Five Central Dimensions of Patricio Aylwin's Political Thought

Presentation

On the occasion of a new anniversary of the birth of Patricio Aylwin A., his daughter Mariana examines her father's personal and political trajectory through the familial, cultural, and social influences that shaped his thought. Based on speeches, documents, and personal testimonies, the text identifies the principal influences that marked his life and proposes five central lines for the study of his intellectual and political legacy.

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Most of the documents cited are available in Patricio Aylwin's personal archive: www.archivopatricioaylwin.cl

Text: Mariana Aylwin O.
Translation: Macarena Quidequeo, Martín Barraza y Amparo Sánchez.
Review: Rosa Isabel Basaure
Licenciatura en Lingüística aplicada a la Traducción - Universidad de Santiago de Chile

Introduction

When he was proclaimed the presidential candidate of The Coalition of Parties for Democracy, Patricio Aylwin—then 71 years old—offered the following description of himself:

If I am asking my people to place their trust in me and entrust me with the task of leading them, I believe I have the duty to speak to them with complete honesty.
I am a Chilean of middle-class background, devoted to my family and to my country.
I was fortunate to be born into a home where I learned to remain faithful to the truth, to always seek justice, and to respect others, especially the poor.
I believe in God.
I believe in humankind, in the superior dignity of every human being.
For that same reason, I believe in the people. In the prudence, common sense, and innate wisdom of ordinary men.
I understand life as a task. From childhood, I felt that my task was justice: to fight for justice. That is what I have sought to do throughout my life. That is why I became a lawyer and a professor of law. That is why I entered politics: to fight for justice for our people.

As a Christian, I seek first the Kingdom of God and His justice, trusting that all else will follow.
As a democrat, I believe in the capacity and the right of the people to decide their own destiny. I defend the freedom of my adversary and have learned always to respect opinions that differ from my own.
You may not believe me if I say that I have never been driven by ambition for power, but only by the desire to serve. I understand power as an instrument of service.
I believe in reason and the law. I conceive force solely as an instrument of reason and law. I categorically reject violence.
I am a party man. For nearly half a century, I have been a Christian Democrat because I believe in the values and principles of Christian humanism.
I understand political parties as instruments for channeling the different currents of public opinion, in order to serve, as effectively as possible, their shared ideals of the common good. Although they seek power, they must do so not to serve themselves, but to serve the people.
I aspire to be the president of all Chileans. I aspire to be the nation's foremost servant.
To fulfill this task, I implore the help of Providence and ask all my compatriots for their trust.
With deep faith in Chile, in the people of Chile, and with great hope for the future, I call upon all my compatriots to build the Chile we want: a fair and noble homeland for all Chileans.[1]

That synthesis contains the guiding thread of a long political trajectory. Patricio Aylwin became interested in public affairs during his adolescence and remained a leading figure in Chilean history for more than seven decades.

There are multiple sources through which to trace his thought and political action. In this essay, I will focus on the documents and speeches that he himself preserved and which today form part of the personal archive safeguarded by the Patricio Aylwin Foundation (www.archivopatricioaylwin.cl), as well as on two of his main books: *El reencuentro de los demócratas (The Reunion of the Democrats)* and *La experiencia política de la Unidad Popular 1970-1973 (*The Political Experience of Popular Unity, 1970–1973*)*.

The first was written at the end of his presidential term and recounts his political life between 1973 and March 1990. He began writing the second in 1974, but various circumstances delayed its completion until 2011.

Without ever stating it explicitly, he chose not to publish it during his lifetime, fearing it might reopen divisions within a relationship that had taken great effort to build and which he deeply valued. Finally, on the fiftieth anniversary of the military coup and seven years after his death, his children decided to publish it.

La experiencia política de la Unidad Popular 1970-1973 offers a critical account of the relationship between that government and the Chilean Christian Democratic Party, while also documenting the gradual institutional deterioration that led to the breakdown of Chilean democracy.

At the same time, I can contribute the perspective of someone who shared not only his public life, but also his private life, as his daughter. This certainly has both advantages and disadvantages. Yet it is

[1] Speech by Patricio Aylwin at the ceremony proclaiming his candidacy for President of the Republic, July 16, 1989. (APA-3231)

very difficult for me to detach myself from that circumstance, which inevitably leads me to write from a position of closeness.

History has the final word, although it is often a capricious discipline. Nevertheless, his legacy remains: the legacy of a long political life that, together with others, helped shape the course of Chile through both better and darker times, with its lights and shadows. The facts remain, as do the events in which he took part. But his thought also endures in his own written words, in documents, speeches, books, media appearances, seminars, interventions in the National Congress, presidential addresses, interviews, and letters (at a time when political positions were justified through correspondence). Through the Aylwin Foundation, our family has made a significant effort to preserve that legacy, much of which has already been digitized.

This testimony is a sketch I have attempted to write as a daughter, inspired by admiration and filial love, which encourages me to persevere along the path he marked out through his life.

Mariana Aylwin O.

The Origins of a Vocation

In my judgement, the foundations of Patricio Aylwin's thought—which have endured over time—were forged within his family.

His father, Miguel Aylwin, was a Freemason and a judge. He was an upright man of methodical habits who, through great personal effort, rose to become President of the Supreme Court. His mother, Laura Azócar, was a Catholic woman who, for her time, was notably modern and well educated, with a strong social conscience. All five children were raised Catholic, something common in twentieth-century Chile: Masonic fathers, Catholic mothers, and children. His only sister, Carmen Aylwin, took religious vows and devoted her life to working with the poor. The four brothers all became lawyers, and each pursued distinguished professional and public careers: Andrés Aylwin served as a congressman before and after the dictatorship and became a renowned human rights lawyer; Arturo Aylwin was a university professor who later served as Comptroller General of the Republic; Tomás Aylwin, the only one of the siblings still alive, is also a highly respected lawyer.

From the age of ten, Patricio Aylwin lived with his family in a large house in San Bernardo, a small town situated between Santiago and the rural world of the Maipo Valley. Their home stood opposite the railway workshops and within walking distance of the boys' secondary school, where the Aylwin Azócar brothers shared classrooms with the children of railway workers, military families from the San Bernardo Infantry Regiment, and the few professionals who lived in a town known for its vibrant cultural life.

Laura Azócar was an avid reader. With her, my father read Edmondo De Amicis, and he later recalled how they would both weep over Marco's journey in From the Apennines to the Andes. My

grandmother repeated the same experience with me. As a child, he was deeply influenced by the works of Baldomero Lillo, social novels portraying the lives of coal miners (Sub Terra) and saltpeter workers (Sub Sole). During his adolescence, he became fascinated by Les Misérables by Victor Hugo and read Lamartine's The Girondins, books given to him by his father Miguel.

My father greatly admired Ortega and Gasset, and Miguel de Unamuno. He loved poetry and military marches. Even into his old age—he passed away in April 2016 at the age of ninety-seven—he continued reciting poems by Amado Nervo, Rubén Darío, Cicero's Catilinarian Orations, as well as verses by Calderón de la Barca and Lope de Vega. He would also sing to us—not always in tune, but with great enthusiasm—the "*Canción de Yungay*," arias from the opera *Carmen*, and *Cielito Lindo*.

Among the episodes my father and his brothers recalled from their years in San Bernardo was the sight of starving nitrate workers arriving on foot along the railway line that passed in front of the family home, begging for food. I believe this left a profound impression on them. Another important influence—especially on my father—was his maternal uncle Guillermo Azócar, a senator and one of the founders of the Chilean Socialist Party. In fact, my father's earliest political involvement was in support of the Chilean Popular Front and the presidential campaign of Pedro Aguirre Cerda.

As a university student, Aylwin took part in a group of young men who undertook a process of discernment to decide which political party to join. All of them entered the Socialist Party; only he and his brother Andrés joined the National Falange.

His Catholic faith played an important role in that decision, as did his contact with young Falangists through the creation of a Legal and Social Studies Academy, an initiative promoted by the Law Students' Association of the University of Chile, which invited law students from the Pontifical Catholic University of Chile to participate. At the inauguration of the academy, Aylwin called on students to assume the responsibility of preparing themselves for public life, recalling the teachings of Ortega and Gasset:

If you intend to act in public life without first preparing yourselves adequately, the following will occur: to act in public life is to act upon the great national masses, and without formation you will not be a strong and organized group, but merely a small mass. The inexorable laws of historical mechanics will then prevail: the greater mass will crush the smaller one. To act upon a mass, one must cease being part of it; one must become a living force, a structured and organized group.[2]

His involvement with students from the Pontifical Catholic University of Chile familiarized him with Christian humanist thought. He read the social encyclicals, as well as the works of Jacques Maritain and Emmanuel Mounier, among other authors associated with this intellectual tradition. In 1946, he formally joined the National Falange, a party founded in 1935 by young Catholics who had broken away from the Chilean Conservative Party. He later became one of the founders of the Christian Democratic Party in 1957.

[2] Speech delivered at the inauguration of the Academy of Legal and Social Studies of the Law Students' Association of the University of Chile, November 6, 1939. (APA-0157)

During this period, his generation embraced the ideas of two major Chilean intellectuals. One was Aníbal Pinto, author of *Chile, un caso de desarrollo frustrado* (1959) (Chile: A Case of Frustrated Development); the other was Jorge Ahumada and his book *En vez de la miseria* (1958) (Instead of Misery). Together with the policies promoted by ECLAC—whose headquarters had been established in Chile—these works became another important source of influence on Patricio Aylwin's political thought.

A Christian Conception of the Human Person

One of the speeches Aylwin crafted most carefully in grounding political action in Christian principles was entitled *Por la liberación del hombre* (*For the Liberation of Man)*, delivered at the First National Convention of the Christian Democratic Party in May 1959, when he served as president of the party. Among his words were the following:

The human creature has been placed in this world to become a person. Not only to grow and multiply and fill the earth, but also to have dominion over it.
Not to live like any other animal, but to be a subject, to be an actor, to fulfill oneself through work, and to develop all the capacities of one's being, both physical and spiritual; through this, to attain the joy and fullness of family life and peace… Such is the task and destiny of every human being.
Not merely of a few, but of the great community of brothers and sisters, all fashioned alike, all created in the image and likeness of God, all entitled to the same dignity, all constituting the human family…
Here, gentlemen, lies the great task of the men of this century: the liberation of humankind. Liberation from misery through the harmonious development of national economies and a fair redistribution of wealth.
Liberation from tyranny through the practice of an effective democracy that guarantees the natural rights of the human person and in which all participate in political power. Liberation from ignorance through the broadest possible extension of education at every level, limited only by each person's vocation and abilities…
This is what Christian Democracy fights for. And it calls upon all men and women of goodwill to take part in this endeavor. It does not demand religious uniformity, for faith is a gratuitous gift from God; rather, it asks for love of truth, a vocation for justice, a clear awareness of the personal dignity of every human being, a deep sense of human brotherhood, and generous self-giving…
Those who today speak of "giving" this or that to the people reveal an outdated misunderstanding of the social reality of our times. The problems of this era cannot be solved through the old paths of private charity or paternalism. That "structure" must be transformed, and a new order created…
Chileans who are listening: this convention now being inaugurated by Christian Democracy represents one more step in a struggle that is also your own, and in which we call on all to take a stand: the struggle to build a homeland in which man — the carpenter, the farmer, the shepherd among his flock at sunset, the man whose name sounds neither solemn nor fierce — may live in peace a life that is fair and dignified.[3]

[3] Patricio Aylwin, "*Por la liberación del hombre*" speech, delivered on May 27, 1959. (ACF-0464)

The value of human life, respect for every person derived from the equal dignity of all as children of God, a providential understanding of life, in which "each day has troubles enough of its own," the rejection of violence, and the conscience that politics was a way of striving for a better world in accordance with the principles of the Gospel, all formed an ethic for his personal conduct. Many years later, speaking before a group of young people, he stated:

Every form of Christianity (and every Christian) exists in relation to, and within, a particular socio-cultural time and place, in which one must translate one's convictions into concrete attitudes and actions across the different spheres of human coexistence.
Each historical moment presents Christians with a demanding and specific challenge, calling them to seek coherent and creative ways of reflecting the demands of the Gospel within social structures…
Politics constitutes and offers us an excellent and meaningful opportunity to serve others and to draw closer to a transcendent sense of life. A life of public service through politics (service to others) is not only a legitimate option, but a necessary one in every society.[4]

My father was not inclined toward preaching or outward displays of faith; rather, his way of living was itself a testimony. He was a practicing Catholic who attended Sunday mass regularly. When we were children, we would go together as a family to the nine o'clock mass and afterwards take excursions or go on outings. At one stage of his life, he and my mother participated in the Christian Family Movement (CFM).
Throughout his long life, he maintained close ties with priests and bishops who helped shape the direction of a church that, in Chile, possessed considerable moral authority and was deeply committed to social justice and the defense of human rights. As children, we always felt free to make our own choices, while admiring the example set by both him and our mother. On the day of his funeral, at the Cathedral of Santiago, the Chilean Church awarded him the **Cross of the Apostle Saint James**, a special distinction granted to laypersons recognized for their commitment to Christian values and their service to society.

The Pursuit of Social Justice

The pursuit of social justice was one of the essential motivations in the life of Patricio Aylwin and what led him from a very young age to concern about public affairs. There are plenty of speeches, writings, and actions that reveal his deep commitment to contributing to the construction of a fairer society.

In addition, as a leader of the emergent Chilean Christian Democratic Party (PDC, in Spanish), he was a committed collaborator in developing the political programs for the presidential campaigns of Eduardo Frei Montalva in 1958 and 1964. As a senator representing an eminently agricultural zone, he participated actively in the social reforms driven by President Frei's government (1964–1970), especially the controversial agrarian reform. At that time, 30% of Chilean peasants still lived under a system of *inquilinaje* (tenant farming) and misery, lacking access to basic services such as education and healthcare. Furthermore, vast agricultural land extensions were unproductive.

[4] Remarks by Patricio Aylwin before a group of young people at Centro El Ágora, October 12, 2001.

During the Popular Unity Coalition (UP, in Spanish) government, as one of the leaders of the Christian Democratic Party, the main opposition political force, Patricio Aylwin and his party maintained a favorable stance toward the social changes promoted by the government, though they were highly critical of how they were being carried out, at the limit of or outside the democratic institutional framework. In an era of revolutionary rhetoric across Latin America following the Cuban Revolution, the major difference separating the Allende administration from the Christian Democratic Party lay in how the changes were made and toward what model of society they were oriented: a "state socialism" or a "communitarian socialism".

Although Aylwin never enthusiastically adhered to the trend of so-called "communitarian socialism," toward the end of Frei Montalva's government, an important section of the Christian Democratic Party advocated for unity with the left—an idea that Radomiro Tomic, the Christian Democratic candidate in the 1970 presidential election, termed as "*Unidad Social y Política del Pueblo* (Social and Political Unity of the People). Following Salvador Allende's victory without an absolute majority, it was the National Congress' responsibility to ratify his election. The faction closest to that stance favored proclaiming him unconditionally. In that internal debate, Aylwin maintained:

A man of the left is one who prefers justice over order, and a man of the right is one who prefers order over justice. We are of the left. I feel I am of the left, and if I am in this party and joined it, it was because this party left the right and placed itself on a leftist path many years ago. Now then, I want to tell you this: it is one thing to be of the left, and quite another to renounce being ourselves to identify with other people of the left. Unity, yes, but not just any way…
I believe, comrades, that we must be firm, not in the sense of closing doors, but firm in the sense of making it clear: we will vote for Allende if he effectively grants us the Statute of Democratic Guarantees, constitutionally enshrined in the terms we have proposed to him.[5]

The core difference lay in the valuation of democracy, respect for the rule of law, and the rejection of violence.

The experience of the Popular Unity Coalition led the country into a severe economic decline. The nationalization and seizing of companies, price controls, lack of investment, high inflation, product shortages, and control over the distribution of essential goods caused a deep crisis. The major social transformations did not result in greater social justice; instead, they accentuated the division and stagnation of the country. That was the situation on the eve of the military coup of September 1973.

Afterward, from the early 1980s onward, the dictatorship's policies focused on the privatization of public companies and services, alongside market liberalization. The focus of economic and social policy was on competition: public education had to compete with private education, and parents could choose; the same occurred in the healthcare sector. Public investment was significantly reduced, resulting in low wages, high unemployment, and union life reduced to its minimum expression. And while a phase of economic growth began in 1985, the fruits of this dynamism did not reach the broad, marginalized sectors of the population.

[5] Speech by Patricio Aylwin at the National Board of the PDC, October 4, 1970. (APA-1624)

Both experiences—the one of the Popular Unity Coalition government and that of the military dictatorship—were highly present in the definitions of the Coalition of Parties for Democracy, which, from 1990 onward, promoted a policy of "growth with equity" aimed at overcoming the poverty that affected more than 40% of the population at the end of the dictatorship.

Patricio Aylwin was convinced that economic growth alone was not enough for these sectors to escape their situation. He even went so far as to maintain that "the market was cruel" because it discriminated between rich and poor, a statement that generated public debate over what he had meant. Yet at the same time, he understood that it was impossible to overcome inequalities through state policies alone and without economic growth. He expressed this in his speech before the United Nations General Assembly in September 1990:

Without social justice, any democracy, no matter how prosperous, will live under the permanent threat that the natural discontent of marginalized sectors demanding equity will turn into unrest that disrupts economic development processes and compromises the stability of the political regime itself.

To achieve peace and stability in national coexistence, it is therefore indispensable to simultaneously pursue democracy in politics, growth in the economy, and justice in society. This is precisely the task to which we Chileans are committed.[6]

Although many expected a reversal of privatizations and a restoration of state control over public services following the economic liberalization of the military dictatorship, the government opted to promote reforms that, while maintaining openness and market policies, strengthened the role and leadership of the State in the social field. Guided by the objective of driving "growth with equity," Patricio Aylwin's government reached agreements with a sector of the right, allowing the passage of a tax reform, a labor reform, and a Teachers' Statute in the National Congress, among other initiatives. The increase in investment and the targeting of spending toward poverty reduction and the improvement of basic services were carried out alongside a major push for Chile's integration into the world, encouraging open markets and private investment.

At a meeting with the Chilean Socialist Party—a member of the Coalition of Parties for Democracy, which backed Patricio Aylwin's administration and the three subsequent governments until 2010—he expressed his vision for the economic and social fields as follows:

All of us in the parties that make up the Coalition for Democracy believe that it is not enough for societies to grow and modernize; it is necessary to overcome the problem of extreme poverty that afflicts vast sectors of humanity and our own country. Along with the value of freedom and human rights and, in a way, as a complement to those very values, we affirm the value of social justice. We do not believe it is enough for countries to grow if that growth means some prosper in abundance and reach the living standards of the wealthiest nations, while others continue to live in poverty or misery. We want justice, believing that all human beings are equal in dignity, and that this equality in the dignity of the human person signifies the need to seek livelihoods that allow everyone access to

[6] Speech by President Patricio Aylwin before the United Nations General Assembly, September 28, 1990. (PRES-122)

conditions aligned with the times. This is a value that identifies us. And there is a (another) value that identifies us: we live in times when universal experience seems to demonstrate that the most effective paths for economic development are founded in market mechanisms.

Yet, in the face of market mechanisms, we assert that the State, as the supreme organ of the common good, as the institution through which society organizes for the exercise of authority and the satisfaction of collective needs, cannot cross its arms; it is not a mere spectator. The State has a guiding function to fulfill, because that is a requirement of its very nature as an organ for realizing the common good.

I said it at the Christian Democratic Party Congress and I repeat it here, convinced that Christian Democrats and Socialists, as well as Radicals, the Chilean Party for Democracy (PPD, in spanish), Humanists, and the other parties forming part of the Coalition, all share the same idea: we do not want the dictatorship of the State, but neither do we want the dictatorship of the market.[7]

After concluding his presidential term, Patricio Aylwin founded the *Corporación Justicia y Democracia* (Justice and Democracy Foundation), through which he chaired the Latin American and Caribbean Commission on Social Development. This commission prepared a report on Latin America ahead of the World Summit for Social Development held in Copenhagen in 1995,[8] an initiative his government had supported at the United Nations. Two years later, after traveling through various Latin American countries and contributing to the search for agreements aimed at reconciling democracy, economic growth, and social equity, he noted the following at a Seminar on the social market economy and the Fight Against Poverty held in Colombia:

I cannot hide that it surprises and rebels me to hear or read learned opinions claiming that the only remedy for overcoming poverty is economic growth, and that to achieve it, there is no other way than to let the 'invisible hand' of the market operate in freedom.

It does not seem necessary to expend many arguments to refute both statements. The simple facts demonstrate their falsehood.

Clearly, economic growth is a necessary requirement to overcome poverty, but historical experience demonstrates that it is not sufficient. With all that wealth that has grown in this century, there should be no poor left in the world. Yet it is a painful and cruel fact—which inspired the Copenhagen World Summit in March 1995—that at this point in time, at the end of the second millennium of the Christian Era, one out of every five human beings lives in poverty. And in the United States, the richest and most powerful nation on earth, authoritative voices tell us that there are over thirty million poor people and that poverty is on the rise.

To expect the free play of the market to benefit the poor is to ignore the indisputable fact that the poor have no purchasing power. The final document of the aforementioned Summit states textually in this regard: 'Social development will not be achieved simply through the free interaction of market forces. It is necessary for official policies to exist that correct market failures, complement commercial mechanisms, maintain social stability, and create a national and international economic environment

[7] Speech by President Patricio Aylwin at the closing ceremony of the programmatic congress of the Socialist Party, December 13, 1992. (PRES-651)

[8] The document is available at: https://repositorio.cepal.org/server/api/core/bitstreams/52d9ddad-5ea9-417c-beb7-2a0ec5ebbc81/content),

that favors sustainable growth on a global scale. This growth should promote equity and social justice, tolerance, responsibility, and participation.'

Of the 170 nations present at that Conference, 120 of them represented by their heads of State or Government, no one sustained the thesis that the way to defeat poverty in the world was simple economic growth and the free play of markets. No one!

On the contrary, it was explicitly stated: 'To make economic growth and the interaction of market forces more conducive to social development, it is required,' among other actions, 'to improve, expand, and regulate, as necessary, the functioning of markets, in order to promote sustained economic stability, sustainable development, and long-term investment, fair competition, and ethical conduct, and to adopt and implement policies designed to foster the equitable distribution of the benefits of growth and protect the most important social services, among other things, complementing the mechanisms of the market and mitigating any negative effect of market forces.'

As Michel Camdessus, the Managing Director of the International Monetary Fund, has said, 'to the invisible hand' of the market, it is necessary to add the strong hand of State justice and the hand of solidarity.[9]

Democracy and the Rule of Law

Patricio Aylwin was a man of law. He served as a professor at the University of Chile and the Pontifical Catholic University of Chile, holding the chair of Administrative Law. He was also a professor of Civic Education and Political Economy at the Instituto Nacional, the oldest and most prominent all-boys high school in Chile.

In the words of Sol Serrano, National History Prize winner 2018:

"Aylwin is an archetype of a long era in Chile's history. What constitutes and defines him is being a man of law. His background is in Chilean public law, not the type in vogue today, which strives to expand the horizon of social rights claims within the judiciary. It is a more classical training in constitutionalism, where the act of power must be subject to legal forms. He was not a formalist. Because he believed in politics for the transformation of society, on the condition that it remain subject to the democratic norms that the law was capable of imposing.

If one reviews his career, this guiding line is evident: it is from constitutional rights that he attempts to negotiate with Allende in the final days; his proposed solutions to the political crisis were legal and institutional. It is the law that defines his entire strategy as president of the DC during the dictatorship, as one of the founders of the 'Group of 24,' and his highly relevant proposal to ignore the debate over legitimacy and accept the constitution *de facto* to seek a transition. And so on.

This helps explain various facets of him as a politician, from his radical realism to his permanent invocation of principles; of always being a witness in the key of principles. I believe he always saw himself as a man of law, who was first a lawyer, then a politician, and finally a statesman. He did not

[9] Speech by Patricio Aylwin at the Seminar on the Social Market Economy and the Fight Against Poverty, May 8 and 9, 1997, Medellín, Colombia.

feel like nor did he claim to be a hero. His language is pedagogical and precise, as much as it is doctrinal and unifying. Aylwin does not speak on behalf of others, for instance, the people, but rather on behalf of principles that are universal and inherent to everyone by nature.

The conceptual structure of his Memoirs is that of a jurist who resorts to evidence and logical argumentation. He does not speculate, nor does he introduce digressions; only with great effort does he introduce something personal, such as 'We went with Leonor...' He is comfortable only in the solidity of argument. That is his language. It is from there that Aylwin inserts himself into the Chilean republican tradition." (Sol Serrano, presentation of the book "El Reencuentro de los Demócratas", published by FCE, November 29, 2018.[10]

This imprint was reflected in his work in the Senate, where he chaired the Constitution, Legislation, and Justice Committee and played an active role in the main constitutional reforms of the era. His participation in drafting the Statute of Constitutional Guarantees stood out especially, an agreement between the Chilean Christian Democratic Party and the Popular Unity Coalition that enabled the election of Salvador Allende by the Joint session of Congress. This statute expressed the existing doubts regarding the solidity of the new government's democratic convictions, extending beyond Allende's own personal track record.

During the Popular Unity Coalition period, Patricio Aylwin, in his capacity as senator, President of the Senate (1971–1972), and president of the Christian Democratic Party (1973), remained a firm opponent of the government's transgressions against the rule of law and a resolute defender of democracy.

Describing Chile's dilemma before the delegates of UNCTAD III, held in Santiago in April 1972, Aylwin maintained that the problem dividing Chile did not lie

in the preservation or alteration of economic structures of privilege for the oligarchic or monopolistic interests of big capital. The truth is that the vast majority of Chileans, authentically represented in this Parliament, want and seek the replacement of the capitalist regime with a new society in which power is truly exercised by the majorities, through the effective participation of workers. The fundamental political problem moving Chile is whether or not the structural changes to build the new society are to be achieved through democratic channels, without sacrificing individual liberty and within the framework of the Constitution and the laws, or if they will be carried out through violence, arbitrariness, or totalitarian imposition. Whether what is sought is a bureaucratic state control at the service of the thirst for power, or the real participation of workers through their authentic organizations.

As you can see, fellow delegates, it is, in short, the eternal problem of whether the people, to achieve justice, must or must not sacrifice the freedom to govern themselves. Faced with tendencies that look down on freedom as an 'abstraction' and law as a 'superstructure,' postulating in their place the unchecked power of a few in the name of all as a paradoxical path to liberation, the majority of

[10] Available at: https://fundacionaylwin.cl/wp-content/uploads/2019/07/PRESENTACION-SOL-SERRANO_El-reencuentro_29nov2018.pdf

Chileans demand faithful compliance with the democratic statute that regulates the exercise of power and roots sovereignty in the people.[11]

Aylwin firmly criticized the government's attempts to drive the *de facto* revolution instead of turning to Congress and institutional mechanisms. He denounced the seizures of land and industries through legal loopholes, the proliferation of armed groups, and the acceptance of the use of violence, as well as attempts to concentrate absolute power. He also questioned the transgressions against the rulings of the Office of the Comptroller General of the Republic and the Judicial Branch, the illegal actions and arbitrary acts committed by officials and pressure groups, Cuban interference, and President Allende's ambiguity regarding these situations.

Responding to the presidential message before the National Congress in May 1973, Aylwin stated:

No, Mr. President! It is not true that the problems and conflicts Chile is experiencing are the consequence of a 'daily confrontation between preservation and revolution'... When the vast majority of Chileans, including all Christian Democrats, contest the government's policy and demand its rectification, we do not do so to perpetuate obsolete structures or return to old, oppressive molds, but to demand that the revolutionary process be carried out with real respect for our democratic system, that changes signify the effective participation of the people through their authentic organizations, and that Chile's interests be managed with responsibility, efficiency, and integrity.[12]

The Christian Democratic Party sought a rectification from the government so that its policies would be channeled through an institutional path. However, in a context of extreme polarization, democracy was increasingly devalued across broad sectors. Aylwin explained this in a speech he delivered in the Senate two months before the military coup:

We would not be frank if we silenced the fact, which we all know, that the vast majority of our compatriots have lost faith in a democratic solution to the crisis Chile is experiencing. Whether because the experience lived in these years exhibits numerous circumstances in which institutional legality has been bypassed, liberties trampled, and lawfulness rendered ineffective; whether because the very word democracy holds different meanings for some than for others; or whether because on either extreme of the Chilean political spectrum there are many who have never been truly democratic and possess a totalitarian mindset.

What is certain is that democratic conviction, as a cultural value and norm of civic coexistence among Chileans, has weakened to an extreme degree. On one hand, there are those who believe the Chilean path to socialism is exhausted and advocate moving directly to a Marxist-Leninist dictatorship, concealed under the label of the dictatorship of the proletariat. No one can ignore that this is not only the position of the MIR, but has been almost permanently the official thesis of the Chilean Socialist Party. The undeniable failure of the government's economic management seems to be pushing other

[11] Speech by the President of the Senate, Patricio Aylwin, delivered at the joint session of the Senate and the Chamber of Deputies in honor of the delegates attending the World Conference on Trade and Development, UNCTAD III, April 14, 1972. (APA-1691)

[12] Radio address by the President of the PDC, Senator Patricio Aylwin, May 30, 1973. (APA-0328)

pro-government sectors toward a similar hardening, and, judging by some of their latest actions, this would be the position now adopted by the Communist Party.

On the other hand, leaving aside the minority ultra groups that never believed in democracy, the relentless onslaught of sectarianism, arbitrariness, discrimination, and violence pushes more Chileans every day to think that only a military dictatorship can restore to Chile the order and authority indispensable to save our future as a Nation.

For our part, I want to reiterate here, once more, that the Christian Democratic Party remains faithful to its long-standing principles; that by humanist training and doctrinal conviction we are opposed to any dictatorship or totalitarianism, whatever the banner under which they are attempted to be exercised; that, from our clear opposition stance, we remain faithful to our devotion to the constitutional regime; that we repudiate its disruption, wherever it may come from, and that as long as there is any possibility of overcoming the crisis Chile is experiencing through institutional means, we will do everything within our power to achieve it.

But with equal clarity, we say that this consistency of ours with a democratic and libertarian vocation, inherent to our Christian inspiration, does not mean nor can it be interpreted as a sign of naivety or weakness. We are not ignorant of the severity of the totalitarian danger in which the government has placed Chile, and we are prepared to confront it, whatever it takes. The Government and its parties must know that they cannot continue to draw upon our democratic devotion, nor expect our constitutionalist spirit to serve as a shield for their excesses.[13]

Aylwin and the Christian Democratic Party strove for a democratic way out of the political, economic, and social crisis facing the country, which ultimately proved impossible. The military coup of September 11, 1973, meant a brutal rupture for the political system and its actors. The leadership of the Christian Democratic Party explained the democratic rupture as a consequence of the severe institutional crisis facing the country and the loss of legitimacy of Allende's government, expressing the need for a prompt restoration of democracy and respect for human rights. None of this occurred. The dictatorship lasted for seventeen years.

During that long period, Patricio Aylwin remained president of the Christian Democratic Party until 1976, attempting to "save the soul and body of the party". From 1978 onward, Aylwin concentrated his efforts on the creation and implementation of the Constitutional Studies Group, known as the "Group of 24" due to the number of its founding members. It was the first initiative that brought together a broad spectrum of academics, scientists, intellectuals, and political leaders—many of whom had been adversaries prior to the military coup—with the purpose of developing a democratic institutional alternative to the project being prepared by the commission appointed by the military regime. Throughout the 1980s, in the struggle to recover democracy, he consistently exercised leadership, participating in all the political initiatives that progressively wove the conditions to defeat the dictatorship through peaceful means.[14]

During his government (1990–1994), Patricio Aylwin's knowledge of administrative law and legal vocation contributed significantly to the processes of reinstitutionalization, such as the reforms to the

[13] Speech by Patricio Aylwin in a Senate session, July 11, 1973. (APA-0329)

[14] The debates of the 'Group of 24' can be reviewed in the book edited by Magdalena Eichholz and Carlos Bascuñán, Reflexión, debate y acuerdos del Grupo de Estudios Constitucionales para una nueva Constitución, June 2021. Available at: https://fundacionaylwin.cl/proceso-constituyente/

judiciary, a branch of which he was extremely critical, especially regarding its attitude toward cases involving the interests of the previous regime, above all in human rights matters. Newly inaugurated, at the opening ceremony of the Convention of Judicial Magistrates, he stated:

Public opinion believes—and I share this view—that in the vast majority of cases, our courts did not make sufficient use of the powers conferred upon them by the Constitution and the laws to protect the fundamental rights of individuals, which constitutes their most transcendental task. These facts, which have severely damaged collective trust in the Chilean judicial system, largely stem from the circumstance that the judiciary, like the entire country, lived embedded within an authoritarian political regime separated from the basic principles of the rule of law, which is the natural environment where it ought to operate. The restoration of democracy must be the opportunity to confront and overcome this crisis, through the constitutional and legal modifications and the renewal of the judiciary that the national conscience demands.[15]

In this context, Aylwin formulated the so-called "Aylwin Doctrine," maintaining that the amnesty law decreed in 1978 prevented the punishment of those responsible for human rights violations but did not prevent their investigation. Consequently, the courts were obligated to clarify the facts and establish the truth before applying amnesty, a thesis that contradicted the dominant criteria until then. Shielded by that law, judges typically archived cases without identifying the perpetrators of the crimes. In his speech presenting the Report of the National Commission for Truth and Reconciliation—known as the Rettig Commission—to the citizenry, Aylwin warned that to apply amnesty, it was necessary to know to whom it was being applied, and that:

Regarding the determination of responsibilities, this is a task that, within a rule of law, belongs to the Courts of Justice, in accordance with the legal framework and with the guarantees of due process. The National Commission for Truth and Reconciliation could not delve into this aspect because the very decree that created it denied it that authority by virtue of clear constitutional precepts. In either case, the Commission has forwarded the respective background information to the corresponding court. I hope that they fulfill their function properly and exhaust the investigations, to which—in my view—the current amnesty law cannot be an obstacle.[16]

Gradually, the courts began to assume this task, which later led to the non-applicability of statutory limitations (imprescriptibility) to crimes against humanity.

The Search for Agreements

In his public and private life, Patricio Aylwin used to repeat the phrase *Vivir es convivir* (To live is to live together). He used it when we siblings fought each other, and also on many public events, emphasizing that human beings live in community, and we must understand one another if we want to live a good life. This conviction shaped several moments in his professional and political trajectory.

[15] Speech by President Patricio Aylwin at the opening ceremony of the Convention of Judicial Magistrates, March 30, 1990. (PRES-013)
[16] Speech by President Patricio Aylwin presenting the Rettig Report to the citizenry, March 4, 1991. (PRES-219)

In fact, his thesis for his law degree was dedicated to *Juicio Arbitral* (1943), understood as an alternative to adversarial proceedings in conflict resolutions. Arbitration, through agreements facilitated by a third party selected by the parties, was perceived by Aylwin as an essential tool for the peaceful resolution of international disputes. Today, that text is considered a classic of Chilean law and remains in publication.[17]

In different situations, Patricio Aylwin was known for his ability for dialogue, even when the odds were stacked against it. This was the case during Salvador Allende's government, when —in the midst of a deep political, economic, and social crisis— he responded to the call of Cardinal Raúl Silva Henríquez, who pressured a dialogue between the government and the opposition.

In the opposition, the prevailing feeling was that the government was trying to buy time to move towards the conquest of total power. Right-wing factions accused the Chilean Christian Democratic Party (PDC, in Spanish) of being weak, because in the tense atmosphere of the time, dialogue was seen as a sign of surrender. In the midst of a heated party assembly, Aylwin reported that he had received a letter from the President of the Republic inviting him to a meeting.

To hold a dialogue in search of the existing convergences and agreements that will allow us to continue carrying out the changes required by Chile and its people. Publicly, in front of the Chilean people [a loud noise is heard, interrupted by shouts and chants of "No"] Comrades!!! Forgive me!!! This party has a democratic tradition, in contrast to other parties [applause and shouts from the Chilean Christian Democratic Youth are heard].
Publicly, in front of Chilean people, within my party, and asking God to help me in repaying the trust of all my comrades: in order to know how to understand them, and also to understand the vast majority of Chileans, who are democratic, who want justice, who want freedom, who do not want a communist tyranny, but who want a constitutional solution to Chile's problems, [applause] I accept this invitation.[18]
Those dialogues were unsuccessful. Political solutions were overtaken by reality. Furthermore, this was intensified by the deep mistrust, polarization, and serious divisions within the parties, especially in the governing ones. A few days before military coup, Patricio Aylwin said:

From the government's side, there is no intention of making significant changes—whether because Allende does not want to, because Allende cannot, or because it is a fact that such changes would mean the breakdown of the Popular Unity Coalition.[19]

The 1973 coup was a traumatic experience for Chileans, and Aylwin felt it as a personal failure. At one point, he confesses to a famous journalist that he felt he was part of "a failed generation," remembering that:

When I was twenty—and my generation was in its twenties—there was a lot of injustice and inequality in this country, but there was freedom. We were proud of Chilean democracy. We men of that era—

[17] *El Juicio Arbitral*, https://fundacionaylwin.cl/el-juicio-arbitral/.
[18] Patricio Aylwin's speech in which he informs his comrades in the PDC that he has accepted President Allende's invitation to attend a political dialogue at La Moneda Palace. July 26, 1973. Available at: https://www.youtube.com/watch?v=o_ELTcXV2uk
[19] Patricio Aylwin's discourse at a meeting with national executive committee and provincial leaders of PDC, September 8, 1973. (APA-0330)

some within the context of Social Christian ideas, others within the context of Socialist ideas, and others as Radicals—set out to overcome that injustice, change this country, and build a new Chile that was fair, humanitarian, supportive, based on preserving freedom. Fifty years later, today we have more injustice and we do not have freedom. We are a failed generation.[20]

In the years following the military coup, Patricio Aylwin was involved in all the efforts that helped narrow the gap between the Chilean Socialist and Christian Democratic parties, and expanded the support base of the democratic opposition. I already mentioned his leadership in the Constitutional Studies Group in 1978. Subsequently, he became one the founders of the Chilean Democratic Alliance in 1983; of the Chilean National Agreement in 1985; of the Chilean Movement for Free Elections in 1987; of the Parties for the NO in the plebiscite—an initiative in which he acted as first among equals—and, finally, of the Coalition of Parties for Democracy in 1989. The unity between the Christian Democratic and Socialist parties represented a true "turning point" in Patricio Aylwin's life, whose youthful ideals were linked to that world.

In this review of his commitment to dialogue, after the victory in the 1988 plebiscite, we saw Aylwin representing the opposition in conversations with Pinochet's government, which assigned Carlos Cáceres—its Interior Minister—to lead the conversations. That process resulted in 54 reforms to the 1980 Constitution. Even though this was insufficient for the opposition, it facilitated the transition to democracy.

That commitment to dialogue was also evident during his government. Without parliamentary majority, due to constraints inherited from the military regime—such as the presence of nine senators appointed by Pinochet, who granted the opposition a majority in this Parliament, and the permanence of the Commanders-in-Chief of the Armed Forces—, the government was forced to seek agreements in order to approve its reforms. It also promoted tripartite dialogues that gathered workers and business leaders, forging a culture of consensus as a requirement for progress. Thanks to this it was possible to achieve a fiscal reform, laboral reforms, the Chilean Indigenous Peoples' Law, economic and social agreements between business leaders and workers, and the opening of Chile to the world as a matter of government policy.

In 2001, President Ricardo Lagos reached out to former President Aylwin's experience with reaching agreements by asking him to head the Historical Truth and the New Deal Commission. Composed of 25 members, this group was created to review the history of indigenous peoples in Chile and, based on that analysis, to outline the foundations of a new institutional framework, ensuring a new, fairer, and more respectful approach to them.

Indigenous peoples feel that their culture is under threat and see themselves as victims of a historical process in which they were condemned—sometimes through violence—to a state of invisibility and exclusion. They feel that today they have the right to publicly express and receive recognition for the identity that was suppressed during the establishment of the nation state. Today, they claim that identity and the places to which it is connected, not with the aim of denying the deep bonds they have with the Chilean nation, but with the purpose of fully incorporating themselves into it as who they are,

[20] Interview with Mónica González, "*Las heridas de 1973*," Análisis magazine, No. 171, April 20-26, 1987. (APA-3184)

as who they have become. The Commission deeply values this purpose of integration and understands that it must be achieved not through the suppression of these peoples' identity, but through its full recognition.[21]

Years later, at the presentation of the official edition of the Report of the Historical Truth and the New Deal, Aylwin said:

I cannot deny that I have the impression—perhaps due to ignorance—that we have not made much progress in defining and implementing a "National Policy" regarding the issues that particularly affect our indigenous peoples. I still believe that the recommendations of the Commission's report, which I have the honor of presiding over, provide the best framework for a policy of this kind.[22]

While I write this review, a new "Commission for Peace" is working to advance on this matter.

The Dialogue Between Principles and Reality

Throughout different moments in his political journey, Patricio Aylwin applied one of his most fundamental beliefs: the conviction that, in order to move forward, it is essential to recognize what is achievable in the process of pursuing one's desired goals. In other words, he understood political action as a constant tension between two extremes: on the one hand, the aspirations that motivate the leader—the values in which he believes and which he tries to put into practice. On the other hand, the constraints imposed by reality, whether due to human limitations or the objective factors that determine his work. Hence, politics has often been defined as "the art of the possible." In line with this idea, Aylwin used to summarize his vision in a simple yet powerful statement: to govern is to do; to the extent possible, what one wants to do and, above all, what one must do. Let's see how he applied this principle at three decisive moments in his public life.

The first moment happened during the government of President Eduardo Frei Montalva (1964–1970). In 1965, Aylwin was elected senator, and in July of that year, he once again assumed the presidency of the Chilean Christian Democratic Party. As a loyal supporter of the government, Aylwin firmly argued that political conditions meant it was necessary to avoid going beyond the assumed programmatic commitments. This stance emerged in a context of increasing discontent within sectors of the party, particularly among young people, who—influenced by the revolutionary spirit of the era—demanded that the government implement more significant structural changes, such as a corporate reform. President Frei's so-called "Revolution in Freedom" was being criticized by those who considered it insufficient, even within his own ranks. From the "pro-government" side of the Christian Democratic Party, Aylwin argued at a contentious National Board meeting that the success of the "Revolution in Freedom" depended precisely on fidelity to the government's original program.

[21] Chilean government, "*Informe de la Comisión Verdad Histórica y Nuevo Trato de los Pueblos Indígenas*," 2003. Available at: https://fundacionaylwin.cl/el-informe-de-verdad-historica-y-nuevo-trato/

[22] Patricio Aylwin's speech at the presentation of the official edition of the Report of the Historical Truth and the New Deal, November 12, 2008.

In order for changes to happen, he argued at that time, we have to follow the program. What people want are, first, no price hikes; second, job opportunities; third, education; and fourth, affordable housing. They are not thinking about the nationalization of the bank or insurance, nor about corporate reform, nor about copper, nor about any of the big matters. Instead, they are thinking about these vital things: no increase in the cost of living, having jobs, having education, and having homes. Then, this is the first thing we must do to support the people: satisfy these needs, and the majority of the government's and the Party's actions must be oriented toward this… a basic strategy requires that we not aim for everything at the same time, and just as in agrarian reform there is a basic political principle that says that to destroy and adversary you must divide them, our enemies are trying to divide us. Economic power is not weak. If we go after everything and unite them all against us, we might just end up banging our heads against a brick wall… The smart thing to do is move forward in stages; we suddenly feel enthusiastic about a policy that aims to nationalize everything… but that was not part of the program… we must be clear, comrades, if we are not capable of understanding this, we will fall into political infantilism, and those who experience political infantilism are incapable of leading a revolution—as Lenin and all the great revolutionaries in history have said.[23]

However, this statement did not prevent the first split in the Christian Democratic Party, mainly led by its young members, who in 1969 founded the Unified Popular Action Movement Party (MAPU, in Spanish), later joining the government of Salvador Allende. Two years later, in 1971, another Christian Democratic faction split off to form the Christian Left, which also joined the Popular Unity Coalition.

A second example of Aylwin's awareness—that not everything one desired was achievable in political life—was his proposal to defeat the dictatorship "on its own terms," accepting the 1980 Constitution as a reality and embracing the electoral process to achieve this goal. At a seminar held at the Chilean Institute of Humanistic Studies (ICHEH, in Spanish) in July 1984, he defended this thesis:

No one who thinks about the reality we are living—unless their imagination blinds them—will be unaware that the national community is stunned by an internal rupture. Chile, as a nation, has a fragmented soul. No matter how much we talk about "national unity," we are a divided nation. It is a phenomenon that transcends politics. Aside from the chasm separating the government from the opposition, deepening rifts are dividing Chileans economically, socially, and culturally.
This situation—which due to its gravity should concern us all, nevertheless, seems to go unnoticed—is leading to a decline in communication in our national life, with the resulting paralysis. We are on the way to becoming a "Tower of Babel," where everyone speaks their own language, without caring about or understanding what others are saying.
The two possible outcomes of a situation like this are either civil war—with the defeat and annihilation of one side by the other—or the reunification and reconciliation of the two or three Chiles that currently coexist—barely tolerating one another—on our homeland's soil. The first is a violent solution, imposed by force. The second is a peaceful solution, achieved through reason and the rule of law; that is to say, political and legal.
In this situation, the legal and political solution will be the one that manages to overcome divisions by identifying and reinforcing what unites us and sacrificing what divides us. It is a matter of being able—

[23] Patricio Aylwin's speech to the National Board of the Christian Democratic Party, November 6, 1965. (APA-0268)

with realistic vision, boldness, imagination, and courage, through political understandings and legal frameworks—to bring about what Ortega and Gasset calls "the unity of opposites." ...
The regime uses the 1980 plebiscite to uphold the Constitution's legitimacy. The opposition considers it illegitimate because it was conceived by the ruling party without any participation by the people, and because the plebiscite intended to legitimize it did not meet the minimum conditions necessary to express the free will of the people. This is an insurmountable controversy, because it is framed as a matter of principles, one that involves the conscience and honor of both sides, which is why neither is willing to give in.
Personally, I am among those who consider the 1980 Constitution illegitimate. But just as I demand my opinion be respected, I respect those who think otherwise. I cannot expect General Pinochet to acknowledge that his Constitution is illegitimate, nor can he demand that I recognize it as legitimate. The only advantage he has over me in this regard is that this Constitution—whether I like it or not—is governing. This is a factual part of reality, and I accept it. How can we overcome this impasse without anyone suffering humiliation? There is only one way: to deliberately sidestep the subject of legitimacy.[24]

At that time, Aylwin's approach was strongly criticized. The social mobilization strategy undermined the regime, and many considered it as the way to cause its downfall. Therefore, accepting the institutional option was seen as a betrayal of those expectations. However, that mobilization led to severe repression, resulting in countless deaths and arrests. After the attack on General Pinochet in 1986, the repression intensified even further, coupled with the approaching plebiscite established in the 1980 Constitution, which aimed to extend the mandate for an additional eight years. These events convinced the democratic parties to pursue a political solution. Thus, the strategy promoted by Aylwin became the path that led to the General's defeat in October 1988 plebiscite and the peaceful transition to democracy.

The third example of Patricio Aylwin's conviction—that it was necessary to reconcile principles with reality—was expressed in his presidential inaugural speech in March 1990. In front of thousands of Chileans and foreign dignitaries who witnessed our country's return to democracy, he clearly stated:

Many wonder why we accept these things and do not hide their revulsion at the courteous ways this process of transfer of government has been done while these events were committed. Taking part in the moral condemnation this behavior deserves… I invite my compatriots to see the other side of the matter. We are pleased about the peaceful way without major traumas in which the transition to a democratic government has operated. Should we, to avoid those constraints, have exposed our people to the risk of new violence, suffering and loss of life? Us, Chilean democrats, have chosen, to transit to democracy, the path of defeating authoritarianism at its own game. It is what we have done, with the benefits and costs that it entails. I sincerely believe the path we chose was the best among the possible ones.[25]

[24] Patricio Aylwin, "*Reflexiones sobre una salida jurídico-política para Chile,*" a paper presented at the seminar "*Un sistema jurídico-político constitucional para Chile*" held on July 28, 1984, organized by the Chilean Institute of Humanistic Studies (ICHEH). (APA-3299)
[25] Speech by President Patricio Aylwin in the National Stadium, March 12, 1990. (APA-3275)

That same year, President Aylwin established the National Commission for Truth and Reconciliation (The Rettig Commission). In fact, it was a brave move, since he faced challenges in assembling a team that included people involved in the military government. Among the Commission's objectives was to compile information reported by families and citizens regarding people who were disappeared, detained, and executed during the dictatorship. The Commission's work resulted in a consensus report, establishing that more than two thousand people died as a result of serious human rights violations.[26]

On March 4, 1991, the president appeared on national radio and television broadcasts to report on his achievements. Then, he stated:

The Report that I present to the public today clarifies the truth. For the own record of the Report and the quality of its authors -several of which were supporters and contributors of the past regime-, that truth must be accepted by everyone. No one, in good faith, could disown it…
Justice is the greatest social virtue of all, irreplaceable basis of peace. We know that, due to limitations proper to the human condition, perfect justice is generally an unachievable asset in this world. However, it does not prevent that we always desire for greater possible justice. Justice is not vengeance; on the contrary, it excludes it. A crime can't be punished nor repaired by committing an equivalent. Nobody has the right to cause damage to others, much less to attempt on the lives of others, under the pretext of justice. Whoever does it also become a criminal against human rights and deserves the greatest social condemnation…
On this subject of human rights violations, the clarification and acceptance of truth, as emerges from the Report, is already an important part of the fulfilment of justice towards the victims. Acts of justice, moral claim of the dignity of victims, and the reparations to their families that the Report proposes are important too. But it is not enough. Justice also demands the clarification of the whereabouts of disappeared persons and the determination of personal responsibilities.
As to the first, the truth established in the Report is incomplete, given that in the majority of cases of disappeared detainees and executed without returning the remains to their families, the Commission did not have the means to find their whereabouts. In regards to the determination of responsibilities, it is a duty that, within a Rule of Law, corresponds to Courts of Justice, in conformity to the legal system and the guarantees of due process. The Truth and Reconciliation Commission could not go into this aspect, because the decree itself that created it denied this faculty by reason of clear constitutional precepts. In either case, the Commission has sent the corresponding data to the corresponding court. I hope that these properly fulfil their function and exhaust the investigations, to which the current amnesty law cannot -in my opinion- be an obstacle…
All Chileans can rest assured that the government will fulfil its duty, consistent with the moral principles that inspire it, with no other aim than justice, reconciliation and the common good of the Homeland. But this is not only a task of the government. It is also of the other Branches of State, of Armed Institutions, of the spiritual authorities, of social organizations, and of the whole national community. I ask everyone for their cooperation so together, respecting and helping each other, with

[26] See: "*El presidente Aylwin da a conocer el Informe Rettig*", available at: https://fundacionaylwin.cl/hace-30-anos-un-dia-como-hoy-el-presidente-patricio-aylwin-da-a-conocer-el-informe-rettig/

understanding and generosity, we do what is necessary to heal the wounds of the past and to build a future of justice, progress and peace for Chile.[27]

Once the report was published, it was very difficult to deny the reality and the severity of the situation. Different interpretations and explanations emerged. Furthermore, its recommendations paved the way for the National Congress to approve the law creating the National Corporation for Reparation and Reconciliation (January 31, 1992). Thus, it was possible to clarify the cases that the Rettig Commission did not manage to resolve, vindicate the honor of the victims, provide compensation to their families, and allow legal proceedings to move forward. On that basis, progress continued in the pursuit of justice.

At that time, many people criticized Aylwin's statement *Justicia en la medida de lo posible* (Justice should be done to the extent possible). However, he himself clarified the meaning of his words on several occasions:

An inevitable question arises when you want to achieve justice: to what extent is it possible to obtain complete justice in this world? That "too much time has passed," that "there is an amnesty law," that "the bodies cannot be found": these are realities. That is why I said—and many criticized me for it—"justice to the extent possible." The greatest frustration for a leader is realizing that many of the things you want are not possible. That is why I have said: to govern is to do what you can do of what you want, and, above all, of what you must.[28]

That statement was used by critics to characterize the transitional governments as administrations acting "to the extent possible," accusing them of continuing the dictatorship and neoliberal model. During the 2019 social uprising, this criticism was expressed in the slogan: "It wasn't thirty pesos, it was thirty years." In fact, the left wing that emerged from the student movements—which reached La Moneda Palace with the election of President Gabriel Boric—shaped part of its political identity based on that questioning. Boric himself, when he was a congressman, wrote an article after the death of former President Aylwin titled *¿Quién define lo posible?* (Who Defines What Is Possible?). In that article, he argued that the center-left elite coalition led a political process "to the extent possible," prioritizing governability and agreement with business leaders and the military over civil society participation, which—in his view—limited both justice and social transformation.[29]

On several occasions, Aylwin explained in simple words his conviction that effective politics must operate within a framework of reality, distinguished from mere pragmatism.

To govern is not to do whatever you want, but to do what you can of what you want. This justifies the idea that "politics is the art of the possible." Sometimes, this leads us into situations where the alternatives are not as good as we would like, and circumstances force us to choose between options that seem either bad or merely mediocre. Therefore, the right and brave thing to do is to choose the

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[27] Speech by President Patricio Aylwin announcing to the public the Report of the National Commission for Truth and Reconciliation, March 4, 1991. (PRES-219)

[28] Conference by former president Patricio Aylwin, "Ethics in Politics and Economics," Pedro Córdoba Institute, July 6, 1995.

[29] Gabriel Boric, "*¿Quién define lo posible?*", *The Clinic*, April 21, 2016. Available at: https://www.theclinic.cl/2016/04/21/columna-quien-define-lo-posible/

better of two evils—or the least bad one—and not to try at all costs for a perfect solution that is impossible in reality, nor to throw up our hands and give up.

It is in these cases that the virtue of prudence becomes necessary. A leader, a politician must have courage, bravery, and boldness to fight for what he believes in. However, he must also have prudence in order to avoid embarking on adventures or paths that lead to disaster or greater evils. I will never forget the impression made on me on an occasion when I had the privilege of being received by the Holy Father Pablo VI. When I told him about the troubles of the reality we were living through, he encouraged me to have "courage, patience, and boldness." These may seem contradictory, yet they are complementary. Max Weber distinguished between the ethics of conviction or witness and the ethics of responsibility. The latter cannot be reduced to empty pragmatism, rather it must be combined with a strong dose of conviction. For this reason, the major ethical and political challenge for those who aspire to serve their people is to be able to renounce the pursuit of utopias, but without renouncing ideals or the dream of a better world.[30]

[30] "Ethics and Politics," speech by President Patricio Aylwin when he received an Honorary Degree from Georgetown University, Washington, USA, May 1992. (PRES-507)