

Donald Trump may no longer be President of the United States, but the Senate will make a historic decision about his role in the January 6th attack on the U.S. Capitol, and his political future, during the coming second impeachment trial. Federal investigators are also rightly locating and indicting those individuals who planned or committed violent crimes at the Capitol—from physical assault to planting bombs to threatening members of Congress. Less clear for our democracy, though, is the question of how to reach Trump’s supporters who did not riot, but who may have attended the rally on the 6th, and the many more around the country who continue to believe that the election was stolen.

Twenty-five hundred years ago, another troubled democracy debated similar questions. In 404-403 BCE, Athens—the birthplace of democracy, philosophy, and the theater—reached its lowest point when its democratic government was usurped by an oligarchy so cruel that its rulers were dubbed the “Thirty Tyrants.” Upon regaining their democracy, the Athenians had the opportunity to exact revenge on all citizens who had supported the Thirty.

Remarkably, however, the Athenians refused to treat their fellow citizens like a defeated army. Their appreciation for the demands of both prudence and justice allowed them to secure a settlement that punished the ringleaders of the oligarchy alone while restoring trust in the democracy.

In 404, the Athenians had just lost the Peloponnesian War—a ruinous twenty-seven-year struggle ranging across the Mediterranean world—to their great rivals, the Spartans. The victorious Spartans overturned the Athenian democracy and installed the Thirty Tyrants as an oligarchic puppet regime.

These new leaders earned their nickname. Despite only ruling a mere eight months, they killed almost five percent of the population of Athens and evicted and confiscated the property of thousands more.

Yet the democratic faction resisted. Under the leadership of a former general, Thrasybulus, they assembled in the port of Piraeus a volunteer army of citizens who had been driven from the city. During a series of ferocious street battles across weeks in autumn of 403 BCE, the ragtag democratic Athenians under Thrasybulus defeated the better-equipped army of the Thirty and reestablished the democracy.

What happened next? Everyone expected that the democrats would exact revenge and shore up their rule by annihilating the oligarchic faction in Athens and appropriating its property. Hadn’t the Thirty done the same to them?

In fact, the Athenians treated Thirty and their henchmen very harshly, either killing them in the civil war or ejecting them from the city and appropriating their property. But after having held the Tyrants to account, the Athenian democrats then issued an amnesty, perhaps the first in history, making it illegal to prosecute ordinary supporters of the oligarchic faction in the law courts. (This must have been extremely painful for them—the Athenians were nearly as litigious as Americans are today.) In an equally extraordinary move, the democrats decided to pay out of the city’s coffers the debts incurred by the oligarchs to the Spartans—even though these funds had been borrowed from the democratic Athenians’ hated enemies for the purpose of prosecuting the civil war against them. Finally, the democrats allowed oligarchic supporters who remained fearful to leave, permanently, for a conclave at the nearby town of Eleusis.

These decisions won praise from no less than Aristotle, who remarked in the *Constitution of the Athenians*: “The Athenians appear to have reacted to their previous misfortunes, both private and

public, in the noblest and most statesmanlike way of all.” Why noble and statesmanlike? Because the Athenians’ decision satisfied the demands of both justice and prudence.

The amnesty ensured that people who had stupidly supported the oligarchy, without becoming ringleaders themselves, would not be punished. Instead, keeping the privileges of citizenship and their property, they would be included in the common good of the city going forward. This course of action defused partisan rage, gave erstwhile enemies of the democracy a stake in the regime, and lent to the democracy a moral authority that the oligarchy had sorely lacked. In short, it restored trust.

Yet the Athenian democrats were not pacifists or pushovers. They held the leaders themselves accountable by slaughtering most of them and jettisoning the rest from the city. Strikingly, moreover, they used cruelty to enforce the gentle amnesty, executing the first oligarch who returned secretly to Athens from Eleusis with a goal of inflaming partisan animosity. While this execution, recommended by the statesman Archinus and authorized by the demos, technically violated the amnesty, it had the effect of preserving it, and the city, going forward. By forcefully yet humanely securing the common good of the polity, the Athenians exhibited a flexible, lenient, and farsighted kind of justice.

Most importantly, these moves worked. As the soldier and historian Xenophon, writing decades later in his *Hellenika*, tells us: “Both parties . . . swore oaths not to remember past wrongdoings, and to this day they live as fellow citizens and the people abide by their oaths.”

This ancient example suggests a way forward in our political moment: convict and punish Trump, his proxies in Congress who can be shown to have coordinated the attack on the Capitol, and all his supporters, especially far-right extremists, implicated in planning or carrying out violent crimes. All those who remain outside these categories—the vast majority—should be treated leniently.

Still, one might object: didn’t everyone who marched on January 6th join Trump in seeking to overturn a legitimate democratic election? Rather, as Ta-Nehisi Coates [recently observed](#), these people were told again and again that the election was stolen. They mistakenly believed themselves to be upholding democratic principles in the face of corrupt elites. This does not make them blameless, but it does underscore the possibility of reaffirming a shared commitment to democratic principles and practices.

The danger remains that individuals who are convicted of crimes in connection with the Capitol insurrection will be locked away, while the Senate defends and absolves Trump and other powerful instigators. Thus far, the FBI has apparently come down hard on no-name Trump supporters who entered the Capitol, while Trump—not to mention Senators Hawley and Cruz and Representatives Brooks and Boebert—face no repercussions at all.

The Athenians of 403 BCE argued that fellow citizens ought not to be treated like a defeated army, even as they held violent insurrectionists accountable. They placed the good of the polity over partisan interests. They did not allow the pleasures of punishment to masquerade as justice.

This is admittedly a high and difficult form of democratic patriotism. But nobody said this democracy thing would be easy.

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