

Journal of Law, Property, and Society

Volume 8

Article 3

September 2024

Beyond Private Property: Rediscussing Neoliberal Land Narratives in Chile

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Recommended citation: Eduardo Villavicencio-Pinto, *Beyond Private Property: Rediscussing Neoliberal Land Values in Chile*, 8 J. L. PROP. & SOC'Y 80 (2024).

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Journal of Law, Property, and Society

ISSN 2373-5856

A publication of the Association for Law, Property and Society

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Beyond Private Property: Rediscussing Neoliberal Land Narratives in Chile

Eduardo Villavicencio-Pinto

This Article scrutinizes the evolution of narratives concerning rural property in Chile, focusing on the transition from Agrarian Reform to neoliberal policies and how these narratives have impacted land distribution. Employing a theoretical framework grounded in Legal Geography and using mixed methods, it elucidates how the framework of individual, absolute, and exclusive tenure of rural private property has been able to shape a rural landscape marked by land concentration and the absence of counter-narratives, both institutional and social. The analysis suggests that the exigencies imposed by the climate crisis could partially disrupt the dominance of this tenure model. This multifaceted emergency compels a radical reconfiguration of agricultural production practices and mandates a more collaborative approach to land management, a stark departure from the individual rights conferred by the prevailing neoliberal property regime.

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I. Introduction

The argumentative formula employed by the Frei Montalva government (1966-1970) was as follows: The rural populace's exclusion and poverty resulted from the land tenure framework grounded in individual private ownership and the low productivity of estates due to their excessive size.¹ Much of this, it seems, has been challenged by subsequent events. Today, data suggests that this formula is no longer applicable. Rural poverty has decreased by over 30% in the last thirty years,² and productive efficiency has surged, positioning Chile as a benchmark in agricultural productivity for Latin America.³ All this occurs while, at best, land concentration remains astonishingly high.⁴ Foster and Valdés argue that the land tenure system reintroduced by the Pinochet dictatorship, based on individual ownership of rural lands, has been instrumental in stimulating the land market and enhancing the economic performance of Chilean agriculture.⁵

In this context, I contend that climate change is a factor that must inevitably be incorporated into this set of variables used in governmental formulas addressing rural property issues. That is to say, the focus is no

¹ Ley de Reforma Agraria 1967.

² Ministerio de Desarrollo Social y Familia, 'Encuesta CASEN' (2017).

³ Alberto Valdés and William Foster, 'Agricultural and Rural Policies in Chile' (2018) <http://www.worldscientific.com/doi/abs/10.1142/9789813226463_0013> accessed 7 October 2022.

⁴ Eduardo Villavicencio-Pinto, 'Estrategias de Acaparamiento En Chile. Una Mirada Desde La Concentración de La Propiedad Rural Analizando Algunos Casos de Land Matrix.' (Fundapaz 2020) 2; Arantxa Guereña, 'Desterrados: Tierra, poder y desigualdad en América Latina' (OXFAM 2016); Jorge Echenique, *Dinámicas del mercado de la tierra en América Latina y el Caribe: concentración y extranjerización* (Fernando Soto Baquero and Sergio Gómez eds, FAO 2013).

⁵ For a critical analysis of rural poverty reduction determinants, see Andrea Bentancor, Felix Modrego and Julio Berdegú, 'Crecimiento y Distribución del Ingreso como Determinante de la Reducción de la Pobreza en Comunas Rurales de Chile' (Rimisp 2008) Documento de Trabajo 14; Julio A Berdegú and others, 'Rural Nonfarm Employment and Incomes in Chile' (2001) 29 *World Development* 411; Ramón López, 'Determinants of Rural Poverty in Chile: Evaluating the Role of Public Extension/Credit Programs and Other Factors' in Ramón López and Alberto Valdés (eds), *Rural Poverty in Latin America* (Palgrave Macmillan UK 2000) <http://link.springer.com/10.1057/9780333977798_9> accessed 6 December 2022; Ramon López, 'Determinants Of Rural Poverty: A Quantitative' (World Bank Latin America and the Caribbean Region Department 1995).

longer solely on reducing rural poverty or enhancing productivity to improve the living conditions of farmers. The effects of climate change necessitate a re-examination of the neoliberal narrative concerning rural property. The need to re-examine the neoliberal narrative arises because the State, when faced with a clear, present, and escalating threat that entails the loss of arable land and an increase in food insecurity, lacks any mechanism to regulate or restrict private property rights in Chile's rural areas.

The central research question guiding this study is: What has been the theoretical and empirical evolution of property narratives in Chile? The key objective is to provide evidence that will allow a re-discussion on the validity of the neoliberal narrative on land in the face of a rural context marked by climate change. By tracing the progression of narratives from the Agrarian Reforms era to the present and situating them within quantitative land distribution trends, this Article aims to critically analyze how the entrenched neoliberal perspective overlooks rural property's role amid pressing climate disruptions. The intention is to suggest implications for constructing more inclusive, climate-resilient rural futures in Chile that evolve beyond dominant property relations narratives.

This Article contrasts the evolution of the narrative on private rural property and land concentration in Chile. In doing so, I explore how a set of normative, social, and economic categories that converged in the construction of a narrative about property interacted with one of the tangible aspects they influenced, such as land distribution. First, I introduce theoretical aspects derived from legal geography that will aid in viewing the property phenomenon from a critical and spatial perspective. Second, I review the primary conditions and axes that contributed to the construction of the communal and socialist narrative of rural property, followed by an analysis of the configuration of the neoliberal narrative of property during the dictatorship in the third Part. In the fourth Part, I specifically study Chile's New Rural Development Policy, which serves as an exemplar to understand the consolidation of the neoliberal narrative. Last, I empirically present the trends in land distribution in Chile and their association with the underlying narratives.

This study employs a qualitative methodology, using archival analysis and discourse analysis to trace the evolution of property narratives and situate them within Chile's political economic history. Archival documents analyzed include agricultural census data from 1965 to the present, legislative records of land reforms, presidential speeches, and scholarly publications spanning the period of study. Discourse analysis focuses on examining the language, concepts, and framing of the communitarian, socialist, and neoliberal narratives found in these documents. Additionally, quantitative analysis of agricultural census data from 1965 to the present is

conducted to discern empirical trends in land inequality metrics such as Gini coefficients and land concentration percentages. Statistical techniques encompass distributional analysis and concentration curve visualization. Triangulating the discourse analysis with quantitative distributional trends enables a nuanced assessment of how property narratives relate to material realities over time.

II. Theoretical Elements for a Narrative of Property in Chile

Legal narratives and legal geography offer valuable frameworks for assessing the evolution of Chile's rural land tenure systems. Carol Rose's idea of structured narratives shows how property stories shape societal perceptions and power relations. In this sense, Nick Blomley suggest that legal geography captures property's multi-dimensional socio-spatial dynamics. Specifically, the notion of "dephysicalisation" reveals how Chile's liberal property paradigm disguises consequences and deflects costs.⁶ However, even when this is useful to understand private property from a different perspective, these lenses require adaptation to rural contexts.⁷

These theories provide tools to analyze Chile's property-rurality nexus. Nicole Graham enriches Blomley's framework by underscoring property's entanglement with ecological futures, aligning with Jessica Shoemaker's approach. However, scholars like Francisco Fernandez et al. and Holly Doremus highlight property law's unrecognized flexibility.⁸ Moreover, these theorists largely focus on advanced economies. Applying their insights to Chile necessitates situating analysis within the nation's unique political history.

⁶ Nicole Graham, 'Dephysicalised Property and Shadow Lands' in Robyn Bartel (ed), *Graham, Nicole G., Dephysicalised Property and Shadow Lands* (December 18, 2019). N. Graham, 'Dephysicalised Property and Shadow Lands' in R. Bartel and J. Carter (Eds) "Handbook on Law, Space and Place", Edward Elgar Publishing, Cheltenham, UK, 2020 (Forthcoming), *Sydney Law School Research Paper No. 19/83*, Available at SSRN: <https://ssrn.com/abstract=3505790> (Edward Elgar Publishing 2020) <SSRN: <https://ssrn.com/abstract=3505790>>.

⁷ Lisa R Pruitt, 'The Rural Lawscape' in Irus Braverman, Nicholas Blomley and David Delaney (eds), *The Expanding Spaces of Law* (Stanford University Press 2014) <<https://academic.oup.com/stanford-scholarship-online/book/18323/chapter/176359277>> accessed 7 June 2023.

⁸ Francisco J Fernández and others, 'Implications of Climate Change for Semi-Arid Dualistic Agriculture: A Case Study in Central Chile' (2019) 19 *Regional Environmental Change* 89; Holly Doremus, 'Climate Change and the Evolution of Property Rights' (2011) 1 *UC Irvine Law Review* 1091.

In this regard, the subjective conception of property has been rigorously examined from a dogmatic perspective in Chile.⁹ Many consider private property a human right, which limits the government's ability to modify or restrict it¹⁰. Such a viewpoint perceives property as being pre-political, stripped of its ideological essence and more attuned to the pragmatic adherence to a set of norms safeguarding its integrity. However, Eduardo Novoa counters this viewpoint, positing that such notions merely echo the idea of a property-owning society, neglecting to recognize the economic and ideological significance property holds within specific political agendas.¹¹ Consequently, deliberations on land inherently encompass discussions of private property.

Based on this foundation, queries rooted purely in legal or dogmatic premises may curtail the analytical prowess needed to decipher the complex interplay of property with other pivotal elements. Such an interplay is essential to grasp the underlying dynamics, conflicts, and power structures in a particular context. Thus, to genuinely gauge the legal significance of a given subject or phenomenon, one must transcend mere statutory interpretation. The analysis should incorporate a holistic lens, capturing the multifaceted realities and contexts wherein the law operates. This Article adopts a two-pronged approach: focusing first on the legal narratives surrounding property and, second, on the discipline of legal geography.

⁹ Enrique Brahm, 'El Concepto De Propiedad En La Ley N° 15.020 Sobre Reforma Agraria' (1994) 21 *Revista Chilena de Derecho* 159; Enrique Brahm, *Propiedad Sin Libertad: Chile 1925-1973* (Universidad de los Andes 1999); Eduardo Cordero Quinzacara, 'La Dogmática Constitucional de La Propiedad En El Derecho Chileno' (2006) 19 *Revista de derecho* (Valdivia) <http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-09502006000100006&lng=en&nrm=iso&tlng=en> accessed 6 April 2023; E Rajevic, 'Limitaciones, Reserva Legal y Contenido Esencial de La Propiedad Privada' (1996) 23 *Revista Chilena de Derecho* 23; Pablo Ruiz-Tagle Vial, 'Apuntes sobre la función social de la propiedad y la Reforma Agraria en Chile' (2017) 0 *Anales de la Universidad de Chile* <<http://www.anales.uchile.cl/index.php/ANUC/article/view/47178>> accessed 9 December 2022.

¹⁰ Brahm, *Propiedad Sin Libertad: Chile 1925-1973* (n 9); Hernando De Soto, *The Mystery Of Capital* (Black Swan 2001); Eduardo Cordero Quinzacara and Eduardo Aldunate Lizana, 'Evolución Histórica Del Concepto de Propiedad' [2008] *Revista de estudios histórico-jurídicos* <http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0716-54552008000100013&lng=en&nrm=iso&tlng=en> accessed 11 September 2023; Cordero Quinzacara (n 9); Joana Salém Vasconcelos, 'Tierra y Derechos Humanos En Chile: La Contrarreforma Agraria de La Dictadura de Pinochet y Las Políticas de Reparación Campesina' [2020] *Historia Agraria Revista de agricultura e historia rural* 209.

¹¹ Eduardo Novoa, 'Una Evolución Inadvertida: El Derecho de Propiedad.' (1982) 31 *Revista Mensaje* 26; Eduardo Novoa, *El Derecho de Propiedad Privada: Concepto, Evolución y Crítica*. (2 Edición, Centro de Estudios Políticos Latinoamericanos 1989).

Legal narratives can be defined as the structured stories or explanations employed to articulate and decipher how particular legal regimes, such as those governing property, originated and how they operate.¹² These narratives offer a sophisticated vehicle for bridging the lacunae inherent in classical property theory, ensuring the elucidation of how such property systems were inaugurated.¹³ Drawing upon imaginative reconstructions, these narratives craft credible reconstructions, furnishing coherent images of the genesis and continuation of specific property regimes¹⁴.

Debbie De Girolamo posits that such narratives echo and fortify prevailing societal ideologies, ethical paradigms, and norms, thereby influencing societal perceptions of law and legal judgments.¹⁵ Moreover, the significance of legal narratives is multifaceted. Predominantly, they serve as conduits to demystify intricate legal tenets, rendering them digestible for legal practitioners, the judiciary, and the general populace alike.¹⁶ The narrative framework not only ensures the conveyance of legal deliberations in a more relatable format but also aids in the retention of essential facets of legal propositions.¹⁷ Additionally, as Julia Otten underscores, these narratives hold the potential to sculpt and direct the legal interpretative process.¹⁸ Through adept crafting of narratives, legal stakeholders can sway their peers towards specific interpretative trajectories or outcomes.¹⁹

Graham and Shoemaker posit that narratives, in the context of discourse, form an amalgamation of ideas, beliefs, and values that dictate

¹² Carol M Rose, *Property and Persuasion: Essays on the History, Theory, and Rhetoric of Ownership* (Routledge 2019).

¹³ Monika Fludernik, 'A Narratology of the Law? Narratives in Legal Discourse' (2014) 1 *Critical Analysis of Law* <<https://cal.library.utoronto.ca/index.php/cal/article/view/21024>> accessed 25 December 2022.

¹⁴ *ibid.*

¹⁵ Debbie De Girolamo, 'Collective Dissent as Legal Consciousness in Contemporary British Theatre' (2022) 31 *Social & Legal Studies* 99.

¹⁶ Gian Piero Zarri, 'Representation of Temporal Knowledge in Events: The Formalism, and Its Potential for Legal Narratives' (1998) 7 *Information & Communications Technology Law* 213.

¹⁷ Steven Cammiss, 'Law as Narrative: Narrative Interpretation and Appropriation as an Element of Theft' (2019) 40 *Statute Law Review* 25.

¹⁸ Julia Otten, 'Narratives in International Law' (2016) 99 *Kritische Vierteljahresschrift für Gesetzgebung und Rechtswissenschaft* 187.

¹⁹ Siobhan Weare, 'Bad, Mad or Sad? Legal Language, Narratives, and Identity Constructions of Women Who Kill Their Children in England and Wales' (2017) 30 *International Journal for the Semiotics of Law - Revue internationale de Sémiotique juridique* 201.

how individuals perceive and discuss property rights.²⁰ They assert that these legal and cultural dialogues surrounding property bear profound socioenvironmental implications, notably within the rural terrains of both the United States and Australia. According to Rose, the intimate linkage between property narratives and underlying social and power relations is clear.²¹ Legal narratives inherently rest on the bedrock of societal dynamics and power structures. Narratives illuminate the connections between property relationships and the complex social interplays underpinning them. Such stories, as inferred from, are instrumental in fostering a broad, harmonious consensus on property regimes—a testament to their efficacy as tools of social power. Moreover, these narratives' prowess is not confined to mere description; they act as pivotal agents of persuasion. They employ a *mélange* of storytelling techniques and rhetorical devices, underscoring their centrality in galvanizing collective belief in the overarching common good of property regimes.

In addition, narratives in property regimes serve as a crucial tool in explaining the existence and functioning of these regimes, filling the gaps in classical property theory, and shaping our understanding of the social dynamics within these regimes. Their confluence with the spheres of societal interactions and power dynamics renders them not merely as explanatory tools but as pivotal instruments shaping the contours of property law and its societal perceptions.

Legal geography emerges as a second element that allows for the analysis of property from a perspective distinct from the doctrinal. According to Blomley, the discipline focuses on understanding the mutually constitutive intersections between law and space, including subjects in its analysis, but not exclusively.²² This allows for the examination of the role of legal institutions in the construction of identities, processes, and hierarchies.²³ Thus, this approach can help us understand when and how property serves specific powerful interests and under what circumstances it has been and can be used to promote the interests of marginalized groups and facilitate progressive change.²⁴ Luke Bennet and Antonia Layard²⁵ argue that space is neither neutral nor devoid of political

²⁰ Nicole G Graham and Jessica A Shoemaker, 'Property Rights and Power across Rural Landscapes'.

²¹ Rose (n 12).

²² Nicholas K Blomley, *Law, Space, and the Geographies of Power* (Guilford Press 1994).

²³ Sarah Keenan, *Subversive Property: Law and the Production of Spaces of Belonging* (Routledge 2015).

²⁴ Reecia Orzeck and Laam Hae, 'Restructuring Legal Geography' (2020) 44 *Progress in Human Geography* 832.

²⁵ Luke Bennett and Antonia Layard, 'Legal Geography: Becoming Spatial Detectives: Legal Geography: Becoming Spatial Detectives' (2015) 9 *Geography Compass* 406.

content, but places of meaning creation. Therefore, it is productive to incorporate into legal analysis the idea of the centrality of space in the production, organization, and distribution of power, resources, and identities.²⁶ This approach allows for transcending the legal subject as the focus of analysis, identifying other factors that might otherwise go unnoticed.

Blomley argues that property is not just a set of norms but a means through which we assign order to the world, categorizing and codifying spaces and people based on their relationship with it.²⁷ In other words, the law plays a central role in constructing forms, representations, and types of geographies. One aspect of this approach allows for the conception that the discourse of property is characterized by a set of social symbols, stories, and meanings. Therefore, national or territorial identity is, in part, an interaction about the sense and meaning of landownership.²⁸ While this order or configuration is not explained solely by landownership, it plays a significant role in that certain groups of people or actions are rewarded or disadvantaged by property rules, or they can be divided between those who have and those who are excluded from access to land. Citing John Adams, Blomley links property as a factor that interacts in the balance of society, such that “access to property, including land, is a significant predictor of a person’s position in a social hierarchy, affecting class, race, and gender relations.”²⁹

In this sense, Blomley proposes an intriguing link between property rights, geography, and power, noting:

Ideologies and practices of property are shaped by the workings of property’s cuts and flows. The logic of property surely shapes the “property consciousness,” creating an ethic of intersubjective separability, ordered with reference to boundaries. This helps us imagine property as a space of individual autonomy, disentangled from broader ethical and practical entanglements. The territorialization of property, as noted, is more than an outcome of power but a means by which power is exercised and mobilized. Yet, these same spatializations and territorializations also serve

²⁶ María Victoria Castro, *Derecho y Geografía: Espacio, Poder y Sistema Jurídico* (Ediciones Uniandes - Siglo del Hombre Editores 2019).

²⁷ Nicholas Blomley, ‘From “What?” To “So What?”: Law and Geography in Retrospect’ in Jane Holder and Carolyn Harrison (eds), *Law and Geography* (Oxford University Press 2003) <<https://academic.oup.com/book/10012/chapter/157402324>> accessed 6 October 2022.

²⁸ Nicholas Blomley, ‘Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid’ (2003) 93 *Annals of the Association of American Geographers* 121.

²⁹ *ibid* 122.

to depoliticize property, diverting attention from relations among people to relations between people and seemingly inert spaces. Space hides things from us. Likewise, territory seems to govern, rather than people. For all these reasons, property's geographies cannot be thought of as a mere obvious outcome of more meaningful processes.³⁰

In general, legal geography has been concerned with analyzing the dynamics we have mentioned but in urban contexts. However, the rural has particular characteristics that make it especially relevant for the Chilean case. In this sense, when we talk about rural property, we refer to properties located in areas with low population density. Following Lisa Pruitt, the rural is an ideologically disputed territory where the type of property regulation can also define hierarchies and dominant uses.³¹ In this sense, the fact that there has been no significant mobilization, strike, or protest from the peasant world in the last forty years relates to a space that was disputed at one time but would have been hegemonized after the dictatorship.

Chris Butler's analysis suggests that this absence of peasant mobilization would be an example of the repressive efficacy of private property, which deceptively hides behind the pretense of peace and consensus.³² On the other hand, David Delaney argues that the rural nomosphere places actors further from the state, which impacts the way they relate to this figure.³³ I share this view, but it is worth noting that this distance is different when referring to private economic power, as it is in rural lands where Chilean and foreign fortunes still maintain economic control. That is, they are distant from the political centers where decisions are made but geographically close to economic power.

In this regard, the development of rural areas has been historically linked with rural property.³⁴ It is the basic element of agricultural production, has thus delimited the space where rural families build their social relationships and identities, and has served as an expression of

³⁰ Nicholas Blomley, 'Cuts, Flows, and the Geographies of Property' (2011) 7 *Law, Culture and the Humanities* 203, 216.

³¹ Pruitt (n 7).

³² Chris Butler, 'Critical Legal Studies and the Politics of Space' (2009) 18 *Social & Legal Studies* 313.

³³ David Delaney, 'Legal Geography I: Constitutivities, Complexities, and Contingencies' (2015) 39 *Progress in Human Geography* 96.

³⁴ Luis Diaz, *La Propiedad En La Ley de Reforma Agraria* (Andres Bello 1972); Hugo Villela, 'Autoritarismo y Tenencia de La Tierra: Chile 1973-1976' (1979) 41 *Revista Mexicana de Sociología* 205.

colonial power until 1967, of peasant and popular power between 1967 and 1973, and then of business and neoliberal power to the present.³⁵

Graham's theoretical approach on property issues centers around the concept of dephysicalization.³⁶ This model highlights how modern property relations conceal the intricate, ever-changing, and interconnected nature of populated landscapes. As a result, landowners can conveniently overlook the negative consequences of their property ownership, leading to a cultural fallacy where the adverse effects of tenure are borne by anonymous people. This approach has played a crucial role in the dispossession of both human and non-human communities from their lands.

The 2022 report *Climate Change and Land* from the Intergovernmental Panel on Climate Change (IPCC) accentuates the importance of land in crafting resilience, adaptation, and mitigation strategies.³⁷ The report demonstrates that the ongoing enlargement of agricultural and forestry domains for commercial production is contributing to higher net greenhouse gas emissions, hastening the loss of native ecosystems, and diminishing biodiversity. Climate change amplifies these adverse effects, further degrading soils, especially in susceptible zones such as coastal lowlands, river deltas, and arid regions. The projected models underline the urgency for land-based mitigation efforts to contain global warming, encompassing a mix of reforestation, afforestation, efforts to curb deforestation, and the adoption of bioenergy.³⁸

The nexus between climate change and land use is bidirectional and intricate; land use changes can influence climate patterns while shifts in climate can impact the trajectory of land use. In Chile, predictive models suggest substantial alterations in the agricultural sector will significantly redefine land-use patterns.³⁹ These changes are expected to impact not just

³⁵ José Bengoa, 'La Evolución De La Tenencia De La Tierra Y Las Clases Sociales Agrarias En Chile' (1979) 38 *Investigación Económica* 127; Hugo Vilella, *Saqueo y Exterminio de La Clase Campesina Chilena: La Contra Reforma Agraria Del Régimen Civil y Militar, 1973-1976* (1a. ed., LOM Ediciones 2019).

³⁶ Graham, 'Dephysicalised Property and Shadow Lands' (n 6); Nicole Graham, *Landscape: Property, Environment, Law* (Routledge 2011).

³⁷ Intergovernmental Panel On Climate Change, *Climate Change and Land: IPCC Special Report on Climate Change, Desertification, Land Degradation, Sustainable Land Management, Food Security, and Greenhouse Gas Fluxes in Terrestrial Ecosystems* (1st edn, Cambridge University Press 2022) <<https://www.cambridge.org/core/product/identifier/9781009157988/type/book>> accessed 15 May 2023.

³⁸ *ibid* 8.

³⁹ Fernández and others (n 8); *ibid*; Jorge González U and Roberto Velasco H, 'Evaluation of the Impact of Climatic Change on the Economic Value of Land in Agricultural Systems

the type but also the quality and quantity of the country's agricultural produce. Fernández anticipates that altered precipitation patterns and extended drought periods will intensify competition for already in-demand land.⁴⁰ Echoing a related concern, Robinson Torres⁴¹ observes that neoliberal policies have catalyzed the proliferation of monocultures, particularly in the forestry sector, potentially inflating land values, a trend statistically reinforced by Jorge González and Roberto Velasco⁴².

Additionally, the IPCC forecasts increasing aridity in Chile, with projections indicating possible reductions in precipitation by up to 40% and temperature rises between two and four degrees Celsius in 2050.⁴³ Such climatic changes, compounded by urbanization and land-use adaptations, could deleteriously affect ecosystem services and aesthetic values, posing threats to industries such as viticulture and to the natural appeal of the landscape by the mid-21st century⁴⁴.

In this scheme, climate change alters the traditional analytical frameworks regarding property systems. In the Chilean case, these frameworks have traditionally characterized property systems by their role in the land market and economic development.⁴⁵ In other words, the property-climate change relationship produces a new context of analysis that is mainly based on the need to articulate a private and state response to the systematic loss of productive land.

Graham has made significant contributions that provide valuable insights into how environmental law and property concepts intersect. In

in Chile' (2008) 68 Chilean journal of agricultural research <http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-58392008000100006&lng=en&nrm=iso&tlng=en> accessed 16 May 2023; Maria Jose Martinez-Harms and others, 'Scenarios for Land Use and Ecosystem Services under Global Change' (2017) 25 Ecosystem Services 56; Oscar Melo and William Foster, 'Agricultural and Forestry Land and Labor Use under Long-Term Climate Change in Chile' (2021) 12 Atmosphere 305; Lisandro Roco and others, 'Farm Level Adaptation Decisions to Face Climatic Change and Variability: Evidence from Central Chile' (2014) 44 Environmental Science & Policy 86; Paulina Pino and others, 'Chile Confronts Its Environmental Health Future After 25 Years of Accelerated Growth' (2015) 81 Annals of Global Health 354.

⁴⁰ Fernández and others (n 8).

⁴¹ Robinson Torres and others, 'Vulnerability and Resistance to Neoliberal Environmental Changes: An Assessment of Agriculture and Forestry in the Biobio Region of Chile (1974–2014)' (2015) 60 Geoforum 107.

⁴² González U and Velasco H (n 39).

⁴³ Intergovernmental Panel On Climate Change (n 37) 19.

⁴⁴ Martinez-Harms and others (n 39).

⁴⁵ Valdes and Foster (n 3); Alberto Valdés and William Foster, *La Reforma Agraria En Chile* (1st edn, Ediciones UC 2015) <<http://www.jstor.org/stable/j.ctt1bhkq43>> accessed 8 January 2023; Alberto Valdes and William Foster, 'The Agrarian Reform Experiment in Chile: History, Impact, and Implications' [2014] SSRN Electronic Journal <<http://www.ssrn.com/abstract=2486811>> accessed 7 October 2022.

her seminal 2014 article, she raises concerns regarding the prevailing legal conceptualization of private property that is entrenched in an anthropocentric paradigm that artificially dichotomizes humans from nature.⁴⁶ Such a delineation, she posits, is inherently limited in its capacity to address the multifaceted environmental dilemmas of our time adequately. This viewpoint is intriguingly echoed in the analyses of Ian Hodge and William Adams who articulate the imperativeness of assessing governance shifts in property within a broader historical and sociopolitical context, emphasizing the inextricable role of state interventions.⁴⁷

In addition, Graham argues that the inherent inflexibility of property law becomes a formidable obstacle in effectuating substantive environmental reform.⁴⁸ This narrative is paralleled in the discourse presented by Fernandez that underscores the evolving challenges of land-use competition in the backdrop of climatic vicissitudes.⁴⁹ In particular, Graham and Shoemaker argue that narratives and beliefs shape understanding and discourse on property rights, with significant social and environmental impacts in rural U.S. and Australian landscapes.⁵⁰ Their discourse-centric approach finds resonance with Jill Fraley's article advocating for a recalibrated property theory that places land—in all its tangible and intangible complexities—at its nucleus.⁵¹

Drawing attention to the broader ecological implications, Maria Jose Martinez-Harms punctuates the discourse by emphasizing the deleterious repercussions of land-use choices on ecosystem services.⁵² This argument coalesces with critique on the paradigm of dephysicalized property.⁵³ Such perspectives underscore the paramount importance of understanding property not just as a legal construct, but as an entity deeply intertwined with ecological futures.

Further enriching this discussion, Doremus highlights the crucial role of institutional mechanisms in shaping property rights dynamics.[1] Her analysis explores the delicate balance between individual rights and collective interests, particularly in the context of climate change. The work focuses on the concrete challenges posed by rising sea levels, emphasizing

⁴⁶ N Graham, 'This Is Not a Thing: Land, Sustainability and Legal Education' (2014) 26 *Journal of Environmental Law* 395.

⁴⁷ Ian Hodge and William M Adams, 'Neoliberalisation, Rural Land Trusts and Institutional Blending' (2012) 43 *Geoforum* 472.

⁴⁸ Graham, *Landscape* (n 36).

⁴⁹ Fernández and others (n 8).

⁵⁰ Graham and Shoemaker (n 20).

⁵¹ Jill Fraley, 'Climate Change, Sustainability, and the Failure of Modern Property Theory' (2020) 104 *Marquette Law Review* 93.

⁵² Martinez-Harms and others (n 39).

⁵³ Graham, 'Dephysicalised Property and Shadow Lands' (n 6).

the resultant ethical considerations⁵⁴. This narrative finds an intriguing counterpoint in Jonathan Adler's argument of Free Market Environmentalism that posits a potential reimagining of property rights frameworks to address the global exigencies of climate change.⁵⁵

In summary, in this Part, I have tried to provide the necessary theoretical elements to look at the narrative of rural property in Chile from a different perspective, in this case, from legal geography. Thus, we will confront the traditional, formalist, and dogmatic view with a deeper understanding of the role of law in the construction of rural space, proposing bidirectionality in terms of influence, its role in the creation of meanings, and the distribution of power.

III. The Communitarian and Socialist Narrative of Rural Property (1966-1973)

In this Part, I focus on understanding the phenomenon based on the roles of state or governmental actors responsible for shaping and reinforcing the narrative surrounding property in Chile. Notably, during the terms of the Christian Democratic government led by Eduardo Frei Montalva (1966-1970) and Salvador Allende (1970-1973), a distinct narrative emerged. It posited that the prevailing land tenure system encouraged the concentration of property, subsequently leading to the exclusion of peasants from socioeconomic progress. This premise underpinned the 1967 Agrarian Reform.

Nevertheless, the narrative's nuances varied between the two administrations. The Christian Democratic government, while championing private property, introduced the idea that such property should also serve a social purpose, rather than aiming for its outright elimination.⁵⁶ This revised perception of rural property, although not challenging the core tenets of capitalism, marked a historical shift in the country. It called for a more accountable exercise of property rights. In doing so, the social function of property diverged from its conventional understanding as being solely individual, absolute, and exclusive.⁵⁷ This

⁵⁴ Doremus (n 8).

⁵⁵ Jonathan H Adler, 'Taking Property Rights Seriously: The Case of Climate Change' (2009) 26 Social Philosophy and Policy 296.

⁵⁶ Cristobal Kay, 'Types of Agrarian Reform and Their Contradictions: The Case of Chile.' (1977) 17 Sociologia Ruralis 203.

⁵⁷ Rafael Moreno, *Sin Reforma Agraria no habría sido posible: memorias de la Reforma Agraria chilena 1958-1970* (Ediciones Copygraph 2014) <<http://www.memoriachilena.gob.cl/602/w3-article-341612.html>> accessed 13 October 2022.

narrative was also tethered to agricultural productivity, suggesting that property regulations and the associated concentration phenomena were intrinsically linked to stagnant rural production levels.⁵⁸

Conversely, under Salvador Allende's Popular Unity government (1970-1973), the narrative of rural property aimed to align agrarian transformation with a broader structural overhaul, steering the nation towards socialism.⁵⁹ This perspective accentuated the incorporation of collective and cooperative principles in property administration. Such an approach appeared at odds with the foundation laid by the 1967 Agrarian Reform and its associated narrative. While the existing regulatory framework bolstered private property with a social responsibility, Allende's narrative sought to embed it within the country's broader transformative economic strategy.

A. The Narrative of Rural Private Property with a Communitarian Ethos

It is pivotal to recognize that these dynamics evolved against the backdrop of the "latifundio"—a system of socioeconomic structure that held sway in the nation for over a century.⁶⁰ This system manifested itself through the concentration of vast tracts of land in the possession of a select few landowners. Compounding this, a significant portion of the rural populace operating within this framework, endured deprivation, impoverishment, and ostracization conditions⁶¹.

The Agrarian Reform is crucial in dismantling narratives related to rural property. This is primarily because it remains the sole legislative tool that pivoted away from the entrenched Chilean paradigm of liberal property, which, until then, championed notions of individuality, absoluteness, and exclusivity. The legislation's tenor posits that the economic and social sidelining of peasants can be attributed to a twofold causality. First, there is the land tenure structure, predicated on private ownership, which

⁵⁸ Ley de Reforma Agraria.

⁵⁹ Cristobal Kay, 'Agrarian Reform and the Transition to Socialism in Chile, 1970-1973' (1975) 2 *The Journal of Peasant Studies* 418.

⁶⁰ Chris Carlson, 'Agrarian Structure and Underdevelopment in Latin America: Bringing the Latifundio "Back In"' (2019) 54 *Latin American Research Review* 678; Jorge Olea Peñaloza, 'Latifundio y territorio: reflexiones en torno a la reforma agraria en Colchagua, 1960-1973.' [2017] *Polis. Revista Latinoamericana* <<https://journals.openedition.org/polis/12479#tocto1n5>> accessed 13 November 2022; Claudio Robles, 'The Agrarian Historiography of Chile: Foundational Interpretations, Conventional Reiterations, and Critical Revisionism' [2020] *Historia Agraria Revista de agricultura e historia rural* <http://www.historiaagraria.com/FILE/articulos/RHA81_robles.pdf> accessed 25 January 2023.

⁶¹ Moreno (n 57).

inherently fosters land monopolization. Second, the underwhelming productivity of these vast estates plays a significant role.

The Agrarian Reform Law (16.640) asserted:⁶²

Stagnation in Chile's agriculture and livestock sector is linked to flaws in land ownership systems, which have historically perpetuated socio-economic disparities in rural areas. This system, influenced by Spanish colonial legacies, promotes class divisions and an often detrimental paternalism. In advocating for reform, it's asserted that a comprehensive revision of land ownership, and an increase in agricultural output, are essential for national growth and broadening of various sectors. The reform's primary objective is to grant land ownership to peasant families, while simultaneously amplifying and diversifying property rights, grounded in constitutional and legal respect. This aims to replace an individualistic approach with a community-oriented one, prioritizing communal welfare and values of dignity and justice.

Agrarian Reform seeks to modify and redistribute land ownership and its use patterns. For successful reform, interventions against monopolistic landholding, rooted in solid criteria, are necessary. These interventions should respect landowners operating with societal responsibility. While individual property rights are essential, they should not undermine the collective welfare, necessitating state intervention when they do. Agrarian Reform emphasizes societal obligations related to land ownership, promoting stability, justice, and prosperity.

President Frei's approach diverged significantly from Chile's traditional property rights stance. The Agrarian Reform highlighted the property system as a catalyst for land concentration and diminished productivity. His administration emphasized creating "property owners," setting it apart from Allende's socialist trajectory.⁶³ The introduced system provided a transitional phase, allowing properties to be governed by cooperatives, termed *Asentamientos*, before peasants made an informed choice on subdividing or sustaining the collective model after half a decade. President

⁶² Ley de Reforma Agraria.

⁶³ Moreno (n 57); Jacques Chonchol, Julio Silva Solar and Pierre Bigó, 'Diálogo En Torno a La Propiedad' (1965) 14 *Revista Mensaje* 567.

Frei championed this reform as an amalgamation of safeguarding property rights while accentuating their societal obligations.

The transitional Asentamientos, however, faced criticism for perpetuating extant power dynamics, with peasants feeling beholden to the state due to the pronounced presence of the Agrarian Reform Corporation. Yet, scholars like Rafael Moreno argue that Asentamientos aimed at preserving established cultural production norms while gently inducting cooperative ideologies⁶⁴. Critics posited that such practices leaned towards land collectivization⁶⁵, but legislative texts clarified that post the transitional phase, lands would revert to individual peasant ownership⁶⁶. It is pivotal to note that subsequent regimes, such as Allende's, encountered challenges when trying to reshape the foundational philosophies guiding Agrarian Reforms.

The Frei administration and a dominant legislative faction recognized the urgency to overhaul land tenure systems, particularly property rights. The enactment of the 1967 Agrarian Reform Law marked a paradigm shift in Chile's property rights perspective. This landmark legislation not only streamlined expropriation processes and capped landownership extents but also accentuated the societal obligations associated with property. This shift, recognizing the sociopolitical intricacies intertwined with property rights, laid the groundwork for subsequent discursive shifts in political deliberations. Concepts such as the social role of property and the inherent injustices in unchecked land accumulation heralded innovative approaches to property legislation.

The 1967 Agrarian Reform Law (16.640)⁶⁷ introduced significant changes to Chile's landownership system, presenting the following key provisions:

- (a) It limited the concentration of land by an individual or their spouse. Any holding exceeding eighty hectares of prime irrigated land (or its equivalent in other regions, as defined by the law) faced potential expropriation.
- (b) Lands, regardless of their size, if neglected or underutilized compared to typical plots in the same region, were subject to expropriation three years post-law promulgation.

⁶⁴ Moreno (n 57).

⁶⁵ Brahm, *Propiedad Sin Libertad: Chile 1925-1973* (n 9).

⁶⁶ Ley de Reforma Agraria.

⁶⁷ *ibid.*

- (c) Lands owned by anonymous corporations or those benefiting from state-driven irrigation projects were also open to expropriation.
- (d) Payment for expropriated lands and associated investments was structured with an initial down payment between 1 to 10%, with the balance settled through Agrarian Reform bonds over twenty-five to thirty years.
- (e) Farmers actively and efficiently cultivating their lands could retain a reserve of up to eighty hectares of primary irrigation.
- (f) An interim management system, lasting between three to five years, was implemented for expropriated lands, aiming to strategize the optimal subdivision approach, invest for enhanced use, prepare peasants for entrepreneurial roles, and foster a cooperative spirit.
- (g) Post-transitional period, the lands would be allocated to beneficiaries either as individual family units, cooperative production entities, or a hybrid of the two.

Given the comprehensive changes outlined in the Agrarian Reform, understanding the political and theoretical factors shaping this reform under Frei Montalva's leadership is essential. Influenced profoundly by the Social Doctrine of the Catholic Church, the party's policies echoed the sentiments of encyclicals *Rerum Novarum* and *Quadragesimo Anno*. Notably, under the guidance of Manuel Larraín, the Chilean Catholic Church initiated land distribution among peasants during Alessandri's tenure (1958-1964). This period also saw prominent input from two priests, frequently cited by Rafael Moreno of the Agrarian Reform Corporation.⁶⁸ A deep dive into the ideological journal *Mensaje* reveals debates around core ideological proposals like property rights. One of the significant contributors, Gonzalo Arroyo, argued that property's social function did not counter economic logic or global advancement.⁶⁹ He promoted a nuanced perspective on property rights, emphasizing both an individual's freedom and their societal responsibility. Another perspective emerged from Pierre Bigó, who argued for prioritizing the rights of the impoverished over property rights. Grounding his arguments in Saint Thomas's

⁶⁸ Moreno (n 57).

⁶⁹ Gonzalo Arroyo, 'Derecho de Propiedad y Reforma Constitucional.' (1965) 14 *Revista Mensaje* 99.

teachings, he advocated for communal responsibility in property ownership.⁷⁰

Rafael Moreno, renowned for his influential role in the Agrarian Reform, emphasized that property regimes should adapt to historical changes. He argued for broader access to land and highlighted the importance of maintaining transparent property rights subjected to their social function.⁷¹ Clearly, the Catholic doctrine heavily influenced the property rights regulations proposed by the Agrarian Reform. Rather than advocating for socialism, the reform aimed at restructuring power dynamics in the rural regions to promote a fair and efficient economic landscape.

Jacques Chonchol, a key figure during Allende's presidency, held contrasting views from the Christian Democratic Party. He argues that capitalist rent stemmed from legal property titles, implying that such rent was a consequence of legal, not productive, relationships.⁷² His narrative emphasized that property is a construct of law rather than of morality. Chonchol argues that the legal framework of property rights, including associated concepts such as capitalist rent, could be modified or restricted if they were found to lack social justification.

The debate surrounding the Agrarian Reform sparked a significant philosophical question: Should society, through established law, have the authority to abolish private property of productive assets? This debate was characterized by two dominant political stances during the period of the Agrarian Reform's implementation. Representing the Christian viewpoint, Bigó posited that society should not abolish private property rights over productive assets as it would be tantamount to violating a fundamental right rooted in human dignity.⁷³ On the other hand, Chonchol argued that society, through positive law, could shape ownership systems, suggesting that land and other productive assets with societal implications could be governed by the collective rather than individual property rights.⁷⁴

The Agrarian Reform settled on a middle ground. It did not advocate outright for the removal of private property over productive assets but did recognize the necessity of legal modifications concerning landownership and distribution. For Chonchol, the recognition of the need to modify land ownership systems represented a pivotal phase in modernizing Chile's capitalist agricultural system. He believed that this modification of land

⁷⁰ Pierre Bigó, 'Visión Cristiana de La Propiedad' (1965) 14 *Revista Mensaje* 262.

⁷¹ Moreno (n 57).

⁷² Jacques Chonchol, 'La Reforma Agraria En Chile (1964-1973)' (1976) 43 *El Trimestre Económico* 599.

⁷³ Bigó (n 70).

⁷⁴ Chonchol, Silva Solar and Bigó (n 63).

ownership would phase out the latifundist agriculture model, facilitating land access and socioeconomic upliftment for a rural population subset. Meanwhile, scholars like Norma Chinchilla and Marvin Sternberg highlighted the tangible progress under Frei's administration, noting that families who received land experienced a marked uptick in their living standards.⁷⁵

By the end of Frei's term in 1970, about three million hectares of land had been expropriated, culminating in the establishment of nearly 30,000 new landowners.⁷⁶ This number, however, was significantly less than the government's ambitious target of 100,000 set in 1967.⁷⁷ Additionally, the period witnessed a dramatic rise in the formation of rural labor unions, propelled by the rural unionization legislation. Following this momentum, the Popular Unity government, led by Salvador Allende with Jacques Chonchol as his Agriculture Minister, sought to further amplify the Agrarian Reform. Their primary aim was to eradicate the latifundia system and align Agrarian Reforms with Chile's broader socialist aspirations.

B. The Narrative of Rural Private Property within a Socialist Paradigm

Chonchol has argue that Allende's regime (1970-1973) sought to restructure the land tenure system, abolish latifundia, and establish novel socioeconomic connections within rural sectors and its ties to the broader economy. The government's Agrarian Reform complemented larger transformations aimed at shifting from capitalism to socialism. This meant that the reform extended beyond simply dismantling large estates and redistributing land; it also encompassed redefining the commercial and industrial ties between agriculture and the rest of the economy. Though the proposed cooperative ownership led to isolated incidents of land seizures, such events were marginal concerning the total land expropriated. Chonchol emphasizes the manipulation by right-wing media of these isolated cases to stoke fears among smaller farmers.⁷⁸

⁷⁵ Norma Stoltz Chinchilla and Marvin Sternberg, 'The Agrarian Reform and Campesino Consciousness' (1974) 1 *Latin American Perspectives* 106.

⁷⁶ Antonio Bellisario, 'La reforma agraria chilena. Reformismo, socialismo y neoliberalismo, 1964-1980.' [2013] *Historia Agraria* 32; Valdes and Foster (n 45); Moreno (n 57).

⁷⁷ Felipe González and others, 'La reforma agraria chilena: hechos estilizados a la luz de una nueva base de datos' [2017] *Estudios Públicos* <<https://estudiospublicos.cl/index.php/cep/article/view/109>> accessed 7 October 2022.

⁷⁸ Julio Silva Solar and Jacques Chonchol, *El Desarrollo de La Nueva Sociedad En América Latina* (1. ed, LOM Ediciones 2009); Chonchol (n 72); Jacques Chonchol, 'El Desarrollo

The Allende administration adjusted the “Asentamientos” to align the rural and national political and economic transformations⁷⁹. A significant issue emerged from the state’s control over financing and administration, leading to an entrenched hierarchy within the reformed peasant sector. As Cristobal Kay elaborates, this configuration exposed the system to patronage, with the state-dependent Agrarian Reform Corporation assuming a landlord-like position⁸⁰. Concurrently, the government established Agrarian Reform Centers (CERAS)⁸¹ to oversee confiscated land production, focusing on cooperative and collective arrangements instead of on individual production.⁸² A notable facet of this process was the changing dynamics between wages and property ownership. The Agrarian Reform Corporation⁸³ (CORA) implemented a policy of advance payments for peasants, aiming to support living expenses before harvesting⁸⁴. However, the standardized payments, irrespective of the nature of work or efforts, prompted more diligent farmers to prioritize individual farming⁸⁵. This tendency disrupted collective production and obstructed loan repayments⁸⁶.

Addressing these challenges, the Allende government introduced Agrarian Reform Centers (CERAS), a union of neighboring expropriated estates, offering broader opportunities than traditional Asentamientos⁸⁷. The model also sought to involve all adult peasants, not just families tied to the expropriated land. Despite these efforts, Chonchol argues that a lack of consensus among Allende’s allies hindered progress and enabled criticisms from the opposition, particularly regarding state versus individual land ownership⁸⁸.

In 1972, the allocation of land followed distinct criteria:

- (a) Peasants from Asentamientos or CERAs, after a transitional period, received productive land and housing as cooperative property.

Rural y La Reforma Agraria En América Latina’ [1989] Boletín de Estudios Latinoamericanos y del Caribe 3; Chonchol, Silva Solar and Bigó (n 63).

⁷⁹ Kyle Steenland, ‘Rural Strategy Under Allende’ (1974) 1 Latin American Perspectives 129.

⁸⁰ Kay, ‘Agrarian Reform and the Transition to Socialism in Chile, 1970–1973’ (n 59).

⁸¹ Translated from Spanish: “Centro de Reforma Agraria”.

⁸² Chonchol (n 72).

⁸³ Corporación de la Reforma Agraria in Spanish.

⁸⁴ Valdes and Foster (n 45).

⁸⁵ Steenland (n 79).

⁸⁶ *ibid.*

⁸⁷ *ibid.*

⁸⁸ *ibid.*

- (b) Asentamientos or CERAs could transform into state-owned Production Centers (CEPROS) if the majority of members agreed⁸⁹.

Kay observes that Allende's administration was constrained by insufficient political leverage to enact the transition from capitalist to socialist production.⁹⁰ Their endeavors within the framework of Christian Democracy were also hindered by challenges in acquiring support from peasants, despite awareness campaigns, and a failure to introduce innovative approaches to land reform⁹¹. These political and practical constraints left the socialist objectives largely unrealized.

In conclusion, Allende faced significant barriers. The 1967 Agrarian Reform had acknowledged property rights and considered their societal function, but validated private ownership of essential resources like rural land. Brian Loveman suggests that Allende's failure in rural areas derived from an inability to innovate beyond existing models, particularly those based on Eastern European experiences.⁹² The ambiguous goal of greater land socialization remained elusive, with efforts to foster cooperative land use falling short. As Kay emphasizes, the lack of comprehensive support from peasants and a minority position in Congress constrained the reform's boundaries⁹³. This context, according to Chonchol, inadvertently paved the way for the capitalist modernization of Chilean agriculture.⁹⁴

Eduardo Novoa Monreal, a renowned jurist in Salvador Allende's administration, contends that property is not merely a legal construct but a pivotal component of the economic foundation of any society, reflecting its sociopolitical makeup and the nuanced philosophical and ethical principles it embraces.⁹⁵ The author critiques classical bourgeois liberal views of property rights, asserting that this enhanced individualistic exploitation, consequently demanding sophisticated legal mechanisms for their safeguarding⁹⁶. He challenges the entrenched belief that property guarantees freedom and stability, suggesting instead that its central role in social order requires scrutiny.⁹⁷

⁸⁹ Chonchol (n 78).

⁹⁰ Kay, 'Agrarian Reform and the Transition to Socialism in Chile, 1970-1973' (n 59).

⁹¹ Chonchol (n 78).

⁹² Brian Loveman, 'Unidad Popular in the Countryside: Ni Razon, Ni Fuerza' (1974) 1 Latin American Perspectives 147. Brian Loveman, 'Unidad Popular in the Countryside: Ni Razon, Ni Fuerza' (1974) 1 Latin American Perspectives 147.

⁹³ Kay, 'Agrarian Reform and the Transition to Socialism in Chile, 1970-1973' (n 59).

⁹⁴ Chonchol (n 72).

⁹⁵ Novoa, 'Una Evolución Inadvertida: El Derecho de Propiedad.' (n 11).

⁹⁶ *ibid.*

⁹⁷ Novoa, *El Derecho de Propiedad Privada: Concepto, Evolución y Crítica.* (n 11).

The 1967 Agrarian Reform underscores that the nature of landownership was vital, embodying the philosophy driving the entire reform and allowing no ambiguity. Central to this ethos was the tenet, “Land for those who work it.” To preserve the property rights of the peasants, the authorities instituted numerous restrictions, including nonalienation of rights, nontransfer of lands for third-party exploitation, and the prohibition of practices detrimental to land fertility, among others.⁹⁸ Notably, while such stipulations were not groundbreaking in the Chilean legal landscape, their analysis provides a window into the subsequent period when these were upended during Pinochet’s regime.⁹⁹

Scholars have underscored the role of political parties in galvanizing peasant organizations.¹⁰⁰ Yet, probing the urban perspective on agrarian issues offers invaluable insights into the societal climate before the Agrarian Reform’s roll-out. A 1966 survey, titled “What image does the country have of farmers?”¹⁰¹ commissioned by the National Society of Agriculture, revealed a significant urban consensus in favor of Agrarian Reform, primarily anchored in the anticipated boost in agricultural productivity. Interestingly, the majority leaned towards increased productivity over distributive justice, not strongly favoring either private or public landownership.

Political discourse during this period was saturated with debates on the most appropriate form of land management.¹⁰² Ideologies ranged from Marxist calls for the wholesale expropriation of production means, encompassing land, to conservative voices advocating a reform rooted in the colonial tradition.¹⁰³ While historical conditioning might suggest that peasants inherently favored private land ownership, the data and the Agrarian Reform’s tenets do not conclusively endorse this. In sum, the peasants’ unequivocal preference for a particular ownership model remains an open question.

⁹⁸ Díaz (n 34); Moreno (n 57).

⁹⁹ Novoa, ‘Una Evolución Inadvertida: El Derecho de Propiedad.’ (n 11).

¹⁰⁰ Octavio Avendaño, *Los Partidos Frente a La Cuestión Agraria En Chile, 1946-1973: Representación de Intereses, Gradualismo y Transformación Estructural* (Primera edición, LOM Ediciones 2017).

¹⁰¹ Moreno (n 57).

¹⁰² Avendaño (n 100).

¹⁰³ Bellisario (n 76); Steenland (n 79).

IV. The Neoliberal Property Narrative during the Dictatorship (1973-1989)

Both the communitarian and socialist discourses on property manifested tangibly. During their respective tenures, they expropriated over ten million hectares, effectively dismantling the large estate system (Latifundio)¹⁰⁴. Researchers have meticulously documented the profound political repercussions of this action.¹⁰⁵ Specifically, the participation of the peasant movement within this framework warrants examination.¹⁰⁶ While the two narratives had divergent objectives – with the Frei administration advocating a model for peasant families retaining a direct association with the property (termed “Asentados”) and Allende endeavoring to widen the scope to encompass landless wage workers – they jointly endorsed the inclusion of historically marginalized groups.

The subsequent neoliberal discourse on property, ushered in by the military dictatorship, shifted the narrative’s focal point. Consequently, a new demographic, scarcely rooted in the peasant tradition, emerged as the vanguard of agricultural modernization in Chile. The ensuing legal infrastructure bolstered the establishment and perpetuation of this group.¹⁰⁷ Distinct from its predecessors, this category underpinned intricate sociopolitical and economic networks, enabling them to spearhead the export surge¹⁰⁸. The construction of the neoliberal narrative drew from several elements. Foremost was the imperative for a tenure system devoid of regulations obstructing or muddling the land market; subsequently, the intended beneficiaries shifted from peasant families and landless laborers to entrepreneurs.

Table 1 details the regulations that constitute the military regime’s land policy, all of which have amended or abolished the tenure system founded by the 1967 Agrarian Reform Law. Notably, Decree-Law Nos. 208 and 165 restructured the land allocation, favoring an agro-exporting class over the peasant families involved in the initial reform. The implementation of Decree 208 permitted the absolution of peasant leaders crucial to political

¹⁰⁴ Bellisario (n 76); González and others (n 77).

¹⁰⁵ Valdes and Foster (n 45); Cristian Guerrero Yoacham and others, *Historia de la reforma agraria en Chile* ([1^a ed], Editorial Universitaria 1988); Ruiz-Tagle Vial (n 9); José Bengoa, *El Campesinado Chileno Despues de La Reforma Agraria* (Ediciones Sur 1983).

¹⁰⁶ González and others (n 77); Bengoa, ‘La Evolución De La Tenencia De La Tierra Y Las Clases Sociales Agrarias En Chile’ (n 35); Cristobal Kay, ‘Chile’s Neoliberal Agrarian Transformation and the Peasantry’ (2002) 2 *Journal of Agrarian Change* 464.

¹⁰⁷ Villela (n 35); Villela (n 34).

¹⁰⁸ Villela (n 35).

transformation.¹⁰⁹ M In contrast, Decree No. 165 broadened the list of potential candidates for the allocation process, preferring those educated in the agricultural realm. Thus, priority was given to agronomic engineers and related professionals for land allocation.

Table 1: Pivotal Legal Provisions Impacting the Tenure System Under Military Rule¹¹⁰

Regulation	Year of Enactment	Content
208	1973	Prohibits individuals who had illegally occupied allocation-bound property by CORA from applying.
701	1974	Designates a category for non-expropriable forest lands and introduces tax incentives.
3516	1980	Permits the division of rural lands into plots up to 0.5 ha with authorization from the Agricultural and Livestock Service.
2247	1978	Abolishes the Agrarian Reform Law 16,640.

By 1976, the President of the National Agricultural Society, Alfonso Márquez de la Plata, publicly advocated bolstering the land privatization process¹¹¹. He identified remnants of the Agrarian Reform Law as barriers. Consequently, in 1978, the government issued Decree No. 2,247, repealing the Agrarian Reform Law. This decree, endorsed by Márquez de la Plata, aimed to rejuvenate agricultural endeavors, mandating stable land tenure to encourage technological integration and investments.¹¹² This decree also marked the end of the property's social function and realigned rural property regulations to the broader Civil Code norms.¹¹³ This ensured that corporations could acquire land beyond 80 HRB without expropriation concerns.

The 1974 Decree No. 701 incentivized sectors like forestry that used expansive land areas, granting them state subsidies and tax breaks, as

¹⁰⁹ Bengoa, *El Campesinado Chileno Despues de La Reforma Agraria* (n 105); Villela (n 35).

¹¹⁰ Eduardo Villavicencio-Pinto, 'La política de tierras del régimen militar. Un análisis a partir de la concentración y subdivisión de la propiedad rural' (Diego Portales 2020).

¹¹¹ Villela (n 35).

¹¹² *ibid.*

¹¹³ Guerrero Yoacham and others (n 105).

illustrated in Table 1. In 1980, Decrees No. 3262 and 3516 authorized the division of Agrarian Reform Corporation properties and sanctioned the legal subdivision of rural estates with specific limits.

Tanya Korovkin emphasized the transformative nature of these decrees.¹¹⁴ They shifted the focus from prioritizing rural well-being to favoring private capital accumulation. A study by González and others demonstrated the widespread impact of this policy overhaul.¹¹⁵ They introduced an Intensity Index that measures land involved in both the Agrarian Reform and its counteraction. Results indicated significant reversals in land expropriations in regions like Atacama and Maule.¹¹⁶

In summary, the civic-military government's land policy achieved its intended aims: rejuvenating the land market and fostering an entrepreneurial agricultural structure. As Kay observed, this facilitated a policy that consistently promoted well-capitalized agro-export sectors.¹¹⁷ The evident transition shifts from a narrative rooted in peasant and communal rights to a modern capitalist approach centered on the land market and agricultural enterprise management.

V. Neoliberal Narrative Consolidation (1990-2023)

Narratives offer a lens through which we can unravel the inherent tensions within Chile's property regime. This analytical approach broadens our understanding of property's influence and ramifications, especially within the ambit of legal geography. This section delves into two pivotal issues. The first pertains to the National Rural Development Policy,¹¹⁸ illustrating how overlooking land reinforces the conceptualization of property as an individual, absolute, and exclusive domain. Second, I elucidate how such narratives challenge the role of rural property amidst the looming climate crisis.

Significantly, the militaristic enforcement of the neoliberal narrative necessitated a brazen violation of human rights. This fact gains prominence when we consider that this narrative transformation entailed establishing a hierarchal social paradigm¹¹⁹ in the Chilean countryside, demarcating spaces according to the dictatorship's strategic allocations. Bennett and

¹¹⁴ Tanya Korovkin, 'Peasants, Grapes and Corporations: The Growth of Contract Farming in a Chilean Community' (1992) 19 *Journal of Peasant Studies* 228.

¹¹⁵ González and others (n 77).

¹¹⁶ *ibid.*

¹¹⁷ Cristóbal Kay, 'La Política Agraria Del Gobierno Militar De Chile' (1981) 48 *El Trimestre Económico* 567.

¹¹⁸ Comisión Interministerial de Ciudad, Vivienda y Territorio, 'Política Nacional de Desarrollo Rural'.

¹¹⁹ Blomley, *Law, Space, and the Geographies of Power* (n 22).

Layard posit that not only was a political essence attributed to property, but also to the rural terrain.¹²⁰ The implementation of Decree 208, which barred land access for leaders involved in the Agrarian Reform, amplifies this assertion. Moreno's phrase "never rise up again" encapsulates this dichotomous narrative of victors and vanquished, which stands central to the dynamics of power in rural territories.¹²¹

This narrative, imbued with sociocultural symbols,¹²² subsequently led to the objectification of property, replacing interpersonal relationships with object-to-object associations. As delineated earlier, the communitarian and socialist narratives were intertwined with an economically and socially dysfunctional property model. Here, property became the nexus binding individuals based on the advantages or disadvantages they derived from its use. For these narratives, property formed the foundation of a societal structure where the interconnectedness of individuals perpetuated poverty and amplified disparities.

In stark contrast, the dictatorship's neoliberal narrative reframed the concept of property. It redefined property from a socially embedded system into an economically driven, ostensibly apolitical relationship between individuals and objects. This shift distanced the socioeconomic implications of ownership from both proprietors and the state, rendering previous foundational issues, such as property concentration, peripheral. In essence, it was irrelevant.

Democratic governance resumed in this backdrop: a decimated peasant movement, an established agro-export economy, and rampant rural poverty, nearing 40%.¹²³ Three distinct government initiatives tackled the property discourse linked to rurality and economic yield. Patricio Aylwin's administration (1990-1994) stressed the "Dispersion of Property" to counterbalance economic power concentration.¹²⁴ Michelle Bachelet's first tenure advocated for agricultural mortgage credits to thwart excessive land fragmentation and bolster young peasant entrepreneurs' access.¹²⁵ In her subsequent term, the constitutional proposal emphasized that "The New Constitution, besides acknowledging private property rights, must also underscore that property entails obligations and its utilization should align with the common good."¹²⁶ Conversely, Sebastián Piñera's governance

¹²⁰ Bennett and Layard (n 25).

¹²¹ Moreno (n 57).

¹²² Blomley, 'From 'What?' (n 27).

¹²³ Kay, 'Chile's Neoliberal Agrarian Transformation and the Peasantry' (n 106); Ministerio de Desarrollo Social y Familia (n 2).

¹²⁴ Patricio Aylwin, 'Programa de Gobierno 1990-1994'.

¹²⁵ Michelle Bachelet, 'Programa de Gobierno 2006-2010'.

¹²⁶ Michelle Bachelet, 'Programa de Gobierno 2014-2018'.

accentuated property title regularization for modest proprietors and championed property rights amidst environmental discourse.¹²⁷ While several administrations highlighted property as a pressing, unresolved matter requiring evolution, tangible policy manifestations remain elusive. Sebastián Piñera's stance, emphasizing property rights' legal certainty, stands out, especially given the intricate environmental debates around natural resources.

In this context, dissecting the primary mechanism for rural development pertaining to rural landownership is instructive. It illuminates the legal and political trajectory the neoliberal narrative has charted.

Published in 2022, the National Rural Development Policy (PNDR) alludes to rural property by emphasizing the land's historic significance in the country's narrative through a literary reference: "Our country's history is anchored to its generous land and restless sea."¹²⁸ This is the sole mention of "land" in the PNDR, after which the concept disappears. The PNDR outlines Chile's vision for rural development without being a legally binding law, as it lacks congressional approval and a designated budget. It serves as a framework for coordinating agricultural stakeholders, aligning with National Spatial Planning and Urban Development Policies. Using the Organization for Economic Co-operation and Development's criteria from 2014, the PNDR categorizes rural territories as areas with population densities below 150 inhabitants/km² and populations not surpassing 50,000.¹²⁹ This classification renders 83% of Chile's land area (263 out of 346 communes) as rural – a marked shift from the past when rural zones were limited to areas with populations under 2,000, making up 12% of locales.¹³⁰ With the OECD's criteria, this percentage exceeds 25%.¹³¹

The PNDR also identifies disparities between urban and rural sectors and acknowledges the increasing diversification of rural activities. Climate change has further accentuated challenges, introducing water shortages and temperature variances that intensify vulnerabilities in rural sectors. In addition, it suggests a transition "from the prevailing view of 'rurality as a non-urban domain' towards a systematic unfolding of an updated rural paradigm directing policies to stimulate rural areas in utilizing their assets

¹²⁷ Sebastián Piñera, 'Programa de Gobierno 2018-2022'.

¹²⁸ Comisión Interministerial de Ciudad, Vivienda y Territorio (n 118) 4.

¹²⁹ Comisión Interministerial de Ciudad, Vivienda y Territorio (n 118).

¹³⁰ *ibid.*

¹³¹ ODEPA, 'Lineamientos Para El Uso de Las Definiciones de Ruralidad En Chile.' (Oficina de Estudios y Políticas Agrarias 2022) <<https://www.masvidarural.gob.cl/wp-content/uploads/2022/03/Lineamientos-para-el-uso-de-las-definiciones-de-ruralidad-en-Chile.pdf>>.

and potentials.”¹³² This renewed perspective accentuates the territorial, urging cross-collaboration to enhance smaller settlements’ progress. It champions rural regions’ competitiveness, spotlighting the value of local commodities and harnessing untapped resources, marking a departure from previous models grounded in uniformity and agrarian revenue.¹³³

Regarding its goals, the principal intent is “to elevate living standards and widen prospects for those in rural zones via a cohesive territorial strategy at diverse tiers, cultivating collaborations across public, private, and civic sectors.”¹³⁴ It highlights well-being, economic prospects, environmental stability, and territorial identity as pivotal arenas. Notably, the PNDR emphasizes the necessity to align guidelines and techniques with rural areas’ nuances, focusing investments on enhancing territories’ competitive edge and sustainability. This approach naturally steers the discourse towards land issues.

A key element is territorial delineation and its role in nationwide advancement. Adopting the OECD’s benchmarks, the PNDR extends its scope to encompass marine and littoral regions. Chile’s topography is crucial in this narrative, given a substantial fraction of its rural domains lies alongside its coastal boundaries, especially between the Araucanía and Aysén regions.

Nonetheless, the PNDR’s perspective remains overwhelmingly territorial, underscoring geography but largely sidelining land’s essence as a prime economic resource. While territory and land might be semantically distinct, land functions as an essential productive element, pivotal in shaping wealth distribution and production resource accessibility. The PNDR, in this regard, appears somewhat myopic, emphasizing geographic dimensions but sidelining land as a vital economic entity. This omission may hinder a thorough appreciation of land’s socioeconomic significance.

In conclusion, while the PNDR highlights rural progress in Chile, it appears to overlook the significant impact of property ownership and regulations on this progress. Addressing this disparity would provide a more comprehensive understanding of the challenges and possibilities in Chile’s rural regions.

VI. Empirical Evidence and Property Narratives

In the exploration of land concentration in Latin America, extensive study has occurred within the milieu of Agrarian Reforms that manifested

¹³² Comisión Interministerial de Ciudad, Vivienda y Territorio (n 118) 20.

¹³³ *ibid* 22.

¹³⁴ *ibid* 25.

at the onset of the previous century.¹³⁵ Nations like Mexico, Cuba, Nicaragua, Bolivia, Peru, and Chile enacted such policies.¹³⁶ While these policies exhibited differences in their approach to the State and market dynamics, a unifying premise was evident: acute land concentration impeded rural development.¹³⁷

Kay elucidates the intensity of land concentration from 1970 to 1994. This study found that Chile maintained a Gini index of 0.92 throughout this period, indicating an extremely high level of land concentration. The Gini index ranges from 0 to 1, with 1 representing perfect inequality. Chile's score of 0.92 positioned it as the second highest among the surveyed countries, demonstrating a severe disparity in land distribution.¹³⁸ Subsequently, OXFAM's "Land, Power and Inequality" report draws a comparison between Latin America and global agricultural census data.¹³⁹ The findings suggest that the region has the most pronounced land concentration worldwide, with countries like Colombia, Paraguay, and Chile standing out. Among the contributors to this trend is the "global land fever," which has amplified foreign investments in sectors such as grain, sugar, and biofuels.¹⁴⁰ Kay posits that the current levels of land concentration might be tethered to neoliberal policies instituted in the 1980s.¹⁴¹ These policies encompassed land-market liberalization and the emergence of agricultural and forestry oligopolies.

Land concentration, integral to the discourse on land distribution, is perceived as a spatial phenomenon defined by the accumulation of vast land expanses through a limited number of transactions.¹⁴² Although the terms "land grabbing" and "land concentration" are sometimes used interchangeably, the former generally connotes informal land accumulation by corporations, culminating in the involuntary displacement of rural

¹³⁵ Alain de Janvry and Carlos Garramón, 'The Dynamics of Rural Poverty in Latin America' (1977) 4 *The Journal of Peasant Studies* 206.

¹³⁶ Eduardo von Bennewitz, 'Land Tenure in Latin America: From Land Reforms to Counter-Movement to Neoliberalism.' (2017) 65 *Acta Universitatis Agriculturae et Silviculturae Mendelianae Brunensis* 1793.

¹³⁷ *ibid.*

¹³⁸ Kay, 'Chile's Neoliberal Agrarian Transformation and the Peasantry' (n 106).

¹³⁹ Guereña (n 4).

¹⁴⁰ Sérgio Sauer and Sergio Pereira Leite, 'Agrarian Structure, Foreign Investment in Land, and Land Prices in Brazil' (2012) 39 *The Journal of Peasant Studies* 873.

¹⁴¹ Cristóbal Kay, 'Visión de La Concentración de La Tierra En América Latina' (2012).

¹⁴² Evelin Jürgenson and Marii Rasva, 'The Changing Structure and Concentration of Agricultural Land Holdings in Estonia and Possible Threat for Rural Areas' (2020) 9 *Land* 41.

inhabitants.¹⁴³ However, in Chile, this characterization does not wholly resonate, because land tenure security and the institutional mechanisms for its preservation and protection are robust. Consequently, the primary analytical categorization in the Chilean context is “land concentration.”

The subject of land concentration in Chile was notably explored in studies pertaining to the 1967 Agrarian Reform. Within this framework, researchers concurred on the prevalence of intense land concentration, historically termed as *latifundismo*.¹⁴⁴ The crux of these analyses underscored that reforms manifested from a need to alter the status quo, with the nation possessing the requisite agricultural potential for such change.¹⁴⁵

In the backdrop of Chile’s 1967 Agrarian Reform, various studies, including those by George McBride, Solon Barraclough, and the Agrarian Reform Corporation (CORA), pinpointed an extreme land concentration, termed as *latifundio*.¹⁴⁶ This term encapsulated more than just the accumulation of vast tracts of land by a select few; it also mirrored the social relations of exploitation and the marginalization of the peasantry.

Eduardo Frei Montalva’s administration underscored the social function of property. It identified issues such as landownership regulations and the concentration of landholdings as the root causes of rural backwardness. Scholars subsequently analyzed the transition from a *latifundio* model to capitalist modernization, along with the economic impacts of the Agrarian Reform¹⁴⁷. While discussions on rural development were revived under democratic governments, the land issue has been less addressed in recent research.

To deeply analyze the evolution and intensity of land concentration in Chile, a variety of metrics have been employed to provide a comprehensive and nuanced picture of this phenomenon. Initially, I examined the trajectory of land concentration based on size brackets of holdings, using data from Agricultural Censuses spanning from 1965 to 2021. This metric,

¹⁴³ GRAIN, ‘Land Grabbing and the Global Food Crisis’ (GRAIN 2011) <<https://grain.org/media/W1siZiIsIjIwMTEvMTIvMTYvMDdfNDFfMjdfOTYxX2xhbmRncmFiR1JB5U5fZGVjMjAxMS5wZGYiXV0>>.

¹⁴⁴ José Bengoa, *Historia Social de La Agricultura Chilena. Tomo II* (Ediciones Sur 1990).

¹⁴⁵ Patricio Silva, *Estado, Neoliberalismo y Política Agraria En Chile, 1973-1981* (CEDLA; Distribuido por Foris Publications 1987).

¹⁴⁶ George McCutchen McBride, ‘The Agrarian Problem in Chile’ (1930) 20 *Geographical Review* 574; Solon Barraclough, ‘Agrarian Reform and Structural Change in Latin America: The Chilean Case’ (1972) 8 *The Journal of Development Studies* 163; CORA, ‘Reforma Agraria Chilena’.

¹⁴⁷ Sergio Gomez and Jorge Echenique, *La Agricultura Chilena, Las Dos Caras de La Modernización*. (Tercera, FLACSO 1991); Silva (n 145); Bengoa, *El Campesinado Chileno Despues de La Reforma Agraria* (n 105).

depicted in Table 2 “Evolution of Land Distribution in Chile from 1965 to 2021 (Percentages),” facilitates a visual understanding of how land distribution among different farm size categories has changed over time, highlighting the persistence and exacerbation of concentration in the hands of larger properties.

Furthermore, I calculated the Gini coefficient to measure the inequality in land distribution at the regional level, focusing on the country's regions with significant silvo-agricultural importance. Figure 1 “Gini Index of Land Concentration for Selected Regions” presents the results of this analysis for the years 2007 and 2021, illustrating not only the existing high inequality in these regions but also an increase in concentration during this period. Additionally, the proportion of land controlled by the top 1% of the largest farms has been used as another metric to gauge the intensity of concentration. Figure 2 “Percentage of Land Controlled by the Top 1% of the Largest Farms in Selected Regions” reveals that this small cohort of large landowners increasingly monopolizes a greater share of the land, intensifying inequality within the agrarian structure.

To complement these analyses, I employed two further metrics that delve into the dynamics of concentration within the segment of the largest farms. On one hand, Figure 3 “Average Size of Farms of the Top 1% Largest in Selected Regions” displays the evolution of the average size of farms belonging to the top 1% between 2007 and 2021, evidencing a process of consolidation and expansion of the scale of already large properties. On the other hand, Figure 4 “Number of Farms Corresponding to the Top 1% Largest in Selected Regions” reveals a reduction in the number of farms participating in this segment, which, combined with the increase in their average size, indicates an even more intense concentration process within this group. Collectively, these metrics provide a complete and detailed perspective of the evolution and intensity of land concentration in Chile, both at a general level and within the segment of the largest farms, facilitating a more profound understanding of this phenomenon and its implications for the country's agrarian structure.

A. Land Concentration from a Historical Perspective

In essence, the Agrarian Reform of 1967 and the subsequent years were not just about land redistribution. They were emblematic of a broader struggle for social justice, equity, and the transformation of rural Chile. The metrics proposed serve as tools to quantitatively assess the extent of land inequality, providing a foundation for further research and policy formulation.

In 1965, properties smaller than five hectares accounted for 81.4% of all existing properties in the country, yet they only controlled 9.7% of the available land. On the other hand, properties with more than eighty hectares of basic irrigation made up only 2% of the farms but controlled over 55% of the land. The designers of the 1967 Agrarian Reform primarily considered this distribution characteristic¹⁴⁸.

When analyzing the trajectory of these two groups, parcels under five hectares decreased from 1965 to 1978, moving from representing 81.4% to 71.5%. However, by 2007 and 2021, they increased again, now representing more than 93% of the country's farms. In terms of controlled land, 1978 is the period when these small landholdings possessed the most land, reaching 14.5%. This situation radically changed by 2021, where these small farms only controlled 5.3% of the land.

The trend towards concentration is also reflected in the evolution of larger farms. In 1965, farms over eighty hectares constituted only 2% of the total number of farms, yet they controlled 55% of the total agricultural land. However, between 1970 and 1973, they constituted 0.9% and 0%, and only controlled 16% and then 0% of the total available. This change was due to the impact of the Agrarian Reform, which ended up eliminating the large estates by expropriating properties over eighty hectares of basic irrigation. The agrarian counter-reform and the capitalist modernization policy of agriculture in Chile began to show their effects in 1976 when 0.1% of farms over eighty hectares of basic irrigation controlled 2.9%. This growth accelerated over time and reached its peak in 2021 when only 0.7% of this type of farm controlled almost 60% of rural land in Chile.

¹⁴⁸ Ley de Reforma Agraria.

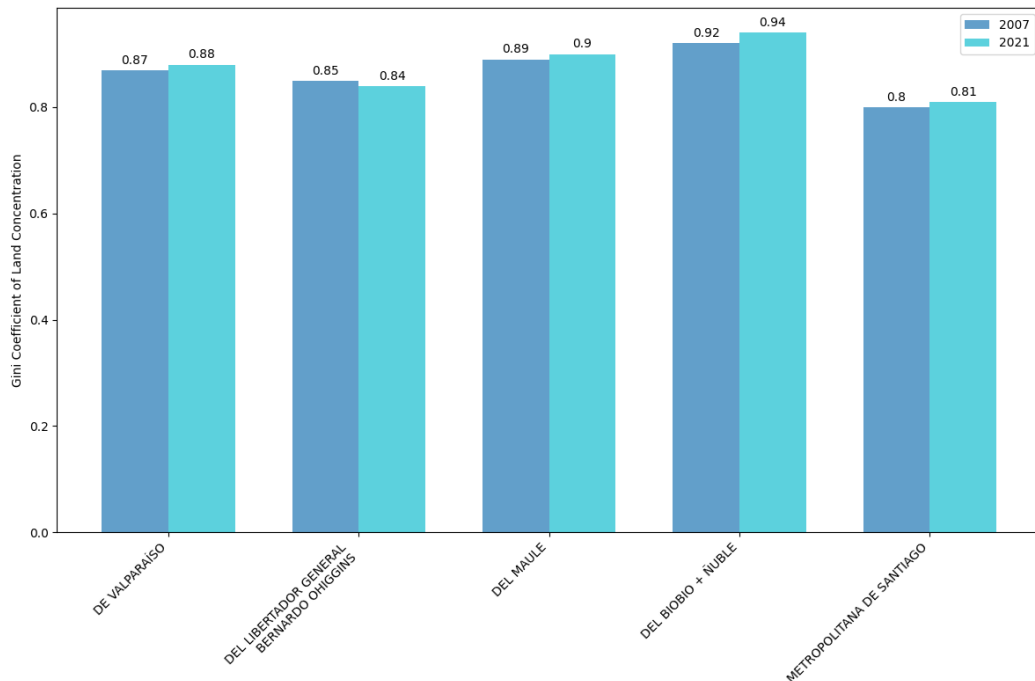
Table 1: Evolution of Land Distribution in Chile, 1965–2021 (Percentages) ¹⁴⁹

	1965		1970		1973		1976		1978		2007		2021	
Size of Holdings (in hectares of basic irrigation)	Number of Parcels (%)	Controlled Land (%)	Number of Parcels (%)	Controlled Land (%)	Number of Parcels (%)	Controlled Land (%)	Number of Parcels (%)	Controlled Land (%)	Number of Parcels (%)	Controlled Land (%)	Number of Parcels (%)	Controlled Land (%)	Number of Parcels (%)	Controlled Land (%)
Less than 5	81.4	9.7	79.7	9.7	79.2	9.7	71.4	9.7	71.5	14.5	89.1	8.7	93.6	5.3
5-20	11.5	12.7	11.3	12.7	11.2	12.8	20	24.9	20.4	32	7.2	19.2	3.9	12.5
20-40	3	9.5	2.9	9.5	3.4	12	3	11.6	3	13.5	1.8	13.2	1.1	10.1
40-80	2.1	12.8	4.6	33.8	3.8	25.3	4.5	32.8	4.8	34.4	1	15.5	0.7	12.3
More than 80	2	55.3	0.9	16.7	0	0	0.1	2.9	0.3	5.6	0.9	43.4	0.7	59.8
Reformed sector	0	0	0.6	17.6	2.4	40.2	1	18.1	0	0	-	-	-	-

¹⁴⁹ Evolution of Land Distribution in Chile, 1965–2021 (Percentages) compiled from data in Agricultural Censuses and Bellisario (n 76); Cristobal Kay, 'Política Económica, Alianza de Clases y Cambios Agrarios en Chile' (1980) 3 *Economía* 125; Kay, 'La Política Agraria Del Gobierno Militar De Chile' (n 117); Villela (n 35).

B. Regional Analysis of Land Concentration¹⁵⁰

Figure 1. Gini Index of Land Concentration for Selected Regions¹⁵¹



The regional analysis of land concentration in Chile, by comparing data between 2007 and 2021, discloses a disquieting increase in inequality within the most significant silvo-agricultural regions of the country. Figure 1 illustrates that, across all studied regions—Valparaíso, Metropolitana, O'Higgins, Maule, Biobío, and Ñuble—the Gini index has escalated during this period.

In 2007, the Biobío+Ñuble region was already exhibiting pronounced inequality in land distribution, with a Gini index of 0.92. By 2021, this figure had risen to 0.94, signaling heightened concentration. Similarly, the Maule region's Gini index increased from 0.87 in 2007 to 0.90 in 2021. Even the Metropolitana region, which displayed the least inequality among the areas assessed, saw an uptick from 0.80 to 0.81 over the same timeframe.

Collectively, these regions account for over 70% of Chile's silvo-agricultural GDP, thus the surge in land concentration within these territories bears significant implications for the country's agrarian structure and rural development. The comparison between 2007 and 2021 underscores not merely the persistence of inequality in land distribution but its intensification in zones of peak agricultural output.

This comparative regional analysis bolsters the notion that land concentration is a dynamic and expanding process in Chile, especially within the most pivotal regions for the silvo-agricultural sector. The rise in levels of land distribution inequality between

¹⁵⁰ The use of the words "property" and "farms" are used interchangeably and synonymously to refer to a parcel of land.

¹⁵¹ INE, 'Censo Agropecuario' (Default, 2021) <<http://www.ine.gob.cl/estadisticas/economia/agricultura-agroindustria-y-pesca/censos-agropecuarios>> accessed 17 April 2023.

2007 and 2021 in these key regions underscores the urgency to treat this phenomenon as a central element in any discourse concerning rural development and agrarian policies in the country.

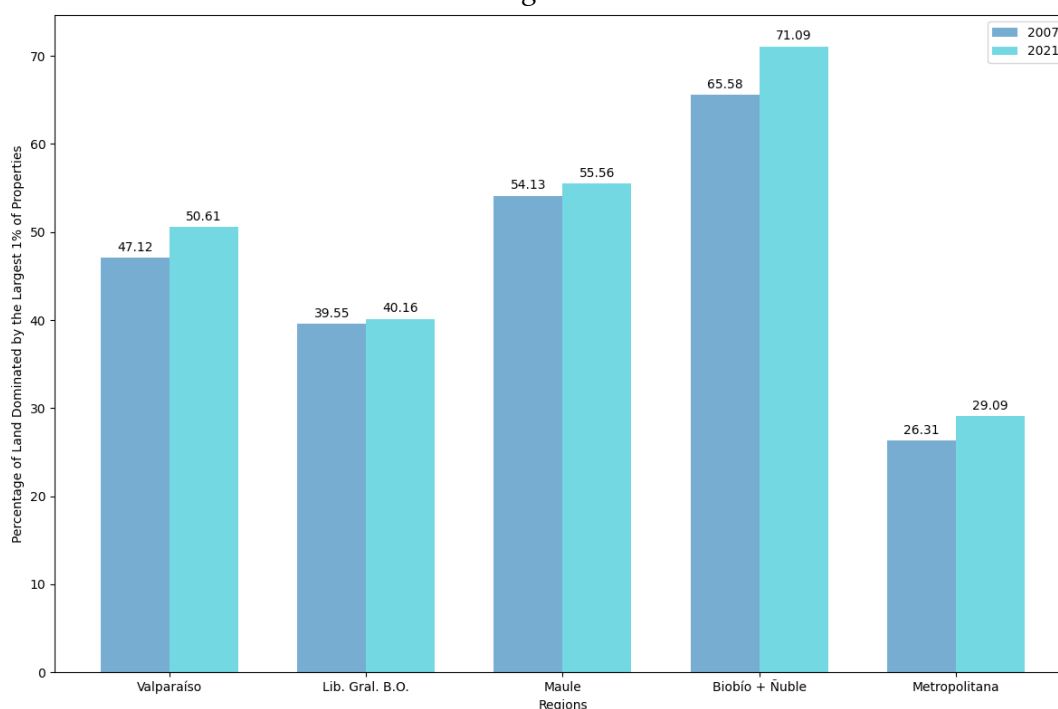
To garner a more comprehensive picture of the intensity of land concentration in Chile, it is imperative to extend the use of inequality metrics beyond the Gini coefficient. Figure 2 illustrates that, from 2007 to 2021, the proportion of land controlled by the top 1% of the largest farms increased across all regions examined.

In the Biobío + Ñuble region, the top 1% of the largest farms escalated their land control from 65.58% in 2007 to 71.09% in 2021. Similarly, in the Maule region, this percentage rose from 54.13% to 55.56% during the same period. Even in the Metropolitana region, which has the lowest concentration among the studied regions, the top 1% of the largest farms increased their land control from 26.31% in 2007 to 29.09% in 2021.

These figures reveal that, in addition to the overall high inequality in land distribution as evidenced by the Gini coefficient, there is a marked concentration of property in the hands of a small group of large farms. The growing proportion of land controlled by the largest 1% from 2007 to 2021 indicates that this process of concentration has intensified in recent years, exacerbating inequality within the Chilean agrarian structure.

The fusion of the Gini coefficient and the proportion of land controlled by the top 1% of the largest farms affords a more rounded perspective of the intensity and evolution of land concentration in Chile, particularly in the most important silvo-agricultural regions. These metrics demonstrate that not only is the inequality in land distribution high, but it has also sharpened in recent years, with a small group of large landowners increasingly controlling more land.

Figure 2 Percentage of Land Controlled by the Top 1% of the Largest Properties in Selected Regions



An examination of the evolution of the average size of farms belonging to the largest 1% in Chile reveals significant shifts in the property structure of this segment between

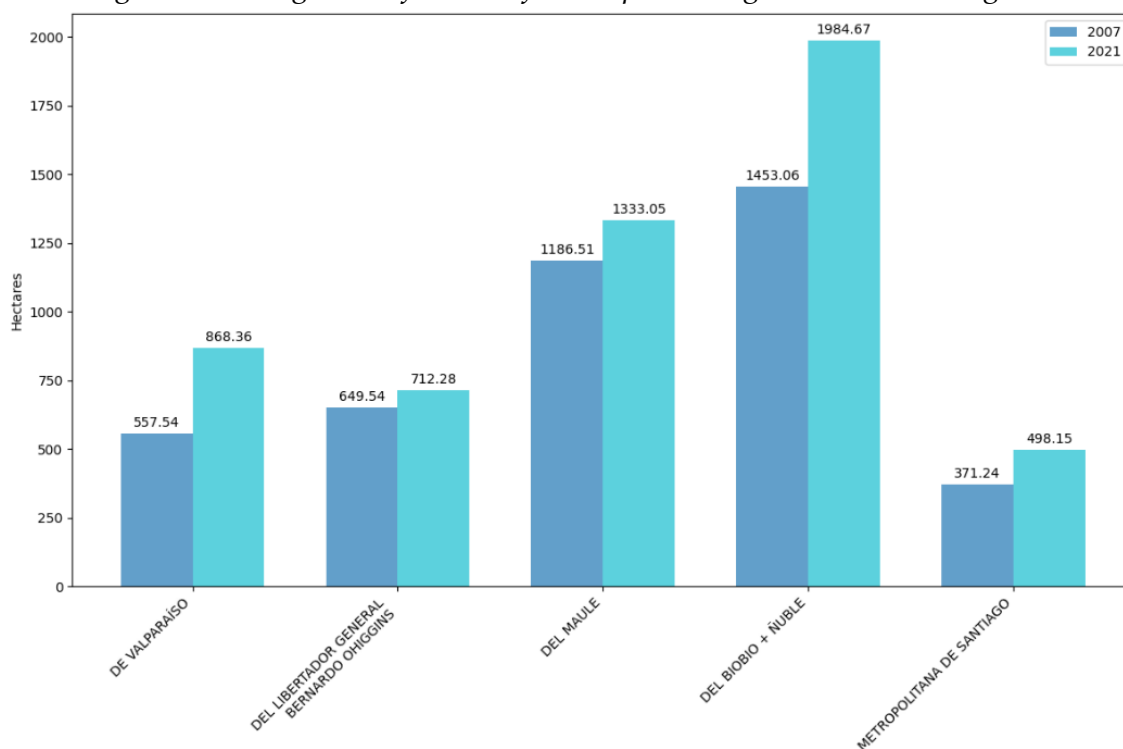
2007 and 2021. Figure 3 “Average Size of Farms of the Top 1% Largest in Selected Regions” indicates that, in all the regions analyzed, the average size of these farms has increased over this period.

In the Maule+Biobío region, the average size of the top 1% largest farms expanded from 1,453 hectares in 2007 to 1,984 hectares in 2021. Similarly, in the Valparaíso region, this average nearly doubled, from 518 hectares in 2007 to 1,014 hectares in 2021. These surges in the average size of the largest farms indicate a process of property consolidation in this segment, where already large farms have continued to grow.

These data show that, within the top 1% of the largest farms, there has been a trend towards the expansion of property scale. The increase in the average size of these farms suggests that land concentration has not only intensified in terms of the proportion controlled by this group but also in the scale of individual properties within this segment.

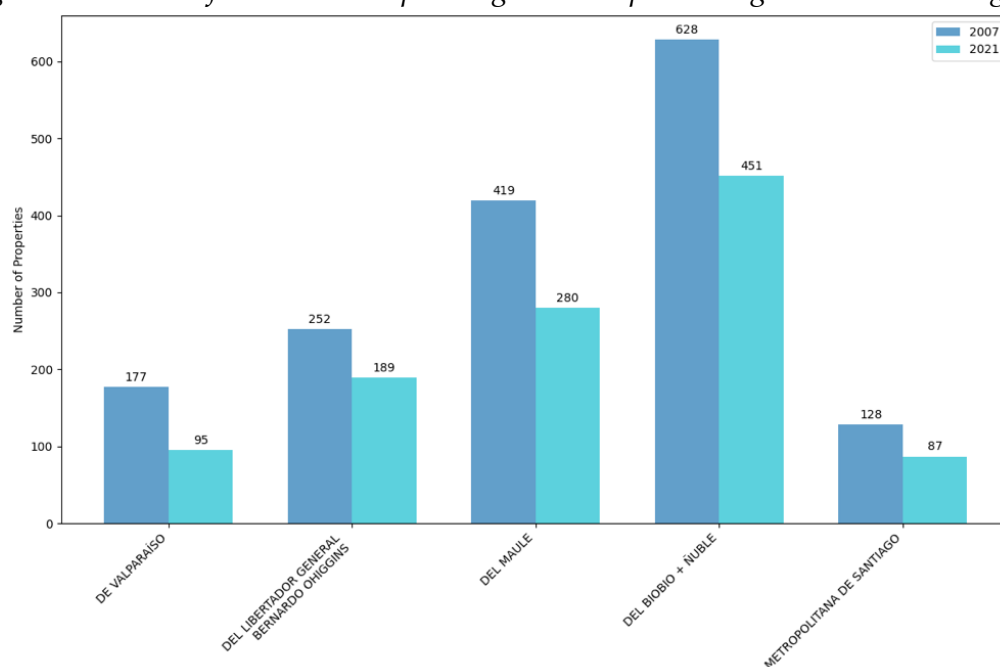
The evolution of the average size of farms of the top 1% largest in the selected regions highlights how the property structure in this segment has changed between 2007 and 2021, with a trend towards the consolidation and expansion of the scale of already large properties. This analysis complements the previous metrics, providing an additional perspective on the dynamics of land concentration in Chile.

Figure 3. Average Size of Farms of the Top 1% Largest in Selected Regions



The reduction in the number of farms participating in the largest 1% in Chile between 2007 and 2021 is another significant indicator of the intensification of the land concentration process in recent years. Figure 4 shows that, in all the regions analyzed, the number of farms in this segment has decreased over this period.

Figure 4 Number of Farms Corresponding to the Top 1% Largest in Selected Regions



In the Valparaíso region, the number of farms in the top 1% largest reduced by 46% between 2007 and 2021, while their average size increased by over 55%. Similarly, in the BioBio+Maule region, the number of farms in this segment decreased by 28%, while their average size rose by 36.56%. These data indicate that, within the top 1% of the largest farms, there has been a process of consolidation, where some properties have absorbed others, resulting in fewer but larger farms.

The reduction in the number of farms participating in the top 1% largest, combined with the increase in their average size, reveals an even more intense concentration process within this segment. Not only is an increasing proportion of the land controlled by this small group of large owners, but also the ownership within this group has consolidated into fewer hands.

These data reinforce the notion that land concentration in Chile has intensified in recent years, not only at a general level but also within the segment of the largest farms. The decrease in the number of farms in the largest 1%, combined with the increase in their average size, underscores the dynamics of consolidation and concentration of property that have characterized this group between 2007 and 2021.

VII. Conclusions

The prevailing narrative of property in Chile, constructed upon the dismantling of the Agrarian Reform, epitomizes the confluence between the establishment of a legal regime and its spatial projection. The advancement and perpetuation of land concentration are, in a way, the manifestation of how property rights have been delineating the spaces and production relations in rural areas.

The dictatorship managed to articulate a narrative that linked not only the political persecution of peasant leaders but also adeptly handled the preceding change. In this respect, it is evident that the hacienda system and its characteristics were definitively

removed from the Chilean rural landscape—that is, the dictatorship, in some manner, kept alive this objective initially set forth by the Agrarian Reform. However, the structural change it proposed at the legal level was to reintroduce private property as the fulcrum in the economic management of Chilean agriculture, removing controls on its transfer and management.

There is no evidence to suggest that counter-narratives or structural tensions have occurred under this context. The dominance of the narrative has also been a product, in part, of the supposed economic efficiency of agricultural production in reducing poverty, an issue that has not yet been fully resolved. However, it is clear that successive democratic governments did not create conditions for dialogue nor prioritized a political agenda linked to re-discussing the content and limits of rural private property. Thus, the Chilean rural landscape has been shaped, on the one hand, by a paradigm of efficient expansion of capitalist modernization, agribusiness, and agro-exporting, while on the other, it maintains some of the highest land concentration indices in the world. At the heart of this tension lies the regulation of property.

One aspect, which in my view has the potential to alter this narrative hegemony, is climate change. This is firstly because it is an event with massive implications, produced by various human and non-human agents, which, given the current evidence, will alter both the conditions of production and the amount of land available. It will necessarily confront the current schemes of space production, especially those based on individuality and the exclusivity of the owner's power. In this way, it will likely not be the organized peasantry and related political movements that construct an effective narrative against concentration but perhaps the climate crisis itself that will prompt these urgent reflections.