstrates that mixing two deviant regime types can result in a single, correct regime. Aristotle begins his explanation of the best regime, however, by first referencing a point made in his Ethics—that virtue is the “mean” and the best life of life is “the middling sort of life” (ibid, 114). Rather than addressing the merits of Aristotle’s claim or the philosophical reasoning he provides in his Ethics, for the purposes of this paper, we will stipulate that Aristotle’s claim about the middling sort of life is true, and, just as he does, apply that reasoning and principle to the organization and structure of the regime.”

“First, the city wishes “to be made up of equal and similar persons to the [greatest] extent possible,” and this is generally the case among the middling class of city—they are neither poor nor rich. This middling class neither desires the possession of others—like the poor—nor do they feel the constant pressure of being plotted against or envied—like the very wealthy. Aristotle concludes then that the best “political communities” depend on the middling class, and the cities that are capable of being well governed are cities where the middling class is numerous, so they can prevent the other social classes from tipping the scales of power in their favor (ibid, 115-116).”

“Tyranny, therefore, is least likely to arise in a middling sort of regime. In this regime, factional conflicts are minimal. But, in regimes where the middling class is few, conflicts are commonplace, as either the poor or the rich take control, and govern in a manner that merely benefits their own interest, not what is “common or equal” (ibid, 115). Mixing power results in a longer “lasting” regime, as all sides take part and participate in the running of and governing of the regime (ibid, 118-119). This regime will not last for “two or three days” like other states and constitutions; instead, because of its mixed nature, it will be governed for “the

longest time" possible, as this regime establishes "the safety of the state, carefully avoiding the things that cause [state] destruction" (ibid, 6.28). Aristotle quite clearly outlines the advantages of the mixed regime and its desired outcome, but now, we must shift our focus to explaining to how state-builders (or constitution-makers) can successfully create a mixed regime."

"Aristotle notes that the functions of government are manifested in (1) a deliberative body that discusses "common matters", (2) a part that determines how officers should be elected and in what manner, and (3) an "adjudicative part" (ibid, 120). Again, he introduces the concept of mixing when discussing these parts of government. For instance, he asserts that the masses "should have authority over the highest offices by electing and auditing these officeholders, but he also limits their participation to the collective activities of serving in the [common] assembly and on juries" (Cherry 2009, 1407). Additionally, in a mixed regime, some legislative offices and judicial offices will be filled by lot and others will be filled by election (Aristotle, Politics, 126-128)."

"To briefly contrast Aristotle's mixed regime from Montesquieu's separation of powers doctrine, we can see that "Aristotle does not consider these functions in connection with the balance of powers in the state," like Montesquieu (Levin 1936, 127). In other words, he does not view this process of mixing and balancing as a way to halt governmental interference or overreach; instead, he views mixing as a way to keep social strife in-check, ensuring that factional conflicts do not overwhelm the political community. In this way, mixing does not ensure that government is limited; rather, it ensures government is stable and durable, unphased by competing social classes and their attempts to gain power."

"Thus, we see that Aristotle is more interested in the blending, balancing, and mixing of the "monarchical, the aristocratic, and democratic elements" of society—the various

social classes that make up every political community (ibid, 130).”

“Understanding the American Founding and the formation of the American Constitution is a difficult often cumbersome task. Such an endeavor requires engaging with, reading, and analyzing troves of historical documents, treatises, transcripts, and letters. Yet, rather than first assessing the products of the Founding generation, as scholars, we should first strive to understand their process. In other words, debates, arguments, and conversations about the Declaration of Independence, the Constitution, or the Bill of Rights are intellectually incomplete if we do not first to delineate the people, ideas, and philosophies that influenced the men who drafted those documents. While the foregoing excerpt represents a humble and incomplete attempt to do so, our discourse would be better suited if we were to collectively grapple and engage with the often ancient ideas that undergird our country’s foundational texts.”