Communal Land Ownership in Chile
The Agricultural Communities in the Commune of Canela, Norte Chico (1600-1998)

Gloria L. Gallardo Fernández
Para Max Emiliano, el más amado

Para mis padres, eternos amantes de su pueblo Canela Baja y para todos aquellos que como ellos emigraron al Norte de Chile buscando un futuro mejor para sus hijos

También para todos aquellos comuneros que quedaron empeñados en su lucha por sobrevivir en su terruño

Finalmente, para Bernardo Silva y Juan de Dios Ogalde que pagaron con su vida el defender la tierra
Communal Land Ownership in Chile
The agricultural communities in the commune of Canela, Norte Chico (1600–1998)

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# Contents

*List of Figures*  
vi  
*List of Tables*  
vii  
*Preface*  
x  
*List of Abbreviations*  
xiii  
*List of Equivalences and Measures*  
xvi  

**PART 1: GENERAL INTRODUCTION**  
1 Introduction  
3  
2 Overview of the Chilean Land Tenure Structure and the Socio-Economic Setting of the Study Object  
60  
3 On Agricultural Communities and their Geographical Setting  
98  

**PART 2: THE HISTORICAL PAST**  
4 Land Tenure Formation in Colonial Chile  
133  
5 The Hacienda El Totoral and the Agricultural Community of Canela Baja: a Common Introduction  
186  
6 The Hacienda El Totoral: the Development Path of Private Property  
214  
7 Historical Formation of the Agricultural Community Canela Baja: a Reconstruction  
250  

**PART 3: CONTEMPORARY HISTORY**  
8 The Agricultural Community Canela Baja and the Struggle for Espiritu Santo  
301  
9 Fundos and Communities Ending the 1900s  
329  
10 The Common Denominator  
364  

*Primary Sources and Literature*  
406  
*Appendix 1: Present surnames in the community Canela Baja*  
422  
*Appendix 2: Short description of the survey*  
425  
*Appendix 3: Other services in the commune of Canela*  
429  
*Index*  
436
## List of Figures

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Agricultural communities of Region IV</td>
<td>38</td>
</tr>
<tr>
<td>1.2</td>
<td>Settlements in the Canela Commune</td>
<td>46</td>
</tr>
<tr>
<td>3.1</td>
<td>The communes of Region IV (Coquimbo)</td>
<td>100</td>
</tr>
<tr>
<td>3.2</td>
<td>Types of climate in the Canela Commune</td>
<td>102</td>
</tr>
<tr>
<td>3.3</td>
<td>Land areas of the agricultural communities of Canela Commune</td>
<td>109</td>
</tr>
<tr>
<td>3.4</td>
<td>Land exploitation in the agricultural communities of Canela Commune</td>
<td>114</td>
</tr>
<tr>
<td>3.5</td>
<td>Land ownership in the agricultural communities</td>
<td>118</td>
</tr>
<tr>
<td>5.1</td>
<td>Pedro Cortes Monroi’s descent</td>
<td>190</td>
</tr>
<tr>
<td>5.2</td>
<td>The boundaries of Estancia La Canela at 1679</td>
<td>192</td>
</tr>
<tr>
<td>6.1</td>
<td>The subdivision of Hacienda El Totoral: 1890-1990 (44,180 ha)</td>
<td>248</td>
</tr>
<tr>
<td>7.1</td>
<td>The Estancias La Canela and Mincha (~1605-1726)</td>
<td>257</td>
</tr>
<tr>
<td>7.2</td>
<td>The Estancias La Canela and Mincha (~1739-1753)</td>
<td>266</td>
</tr>
<tr>
<td>7.3</td>
<td>The sub-division of Estancia Canela Baja: 1679-1974</td>
<td>288</td>
</tr>
<tr>
<td>7.4</td>
<td>The sub-division of Estancia Mincha: 1605-1979</td>
<td>297</td>
</tr>
</tbody>
</table>
List of Tables

Table 1.1 Agricultural communities in Chile 21
Table 1.2 Agricultural properties in Chile, according to origin, land ownership form and 'ethnic' composition 22
Table 1.3 Distribution of the agricultural communities by communes in the Norte Chico 36
Table 1.4 Sub-areas of the agricultural community Canela Baja 43
Table 2.1 Development of land tenure in Chile (1924-1985) 67
Table 2.2 The structure of land tenure in Chile (1985) 68
Table 2.3 Types of agricultural enterprise, number, percentage and total area in Chile, 1989 69
Table 2.4 Categories of peasant exploitation in Chile, 1989 70
Table 2.5 Total population in the agricultural communities, number of comuneros with rights, of resident comuneros, and of families of non comuneros, according to CBR of Illapel (1986), IREN (1977) and number of comuneros according to the communities (1979) in the Canela commune 74
Table 2.6 The total area of the agricultural communities 77
Table 2.7 Fundos and reserves of the Canela Commune, including only those properties of over 500 ha 79
Table 2.8 Distribution of all forms of agricultural estates by size in the Canela commune, 1983 80
Table 2.9 Total number of estates in the Canela commune, 1988-89 81
Table 2.10 Total number of estates in the Mincha commune (now Canela), 1929 82
Table 2.11 Population by gender in the Canela commune and its main urban villages, 1982 84
Table 2.12 Population by age groups in the Canela commune, 1982
Table 2.13 Population of 15 years of age and more, according to occupational situation (occupied-vacant) in the Canela commune, 1982
Table 2.14 Occupied by economic branch in the Canela commune, 1982
Table 2.15 Cattle existence in the agricultural communities of the Canela commune, 1986
Table 3.1 The classes and soils and need for vegetation proposed by IREN in the agricultural communities of the Canela Commune, by area
Table 3.2 Types of land in the Canela commune
Table 3.3 Land ownership in an agricultural community of Norte Chico before 1993
Table 4.1 The percentage indigenous population with respect to the Province of Coquimbo at the beginning of the 1800s
Table 6.1 Average annual value of the Chilean peso in terms of £ sterling, 1830-1925 (in pence of £, rounded to nearest penny)
Table 6.2 The fundo El Totoral: 1890-1972
Table 6.3 The fundo Las Palmas: 1890-1939
Table 6.4 The fundo Puerto Oscuro: 1890-1972
Table 7.1 List of marriages in Mincha Parish, 1689-1714
Table 7.2 Land sales in the Estancias Canela Baja and Alta, 1805-1868
Table 8.1 List of the comuneros of Espíritu Santo, 1893
Table 8.2 The fundo Espíritu Santo, 1853-1972
Table 9.1 Land ownership in an agricultural community of Region IV from 1993
<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>List of the present ten most common surnames among the <em>comuneros</em> of the agricultural community Canela Baja</td>
<td>423</td>
</tr>
<tr>
<td>A2</td>
<td>List of the present two/three most common surnames among the <em>comuneros</em> of the agricultural community Canela Baja by sub-areas</td>
<td>423</td>
</tr>
<tr>
<td>A3</td>
<td>Sub-areas agricultural community Canela Baja and the sample</td>
<td>427</td>
</tr>
<tr>
<td>A4</td>
<td>Weekly sales of newspapers in the village Canela Baja</td>
<td>431</td>
</tr>
</tbody>
</table>
The idea for this dissertation was born in 1987. I was travelling from Santiago to the copper mine enclave Chuquicamata, in the Chilean desert, where my parents used to live, when the bus passed near my village Canela Baja, 300 km. north of Santiago, where I was born. After having been abroad almost half of my life, living in Poland, Sweden and Mexico, I was returning to Chile with the intention of putting down roots in my country. Reflecting then on my village and its communal land ownership – about which I discovered I knew practically nothing – the first, theoretical, question arose: how to conceive the ‘persistence’ or ‘survival’ of this form of ownership and agrarian production within a framework that, in my opinion, most would view as mainly capitalist, taking place in the country as a result of the changes that the Chilean agrarian structure has undergone since the 1960s.

These changes had not only modernised agriculture, but more importantly had destroyed the *latifundium*, for centuries the economic base of the national oligarchy. During the same period, paradoxically, the legal recognition of the agricultural communities, until then without any defined legal status, started to take form. Of these two social institutions – the *latifundium* and the agricultural communities – both rooted in the colonial period, the one that at the end of the 1900s was still ‘surviving’ was that of the agricultural communities. In this way, the ‘endurance’ of the agricultural communities became the ‘disconfirming evidence’ or empirical ‘phenomenon’ that appeared ‘problematic’ to me. Although I tried in my Master thesis to criticise the use of the theory of mode of productions, which in Latin-America drew its inspiration from Marx, yet long and largely by way of Althusser, I was still trying to analyse my village with the concepts of this theory, so fascinating but so sterile if not concerned with the study of concrete societies, societies that do not belong to the classical core of the European nations.

After I had formulated the first question, it followed that scientific curiosity about the origin of this type of community, would later provide me with my second question. I soon discovered that these communities had their origin in the colonial land grants and since these evolved into private property, I had an example of an ‘inverted’ transition between ‘modes of
productions'. The second question became how to conceive the transition from private property to the semi-communal ownership within this theory. This example came to reconfirm for me that while the theory about capitalism's development accounts for the general tendency, it is the study of specific cases that can help to determine in what circumstances and to which extent the requisites prescribed by the theory are fulfilled in a given social reality. Moreover, the study of 'deviant cases' at the micro level could help to refine the theoretical structure and avoid its oversimplification.

The investigation then took form with two sociologically relevant, empirical issues: historically, the development of semi-communal land ownership formed out of private property and presently, the reproduction of this form of semi-communal land ownership. In pursuing to treat these issues and trying to apprehend the questions they gave birth to, I included in the original thesis an overview of the different approaches about the small peasantry and its survival, passing through an overview of the theory of modes of production and what I considered was its inability to conceptualise particular cases which do not fit into the theory. I illustrated this with my case study applied both to the colonial and post-colonial period. Stevenson's approach on communal land ownership was thought to be an alternative and a complement to the Marxist approach.

As the study developed, however, the question of the form of the semi-communal land ownership became more and more dominant. When the case study was fully developed, the communal form and its historical development had become the central question. While my two original issues remained central, the two questions born from them became superfluous. Consequently, my intention to use them to highlight through particular cases the shortcomings of extrapolating the theory of modes production automatically to other historical contexts and material conditions also disappear.

Capitalism is however, the dominant mode of production and we cannot disregard that other forms of production are all related to it. Therefore, it is still valid in rhetorical terms to present communal land ownership as a paradox. As Marx might say, paradoxes are, however, apparent.

Many people have, in one way or another way, made this study possible. Among them I thank my advisers Docent Mats Frånzen and PhD Mekuria Bulcha at the Department of Sociology as well as my second reader, Professor Björn Eriksson.
I would like to acknowledge in second place all those comuneros who shared their information about the agricultural communities with me. The list of comuneros and non comuneros is interminable. I constantly disturbed many people, starting with the priest, passing through the police to the Mayors in charge. I want, however, especially to thank among the comuneros, Pedro Carvajal, Joel Muñoz and Emiliano Cortés. Many other people contributed in different ways to this thesis during the years. Among them I thank for their tutorial supports during my time in Chile, the sociologists Sergio Gómez and Marcelo Charlin and the assistant Carmen Gloria, all from FLACSO, and the anthropologist Rigoberto Rivera from GIA in Santiago. I also thank here both José Joaquín Brunner and Norbert Lechner for opening the doors of FLACSO, giving me the chance to get in touch with Sergio and Marcelo. I am indebted to my friend, the journalist Patricia Moscoso, who rendered me many services from Chile during those years, as well as with my friends and cousins Editha Valencia and Miryam Ollarzú. My gratitude to all those who helped me to carry out the survey during several days climbing hills up and down, including Camilo, the driver. I am also in debt to both the Archivo Nacional and Biblioteca Nacional and their staff in Santiago. I spent many days there.

The list of friends and colleagues that encouraged me is long, but I want to mention ultimately my Ghanaian friend and colleague PhD Dan-Bright Dzorgbo for both rich intellectual and editing questions. I cannot forget Robert Dixon-Gough from the Land Management Research Unit, School of Surveying, University of East London, for the editing of the book and for Cheryl Wheeler, also from the School of Surveying, for redrawing the maps. I alone am responsible, however, for this dissertation. Its shortcomings belong to me.

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September 2001
### List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGRARIA</td>
<td>Consultorías Profesionales Agrarias (Agrarian Professional Consulting)</td>
</tr>
<tr>
<td>AJ</td>
<td>Archivo Judicial (Judicial Archive)</td>
</tr>
<tr>
<td>AN</td>
<td>Archivo Notarial (Notarial Archives)</td>
</tr>
<tr>
<td>ANCH</td>
<td>Archivo Nacional de Chile (Chile’s National Archive)</td>
</tr>
<tr>
<td>AP</td>
<td>Archivos Parroquiales (Parochial Archives)</td>
</tr>
<tr>
<td>CAS</td>
<td>Comisión Asistencia Social (Social Assistance Commission)</td>
</tr>
<tr>
<td>CBR</td>
<td>Conservador de Bienes Raíces (Conservatory of Real Estate)</td>
</tr>
<tr>
<td>CCA</td>
<td>Caja de Crédito Agrario (Agrarian Credit Bank)</td>
</tr>
<tr>
<td>CCH</td>
<td>Caja de Crédito Hipotecario (Mortgage Credit Bank)</td>
</tr>
<tr>
<td>CEDECOM</td>
<td>Centro de Desarrollo Comunitario Económico y Social (Communitarian Centre of Economic and Social Development)</td>
</tr>
<tr>
<td>CEPAL</td>
<td>Comisión Económica para América Latina (ECLA, United Nations Economic Commission for Latin-America)</td>
</tr>
<tr>
<td>CESOC</td>
<td>Centro de Estudios Sociales (Centre of Social Studies)</td>
</tr>
<tr>
<td>CIDA</td>
<td>Comité Interamericano de Desarrollo Agrícola (ICAD, Inter-American Committee for Agricultural Development). ICAD is formed by the following international organisations: CEPAL (ECLA), FAO, BID (IDB), OEA and IICA</td>
</tr>
<tr>
<td>CIDEREN</td>
<td>Comisión Regional de Ganado Caprino (Regional Commission of Cattle Goat)</td>
</tr>
<tr>
<td>CIREN</td>
<td>(former IREN), Centro de Investigación de Recursos Naturales (Research Centre of Natural Resources)</td>
</tr>
<tr>
<td>CODELCO</td>
<td>Corporación Nacional del Cobre</td>
</tr>
<tr>
<td>CONAF</td>
<td>Corporación Nacional Forestal (National Forestry Corporation)</td>
</tr>
<tr>
<td>CORA</td>
<td>Corporación de Reforma Agraria (Agrarian Reform Corporation)</td>
</tr>
<tr>
<td>CORFO</td>
<td>Corporación de Fomento (Development Corporation)</td>
</tr>
<tr>
<td>DFL</td>
<td>Decreto con Fuerza de Ley (Decree with Legal Power)</td>
</tr>
<tr>
<td>ETA</td>
<td>Estudios y Trabajos Agrícolas (Agricultural Studies and Work)</td>
</tr>
</tbody>
</table>
REA Rol Extracto Agrícola (Agricultural Extract Roll)
RP Registro de propiedad (Real Estate Register)
s.a. *Sine anno* (non date)
SAG Servicio Agrícola Ganadero (Agricultural Grazer Service)
SHALOM Círculo de Profesionales Cristianos para el Desarrollo (Circle of Christian Professionals for Development)
SII Servicio de Impuestos Internos (Internal Tax Service)
s.l. *Sine loco* (without place)
SNGM Servicio Nacional de Geología y Minera de Chile (Chile's National Service for Geology and Mining)
SNS Servicio Nacional de Salud (National Health Service)
UF Unidad de Fomento (Fomentation Unit)
## List of Equivalences and Measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuadras</td>
<td>three <em>cuadras</em> are equivalent to approximately five hectares</td>
</tr>
<tr>
<td>Escudos (E°)</td>
<td>the middle exchange in 1970 was E° 12 per dollar. “The dollars from 1975 are equivalent 1.39 times those from 1970” (Cortázar and Downey, 1977:700)</td>
</tr>
<tr>
<td>Fanega</td>
<td>grain measure equivalent to 1.60 bushel</td>
</tr>
<tr>
<td>Legua</td>
<td>one Spanish league equals 5,572 meters or approximately 5.5 kilometres</td>
</tr>
<tr>
<td>Peso ($)</td>
<td>the value of the Chilean <em>peso</em> was in March 1991, 355.38 per 1 US-dollar. In February 1998 it was 455 <em>pesos</em></td>
</tr>
<tr>
<td>Quintal</td>
<td>a qq or quintal is a metric unit of weight, equal to 100 kilograms</td>
</tr>
<tr>
<td>Unidades de Fomento (UF)</td>
<td>UF’s value in 1979 was of 640 <em>pesos</em> ($), in 9 October 1990 was of 6,427.58 <em>pesos</em></td>
</tr>
<tr>
<td>Vara</td>
<td>unit of length, about 2.8 feet</td>
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</table>
PART 1
GENERAL INTRODUCTION
1 Introduction

Purpose of the study

Since the earliest discovery of agriculture, it has been the basic way of obtaining the means for survival and reproduction of humankind. The pivotal means for that survival and reproduction has predominantly been the land. As such, land can be the object of some, though limited, forms of ownership. Except for the socialist experiences in different parts of the world, and of public or state ownership, there are at present roughly two forms of land ownership: communal and private, with some forms that are combination of both. The trend has undeniably been throughout the nineteenth century towards private property. Nonetheless, marginal but global, communal land ownership still exists in different parts of the world.

A form

The purpose of this study is to investigate the historical origin, emergence and present reproduction of the communal, or more specifically, semi-communal land ownership, of the Norte Chico region in Chile. This will be through a case study of the agricultural community Canela Baja and its colonial predecessor, the estancia La Canela in the commune with the same name, in the province of Choapa. The study object represents an example among 200 such agricultural communities existing in the Norte Chico. For the sake of clarity, it is important not to confuse the agricultural community Canela Baja with the commune of Canela. Within the Chilean political-administrative division of the country, the communes correspond to the minor units. They are followed, in ascendant order, by the provinces and the regions. Region IV, has three provinces: Elqui, Limarí and Choapa. I will be mostly referring to Norte Chico as this region is known historically. The latter has four communes: Illapel, Salamanca, Los Vilos and Canela.

Although agricultural communities, organised under communal land ownership, may be found in different parts of Chile, it is only in the Norte Chico (or Region IV) that this peculiar form of land ownership, even for
**Communal Land Ownership in Chile**

Chile, is widespread, occupying approximately 1 million hectares (or 25% of the region’s land area). According to CIPRES (1992:2), this form of land ownership is also to be found in Regions III (Atacama), V (Valparaiso) and the Metropolitan Region (Santiago). Any further information is given about how many they are and what their legal status is. Nonetheless, it is only in Region IV that these are common. This relation in the Canela commune is much higher, covering approximately between 50-70% of its area. In this commune 24 of the 26 agricultural communities of the province of Choapa are concentrated (see Table 1.3). Here semi-communal land ownership is the predominant land property form.

The Norte Chico of Chile is peculiar both within a national and a Latin-American context not only because of its current land tenure structure, but also because it presents the development of semi-communally owned property out of private property. Here the colonial institution of mercedes de tierra, or land grants, did not simply evolve into a structure of latifundium and minifundium, as it mainly did in the rest of Chile. The semi-communal land ownership of the agricultural communities developed, alongside the latifundium, becoming a hybrid, neither latifundium nor minifundium but in, I would suggest a form of its own. The concepts of latifundium, hacienda or fundo are commonly used in Chile indistinctly to denote a large landed estate. The concept of minifundium refers to small landed estates. Historically the minifundium has its roots mainly in the latifundium (see Chapter 4).

In spite of that, being as old as the latifundium, it was not until quite recently that the form became legally recognised. Notwithstanding that recognition, as a form, it has been an unattended one. It has not been fully understood, and still lacks a theoretical foundation, which would give a framework to the hitherto 200 existing agricultural communities, together constituting the regional phenomena of semi-communal land ownership so characteristic for the Norte Chico.

However, communal land exists not only in Chile, but in different parts of the world, for example in Switzerland, South Africa or Mexico, and hence in different socio-political contexts and material conditions. Paraphrasing Braudel (1981, Vol. 1:111), I would say that the variations about the same form of property, i.e., communal land ownership, are numerous, but they are always imposed by local conditions; material and geographical, mountainous in some cases, but not in others.
What then is communal land ownership? As a first definition, in the case that I will be examining here, it can be characterised by the coexistence of communal and (semi) private land property within the limits of one bigger landed unit. In a permanent and undivided form this belongs to all the comuneros (commoners) registered in that community. It is the specific inter-weaving into one unit of two forms of properties, which together could be conceived as contradictory, that gives shape to the singular socio-economic organisation that conforms to this institution; what is known in Chile as an agricultural community. I subscribe here to the difference between the concepts of institution and organisation discussed by Brante and Norman (1995:33-43). Institutions are defined as rules and habits that govern our behaviour and thinking, supplying individuals with conventions, norms and etiquette, but also with motives, preferences and goals. To institutions belong also ideology, i.e., values and ideas about how reality is and should be. Institutions contain self confirming and self producing mechanisms. Institutions not only standardise our behaviour but also our thinking and perception of the world. When institutions become systematised and formalised in law, they become organisations.

The most basic element of the agricultural communities is, however, the communal land being its most specific feature, distinguishing it, as a form of property, both from private property and open access. The latter, in fact, stands not for property, but for the absence of it (Stevenson, 1991:52). As Hendricks (1990:19) has argued:

land tenure does not exist in a vacuum. Particular forms of land holding are intimately connected with different modes of social relations.

Communal land ownership is not just a form of owning the land, but also a way to produce and reproduce the peasantry. Thus, ownership itself is always attached to social subjects, constituting, as a form of agricultural social production, a socio-economic organisation or institution. An agricultural community is, in this way, an institution organised under the form of communal, or semi-communal land ownership, whose multiple members are landowners.

As such, this institution, is part of a heterogeneous agrarian structure comprising different land tenure systems, or forms, which conform to that agrarian structure. By land tenure system, Stavenhagen (1970) understands
Communal Land Ownership in Chile

the distribution of property and usufruct rights to land. The land tenure system conditions the economic and social relations, on the one hand, between different kinds of landowners and, on the other, between owners and labourers.

Around these basic pivots (man-land and man-man relationships) have arisen legal norms, stratification hierarchies, patterns of social behaviour and political power systems, all of which, taken as a whole, are subsumed under the term ‘agrarian structures’ (Stavenhagen, 1970: X, emphasis original).

Similar to Stavenhagen’s concept is CIDA’s definition of land structure as:

the combination of the land tenure systems and the relationships that occur between them and that characterise a given region (Comité Interamericano de Desarrollo Agrícola (CIDA) or Inter-American Committee for Agricultural Development (ICAD), 1966: VI-VII).

As land tenure, CIDA understands the traditional relationships and legal rules given between individuals, groups and institutions that regulate and determine the rights, as well as obligations concerning the use of the land, its transfer and the usufruct of its products (CIDA, 1966: VI-VII).

To structure the discussion, I will for analytical purposes, distinguish between two main dimensions regarding land tenure, to use a broader term than property; the form of land ownership, and its historical development. The concept of tenure is broader than the concept of ownership. Tenure does not necessarily involve property, but the access to it. Therefore, when I refer to the general agrarian structure, tenure is more appropriate, as it includes the access to land by other ways than direct ownership. However, the concept of property is here the appropriate one when dealing not only with the agricultural communities, but also the latifundia and minifundia as it deals in fact with ownership, and not only access. Within the agricultural communities and from their perspective, both historical factual, and legally, the concept of tenure is also appropriate (see Chapters 3 and 9). Tenure will also be used when, for example, it is not possible to define with certainty that it is ownership, or when the legal definition is not very clear. See also Stavenhagen’s and CIDA’s previous definition on land tenure or agrarian structure.
This investigation deals with the form and its development, and attempts to answer what is the form, and how it has developed. The exposition of this work will, however, follow the inverse way, i.e., it will first show how, through the empirical case, the form has developed, and thereafter answer what is the form from a theoretical perspective, differentiating it both from private property and open access.

However, because the form has to develop out of something before it becomes established, it is possible to conceptually separate form, origin and emergence, even though they are inseparable in reality. Firstly I will deal with the question of the form, and thereafter origin and emergence, as well as what is, in my opinion, the difference between them.

As a form of property, the agricultural communities of the Norte Chico share many characteristics with other communities in different countries. This is first of all the common land ownership/tenancy and the characteristics and prerogatives it allows, as compared to both estates and small peasantry. I will return below in a more detailed form to this, exemplifying it, specifically with the *latifundium* and *minifundium* in Latin America. The individual plots of land within the communal land are another such characteristic. With some exceptions, the exploitation of both the communal and private production spheres is usually individual. The communal form is the common denominator.

Regarding the historical origin of the form, I will suggest that the agricultural communities of the Norte Chico differ in a special way. Here we find their historical peculiarity, and another neglected problem; the knowledge about the origin of this peculiar institution is still precarious.

To illustrate the global form of the Norte Chico’s agricultural communities, but also their specificity regarding the question of the origin, I will draw some contrasting comparisons in these two respects with some other examples of agricultural communities. These will comprise the Mexican, the South African, the Mapuche and Aymara Chilean communities, the Swiss Alps and also the now extinct English open field system.

Regarding the form, which all communities share, they also diverge historically in their origin and emergence. Although it is not easy to distinguish between origin and emergence, since they are interwoven, it is possible to identify the origin as the ‘starting point’ of a community. In the case of emergence, this should be taken as the development process during which the community is constituted or formed. This would point out the
many and varied circumstances that led to the shaping of the form. In other words, I would suggest that there is a difference between the question of the origin and the emergence of the form. Some examples of present communal land ownership are, against what one may commonly believe, not residues or remnants of a pre-colonial or pre-capitalist period, or some type of 'original' American or African forms of land ownership. They are quite the opposite, the result of political factors. Other examples of communal land ownership, on the contrary, are the result of long historical processes.

However, the difference between the origin and emergence of the form may be of importance to the stability of the form in time, and therefore, in relation to how the individual involved may perceive it. A communal land ownership which is a result of a spontaneous developing process, in comparison to an imposed form, should, as a social institution, have more solid grounds than an imposed one, and therefore a major stability as a form over time. We could also make a distinction between imposed and spontaneous forms. The fact that some forms are imposed, however, highlights another aspect; the imposed forms are not so much communities, as reserves or homelands.

Within the imposed form, the way this is imposed may also be important for how production is organised, and how the access to land is perceived by the individuals. Seen from their point of view, the actors may experience the imposed form, either by force or as a result of a legal decree which can be beneficiary for them, or not.

So having on one hand, the form of communal land ownership as the common denominator, we have on the other the social aspect resulting from their particular history. The implications of such aspects are not only psychological or political, but also of importance for the ecological environment, and, thus, for all of us. See for instance Twenty Years to Nowhere. Property Rights, Land Management and Conservation in Ethiopia, Yeraswork Admassie, 1995, where the author takes the importance of property rights conditions for (failure) soil and afforestation programs in Ethiopia as a result of diverse state policy (capitalist and socialist) and how the peasants perceived them.

Due to theoretical and practical purposes in this chapter, I will deal with the Mexican, South African, Mapuche and Aymara Chilean communities, saving the Swiss Alps and the now extinct English open field system to the last chapter. Theoretically, with the help of the Swiss and
English examples, the question of what is the form will, following Stevenson (1991) be partially empirically exemplified. Practically, since because the Chilean Norte Chico’s agricultural communities historically show more resemblance with the last two cases, this will become clear after Part 2, when I demonstrate, through my case study, the long and lethargic development process of semi-communal land ownership in Chile’s Norte Chico. Only then, will communal land as a form be theoretically approached and systematically compared, both with private property and open access arriving to Stevenson’s formal definition.

Conversely, since I am postulating that the agricultural communities of the Norte Chico diverge regarding origin, with both the Mexican and the South African examples of agricultural communities and also from other Chilean agricultural communities (once this has been established and the differences pointed out) then we can leave these cases behind. In other words, for these cases it is not necessary to follow the whole historical process, as their ‘starting point’ is quite clear, by which they differ from those communities where communal land ownership is the result of a long and spontaneous historical process.

Before continuing, I have to stress a methodological consideration regarding this issue. When using the term contrast, I do not mean I am performing a proper comparison in the sense of following all the aspects, step by step, in every example of community, but rather that I am taking those that are relevant from the point of view of my study purpose. Therefore, it is important to understand that in taking the case of South Africa, I am not looking for the most representative example of communal land ownership in the African continent, but of an example that serves to incorporate the political dimension, the imposition of the form, into the question of the origin and emergence of some forms of communal land ownership.

While the Mexican and South African examples represent the Third World context, those of Chile will represent the national context. Before proceeding to the former examples, let me here develop some of the mentioned characteristics and prerogatives that communal land ownership allows, exemplifying this specifically with the agricultural communities of Norte Chico and the *latifundium* and *minifundium* in Latin America. In this way, common as well as disparate elements will be illustrated.

It is necessary to keep in mind the referred analytical distinction between form and history. While some of the differences between
communal and private land ownership refer to the form, our common sociological denominator, others refer to history, the same being valid for the similarities. As form, origin and emergence are in reality inseparable, it is not always easy to differentiate between them in the examples given below, the reason being that many may be juxtaposed against each other.

As suggested, communal land ownership is different both from the latifundium, haciendas or fundos, and the minifundium in Latin America. These are all private properties. However, as a hybrid form of property, the agricultural communities also share aspects with both of them, one of the most important being a common origin through the colonial mercedes de tierras.

Theoretically, the form of communal land attached to diverse, peasant agricultural communities is commonly conceived as a ‘remnant’ of the past, or as an example of the small peasantry, more or less synonymous with a reservoir of labour force, either for the rural estates or the urban zones. The borderlines between these conceptions of ‘pre-capitalist’, ‘small peasantry’ or a ‘labour reservoir’ is not very clear. It is clearer that communal land ownership is commonly conceived in a rudimentary way and without empathy for its own peculiarity. I would suggest that it is not only theoretically and empirically, a relatively abandoned form, but also a misunderstood one.

Cardoso (1982:100), indicates that it is common to find how the existence of pre-capitalist modes of production are qualified as residues or anomalies, when, for Marx, these ‘anomalies’ would not be sub-products of capitalism’s historical evolution, but on the contrary, they would rather designate the natural limits of said process. This position that sees the existence of non capitalist relations of production as vestiges, abnormalities or accidents within capitalism, reveals, according to Cardoso, a vision that postulates a form of evolution that is considered normal. How could the survival of pre-capitalist modes of production be residues, questions Cardoso, when the rural structures were always perfectly adapted to the needs of the peculiar development that characterises the Latin-American peripheral capitalism. Cardoso argues that capitalism has a disintegrating effect on the existing modes of production, but as autonomous and differentiated modes of production, maintaining features that could be integrated to peripheral capitalism.

Mostly, the agricultural communities in Latin-America are included within the minifundium (Gómez, 1989:6, see Table 2.4). Rivera
Introduction

(1988a:45), for example, includes the Mapuche communities, within it. So also do Astorga (1985:100) and Pucciarelli (1985:56) with the communal land ownership of the Mexican *ejido*. Bengoa (1988:192) is also in broad agreement with this concept. Referring to the tradition of common grassland in Chile, he identifies the agricultural communities of the Norte Chico with the *minifundium*, when he affirms that in that region the small peasants have maintained the hills as common since colonial times. As we shall see in Chapter 4, these authors adhere to a line already drawn by Borde and Góngora (1956).

By the small peasantry, in the Latin American case *minifundium*, I mean firstly, the group of agrarian producers that, principally, due to scarcity of land, base their production and reproduction mainly but not exclusively, on subsistence agriculture. This is a primitive agriculture, which often has:

>a minimum of potential development for the agriculture in commercial scale (Baraona et al, 1961:178).

The peasant and his family dedicate most of their active time to produce for their own consumption (Stavenhagen, 1979:207-208). Securing the sustenance of the small peasantry and their families is difficult due to the lack of irrigated land. Added to this, other factors come into play; the traditional and precarious techniques and conditions of production, which reflect a poor development of the productive forces, its marginality and dependency on the urban centres of economical and political power. Being the *minifundia* in the neighbourhood of the *latifundia*, or other strong types of large enterprise (agricultural or not), often in control of credit, commercial exchange and the local authorities, the small property exists in a tight relation with them. They serve commonly, but not always, as a reservoir of labour in a position of subordination (a more extensive discussion on this concrete matter, referring specifically to the agricultural communities, is developed in Chapter 6). Furthermore, they are often subjected to the hostility of these stronger types of properties in the struggle for land or water (Borde and Góngora, 1956; Baraona et al, 1961; Albala et al, 1967). Most of the characteristics belonging to the *minifundium* are also peculiar to the agricultural communities. This is not to say that the agricultural communities are *minifundia*.

11
Considering the land possessions of the comuneros of the agricultural communities of the Norte Chico individually, they could be considered as minifundia. Yet this is only possible if we ignore their most specific feature, the communal land.

If individual size was the one criterion used to include the agricultural communities within the minifundium, in their totality many of them would definitively be bigger than the neighbouring haciendas or fundos. However, there is among the agricultural communities, large-scale differences ranging from 37.5 to 102,312 ha. Of a total of 158 communities about which IREN reports in 1977, 17.7% had up to 1,000 ha, 72.7% between 1,000 and 10,000 and 9.5% over 10,000 ha (IREN, 1978: Vol I:39. See also IREN, 1977 (2) Catastro, 23-27). Obviously, the size should be put in relation to the number of comuneros belonging to the community. In the named examples there are 7 and 200 comuneros, which give 5.3 and 511.5 ha per capita, respectively. However, the issue of the size relates to a very central matter; that the agricultural communities, keeping their territorial integrity in a permanent, undivided form, historically avoided conversion into minifundium.

Many agricultural communities have also remained large productive units, not totally dissimilar to that of the haciendas, which many of them, in fact, originally were. Therefore, if the minifundium is the historical result of the subdivision of the land, then the agricultural communities are the result of not being divided up. In that sense, I would suggest, that the semi-communal land ownership of the agricultural communities is a resource management solution, which acted as a brake to the process of 'minifundisation', the fragmentation of the land in the Norte Chico. Therefore, to consider the agricultural communities as minifundia, misses this very important process leading to a management solution. Semi-communal land ownership represents, thus, historically, not only another pattern of development, but also another form of organising ownership and production, different both to the latifundium and minifundium.

Stavenhagen (1979:226-7) can help us to understand the question of the form. The difference between latifundium and minifundium is not a quantitative divergence between private properties of dissimilar extensions of land, but a qualitative difference between types of agriculture and between ways of life. The latifundium is not only a form of property but an economic system that constitutes a base of the ruling oligarchy. The minifundium, on its side, constitutes not only a property of reduced
extension, but another socio-economic institution. Such is the case, I would suggest, with the agricultural communities. As an institution it is qualitatively different both from the latifundium and the minifundium.

Thus, without trying to be exhaustive, the form of semi-communal land ownership diverges from the minifundium in that it offers the advantages of the common land, which the minifundium lacks. This permits the advantage of the transhumance for the cattle, something that is not possible within the minifundium (Cañón, 1964). If the land of the agricultural communities were divided into minifundia, it would be almost impossible to productively use the hills of the common land for cattle raising. This may be one of the main reasons for the development of the semi-communal land ownership as a resource management solution, i.e., the material conditions.

Communal land also makes possible the temporary cultivation through the system of ‘lluvias’ (land plots) on the hills, increasing the area available to exploit for every individual, while the minifundium is always compelled to use the same reduced soil. Common land also gives the comuneros a source of firewood, hunting, medicinal herbs and material for construction and fences. The advantage of soil rotation on the common lands could also be a disadvantage, inasmuch as the comunero has the possibility of obtaining new lands for dry cultivation through the petition of new ‘lluvias’. The minifundium peasant would take greater care of the only land he has, which results in a better conservation of the ecological system. However, dealing with the mentioned erosion, there are within the land belonging to the agricultural communities, 200,000 ha in extreme degree of desertification, which correspond to 20% of their total area (CIPRES, 1992:10). However, this does not imply that erosion will not also be common on small private properties (Cañón, 1964:112-113) and, as a rule, on agricultural land in Chile. The great property of the hacienda has, given its usually extensive economic management, generally a better conservation of its resources in comparison with the agricultural communities’ intensive economic management.

It is also the successive formation of this third, ‘alternative’ property, which converts the agricultural communities both in contrast to the latifundium and minifundium, into communities in a deeper sense than the latter two. I will return to this in Chapter 3, and more systematically in Chapter 10. It is sufficient to point out here, that the co-ownership of the land in the agricultural communities is a material base for a permanent
relationship between the comuneros, aggregating them into a cohesive group. As such, it is also fundamental for the potential organisation in defence of their interests, in spite of their geographical dispersion. In this, the agricultural communities differ from the minifundium, whose peasants also live in dispersion, but do not unite. So, if in terms of the potential organisation in defence of their interests, for the inquilinos and wage-labour the agglutination factor is joint labour, which potentially facilitates their organisation, and that can be opposed in collective form, to the landlord or patron, for the comuneros that is the co-ownership of the land. The comuneros lack the antithesis of the patron, or landlord, which presents itself historically for the comuneros in another context, the struggle for land. The geographical dispersion in which both the comuneros and the peasants of the minifundium live is, in itself, not necessarily a disadvantage. It may be, however, when the reason for the relationship between peasants is missing.

In the traditional latifundium, or in the post-agrarian reform modern estate, the relationship between the labour force and the proprietors is based on a commercial transaction, which furthermore is of a temporary nature. The latifundium is characterised by a notable social stratification between patron/owner and producers/not proprietors, inquilinos (tenants) in the case of the hacienda prior to the agrarian reform, and wage-labour in the case of the modern estate. These relationships are vertical. In the agricultural communities, owner and producer is the same person. As such, dealing with the organisation of the labour force, the comuneros, like other peasants can in fact, plan and control their process of production, administer their resources and decide on the best form of using them (Pucciarelli, 1985:48). This will permit them to have the capacity of determining the destination of their surpluses, when obtaining them. So, not only is owner and producer one and the same, but also the Chayanovian producer and consumer (Chayanov, 1966). This is opposed to the estates that produce for profit and base their management on external labour, inquilinos (tenants) in the case of the traditional hacienda, and wage-labour in the case of the modern agricultural property. Conversely, the labour force of the agricultural communities, which consists of the family members including women, children and the elderly, produce primarily for subsistence and only secondly for the market.

Thus, the relationship between comuneros is horizontal. They are all equally owners, on one hand, of the agricultural community and, on the
other, of the *hijuelas* or singular possessions. As such, they feel as proprietors, proprietors of the principal means of production that an agrarian producer can have: the land. The same cannot be said to be the case of the *inquilinos*, landless peasants, nor wage-labourers. In Marx’s words (Vol. 1, 1983:713):

> private property based on the labour of its owner /—/ the labourer is the private owner of his own means of labour set in action by himself: the peasant of the land, which he cultivates.

Of course, within the agricultural communities there also exists a certain social stratification among *comuneros*, some have more land than others. The main channel for economic upward mobility is, nonetheless, according to my observations in the studied community, commerce and not land. In his situation as owner, the *comunero* does not enjoy the certainty of a salary and the protection of the social security laws. Conversely, the tenant of the traditional *hacienda* enjoyed the safety and certainty of a salary in kinds or money, and the paternalistic protection of the landowner. The worker of the modern estate enjoys both a salary and social security.

The social implication of the *comunero* as owner of his land is that he is not, as the *inquilinos* and the landless peasants, subjected to the *haciendas’* system of economic, social and political domination with all that means of control over property, market, credit, coercion and paternalistic authority. This also has another important socio-cultural implication, which differentiates the *comuneros* from the *inquilinos*. I agree with the view of Bengoa (1988:83), that the *latifundium*, monopolising the land and its access, hindered the peasants becoming rooted in the land, and, accordingly, in developing a peasant culture. Their possessions were always uncertain. The *inquilino* culture, is not, according to Bengoa (1988) a peasant culture, but an agrarian culture of subordination that is very different. The *comuneros* are certainly not part of that culture.

I will now consider some differences and similarities regarding the question of the origin and emergence, between the *latifundium*, *minifundium* and agricultural communities.

Some of the historical processes that have taken place between the *latifundium* and the *minifundium* include; the natural subdivision by inheritance of the *latifundium*, resulting in the *minifundium*, the *latifundium*’s land concentration at the expense of the *minifundium*, the
Communal Land Ownership in Chile

secular relationship of interdependency between the latifundium and the minifundium and the political process of the agrarian reform that subdivides the latifundium that have, unintentionally, created the mini-fundium.

In contrast, the agricultural communities, with their semi-communal land ownership, having their origin mainly, as the latifundium or hacienda, in the colonial mercedes, do not properly fit into that scheme. They represent here, both historically and as a form of property, another pattern of agrarian development, which furthermore has the peculiarity of emerging from private property. This process is counter to the known historical tendency towards private property during the colonial period.

Semi-communal land ownership in Chile has become, more permanent than the latifundium as this disappeared due to the process of agrarian reform being substituted by smaller and more modernised productive units. Semi-communal land ownership is more constant, or at least, as constant as the minifundium which have resulted from the subdivision of the latifundium. Likewise, it is also much older than that minifundium created by the modern, political and urban phenomena that was the process of agrarian reform.

So far, some of the common and lesser common aspects of the agricultural communities’ communal land ownership in respect to form and history have been illustrated specifically with the latifundium and the minifundium. Let me now refer to communal land ownership in two other Third World countries.

Examples from South Africa and Mexico

In spite of belonging to two continents, the Mexican and South African forms of communal land ownership have something in common in how they arose. Both forms are imposed and are result of political factors. They are neither residues of a pre-colonial or pre-capitalist period, or some type of ‘original’ Indian or African form of land ownership. Let me take first the case of the Mexican ejido, which is perhaps, one of the most well known and studied community structures in Latin America.

The land expropriated through the Agrarian Reform and distributed among the peasants is called ejido and its beneficiaries are called ejidatarios. In most cases, the only difference between the ejido and the
private lands is that the first cannot be mortgaged nor sold, nor distributed by inheritance (Krantz, no. 1, Vol. 4:95).

However, other communities also exist in Mexico. The difference between the Mexican *ejido* and other communities is not very clear legally in matters of form. Nonetheless, the difference has to do with the manner of obtaining the land, and the way it is administered.

The *ejido* is obtained by 'donation', a donation on behalf of the State, of the lands expropriated from the latifundia and with surfaces greater than the maximum established by the agrarian laws, to attend the demands of groups of peasants that lack land (Warman, 1985:7; emphasis original).

The Mexican *ejido* is a legal figure for land tenure, established by the post revolution constitution of 1917. As Pucciarelli (1985:56) indicates, the 'ejidos' *minifundium* is not a product of a social process of appropriation of natural resource (here we see how the *ejido* as a form of communal land ownership is reduced to the *minifundium*). The small peasant plots were born of the agrarian allotment of 1936 under the government of Cárdenas, the first president who tried to make land distribution effective. According to Stavenhagen (1979:214), in Mexico, the agrarian reform, by creating the *ejidos*, modified the nature of collective land ownership.

A Mexican community can, according to Warman, originate in two ways:

... the first is the ‘confirmation’, which is granted when the agrarian authorities recognise that the use of the land is communal. The other is the ‘restitution’ of a historical communal property that has been appropriated by particulars. To achieve the restitution it is necessary to accredit the property and its despoliation with documents - always of colonial origin - initiated during the Colony reaching its end in the XIX century (Warman, 1985:7; emphasis original).

In this way, these communities seem to be older than the *ejido* as an agrarian form. However, their precedents are not to be found precisely in the pre-Hispanic period, but rather in the republican or colonial period. Moreover, this seems to be valid also for a country like Guatemala and the neighbouring Chiapas region in Mexico, typical zones of peasant communities. There, very few communities with traditional communal land of pre-Hispanic precedents exist (Stavenhagen, 1979:219). For example, in
Communal Land Ownership in Chile

the western zone of Guatemala, of 80 villages, only one had communal land. The community among these peoples, however, is given by ethnic affiliation, rather than by the common land.

However, the lands of the communities of Mexico are outside the market laws (Warman, 1985:7). In other words, the land cannot, or at least could not, be sold, rented, transferred or seized. The land is a property, but not a merchandise, a means of production, but not capital, a source of income, but not of revenue (Stavenhagen, 1979:219). See for instance, *Tepoztlán: Village in México* by Oscar Lewis, 1960 where he distinguishes between the *ejido*, communal land and private property.

The agricultural communities of Norte Chico, differ to some degree with the Mexican ones because the *comuneros* can now, according to the law, sell, in individual form, at least the lands in their personal possession, within the same community, or to a third party, provided that they are private individuals.

The agricultural communities of the Norte Chico have in common with the Mexican communities and *ejidos* the fact that once the right to become a member of the community has been established, the said right is transmitted only to a single person. This means that the individual possessions cannot be divided by inheritance. I can also add here that compared with private property, communal land ownership is more static, as several limitations hang on it regarding mortgage, sale and inheritance. This will be covered in more detail Chapters 3 and 9.

Let me now take the example from South Africa. Since, until at least the last days of the Apartheid, about half of the African population was compelled to live in the reserves. Thus, it seems that the communal system of the South African reserves was more extensive than the Mexican case.

However, communal land ownership in South Africa is disguised within the Apartheid system in the reserves. The organisation is based on the division of the land into residential, arable, forestry and grazing areas. Dealing with the individual possessions, the form expresses a kind of duality between the formal-legal and the factual practice. Communal land ownership in the reserves is based on the principle of one man, one lot. Formal-legally, under the system of quitrent, the Africans in the reserves are virtual tenants on state owned land, paying their annual quitrent, or local tax (Hendricks, 1990:2). In that sense, since the peasants have to pay for the land, which is individually registered in the name of the family head, the land is revertible to the State, and the peasants are tenants of the
State. The *de facto*, communal tenure is, according to Hendricks (1990:65), a facade, being ‘a form of individual tenure under the commonage system’, since the registered plots are heritable, which means that descendent groups are able to hold the original plots in perpetuity.

Regarding the precedents of the South African system, the situation seems to be not very different from the Mexican one, in the sense that they are definitely not to be found in the African pre-colonial period.

According to Hendricks, the communal land tenure in the reserves corresponds to a distorted version of the previous system:

*... it is vaguely reminiscent of the pre-colonial system of land allocation.*

‘Colonial’ capitalism constrained communal access to land and created reserves, replacing communal land tenure with a regimented form of land tenancy.

By imposing a pseudo-egalitarianism on Africans, denying them the possibility of reaping sustenance from the soil but, simultaneously conjuring upon their minds the myths of home and homelands, this segregationist system of land tenure has shaped African proletarianisation in the reserves (Hendricks, 1990: Abstract).

One of the important local variations that the South African process of ‘proletarianisation’ presents is the policy of territorial segregation of demarcated rural area reserves for African residents. The distinctive character of this captive ‘proletariat’, created by state reserves policy through the relocation of millions of black workers into concentrated villages on the reserve, is that:

*they have been displaced from the urban and rural white claimed areas and [on the other] they retain a semblance of access to means of production in the reserves (Hendricks, 1990:4).*

This short examination points at an important difference between the Norte Chico’s communities and the Mexican and the South African ones, dealing with their divergent origins. The Norte Chico’s agricultural communities are not properties especially granted to a certain type of social group. Their constitution into agricultural communities is *de facto*, resulting from private colonial property. Consequently, they are neither collectives
created by legal decrees, nor a product of mainly urban, political decisions. They existed in spite of a hostile environment, where Chilean law did not recognise any other form of ownership than the private, except those created by the State itself, as we shall see below. Thus, different to the Mexican and South African cases, the Norte Chico's agricultural communities constituted already a long time ago a form, recognised by the State only post-fact.

As suggested, there is a difference between getting access to a form of property through up-and-down political decision and to obtain legal recognition for an already existing form. Certainly, it can be argued that from the moment any legal recognition becomes law, it also becomes imposed from above. This does not mean, however, that this law is not, as well, a result of down-up political struggle searching for legitimisation, as is for example, the case with the Norte Chico's communities. There is obviously also a difference between the Mexican and South African cases. In the former, the communities get access to the land through a political reform that intends to be progressive. In the latter, this form is imposed by and answers to, first of all, other social interests than those of the group submitted to live in the reserves - the apartheid system. So, if from the point of view of the involved actors, the former corresponds to a type of non-repressive imposition, the latter corresponds to a repressive, racist imposition.

The above suggests that the Mexican ejidos and the South African reserves, in terms of their creation, have more resemblance with the Mapuche indigenous communities of southern Chile, than with the agricultural communities of the Norte Chico. As the case of the reserves of South Africa, the Mapuche communities and its communal land system are also a political creation, product of the republican laws that confined the Mapuches to live in reserves. The semi-communal property of the agricultural communities of the Norte Chico, born out of private property also originated in the colonial period. It appears first, as a result of a spontaneous process, a combination of specific, ecological, economic, social and historical factors, and second, not as a system imposed from above, rather from below. Third, from the perspective of the territory occupied by the South African reserves, its tenants do not originally come from them, but have been displaced from other areas to the reserves. This can not be said to be the case of the inhabitants of the agricultural communities of the Norte Chico since they were not located there by force.

20
Introduction

However, this does not mean that there may not be cases where the comuneros may have their origin among indigenous people from different areas who mainly through the encomienda system were moved by force from their original places.

The national context

Communal land ownership in Chile is, thus, composed of the indigenous agricultural communities of the Norte Grande (Aymara), of the south (Mapuches), and of the semi-communal property of the Norte Chico’s agricultural communities. The ethnic composition as a criterion to distinguish between different communities when dealing specifically with land ownership forms neither add or take anything relevant here. Obviously, when dealing with the anthropological aspects of ethnicity, this is certainly important. Ethnicity may be also of importance as in the case of South Africa, where the ‘racial’ distinction of apartheid between those living in the reserves (the blacks) and those who have imposed the segregationist system of the reserves upon them (the whites) is, due to power detention, very clear.

Table 1.1 Agricultural communities in Chile

<table>
<thead>
<tr>
<th>CIDA</th>
<th>Baraona et al</th>
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<tbody>
<tr>
<td>Indigenous (or reserves)</td>
<td>Norte Grande</td>
</tr>
<tr>
<td></td>
<td>Araucanian (Mapuche) of the south</td>
</tr>
<tr>
<td>Agricultural (also successorial)</td>
<td>Residual</td>
</tr>
<tr>
<td></td>
<td>Norte Chico</td>
</tr>
<tr>
<td>Contractual (or successorial)</td>
<td>Pseudo-communities</td>
</tr>
</tbody>
</table>

*Source: The author, based on CIDA (1966) and the criteria of Baraona et al (1961)*

However, CIDA (1966:128) and Baraona et al (1961:125) describe for Chile several communities. With the help of these authors and other scholars, I will try to highlight the historical peculiarity of the Norte Chico’s communities within the national context. Tables 1.1 and 1.2 tries to contextualise the Chilean agricultural communities within a bigger national context, that of different agricultural properties, independent of
their form, using the same criteria as before, i.e., form and origin of property. I have even added the criteria of ethnicity whose adequacy, in this context, I have questioned above. This way, also the other land ownership forms, with which I, given my purpose, inevitably deal with in this publication, become contextualised.

Discarding the third group, the contractual or successorial (CIDA, 1966), or pseudo-communities (Baraona et al, 1961), which does not properly constitute communal land ownership, we have just two groups: the indigenous and agricultural communities. The pseudo-communities (contractual or successorial) are possible to find almost everywhere in Chile and, unless the fact of sharing with the Norte Chico’s agricultural communities, the fact of being also undivided successorial land, they do not constitute agricultural communities, fittingly. This type of community would be:

A form of structure recognised by the current legislation: undivided estates of properties belonging to the heirs of an individual or a family and that appear under community name /---/ They do not actually have the character of collective possession of the land and their undivided state is only temporary (Baraona et al, 1961:125).

### Table 1.2 Agricultural properties in Chile, according to origin, land ownership form and ‘ethnic’ composition

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<th>Distinguishing criteria</th>
<th>Agricultural properties</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Land ownership form:</strong></td>
<td>Aymara and Mapuche communities</td>
</tr>
<tr>
<td></td>
<td>Agricultural communities (Norte Chico)</td>
</tr>
<tr>
<td></td>
<td><em>Latifundium, minifundium</em></td>
</tr>
<tr>
<td>Communal</td>
<td></td>
</tr>
<tr>
<td>Semi-communal</td>
<td></td>
</tr>
<tr>
<td>Private</td>
<td></td>
</tr>
<tr>
<td><strong>2. Historic origin:</strong></td>
<td></td>
</tr>
<tr>
<td>Pre-Hispanic precedents</td>
<td>Aymara communities (North)</td>
</tr>
<tr>
<td>Colonial private property</td>
<td><em>Latifundium, minifundium</em> (all over Chile) and agricultural communities (Norte Chico)</td>
</tr>
<tr>
<td>Post-Colonial antecedents</td>
<td>Mapuche communities (South)</td>
</tr>
</tbody>
</table>

*Source: The author, based on CIDA (1966) and the criteria of Baraona et al (1961)*
The successions, specified by these authors:

are units in undivided state in which there are portions that have not been distributed /.../ Often, this undivided state that should be temporary, is maintained during a considerable time, during which it presents a great variety of tenure forms (Baraona et al, 1961:124).

According to CIDA, these contractual communities are:

... undivided successions of properties or agricultural companies with co-owners that have not formed society (CIDA, 1966:128).

It generally deals with fundos or reserves of fundos, whose heirs usually live in other places, mainly in the capital or other large cities. Given their temporary undivided character, these homesteads can well be inactive from the agricultural point of view. Here, they would be not more than inactive rural properties, temporarily undivided, waiting for their effective division. If active they are generally given in share-cropping and/or leased for pasturage to the peasants or agricultural entrepreneurs of the surroundings. A clear example of this type of communities is the reserve Puerto Oscuro which stays undivided among a numerous group of descendants (see Chapter 6).

Let me now take the second group. The fact that the second agricultural group monopolises the appellate of agricultural communities can be misleading inasmuch as the indigenous communities are also agricultural communities. Baraona et al (1961) say little about the communities of the Norte Grande and Norte Chico, perhaps because of the lack of information in the 1960s. However, within the group of indigenous communities, those of the south and of the north would be considered, but not those of the Norte Chico. According to the authors, these communities would have indigenous origins. However, the communities of the Norte Chico would be a colonial product in analogous form to the indigenous Mapuche communities. It would deal with:

... establishments derived from pueblos de indios [Indian villages] or from efforts to concentrate the scattered indigenous, or from attempts to establishing them outside of watered lands that came to belong to the haciendas (Baraona et al, 1961:125).
Communal Land Ownership in Chile

From this, Baraona *et al* (1961) indicate that the indigenous origins of these communities do not date from the pre-colonial period. Although, this argument does not exclude that pre-Hispanic elements could exist in them. I will return to this issue in Chapter 4 when dealing more properly with the origin of the *minifundia* and agricultural communities in Chile. In respect to their forms of land tenure, it deals apparently with communal land, since Baraona *et al*, underline that the *comuneros* are proprietors of their lands, for which they pay contributions. These *comuneros* can receive ‘lluvias’ (usually, land plots on the hills) and possessions to build their houses. There seems to be no doubt that these communities should be included in the group that Baraona *et al* designate residual (or agricultural communities of the CIDA), unless by being composed originally of indigenous population. In my opinion, the indigenous traits are in any event difficult to find presently, after centuries of mixing between different people. The agricultural communities of the Norte Chico are even known under the name of historical agrarian communities (IREN, 1978, Vol. 1:17). With the exception of the presently known indigenous areas, the population of the Norte Chico is, as in the rest of the country, predominantly *mestizo*.

I now come to the communities of the North. In contrast to the Mapuches, Baraona *et al* (1961:124) indicate that in the communities of the Norte Grande:

is maintained greater quantity of indigenous features in the forms of land tenure.

Indigenous features, I think should be understood here as pre-Hispanic precedents. The authors indicate that on their arrival, the Spaniards would have found the indigenous population in the north concentrated in the oasis of the desert, and therefore it was not necessary to gather them artificially in order to exploit their labour force, as in other parts of Chile. Although the knowledge about these communities is slightly better today, it is still rudimentary. In any event, with respect to their quantity, the Aymaras would amount, according to the Census of 1992 from INE, to a total of 48,447 people, i.e., around 10 thousand households.

Like the Mapuche communities, those of the Norte Grande are social entities with their own culture and language that separates them, not only from the other communities, but as a rule from the rest of the country as well.
Regarding the form, the agrarian economy of the Aymara Indian communities of the plateau (3,000-4,000 metres above sea level), in northern Chile is based on the grazing of alpacas, llamas and sheep for which they communally own the pasturage, land and water resources. Note, however, that I am referring here to the communities of the plateau, and not to the one that may exist in the oasis of the desert, to which, for example, Baraona et al, seem to refer. According to CIDA (1966:123) in the Norte Grande exist approximately 11,000 ha under cultivation, disseminated in valleys and oasis with access to irrigation. In contrast, the seasonal steppe of the pre-mountain Andes, that provides forage resources, is estimated in 750,000 ha. According to Solis de Ovando (1989:128):

The need to use the land communally is explained by the fundamental fact that the basis of the economy rests on traditional livestock and agriculture, which demands the coexistence in the use and possession of the land: communal for cattle and family based for agriculture.

The Aymaras are organised according to lineage or family-group and there is, according to this author, a coincidence between the possession of land for pasturage and the family group. In comparison with the Mapuche communities, those of the Norte Grande have less contact with the rest of the country, due to the geographical isolation of the high plateau in which they live.

Historically, I would say that, similar to the Aymara communities of the Norte Grande, in the Norte Chico, there is also a coincidence between the territoriality of the present communities with the colonial owners’ land occupation and, in this way, a coincidence between communities and particular lineage or family groups. However, this is not to say that they, as in the case of the Aymara communities, were or are, organised according to lineage or family groups.

Let me now take the case of the Mapuche communities, located in the south. Communal land property in the Mapuche communities encompasses both cultivation land as well as land for shepherding, the usufruct being individual (CIDA, 1966:128). According to CIDA (1966:181), in the five Provinces (from Arauco to Llanquihue) where 98.9% of the Mapuches were concentrated in the 1960s, there were a total of 3,048 reserves with a total of 322,916 persons. The total area was of 565,931 ha giving a media of 1.8 ha per capita and 0.4 ha of cultivated land.
Apart from their form of communal property, the most outstanding feature of these communities is their ethnic identity, with a language and a culture of their own. Different to the agricultural communities of the Norte Grande, their contacts with the rest of Chile are greater since they are sharing their geographical area with the whites and mestizos. In their long struggle for land, they have been the losers. In comparison with other communities, the Mapuche are:

the only peasant group that presents a certain degree of organisation, based on interest derived from their ethnic specificity (Campana, 1985:38-39).

Peasants of Mapuche origin constitute approximately 20% of all peasants in Chile (Rivera, 1988a:41), approximately 70,000 households (Rivera, 1988a:166), or some 350,000 persons (assuming 5 persons to a household) The total indigenous Mapuche population in Chile is estimated at almost a million (INE, 1992).

On the origin of the Mapuche communities, all authors agree that their community organisation does not constitute a conservation of pre-Hispanic traits, but that their origin, or to be more exact, their creation:

constitutes a republican interpretation of what was believed was the collective land tenure of the Araucanian [Mapuche], a product, on one side, of the incomprehension of the effective forms of the Araucanian land tenancy and of their social and public organisation and, on the other, of the intention of confining them to determined areas, much more scanty that those they were originally possessing (Baraona et al, 1961:126).

In this sense, they would not be ‘more than a creation of our [Chilean] laws’ (Baraona et al, 1961:124). This is, as well, the implicit sense in CIDA’s specification of these communities, inasmuch as CIDA states that they are reserves or confining, i.e., an artificial creation by the centres of the economic and political power, and not an original organisation of the Mapuche people. According to Rivera (1988a), the Mapuche peasant community:

was thoroughly transformed in its economy and social organisation because of its confining and compulsory settlement (between 1890-1910); from being collectors and extensive cattlemen into farmers of subsistence minifundium.
Dieterich confirms the same for the rest of Latin America, indicating, that indigenous collective property:

was constituted through the adjustment and pragmatic-legislative modification of the structures of possession and pre-Columbian property to the needs of the Spanish Crown (Dieterich, 1978:198).

Originally the Crown’s Indian legislation established three forms of land tenure in the indigenous communities; an individual possession for each family, a collective possession for all the community destined for shepherding and, finally a possession, also common, cultivated by all the members of the community according to an unpaid labour system and an obligatory rotation. These lands could also be leased to Indians or Spaniards. The income originated from their leasing was destined to pay the census, or taxes, to the exchequer and other social expenses of the community (Dieterich, 1978:200). The recognition and partial conservation of the indigenous, collective property was fundamentally compatible of private property, for which the indigenous communities constituted, mainly, a labour reservoir. Though the right to the land of the communities was, in theory, inalienable, their lands were subject to the voracity of the landowners, and these, with the passing of time and until today, are being reduced to a minimum.

Consequently, in Latin America, most of the present examples of communal land ownership, including its indigenous agricultural communities, are to a great extent an artificial creation. In this sense, their community formulas, whether colonial or post-colonial, does not have many pre-Hispanic antecedents.

Taking into consideration the impact of colonialism in Sub-Saharan Africa, the situation there does not seem to be very different. In his recent review about the land question, regarding the ‘purity’ of some customary African tenure systems, Havnevik suggested that we have to accept that:

colonialism created a new conception of tradition that did not reflect past historical relations and further that colonial authorities did not freeze African societies in a timeless world of tradition and custom /---/ Colonial policy rather did shape the way in which rights of access to land and labour were defined (Havnevik, 1997:7).
The Norte Chico’s agricultural communities may be summarised as being peculiarly historical in comparison to the other named communities. They are a product of a more spontaneous development process resulting from a colonial, Spanish land institution, mainly the mercedes de tierras (land grants), once owned by Spanish conquerors and colonialists. Against a widespread idea among academicians and laymen, including many comuneros, I will show that these people were not of low social rank in the colonial hierarchy. Quite the opposite, they were of relatively high position. It involves, therefore, a contradiction, to postulate on one hand, that the agricultural communities arose from mercedes de tierras and, on the other, that these lands, supposedly marginal, were given to low rank soldiers, since the mercedes were given to the most outstanding conquerors and colonialists.

What in this argument seems also to be taken for granted is that what today is marginal or poor land was also so in the past. Several studies do exist however, which show that the Norte Chico was until the middle of the 1800s covered with vegetation (Bengoa, 1988:215-217).

Significance of the study

The case of Norte Chico of Coquimbo, Chile is, according to the earlier exposed arguments, interesting within a national, Latin-American and even a world context, not only because of firstly its form, e.g. its present land tenure structure, but secondly, also historically. In other words, we have here two sociologically relevant, empirical issues:

- historically, the development of semi-communal land ownership form out of private property; and
- presently, the reproduction of this form of semi-communal land ownership.

Let me now more systematically develop the former significance, reviewing at the same time the contributions and shortcomings of the literature on the subject, as well as what I consider will be my particular contribution.

The Norte Chico of Chile is peculiar both within a national and a Latin-American context because the semi-communally owned property
arose out of private property. Not only did the *latifundium* and *minifundium* arise from the colonial institution of land grants, but alongside them as a peculiar form in between; as did the semi-communal land ownership of the agricultural communities.

Though not originally intended by the Spanish Crown, the *mercedes de tierra* evolved into private ownership soon after they were distributed, first in the form of *estancias* and then, with the introduction of agriculture, in *latifundium* or *haciendas*. If both the *latifundium* and the agricultural communities in the Norte Chico have a common origin in the *mercedes de tierra*, only the gradual *de facto* conversion of certain landed private properties into agricultural communities, with time, changed the 1600s land tenure structure from private property into a mixed system. During the 1700s, this started to combine both private and semi-communal land ownership.

The major question concerning land stemming from the *mercedes de tierra* is the reason why only certain properties, or portions of them, evolved into agricultural communities, while others remained private. Why did some properties continue as private? With the exception of the agronomist Cañón (1964:46), this issue has not been explicitly contemplated from the perspective of a process giving rise to two paths of agrarian development: the *latifundium* or *haciendas*, on the one hand, and the agricultural communities, on the other.

The historical process of land formation in the Norte Chico is paradoxical because being the general tendency of the *mercedes*, and of *encomiendas*, towards private property, here the semi-communally owned land developed out of private property. Having the same origin, and neighbouring each other, the *haciendas* and the agricultural communities have been struggling for the same land. This struggle is interesting because it refutes several common conceptions about the peasantry to which I will return below.

Studies on land tenure in Chile (Borde and Góngora, 1956; Baraona *et al.*, 1961; CIDA, 1966), and more specifically on the communities of Norte Chico, indicate that the communities have their origin mainly in the colonial *mercedes de tierras* (Cañón, 1964; CIDA, 1966, Albala *et al.*, 1967; IREN, 1977/78; Castro and Bahamondes, 1986, Santander, *s.a.*; Bengoa, 1988). Unlike Cañón (1964:46), they do not, however, conceive their development from the perspective of a conversion of private property
to semi-communal land ownership. At least, none of them seem to see anything special in this particular conversion.

Reviewing the literature on the origin of the communities, the few references are to other regions of the country, especially the Valle Central (Borde and Góngora, 1956), or the Valle Transversal (Baraona et al, 1961). The work of Borde and Góngora (1956), a geographer and a historian, is distinguished in that it constitutes the first specific study resuming the history of land ownership and the agrarian geography of the Puangue Valley (Province of Melipilla, Metropolitan Region). This work, produced within the framework of the Department of Sociology at Universidad de Chile in Santiago, is still considered one of the most valuable social science contributions in the country. Baraona et al (1961), historians and geographers, in another valuable contribution, follow the line of work of Borde and Góngora, but in the Valley of Putaendo (Province of San Felipe de Aconcagua, Region V).

Studies of the agricultural communities of the Norte Chico, generally written by agronomists (Canón, 1964), geographers (Aranda, 1971), official institutions (IREN, 1977/78; CONAF, 1981), international organisations (CIDA, 1966), or other organisations, mainly concern problems of natural resources, poverty, marginalisation and land tenure structure. The work of CIDA embraces the land tenure in different parts of Chile. It also includes other Latin-American countries (CIDA, 1966).

Cañón (1964), as an agronomist, participated in CIDA’s investigation, and made use of the data to write her graduation thesis using the agricultural communities in the commune of Mincha (today commune of Canela) as a case study at the time of Frei’s (1964-1969) agrarian reform. Unfortunately, her work contains various errors dealing with the case study, an issue that I comment on in Chapters 5 and 7. This does not, however, take away the merit of it having been my main source of inspiration and the principal guiding source dealing specifically with Canela’s history and agriculture.

Due to increasing poverty, periodic drought and ecological problems, from the late 1980s and 1990s, the interest in the agricultural communities has been renewed in agronomy, forestry, geography, veterinary science, ecology, etc., inside and outside the academic world. These areas have gained interest also among different kinds of organisations (governmental and non-governmental), many of which, in one form, or another, are working with them. These include the
Universidad de La Serena, Universidad de Chile-Coquimbo and Universidad de Chile-Santiago; INIA, INFOR, GIA, INPROA, IER, INDAP, CONAF, AGRARIA, FAO/PAF-CHILE, SHALOM, CIDERE, JUNDEP, etc. The number of papers about the agricultural communities has increased considerably. To name just some of them; JUNDEP, CEDECOM, s.a.; FIDA, 1992; CIPRES consultores, 1992; INIA, 1992, etc.. Most papers, however, deal with diagnostics over the present situation, its problems - mostly through pilot studies - and proposals to solve them.

The interest of sociologists has been rather weak. Albala et al (1967), or Pascal (1968) - probably one of the first sociology works on agricultural communities - concentrates more on power relations between, on the one side, the latifundium, and on the other, the minifundium and the communities. In the work of Pascal, published by ICIRA (1968), only Pascal appears as author, who thanks Albala and Ruiz for their participation in the investigation. In the monographic thesis (1967), written for the Universidad de Chile, to obtain the title Licentiate in Sociology all the three before mentioned persons appear as authors. The versions are a bit different. Because of that I sometimes base myself in the latter (it was the first paper I had access to), and sometimes in the former.

Later, Castro and Bahamondes (1983) also approached the agricultural communities writing about mechanisms of subsistence, and peasant differentiation (s.a.). Their 1986 paper deals with the main issue in this dissertation, the rise and transformation of the agricultural communities' communal system (see Chapter 4).

Despite this increasing interest there is, however, no systematic attempt as to the question of their origin and development. Therefore, the knowledge about this issue still is fragmentary. An exception here is Santander (s.a). In a proposal made for CEDECOM (Centro de Desarrollo Comunitario Económico y Social - Communitarian Centre of Economic and Social Development) (s.a.), he makes a short, but interesting attempt to systematise what he calls the explanatory hypotheses about the origin of the agricultural communities. At the same time, he is not an exception; his work is also an example of those proposals aimed at solving poverty. Santander does not really develop the issue of the origin, limiting himself to presenting them in an appendix. Indeed, Santander rightly points out that the question of the origin of the agricultural communities is a historical problem, still without satisfactory solution. According to my review, the
Communal Land Ownership in Chile

few references come from studies of other regions of the country; if they deal with the agricultural communities of Norte Chico, they have often not been written by social scientists.

This work attempts a contribution in the field of historical and agrarian sociology to the question of the origin and emergence of the form of the semi-communal land ownership of the Norte Chico's agricultural communities through the study of one specific case. The specific case, once forming one property, gave way to two different property forms: one private and one semi-communal.

From being one property in the middle of the 1600s, the estancia La Canela became two properties in the 1700s: the estancia La Canela and the hacienda El Totoral. Whereas El Totoral kept its character of private property, the estancia La Canela became several agricultural communities, among others the agricultural community Canela Baja. Together with the agricultural community Canela Alta, they are the main inheritors of the estancia La Canela from the 1600s. Therefore, I have an empirical case, which due to historic circumstances became two different forms of properties. While the semi-communal agricultural community Canela Baja constitutes both the main empirical case, and the point of departure for my theoretical concerns, the private property of the hacienda El Totoral, becomes an object of comparison.

Nonetheless, my contribution to local history goes beyond having El Totoral as an object of comparison. If there was something written about the agricultural community Canela Baja and, therefore, about its predecessor, the estancia La Canela, which embraced the lands of El Totoral, a specific history about El Totoral, as hacienda, and its fundos, then it does not exist.

The history about the struggle for Espíritu Santo, about which some few, scarce references exist here and there, it is also to a great extent, an unwritten history. Towards the end of the nineteenth century, the community became involved in a land dispute with a private person who claimed rights over Espíritu Santo, one of the eight sub-areas of the community (see Table 1.4 and Figure 1.2). The dispute resulted in a minor, armed conflict, which serves me to show that even on marginal lands one cannot disregard the attraction of land ownership. The conflict lasted a hundred years, and was not legally solved until the 1970s.

Thus, since the estancia La Canela, constituting almost the entire geographical area of the commune of Canela, became many distinctive
Introduction

landed properties, in reconstructing its historic development, my contribution to the local history goes beyond that of the agricultural community Canela Baja specifically.

Dealing with the agricultural communities of the Norte Chico, we know two facts; the result, the agricultural communities and their late legal recognition, and on the other hand, their origin, the mercedes de tierras. There, in between, however, we have a socio-historical process of over three hundred years, which needs to be covered in the best way archival material and the sociological imagination permits.

Accordingly, trying to relate the specificity of the case with the bigger colonial context, following Cañón (1964:47), I suggest that the agricultural communities of the Norte Chico have been strongly conditioned by the ecological environment. This factor, in combination with others will contribute in the formation of two different forms: semi-communal and private, each with its own socio-economic development. These factors relate to the type of colonial economy and its crisis, colonial social pattern of settlement, and its relation with the social status of land proprietors within the colonial society, demographic increase of population and hereditary subdivision of land. I shall return to this in Chapter 4.

One social condition is not taken into sufficient consideration for the question of the emergence of the agricultural communities’ semi-communal land ownership, on one hand, and the continuation of private property of the haciendas, on the other. This is the importance of the settlement or non-settlement of the owners on their land during the 1600s and 1700s and its relationship with the proprietors’ colonial social position within the bureaucratic and/or military hierarchy. Cañón (1964:46) is the exception to this. Why did the agricultural communities take shape along the haciendas? In contrast, most studies on the agricultural communities of the Norte Chico mainly concern the present and status quo. As a whole, it is my hope to show how the form evolved.

When I have pointed out what, in my view, is the first significance of this study - the developing of the form of semi-communal land ownership from private property, I will continue to its second significance, the reproducing of this form of semi-communal land ownership.

Why is the Norte Chico peculiar within a national context? With the exception of Los Vilos’ commune, agricultural communities with their semi-communal land ownership are to be found in fourteen of the fifteen communes of the Norte Chico (see Table 1.3 and Figure 1.2), side by side
Communal Land Ownership in Chile

with large *latifundium*. In 1992 the total number of agricultural communities of the Norte Chico were 200. Of these, 169 communities had in 1992 a number of 14,884 registered *comuneros* (CIPRES, 1992:15-16), and a probable population of 100,000 people, covering approximately 1 million hectares (see Chapter 9). In 1970, the 162 communities to be found in the Norte Chico supported around 75,000 people. This corresponded then to 21% of the region's total population and to 53% of the rural population (IREN, 1978).

Characteristic to the agricultural communities is their poverty, this region being one of the poorest in the country. Six communes whose rural population is in the majority composed by *comuneros* were between the 25 poorest of the country in 1983 (of a total of 238 studied communes). Punitaqui occupied the first place by poverty, Rio Hurtado, the third, and Canela the fourth place (CIPRES, 1992). At first sight, given the rudimentary means of production, limited use of money and social conditions in which the *comunero* peasants live, the agricultural communities of the Norte Chico stand out as a kind of social unit of their own, that seemingly have very little to do with the rest of the society.

The present agricultural communities are even more surprising, against the background of the changes that the agrarian structure have experienced during the last decades in Chile, marked by two opposed agrarian policies. First, the agrarian reforms of Alessandri (1958-1964), Frei (1964-1970) and Allende (1970-1973), and second, the "counter"-reform of Pinochet (1973-1989). So intense were these social changes that they led some authors to postulate that they even exceeded those that occurred in the four centuries after the colonisation (Gómez, 1990). As a result of the agrarian reforms, the *latifundium* or *hacienda*, for centuries the economic base of the ruling oligarchy in Latin America disappeared as a traditional institution based on peonage (*inquilinaje*). Up to 50% of Chile's agricultural land was expropriated between 1962 and 1973 (Rivera, 1988a:66).

During the same period, paradoxically, the process of legal recognition of the agricultural communities, until then without defined legal status, started to take form. Based on usage and custom, transmitted from generation to generation, the norms that had regulated the behaviour of the community members for a long time were central. In the absence of written laws, these rights and practices made possible the persistence of
the institution of the semi-communal land ownership of the agricultural communities.

In other words, of these two institutions, the *latifundium*:

the institution of the largest permanency in Chile's history, or the phenomenon of largest duration (Bengoa, 1988, Vol. 1:7,85)

and the agricultural communities, both rooted in the colonial period (approximately 1550-1810) - the form that, at the end of the twentieth century, still exists is that of the agricultural communities.

What is more, their legal recognition appears to have secured their semi-communal form of land ownership, at the same time as capitalist relations of production in agriculture experienced, and continues undeniably, to do so, a strong push forward, becoming more and more widespread. Relations of production are used here in its classical sense. It deals with the relations that are established between people in the production process, whose character is defined firstly by the producers' relationship to the means of production. In other words, it comprises, the means of production and the producers, and thereby, the relationship between them.

In spite of the long endurance of the institution of the agricultural communities and in spite of its legal recognition, which ratifies the long reproduction of the form of semi-communal land ownership, it still lacks a conceptual framework. Perhaps the absence of an appropriate approach depends on the fact that the form has, implicitly or explicitly, been reduced to the *minifundium*.

Baked, so to speak, into the *minifundium* or small peasantry, the 'survival' of these communities, is by extension, explained in terms of the lack of interest by (big) landlords of the marginal land occupied by the small peasantry. This view is to be found in the Latin-American discussion from the 1950s onwards (Borde and Góngora, 1956; Baraona *et al*, 1961; García, 1973, Rivera, 1988a; Kay, 1980; Astorga, 1985). However, as we saw in the previous section Borde and Góngora and Baraona *et al*, have also pointed out that the *minifundia* suffers, in its struggle for land and water, the hostility of the *latifundia* and modern agricultural enterprises (see also Chapter 4).

The agricultural communities and, in general, the *minifundia* or small peasantry in Latin-America, are said to be found in 'zones of refuge' (i.e. marginal land) (García, 1973:99). It is argued that these types of marginal,
ecological zones and its peasantry do no longer suffer the pressure of the *latifundia*’s hunger for their land. If this were so, then I will suggest that the struggle for land would not exist in these areas. As my case study will show, however marginal the land, the struggle for its ownership - between landowners and/or capitalists and the peasants - is not as, for example, García (1973:99) believes, uncommon (I can here remind that the dominant terrestrial ecological system of the Norte Chico is arid or semi-arid. Only 0.4% of the total area of Canela’s Commune is irrigated (CONAF, 1981:41, see Chapter 3)).

**Table 1.3 Distribution of the agricultural communities by communes in the Norte Chico**

<table>
<thead>
<tr>
<th>Province</th>
<th>Communes</th>
<th>Number of Communities</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elqui</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>La Serena</td>
<td>2</td>
<td>15</td>
<td>1.3</td>
</tr>
<tr>
<td>La Higuera</td>
<td>2</td>
<td></td>
<td>1.2</td>
</tr>
<tr>
<td>Vicuña</td>
<td>4</td>
<td></td>
<td>2.5</td>
</tr>
<tr>
<td>Paihuano</td>
<td>4</td>
<td></td>
<td>2.5</td>
</tr>
<tr>
<td>Coquimbo</td>
<td>1</td>
<td></td>
<td>0.6</td>
</tr>
<tr>
<td>Andacollo</td>
<td>2</td>
<td></td>
<td>1.2</td>
</tr>
<tr>
<td><strong>Limarí</strong></td>
<td></td>
<td>119</td>
<td></td>
</tr>
<tr>
<td>Ovalle</td>
<td>12</td>
<td></td>
<td>7.4</td>
</tr>
<tr>
<td>Samo Alto</td>
<td>17</td>
<td></td>
<td>10.5</td>
</tr>
<tr>
<td>Monte Patria</td>
<td>42</td>
<td></td>
<td>25.9</td>
</tr>
<tr>
<td>Punitaqui</td>
<td>24</td>
<td></td>
<td>14.8</td>
</tr>
<tr>
<td>Combarbalá</td>
<td>24</td>
<td></td>
<td>14.8</td>
</tr>
<tr>
<td><strong>Choapa</strong></td>
<td></td>
<td>28*</td>
<td></td>
</tr>
<tr>
<td>Illapel</td>
<td>1</td>
<td></td>
<td>0.6</td>
</tr>
<tr>
<td>Salamanca</td>
<td>1</td>
<td></td>
<td>0.6</td>
</tr>
<tr>
<td>Los Vilos</td>
<td>-</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Canela</td>
<td>26</td>
<td></td>
<td>16.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>162</td>
<td>162</td>
</tr>
</tbody>
</table>

*Source: IREN (1978), Vol. 1:36-37*

* According to this source, the agricultural communities in the Canela commune are 26, but there are only 24. This means that in the Choapa province there are a total of 26 and not 28 agricultural communities.
If examined further, this argument about marginal land falls apart. If *latifundia* and agricultural communities have a common origin, they share the same or similar type of land and natural environment. Facts are relevant here. According to CIDA (1966:126), the *latifundium* and the agricultural communities share the dry land of the Norte Chico in equal proportions, even though the estates have more irrigated areas. In which case, the land of the *haciendas* is not necessarily better than that of the agricultural communities or the *minifundia*. If landlords and small peasants share the same natural environment, marginal or not, the struggle for land between these two large groups is given. If we accept this view, the peasantry cannot be seen as passive recipients of a mode of production; but as actors, who defend their land, as we shall see in Chapter 8 about Espíritu Santo. There I will also develop, following Feder (1977/78), another argument against this view about marginal land.

The explanations of the survival of the peasantry in societies ‘in transition’ to capitalism in terms of the lack of interest from the big landlords, has partially its parallel in the discussion about the survival of the peasantry in the advanced economies. Their non-disappearance is also explained here, implicitly or explicitly, almost exclusively in relation to capitalism’s needs and dynamics (Alanen, 1991:325). If the dynamics is recognised, it is not the peasants’ own, but:

>a matter of external constraints shaped by highly abstract capitalist forces (Jonsson and Pettersson, 1989:543).

It is certainly difficult to see the peasant struggle at all, seen politically as conservative, as petty bourgeois (Alanen, 1991:325).

Peripheral, but not because of that less global as a phenomenon, communal land ownership is not only a form which is not usually associated with modern capitalist societies. Furthermore, the development of the semi-communal land ownership of the Chilean Norte Chico’s communities from private property does not agree either with the general tendency towards private property during colonial or post-colonial time.

To conceive, however, within the context of the present modern society, communal land ownership as pre-capitalist relations of production, ‘remnants’, ‘anomalies’, ‘paradoxes’ or ‘incongruities’, though convenient, does not say very much about the peasant societies themselves, except by reducing them to a one sided view of the small peasantry. Missing there is
the specificity of the communal form itself, its constitution and the historical process of this particular form of agricultural social institution.

Figure 1.1 Agricultural communities of Region IV
Within a new framework, these communities will appear, not as a remnant of the past but, as a result, of a socio-economic process which parallels the consolidation of private property.

Not only, as suggested, is communal land ownership different from the minifundium, but what is more, it is also a way of avoiding it. Therefore, with the present legal recognition on behalf of the state, the history of the agricultural communities, initiated some 300 hundred years ago, comes to an end. This recognition is not merely a legal matter. It stabilises the form against its fragmenting in the scattered minifundium, or small peasantry, reaffirming it as an economic management solution. It also means the legalisation of the form and its conditions of reproduction. Obviously, the struggle for survival is therefore not finished; what is finished is the struggle for the recognition of the form, which creates a fundamental security, that of the law sanctioned by the state.

However, how to conceive the existence of this kind of semi-communal land ownership? Basing myself on Stevenson's (1991) book, *Common Property Economics: A General Theory and Land Use Applications*, I finally intend to give a concept to the studied phenomena. This will neither be as archaic, pre-capitalist or irrational, nor inferior to the other today predominant land ownership, the private, but just another, traditional, though not less valid, form of appropriating the resource of land.

The choice of case study

*The past and the future do not exist in themselves, but are the past and the future of a particular present* (Tillman, 1970, in Charon, 1998).

I have chosen as a case study the agricultural community Canela Baja. It has its starting point in the colonial estancia La Canela, as the old neighbouring ex-hacienda, or latifundium El Totoral, which I use as a comparative case study. This partially includes the three rural landed properties (fundos) that resulted from its subdivision at the end of the nineteenth century (El Totoral, Las Palmas and Puerto Oscuro). Of these three, I have chosen to follow the post-Allende fate of the fundo Puerto Oscuro, or Society Pereira, Cortés, Brito and Co. Ltd., as it is also called today. The inclusion of El Totoral, which as a private property, represents
the other predominant form of land property in the commune, will help us both to follow, and to compare the two historical processes, as well as the development of the agrarian structure in the commune as a whole.

The choice of Canela Baja among almost two hundred agricultural communities in the Norte Chico depends on several factors. It was this particular community that first made me reflect about communal land ownership and its history, my theoretical question being how to conceive this form of ownership and production organisation. Then followed the scientific curiosity about the origin of the form itself. Not until long after the work was begun, did I realise that I was writing the history of my own village, which slowly appeared also to be the history of the structuration of landed property of the commune as a whole.

Both the agricultural community Canela Baja and the former hacienda El Totoral are relatively unknown. From the point of view of history, these places have not propitiated events of national relevance, nor have they given birth to personalities granted a place in the list of the ‘notables’ in the national chronicle. The references to these places, in colonial and modern history, are scarce, except for the last two decades within the disciplines mentioned above. In agronomy, however, the interest started earlier.

The commune of Canela shares certain things with the Mexican Municipality of San José de Gracia, about which Gonzáles (1972:2) writes:

It seems to be the historical insignificance in all its purity, the absolutely unworthy of attention /.../ meagre land, slow life and population without brilliance. The pettiness, but the typical pettiness.

Even though my case study represents a ‘typical’ example inside the historical development of the structure of land property of Chile’s Norte Chico, as any type of social collective, they have their own identity. As Warman points out, the peculiar is not but ‘... the way between many that exist to adapt to general conditions’ (Warman, 1976:13), or to say it with Baraona et al (1961:13) the specific and original are not but ‘... the local combinations of modes...’.

As social and spatial units, the choice of the agricultural community Canela Baja and the hacienda El Totoral is justifiable, because they once formed a single territorial unit, the extension of which almost conforms to the commune of Canela today. The area of the commune is 2,213 km² (IGM, 1981:50), which corresponds more or less to the present State of
Introduction

Luxembourg (2,586 km²). Since I am dealing with the reconstruction of land tenure structure over time, a detailed estimation of the size of the involved properties, and the specification of their borders, is in this work done along their subdivision, heritage, sales, etc., from colonial time until today.

The geographical space of my case study contrasts with its chronological amplitude. To use the words of Gonzáles' (1995:162), I study a long time in a reduced space. The trajectory of my case study starts in the 1600s and 1700s. It ignores the pre-Hispanic life because it is not of interest for my purpose, since the agricultural communities of the Norte Chico do not have their origin in pre-Hispanic forms of land tenancy. The first two colonial centuries give us a general historical background to the period that follows, which is principally the formation of the semi-communal property of land from the middle or later part of the 1700s in the commune.

Since the empirical part deals both with the conversion from private property to the semi-communal, and with the continuance of private property, it is necessary to make clear that, when I speak of history, this principally takes the form of history of property rights. In this sense, it is a limited history different for La Canela compared to El Totoral. While in the case of the former, it very much takes the form of family history, in the latter it is very much a history about legal transactions. This is so because they came to constitute two different forms of land ownership.

The history of the agricultural community Canela Baja has its starting point in the colonial estancia La Canela. We know two facts, the result and the beginning, a socio-historical process that embraces over three hundred years. The mechanisms that brought this about are unknown, except for the fragmentary information that diverse archival sources can provide for my inquiries. It is only from a detailed reconstruction of the existing archival material that some traits can be drawn.

Consequently, the elaborate reconstruction of the archive material, which very much takes the form of family histories, is recourse to draw some threads from the historical process represented by the conversion from private property to the semi-communal. I mean some threads because it would be naive to think that any reconstruction would grasp a socio-historical process in its totality. Since also the archive documents are fragmentary, the reconstruction of this process is necessarily incomplete, presenting some lacunae. However, this is not to say that if the archival
sources had been richer, the researcher would be able to successfully reconstruct this long, social process.

What the historical actors have left behind is, firstly, the land and its descendants. Special aspects of their lives have been written down only in testaments, sales, subdivisions and property litigations, and not systematically. Unfortunately, the documentation about La Canela remained more silent to my inquiries than that of El Totoral.

The history of El Totoral and the rural properties, which sprung from it, from the second half of the 1800s and onwards, is the history of property transactions (sale and purchase agreements, expropriations, devolutions and auction sales, etc.). This concentration on the legal material of the fundos depends on one of my thesis: that the agricultural communities, as opposed to the haciendas and fundos, are characterised by hereditary maintenance of the property between the descendants of the original proprietors since colonial times. My purpose is consequently, to show how the property of the fundos, in contrast to the agricultural communities, was constantly transferred through the years.

This legal history concerns the owners of the fundos rather than their peasants. Therefore, I do not pay much attention to the system of inquilinaje on which the latifundia based its exploitation (these issues are otherwise developed in Chapter 4. For further information about the inquilinaje in Chile, see Góngora M., Origen de los inquilinos de Chile Central, 1960, Santiago, Editorial Universitaria; Góngora and Borde, Evolución de la propiedad rural en el valle del Puangue, 2 vols., Santiago 1956; Bauer, A., Chilean rural society from the Spanish Conquest to 1930, Cambridge University Press, 1975; CIDA, Tenencia de la tierra en Chile, Santiago, 1966; Baraona et al, Valle de Putaendo, Santiago, 1966; Bengoa José, Historia Social de la Agricultura Chilena, Santiago,1988).

A major part of this transaction history is based on legal documents, among which the most important were the Real Estate Registers (RP or Registro de Propiedad) of the archives of the Conservatory of Real Estates (CBR) from Illapel (concerning the content of the Property Registers, see Archival sources in this chapter). To cover, panoramically, the history of these transactions, I made a chronological graph of the transfers for each rural property.

Looking at the present situation of the twenty-four agricultural communities within the commune of Canela, the chosen one, Canela Baja, presents the following characteristics:
Introduction

- it is the largest with respect to the number of comuneros, representing 27.4% of the total within the commune (668 of 2,431). It also represents 35% of the total commune population (4,000 of 11,338 inhabitants) (CBR of Illapel, 1986);
- within its boundaries is the village Canela Baja, the main centre of commerce in the commune. Being the central part of the commune, the village plays an important role within the system of socio-economic interchange between comuneros and merchants;
- the community Canela Baja is also the scene of the mentioned land dispute over Espíritu Santo, one of the eight sub-areas of the community (see Table 1.4), which implied the death of several people.

<table>
<thead>
<tr>
<th>Sub areas of the community Canela Baja</th>
<th>Total number of comuneros per sub-area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canela Baja</td>
<td>161</td>
</tr>
<tr>
<td>Canela Alta*</td>
<td>72</td>
</tr>
<tr>
<td>El Chircal</td>
<td>57</td>
</tr>
<tr>
<td>Fasico</td>
<td>84</td>
</tr>
<tr>
<td>Poza Honda</td>
<td>73</td>
</tr>
<tr>
<td>Jabonería</td>
<td>71</td>
</tr>
<tr>
<td>Las Palmas</td>
<td>25</td>
</tr>
<tr>
<td>Espíritu Santo</td>
<td>125</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>668</strong></td>
</tr>
</tbody>
</table>

*Source: The author.
* This is a sub-area of the agricultural community Canela Baja and should not be confused with the agricultural community Canela Alta.

The hacienda El Totoral, on the other hand, presents the following characteristics:

- together with the community Canela Baja it formed one single landed property during the second half of the 1600s;
Communal Land Ownership in Chile

- adjoining the agricultural community, the hacienda El Totoral shares a similar topography and soil composition, which means that I am comparing two units which, although they differ somewhat in their natural endowments today, did not do so originally. This is important since the development process of La Canela and El Totoral is to be traced back through the colonial period;

- historically, the evolution of El Totoral shows several facets of the changes that have commonly affected private land ownership, not least during the past two decades. More generally, this is especially true in the case of the fundo Puerto Oscuro, where the changes arising from the agrarian reforms of the early 1970s and Pinochet's policies after 1973, have led to the acquisition of Puerto Oscuro by a group of people, many of whom also are comuneros from the Canela Baja agricultural community.

The new owners of the fundo differ from those previous to the fundo's expropriation, both regarding class background and the organisation and exploitation of the property. This is interesting because it resulted in the formation of new agricultural societies as a result of the series of changes that had their beginning in the agrarian reform. As an unintended consequence, through the application of Friedman's economics, the comuneros could buy former fundo land.

In short, since the middle and later part of the 1700s, the agricultural community Canela Baja represents semi-communal ownership and the hacienda and the fundos that resulted from its subdivision, represent private land ownership. While the hacienda institution in Chile was the economic and social pillar of the oligarchic class, the comuneros of the agricultural communities came to belong to the poorest in the country.

Some methodological considerations are necessary here regarding the connection between history and sociology. The frontier between them should be open, and as Bourdieu expresses it, many times the division between sciences, 'justifies not so much the science as the researcher' (Bourdieu, et al, 1976:103). If the sociologist has to do with a social process where the roots are to be traced in the past, the study inevitably includes history. Historical sociology works with past events and persons, offering particular and 'unique' cases, but is convinced that diverse epochs
are not just a handful of facts, persons and dispersed ideas without connection with each other. The researcher also deals with a chain of events for which he tries to find historical coherence (Paz, 1983:38). The social scientist interested in historical events does not understand his investigation as the art of recuperation of the real past, but as a reconstruction of it. All historical investigation thus has its start in the present (Anrup, 1990:13). The selection of problems to be investigated, is partly a matter of subjective preferences. Being a part of the scientific community, the selection is also made according to contemporary considerations of current paradigms, where the selectivity also changes with the preoccupation of the scientific society (Anrup, 1985:8). Therefore, facts make sense and have relevance only in a theoretical context (Bunge, 1975:VII/I). For Bourdieu et al, (1976:50), reality never has an initiative of its own, and the facts do not speak by themselves; they only respond to the degree and way the scientist ‘asks them’. For Gramsci, (1980:143), the material cannot be considered as a ‘thing in itself’, but a historical category. Since I am concerned with the configuration, from colonial times, of semi-communally and even privately owned land property, this is a sociological study of an agrarian process that needs to be seen in a historical perspective. It belongs to the terrain of historical, agrarian sociology.

Data sources

The investigation embraces the use of diverse types of resources. My first step was the collection of qualitative data among the comuneros, through interviews carried out with qualified informers. For the collection of quantitative data, I conducted a survey in the community Canela Baja, the purpose of which was to get an idea of the socio-economic conditions of the comuneros. A description of part of the survey is given in Appendix Two.

I have spent many months of fieldwork in the village Canela Baja, especially between 1987-1990, while I was living in Chile. During this time, I also did participatory observation to some extent. The interviews with qualified informers were of great value, and they guided me in the beginning through to the search for written documentation, both primary and secondary (as most of the bibliography and other sources are in
Communal Land Ownership in Chile

Spanish, they have been translated to English by me, the responsibility rests with me).

Figure 1.2 Settlements in the Canela Commune
A first run through the actual bibliography helped me in different ways: to gain knowledge about the history of the commune, to clarify ideas, for the formulation of my theses, and for the search of primary data in the historical archives.

The historical analysis includes archival data from several primary sources such as testaments, notaries, judicial and parish archives from the 1600s onwards, property registers, sales of land, private archives, etc., enabling me to develop principally the historical-empirical chapters. The secondary sources consist of biographies of selected historical personages (used principally for Chapters 5 and 7), as well as bibliography on different matters regarding the formation of land structure in Chile, an item belonging to Chapter 4.

Archival sources

The greater part of the historical material, as the notaries and judicial archives, is found in the National Archive in Santiago (ANCH). Both the Notaries archives (AN) and the Judicial ones (AJ) are of a great significance for the historical investigation.

The notaries' archives are not catalogued, which constitutes a serious difficulty in the search for material. According to a letter from the National Archives' chief, M. E. Barrientos H.:

> an archive or document collection is catalogued when each of its documents has been itemised through a register for each of them; registers that can be accessible in lists or cards alphabetically, onomastically, by items, etc.

The notarial archives have only been inventoried. This means:

through the inventory an approximation about the global contents of a book or other type of unit (case, dossier) is given (Letter no. 058, Santiago, September, 5 of 1994. Signature: María Eugenia Barrientos H., Conservator of the National Archive, Chile. The letter is an answer to a request made by me to Mr. Jorge Hidalgo (today ex-conservator of the National Archive) August 2nd, 1994).
The judicial archives, however, are catalogued. Therefore, the order of importance of these documents is inverted, the latter becoming the most important. Had the notary’s archives been catalogued, it would have been the other way around. This is because they contain deeds from purchase and sale agreements, census, dowry and wills, all of this of fundamental importance in order to restore the history of land ownership and “to get to know the economical and social situation of the owners” (Borde and Góngora, 1956:20). The notary’s archives make it possible to correct and control the judicial archives, which deal with land litigations. Such litigations demand the showing of the title of domain, or at least its allegation and that makes it possible to see the succession of owners. The arguments and proofs in the disputes provide, apart from occasional maps, various kinds of information regarding the exploitation of the land and labour force (Borde and Góngora, 1956:19).

Since the Notaries Registers of Illapel start in 1751, I have tried to cover the period prior to that with the judicial registers, from Illapel as well as from La Serena and Ovalle. Those from La Serena have documents dated prior to 1660 (Góngora, 1970:233). The Notaries Registers of Illapel, also known as the Registers of the Conservatory, embrace 40 volumes, spanning from 1751 to 1873. After that date, the Notaries Registers are to be found at the Conservatory of Real Estate (CBR) of Illapel. This collection includes a chronological inventory and a catalogue of items: Public deeds: 1751-1872, Mortgage deeds 1848-1858, protocolised documents: 1840-1844, 1853-1868, 1870-1872. Real Estates Register: Mortgages and obligations: 1859-1871; Interdictions and Prohibitions: 1859-1871; Property: 1859-1871. Register of mines and denounces: 1857-1873, Grants: 1863-1867, Property: 1857-1873. The first volume, that contains public deeds for the period 1751-1814, is not available to the public, except with the permission of the National Archives’ chief. The second volume is only available as microfilm.

From the Notaries Registers, and in respect to the 1800s, the Registers of Property and the Registers of Mortgages are of great importance, with whose help I partially develop the chapters about the hacienda El Totoral and Espíritu Santo. The obligation to register the
property in the Conservatory of Real Estate was established in the country in 1857, after the dictation of the code of civil laws in 1847. The registration thus guaranteed the legal possession of the land (IREN, 1978, Vol. 1:22).

The Registers of Property allow us to see the transference of domains and mortgages on the property. Both registers, of domains and mortgages, contain an index with the name of the buyer, the seller or the mortgage debtor, depending on each case. Furthermore, name of the property, the number of the folio and the number it has been given in the Register of the Conservatory. The inscription of the property contains the information included in the public deeds, that is, identity of the participants in the purchase and sales agreement, property limits, price or amount of the mortgage, etc. The description of the property’s boundaries contained in the different records through the years allows us to see whether there are differences in the boundaries.

The old (1698-1915) Parish archives (AP), important for Chapter 7 on the historical background of the agricultural community Canela Baja, reviewed in Chile in February of 1993, belong to the Parish San Vicente Ferrer of Mincha. These archives, like the ones in the rest of the country, and in many other countries like for example Mexico or Sweden, have been microfilmed by the Genealogical Society of Utah. Said archives exist in Salt Lake City, and also in the Iglesia de Jesucristo de los Santos de los Últimos Días in Santiago, Chile. The mentioned archives also exist in the Seminario Mayor Library of the Catholic Church, Santiago. The parish archives of Mincha also include information from Illapel and a few other neighbouring villages. The archives include Marriage registers (from 1689), Baptisms (only of 1834 and onward), Confirmations (from 1894) and Deaths (from 1694). The Genealogical Society notes that years are missing. These old parochial archives are important as they concern some of my theses.

I also reviewed some old parish archives from other places for the following reasons: the ones concerning baptisms from Illapel (1698-1782), since those from the parish of Mincha start only in 1834. The archives of La Serena and Sotaqui were reviewed due to the fact that some of the historical personages investigated were born or lived part of their lives in these places. The archives here reviewed were the marriages index and
Communal Land Ownership in Chile

marriages with deaths (1658-1701) as well as baptisms (1659-1743), from the Parish Church of La Merced in La Serena. Also reviewed were the baptism’s index and baptisms (1648-1753) the marriages index and marriages (1648-1682) from the Parish Church of Sotaquí (Ovalle).

Contemporary sources

For the current state of land property, the lists of the Roll of Collection-Contributions of Real Estates (RCCBR of SII) were reviewed. They are organised by communes. The list includes; names of the proprietors, address or name of the property, roll number and valuation of the property. This data was combined and compared with the data from CIREN, which in its list also has the size of the property in hectares, as well as the land exploitation capacity (classification that includes whether the soil is irrigated or not, and type of soil according to scale from I to VIII). The list from CIREN, however, does not include the valuation of the properties. Part of these data constitutes the base of Chapters 2 and 3.

A necessary step during the recollection of current statistical data was the official census of INE (National Statistics Institute). However, the INE data, even though useful, can be misleading. An example of that is the categorisation of occupations within the commune, according to which in 1982, only 22.4% of the labour force of the commune is occupied in a category that covers agriculture, hunting, silviculture and fishing. As we shall see in Chapter 3, this figure is strange since in the commune the majority of the labour force, live on agro-pastoral activities (INE, 1982:4-5). However, INE performs its census during the first week of April, when many agricultural producers work in other activities, being thus registered as wage-labourers (Rivera, 1988a:271) or as unemployed. The question dealing with occupation refers to the occupation the person had during the period of reference or to the work he/she had last time, if unemployed. The period of reference corresponds to the week before the census (INE, 1982:XXXI). The periods of high and low occupation within agriculture are November-January and May-July, respectively.

As we shall also see, a lot of data regarding the area of the communities, number of comuneros, the area of the commune, of the fundos, etc. from different instances such as IREN, CBR and the
agricultural communities themselves, are very inexact and frequently do not agree with each other. When necessary, I will confront them as they arise in different chapters. Otherwise, the data from IREN, the Municipality, the agricultural community itself and INE principally, constitute the basis for part of Chapter 3.

There was some information about the commune belonging to the Municipality that I would have liked to use, but which I was not given access to. An example of this was the CAS (Comisión Asistencia Social), ‘because the Governor of Illapel did not give authorisation’, as expressed by the social assistant there. CAS is the Government’s own data (to be found in the Municipality) on poverty in the commune, and deals with social stratification and evaluation of the economic situation of families in the commune. This information would have helped me to make comparisons with the results of my own inquiry. It can be added here that the old Municipal archives are of little value, and deal with questions concerning decisions of the Municipal Council about taxes on the merchandise and other economical details of the commune.

Other information that I was unable to obtain, was the number of emigrants in the copper mine of Chuquicamata born in the commune of Canela. I tried to obtain this information from CODELCO (Copper Corporation) - Chuquicamata. Chuquicamata and most of the saltpetre mines are in Region II of Antofagasta, at a distance of more than 1,000 km from Canela Baja. Traditionally, from the end of the nineteenth century, the migration in the community has gone to these places (see also Chapter 8). I would have liked to use it to complement the information I collected on emigration. Both the latter and the former information I tried to obtain while Pinochet was in government.

As to secondary sources used for the description of the development of land tenure in Chile, of special importance were, among others, the already named works of Borde and Góngora, Baraona et al and CIDA, whose works pioneered the study of land structure in Chile, as well as the cadastre about the agricultural communities of the Norte Chico completed by IREN (1977/78), which comprises several volumes.

*The qualitative analysis*

Due to my initial ignorance about the history of the agricultural communities, the interviews with qualified informers were developed with
many general questions, and without a previous systematic questionnaire. With this, I hoped firstly that the informers would guide me with their knowledge. Secondly, it seemed the best way to gather qualitative data among the *comuneros*, the kind of data not to be measured in quantitative terms. Thirdly, with the help of interviews carried out with qualified informers, I also wanted to give the *comuneros* themselves a voice in narrating how they remembered the events regarding the conflict of Espíritu Santo (Chapter 8).

The oral memory of the *comuneros* collected by me, through which I partially reconstructed the history of the conflict of Espíritu Santo, corresponds, because of its character, to the method of oral history (Thompson, 1980:9; Vansina, 1989). According to Vansina (1989:565):

Oral traditions are accounts, which may or may not be historical in content, transmitted verbally from one generation to another.

They are usually transmitted by hearsay, not writing. Their principal characteristics are that they:

- refer both to the past and to the present as they are being retold;
- are made of a welter of testimonies which form a corpus;
- are expressed in all varieties of oral form (prayer, song, poetry, narrative, etc.).

As Vansina (1989:565) points out:

Any oral tradition is a product in a process, a stream of orality that begins with the recollection of an incident or a situation either by an eyewitness or as a rumour. Thereupon human memory takes over and recreates the event or the situation, providing logical links between the items observed, and making the whole intelligible by the attribution of continuity and motivation. At this stage, testimony is oral history. It becomes tradition only after transmission from one generation to a following one.
Since my intention was to give a voice to the comuneros, material collected with the help of qualified informers has been transcribed with maximum fidelity. However, it was often necessary to modernise the Spanish, reduce the text, insert some punctuation and take away repetitions, in order to make the translation and the understanding easier. Only three of the interviews with qualified informers were recorded. In the other cases, I took notes. The recording or none recording of the interview depended initially on whether the person gave their permission or not. In spite of the fact that the majority of the informers agreed to be recorded, I decided to abandon this alternative, as I very soon noticed that most of them felt uncomfortable in front of the tape recorder.

The greater part of the current information about the agricultural community Canela Baja and the present fundo Puerto Oscuro, comes principally from the interviews with qualified informers. By mid 1998, nine of the 21 had died due to their advanced age.

The information obtained from qualitative data from the comuneros, helped me to understand the community organisation and the way it functions. Of crucial importance here was the collaboration of Pedro Carvajal, who served several times as a qualified informer. From him I obtained the list of comuneros from the community Canela Baja (and even from other communities in the commune) that helped me to collect the population sample for the survey. The list also helped me to do a statistical study over the more common names of the comuneros (included in Appendix 1), in order to see whether the colonial names had been maintained over the time within the community. I also obtained part of the material and information about the community from the Junta of Comuneros.

As indicated, part of my information about the community comes from own observation made during my visits there. This information comes mainly from participatory observation. I was present at the annual meeting of the Junta of Comuneros (1st March 1988), where decisions were taken about the distribution of land and other matters concerning the organisation of the community. On this occasion I interviewed the lawyer from OBN (Office of National Estates) of Ovalle, Patricio Velázques, who at that time counselled the Junta of Comuneros.

As to the conflict of Espiritu Santo in its several phases, the testimonies of several comuneros were important, among them, the two elderly Joel Muñoz and Samuel Jorquera (deceased). Muñoz participated,
Communal Land Ownership in Chile

as Mayor of the Municipality, in the recovering of the sub-area Espíritu Santo. From this sub-area I also interviewed Guillermo Castillo, and from the sub-area Canela Baja, Emiliano Cortés. They also participated in the recuperation of Espíritu Santo at the beginning of the 1970’s. Emiliano Cortés was at that time (1988), President of Junta of Comuneros for the second time.

The information about the present fundo Puerto Oscuro (Chapter 9) was obtained, with the permission of the fundo directors, from Carlos Rocco, at that time the fundo’s manager, who also participated as a qualified informer. Information and documents related to the fundo before its expropriation was obtained from J. A. Echavarria E. (deceased), one of the ex-proprietors of Puerto Oscuro. As for the functioning of the property before its expropriation, I interviewed Desiderio Collao (deceased), a former inquilino during the time of the Echavarria’s. For the collection of qualitative data, some private documentation dealing with letters and titles of property which I was given access to was also useful, especially from Oscar Ollarzú (deceased), who also served several times as qualified informer.

In the narrative of the historical course of the agricultural community Canela Baja, the hacienda El Totoral and the three fundos born out of it, I have conscientiously used the proper names. This was for three reasons. Firstly, due to the fact that I do not want this history to be anonymous. Secondly, the importance of proper names is related to part of one of my theses, i.e. that related to the hereditary maintenance of the land property between the descendants of the original proprietors of the land since colonial times. Thirdly, as every history is always incomplete, the use of proper names would also serve as guide to those studious who wish to go further in the investigation about the formation of the structure of land property in the commune of Canela. Fourthly, since I have a personal debt to propagate this study among the comuneros because some of them explicitly requested it, the importance of actual past individuals is justified for the case of the communities. This way, the comuneros would recognise themselves in their ancestors, and would probably gain a deeper awareness about their cultural inheritance.

As to the names of historical or past persons, I am of the opinion that they belong to the historical and cultural funds of the commune, as do all the deceased owners of the hacienda and the fundos and those from the communities. Dealing specifically with colonial personages, when the
second family name is not given in the historical archives, as often happens, I have always added it in parenthesis. In order to realise what the second name was, I based myself on other data, like the year of birth or/and death when available, as well as the military title of the personages in question.

Dealing with qualified informers, the use of proper names, as I see it, does not represent any ethical problems, as long as these names do not concern the survey. In this case, every one of the interviewed comuneros was orally informed of their anonymity. However, little of what the qualified informers have told me is unknown to the community itself. It is because they are known that I recurred to them. Many are, or have been, public figures within the community. Since both their political preferences and their engagement in social questions concerning the community are known both by the comuneros and by the official instances, as some of the informers were arrested for a short time of period during the coup d’état of 1973, I am not discovering anything new when I refer to their leftist sympathies. Indeed, I never refer to their political party membership. Fortunately, the political situation of the country looks different today. As also indicated, many of my qualified informers, unfortunately, have died. However, there is no doubt that I was there just in time to rescue for the following generations a great deal of the community’s valuable cultural inheritance from the now deceased qualified informers. This has given me a great deal of satisfaction; permitting me to feel that at least I was making a contribution to the people this work is about.

Disposition of the investigation

The dissertation is divided into three parts: the General Introduction, Historical Past and Contemporary History. The General Introduction includes this chapter as well as Chapters 2 and 3. Chapter 2 is divided into two sub-chapters. To contextualise the investigation, I present in the first sub-chapter, the present-day land structure in Chile and its changes during the last decades as a result of the agrarian reforms, including the agrarian structure in a short historical retrospective. I also discuss some problems regarding the statistical estimation of the small peasantry, and some current trends within agriculture. The second part of this chapter also contextualises the investigation, corresponding to the socio-economic
setting of the study object. It situates my study within the greater social structure of the commune, including its present land tenure structure and general data dealing with its population, which to a very large extent, is the population of its agricultural communities.

Chapter 3 comprises the physical description of the Canela commune where the agricultural community Canela Baja and the former hacienda El Totoral are located, contextualising them here within a greater geographical framework than that of the commune. Particular attention is paid to the physical environment, whose description permits us to understand the life conditions for a predominantly agricultural population, composed mainly by the comuneros and their families. Then it becomes easier to present a more detailed characterisation of the agricultural communities and their property rights. This will help to explain the phenomenon of agricultural community itself as a social institution.

Taking us up to the colonial period, Part 2 (Chapters 4 to 7) embrace both the development of land tenure in Chile, as well as my historical case. In order to put the development of land structure of the Norte Chico within a national framework, Chapter 4 starts with an overview of the formation of land tenure in Chile since colonial times. Terms related to the Chilean and Latin-American agrarian structure are specified as mercedes de tierra, encomienda, estancia, hacienda and fundo, among others. In this connection, the historical precedents and endurance of the small property in Chile are also discussed. There, I also discuss the problem of the origin of the semi-communally owned land property in the Norte Chico. To analyse this particular process, I discuss and contrast different authors who have tried to explain the formation of the agricultural communities or, in my view, the conversion of certain private properties into semi-communal, and the mechanism that would explain the continuity of other properties in private ownership. This part serves as a base for the development of my own theses in respect to the origin and formation of the agricultural communities, constituting the last item of Chapter 4.

In Chapter 5, I start properly with my empirical case. Through a common introduction for both El Totoral and Canela Baja, I try to elucidate the scarce, but intricate and contradictory information that exists about the origins of these properties. Since, in my view, both the latifundium and the agricultural communities of the Norte Chico mainly share their origin in the mercedes de tierras, this chapter tries to empirically support this argument.
Introduction

In the two subsequent chapters, I try to follow and contrast the two properties. As specified, the historical process of land tenure formation in the commune of Canela is interesting because the *hacienda* El Totoral and the agricultural community Canela Baja, in spite of sharing a common origin, developed into two different forms of land ownership. Around each of them, two different types of economic and social development began to form. Chapter 6 deals with the case of the *hacienda* El Totoral, and the *fundos* into which it was divided at the end of the nineteenth century. My purpose here is to illustrate how the property of the *haciendas* and *fundos*, in contrast to the agricultural communities, is constantly transferred through the years.

Chapter 7 continues with the *estancia* La Canela, which later on became at least fourteen agricultural communities. In this chapter, I also briefly take the case of the *estancias* Mincha and Conchali and Chigualoco, parts of which belong to the commune of Canela. Here, ten agricultural communities developed from one *merced de tierra*, later on the Mincha *Estancia*. This case further supports the agricultural communities having their origin in the colonial *mercedes de tierra*. The case of Conchali and Chigualoco, different to the *estancia* Mincha, but similar to El Totoral, illustrates the other developmental variant, the continuation of these properties as private, still being *haciendas*.

Hopefully, Part 2 will as a whole show how two land ownership forms in fact developed from one, and how thereafter different types of socio-economic development resulted from it. The analysis and summary of this historical process will be developed in the last chapter of this dissertation.

However, the scope and detail of Part 2 follows several reasons. This is due to the long historical period it embraces, and to the hitherto existing lack of systematic knowledge about the origin and development of the agricultural communities. The detailed information is also aimed to serve in the reconstruction of land tenure structure over time, but also to illustrate my theses. Last, but not least, because this work has been written as a contribution to the local history of the people it deals with, the *comuneros*, which supposedly is the real aim of the scientific work, i.e., the people outside the limitations of the academic’s walls.

Taking us back to the present, Part 3 embraces Chapters 8 to 10. Chapter 8 describes the struggle for the land of the ex-*fundo* Espíritu Santo, the part of the agricultural community Canela Baja that was seized.
Communal Land Ownership in Chile

in the 1800s. Here I try to focus on the dynamics of rural societies this particular example helping to refute the theoretical positions above mentioned, among them, ‘marginal land’.

Chapter 9 is divided into two sub-chapters; one is specifically about the *fundo* Puerto Oscuro, and the other, more general, about the legal recognition of the agricultural communities. Both sub-chapters deal with two different processes, both being the indirect product of the changes initiated by the agrarian reform in the Chilean agrarian structure. Here both processes come to an end and so does the history about the former *hacienda* El Totoral and that of the communities.

As a result of the changes introduced by Pinochet’s agrarian policy in the 1970s, the contemporary *fundo* Puerto Oscuro comes to represent, once again, under a new form of ownership, a private property; but a private property owned by *comuneros*, and organised in a way that parallels, in some aspects, the one which is today proper to the agricultural communities. The second sub-chapter describes the coming into legal recognition of the agricultural communities as from the 1960s onwards, as well as the modification of their law until the last one of 1993. The legalisation is relevant in several aspects. It helps me first to illustrate an apparently paradoxical process, that of the legal recognition of the agricultural communities, occurring within a bigger one: the expansion of the capitalist relations of production within agriculture in the rural areas of the country. The latter will be partially taken in Chapter 2. In the recognition process, we see how the state through its different institutions, plays a central role in securing the semi-communal form of land ownership of the agricultural communities, at the same time as its intervention destroys the social institution of the *latifundium*, as the agricultural communities have their roots in the colonial period.

In Chapter 10, the final chapter, I first present an analysis and a summary of the empirical chapters in order to gather the principal issues about the origin and emergence of the semi-communal land ownership in the case study and its contrast with the *hacienda* system. Then, the hitherto postponed Swiss and English cases are described to make a comparison with the Norte Chico’s agricultural communities. With the help of Stevenson (1991), I finally come to a formal definition of communal land ownership, distinguishing this form both from open access and private property. This way, the semi-communal property of the agricultural communities will, in a conceptualisation of its own, appear as just another
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