



## The legal geography of property in the new Chilean Rural Development Policy: Reflections on an inherent contradiction

La geografía legal de la propiedad en la nueva Política de Desarrollo Rural chilena:  
Reflexiones en torno a una contradicción inherente

EDUARDO VILLAVICENCIO-PINTO<sup>1</sup>

### Abstract

Chile's new Rural Development Policy (PNDR, by its Spanish acronym) is the instrument that seeks to coordinate and guide public action for the sector, promoting a paradigm based on competitiveness. This article investigates the role played by the neoliberal property regime in this type of instrument. For this purpose, on the one hand, I present evidence regarding the sustained increase in rural land concentration in the most important forestry and agricultural regions of the country, while on the other hand, I show how the PNDR systematically fails to observe this type of phenomena directly linked to rurality. Using the lens of critical legal geography, I argue that this is an inherent contradiction, since the individual, absolute and exclusive condition of rural property prevents its strategic linkage with global and spatial phenomena.

**Keywords:** *Climate Change; Land Concentration; Land Tenure System; Land Use; Legal Geography; Private Property.*

### Resumen

La nueva Política de Desarrollo Rural de Chile (PNDR) es el instrumento que busca coordinar y orientar el accionar público para el sector, promoviendo para ello un paradigma basado en la competitividad. El artículo investiga el rol que juega el régimen neoliberal de la propiedad en este tipo de instrumentos. Para ello, por una parte, presento evidencia respecto al aumento sostenido de la concentración de la tierra rural en las regiones de mayor importancia silvoagropecuaria del país, mientras que por otra advierto como la PNDR inobserva sistemáticamente este tipo de fenómenos directamente vinculados a la ruralidad. Utilizando los lentes de la geografía legal crítica, argumento que esta es una contradicción inherente, por cuanto la condición individual, absoluta y exclusiva de la propiedad rural impide su vinculación estratégica con fenómenos globales y espaciales.

**Palabras clave:** *Cambio climático; concentración de la tierra; geografía legal; propiedad privada; sistemas de tenencia; uso de la tierra.*

---

<sup>1</sup> Universidad Alberto Hurtado ([ev228@kent.ac.uk](mailto:ev228@kent.ac.uk)) ORCID: 0009-0004-6822-2395. Article received on October 10<sup>th</sup>, 2023 and accepted for publication April 29<sup>th</sup>, 2024. Translated by Daniela Pavez.

How to cite this article:

VILLAVICENCIO-PINTO, Eduardo (2024). "The legal geography of property in the new Chilean Rural Development Policy: Reflections on an inherent contradiction", *Latin American Legal Studies*, Vol. 12 N° 2, pp. 399-456.

## I. INTRODUCTION

In Chile's agrarian history, two important transitions can be distinguished. The first took place between 1967 and 1973, a period in which 50% of rural land was expropriated and the *latifundia* was put to an end, under the Agrarian Reform Law.<sup>1</sup> This transition focused on two elements: first, that the liberal, individual and absolute property rights did not allow progress in the social transformations required in rural areas; and second, that the *latifundia* was responsible for the economic backwardness of agriculture, so it was necessary to move towards an agriculture led by smaller landholdings and linked to peasant family farming.<sup>2</sup> The second transition, known as capitalist modernization of agriculture,<sup>3</sup> took place during the dictatorship of Augusto Pinochet. During this period, a dynamic, open and deregulated land market was consolidated, based on the idea that private property should be individual and absolute, while on the other hand, access to land was facilitated to a privileged group of people and economic groups with the necessary capital to lead the agro-export process.<sup>4</sup> Thus, questions about land gave way to questions about productivity, while access to land was not part of the political agenda of post-dictatorship democratic governments.

Land ownership is a key element in rural development. In Chile, although there is a broad and significant tradition of social and economic studies focused on the sociology of development,<sup>5</sup> historiography<sup>6</sup> and economics,<sup>7</sup> less attention has been paid to tenure systems. Because of that, when we talk about land or property distribution, we ultimately discuss the role of private property in this scheme. This legal institution determines par excellence the forms, mechanisms and actors that construct rural space.

Thus, recent Chilean agrarian history is characterized by a constant back-and-forth over property. However, since the mid-1980s, the legal-political debate seems to have come to a close, giving way to the consolidation of a neoliberal hegemony in the property structure. The allocation of land through individual ownership, under the classic paradigm disseminated by the World Bank and the Chicago School, would have radically resolved land and, therefore, property issues. This made it possible to consolidate a political economy anchored in the agro-export of large companies and the subsidized production of peasant family farming.<sup>8</sup>

In this scenario, there are two approaches to the study of property. The first is dogmatic and relates to the legal form adopted by the property right at the legal and constitutional level. In this scheme, the main discussions revolved around the subjective conception,<sup>9</sup> which implied restricting to the maximum the legislator's capacity to modify the limits and substantive content, since property would be understood as an extension of human dignity and freedom.<sup>10</sup> Although this will not be the approach I will use, it is necessary to consider one of the central points on which the idea of property is built in Chile. In this sense, the influence of the Napoleonic Code

---

<sup>1</sup> BARRACLOUGH & FERNANDEZ (1974); BARRACLOUGH (1973); GONZÁLEZ *et al.* (2017).

<sup>2</sup> ROGERS (1966). See Law 16.640 of 1967, on Agrarian Reform.

<sup>3</sup> BENGEOA (2013); GOMEZ & ECHENIQUE (1991); KAY (1981).

<sup>4</sup> BENGEOA (1983); VILLELA (2019); VILLELA (1979).

<sup>5</sup> GOMEZ & ECHENIQUE (1991); KAY (1980).

<sup>6</sup> ROBLES (2020).

<sup>7</sup> VALDES & FOSTER (2018).

<sup>8</sup> GWYNNE & KAY (1997); HOJMAN (1990); MURRAY (2002); SILVA (1987).

<sup>9</sup> CORDERO QUINZACARA (2006); RAJEVIC (1996).

<sup>10</sup> ARROYO (1965); BIGÓ (1965); CHONCHOL *et al.* (1965); DIAZ (1972); NOVOA (1989).

and the bourgeois liberal idea of property, which ultimately results in a sacralization,<sup>11</sup> are antecedents allowing a second way of analysis. This latter perspective corresponds to the socio-legal approach and, in particular, to the discipline of legal geography, which “takes as a central point of inquiry the interconnection and reciprocal constitution between law and space.”<sup>12</sup>

Thus, sociolegal research on property considers law as a field linked to social experience, which can be examined and theorized using methods and tools provided by different disciplines of the social sciences.<sup>13</sup> Observing social phenomena through this approach arises from the conception that law contributes to the constitution of social reality, but, in turn, is influenced by social relations, hence its bidirectionality. Moreover, it is not only a legal presence, but a resource or force that induces not only that things happen, but that they happen in a certain way.<sup>14</sup>

In this sense, the study of property and space focuses on how property law and practices are grounded in and contribute to shaping particular geographical representations.<sup>15</sup> Therefore, the legal analysis of space must evade the possibility of understanding it as natural or as a backdrop that is not questioned.<sup>16</sup> Thus, property produces spaces that “discipline”; or in other words, operate to construct spaces with specific political possibilities.<sup>17</sup> As Bennet and Layard have pointed out, legal geography is a way of studying the materialization of law in space, starting from the notion that there is a co-constitutive relationship between people, space and law.<sup>18</sup> A central issue will then be to conceive property and space as a continuous and active process of construction, neither static nor devoid of political content.<sup>19</sup>

In the Chilean case, land concentration is a phenomenon exposing the property-rural space relationship very well. Although at the heart of the political debate during the Agrarian Reform of 1967, after the dictatorship (1973-1980) it has not been analyzed in sufficient depth. Nevertheless, this does not imply that it has disappeared or at least diminished. Why then, does the most relevant instrument for coordinating rural development omit it as one of the factors that characterizes rurality?

In this way, the paper attempts to expose a contradiction between political and spatial matters in the context of Chilean rurality. On the one hand, property concentration is a phenomenon directly related to the tenure framework, representing a constant in the country's history. On the other, the National Rural Development Policy (PNDR, by its acronym in Spanish), being the most important instrument of reference for organizing the network of public policies for rural development, ignores these material conditions. In this regard, I argue that the link that reproduces and consolidates this contradiction is the neoliberal framework of rural land in Chile, since its content limits and in practice eliminates the possibility that policy instruments consider land distribution as a consubstantial element of the rural landscape and economic development.

---

<sup>11</sup> NOVOA (1982); NOVOA (1983); NOVOA (1989).

<sup>12</sup> BLOMLEY (2014), p. 2.

<sup>13</sup> BLANDY (2015).

<sup>14</sup> BLOMLEY (2003).

<sup>15</sup> BLOMLEY (2014).

<sup>16</sup> CASTRO (2019).

<sup>17</sup> BLOMLEY (2003).

<sup>18</sup> BENNETT & LAYARD (2015).

<sup>19</sup> BLOMLEY (2003).

The article uses critical legal geography to challenge this contradiction and it's guided by the socio-legal perspective on methodological matters, thus moving away from the exclusively dogmatic study of law. In this sense, first, quantitative analysis is used to expose the evolution and intensity of land concentration in Chile between 1955 and 2007, by developing and calculating inequality metrics. We then study the components and objectives of the PNDR through its relationship with the concepts of property and land.

In consideration of what has been said, the paper is organized as follows: in the first part, I address the relationship between space, law and society, analyzing property issues through sociolegal studies and, in particular, legal geography. In the second section, I detailed the investigative methodology and database used. In the third section, I analyze empirically the evolution and intensity of land concentration in Chile. The fourth part is devoted to the study of the PNDR and its link with rural property and land distribution. Finally, in the fifth section, I present the conclusions of the study and a proposal on those elements that would be necessary to take steps forward in this type of debate.

## II. AN APPROACH TO PRIVATE PROPERTY FROM SOCIO-LEGAL STUDIES AND LEGAL GEOGRAPHY

According to Clark<sup>20</sup> sociolegal studies ask about the relationship between law and society. Although there is no obvious answer, some authors mention that the approach offers an answer based on the idea of dialogue and interaction between law and humanities.<sup>21</sup> From a more particular perspective, it would correspond to the study that emphasizes the cultural power of law and its capacity to produce meanings, shape identities and define relationships in the context of power.<sup>22</sup> Thus, law is not seen only as a mere body of codes, a means to resolve disputes or a system to control behavior, but as a dynamic element that influences and is influenced,<sup>23</sup> with the capacity to produce meanings,<sup>24</sup> maintain hierarchies,<sup>25</sup> alter the content of social relations<sup>26</sup> or define geographical spaces.<sup>27</sup> All this stems from a basic premise: the study of law must be carried out in its context, therefore, the conditions of this context will have an impact on the type of socio-legal discussion that takes place.<sup>28</sup>

The socio-legal approach, then, focuses on the social situation where the law is applied, trying to know and understand the role it plays when creating, maintaining or changing the situation.<sup>29</sup> To this end, it proposes theories, concepts, hypotheses, and empirical results that help to process this type of interactions, studying the construction of meanings, the behavior of legal and judicial institutions, or the consolidation of certain geographical spaces.<sup>30</sup> In this way, it is possible to pose the question: are legally relevant questions about land, private property and rural-development policy?

---

<sup>20</sup> CLARK (2014).

<sup>21</sup> WHITEHOUSE & BRIGHT (2015).

<sup>22</sup> BANAKAR & TRAVERS (2005); COTTERRELL (2002).

<sup>23</sup> MENKEL-MEADOW (2019).

<sup>24</sup> SILBEY (2008).

<sup>25</sup> CASTRO (2019).

<sup>26</sup> BLOMLEY (2019).

<sup>27</sup> BRAVERMAN (2020); DELANEY (2015); KEDAR (2014).

<sup>28</sup> FEENAN (2009).

<sup>29</sup> SCHIFF (1976).

<sup>30</sup> MENKEL-MEADOW (2019).

From a strictly dogmatic point of view, property has been widely studied in its subjective conception in Chile.<sup>31</sup> In this approach, the idea of property is consolidated as a stronghold derived from human dignity and freedom, in which the legislator is limited in its ability to rediscuss its content and limits. However, we could point out that this approach considers property as a pre-political state, empty of ideological content and rather linked to the pragmatic exercise of a specific set of norms that protect its sacredness. Novoa criticizes this conception, arguing that these expressions reproduce the notion of a society of owners, without addressing the economic and ideological content that property represents for certain political projects.<sup>32</sup> Although this article is not focused directly on this debate, it does take Novoa's proposals as a starting point.

Therefore, questions about land are also questions about private property. From this, questions based exclusively on the legal or dogmatic notion tend to limit the analytical capacity on the interactions of property with other key factors to understand the dynamics, tensions, and power relations present in a given space.

In this way, legal geography emerges as an alternative. According to Blomley,<sup>33</sup> the approach seeks to understand the mutually constitutive intersections between law and space. This makes it possible to analyze the role of legal institutions when constructing identities, processes and hierarchies.<sup>34</sup> Thus, this approach can help to understand when and how property serves specific interests and in what circumstances it has been and can be used to foster the interests of marginalized groups and facilitate progressive change.<sup>35</sup> Bennet and Layard argue that space is not neutral or devoid of political content, but places of meaning making.<sup>36</sup> It is therefore productive to incorporate into legal analysis the idea of the centrality of space in the production, organization and distribution of power, resources and identities.<sup>37</sup> This approach makes it possible to transcend the legal subject as the focus of analysis, identifying other factors that might otherwise go unnoticed.

Blomley argues that property is not just a set of rules, but a means through which we assign order to the world, categorizing and codifying spaces and people according to their relationship thereto.<sup>38</sup> In other words, law plays a central role in the construction of forms, representations, and types of geographies. One aspect of this approach allows us to conceive that the discourse of property is characterized by a set of social symbols, histories and meanings. Therefore, national or territorial identity is, in part, an interaction on the sense and meaning of land ownership.<sup>39</sup> While this ordering or configuration is not explained solely by land ownership, it does play an important role, insofar as certain groups of people or actions are rewarded or disadvantaged by the property rules, or can be divided between those who have and those who are excluded from access to land. Citing John Adams, Blomley<sup>40</sup> links property as an interacting factor in the balance of society, such that "access to property,

---

<sup>31</sup> BRAHM (1994); BRAHM (1999); CORDERO QUINZACARA (2006); RAJEVIC (1996); RUIZ-TAGLE VIAL (2017).

<sup>32</sup> NOVOA (1983); NOVOA (1989).

<sup>33</sup> BLOMLEY (1994).

<sup>34</sup> KEENAN (2015).

<sup>35</sup> ORZECK & HAE (2020).

<sup>36</sup> BENNETT & LAYARD (2015).

<sup>37</sup> CASTRO (2019).

<sup>38</sup> BLOMLEY (2003).

<sup>39</sup> BLOMLEY (2003).

<sup>40</sup> BLOMLEY (2003), p. 122.

including land, is an important predictor of a person's position in a social hierarchy, affecting class, race and gender relations.”

Thus, when studying rural development, property emerges as a key element that could explain the expansion of economic, and social factors. By approaching property from the perspective of legal geography, it is possible to discern which social groups have been disadvantaged, what hierarchies have been consolidated and what type of political economy has been established. These relationships are intensified in spaces where property is the central pillar of the welfare of individuals and social groups, as in the case of rurality. In this context, the tenure system and, in particular, property rights as a legal institution, mediate this interaction.

Researchers agree that the law operates in an environment or context that could modify the initial conditions included in the norm. In this sense, Braverman<sup>41</sup> identifies three ways of approaching the analysis and geography of law. The first seeks to complement the gaps in the other, completing what is missing. The second proposal goes further, asking to consider how law and space are commutatively formed to foster a process of interdisciplinary analysis rather than a mere individual strengthening of disciplines. This approach focuses on the processes of legal and spatial construction, at the legal, discursive, or spatial level, and in relation to ways of ordering the territory. It also emphasizes the factors that would limit the law in territorial terms, seeking to situate the construction of the meanings assigned to certain legal categories or rights. Finally, a third approach proposes to study the relationship between law and space from outside the scope of the disciplines, given that their interaction would produce a different object of study that would require a broader approach from categories linked to social studies and sociology.

In this sense, Blomley<sup>42</sup> suggests abandoning a Euclidean vision of space, which implies understanding it as a set of individual and separate containers. For the author, instead, space “is not ‘outside’ social and political life, but intertwined and produced through forms of interaction and relationality. Space, therefore, is always transforming itself, as relationships develop. It is not a container but is contained in networks. It is not a coherent system of discriminations and categorizations but is itself expressive of multiplicity and flux.” In this sense, Blomley proposes an intriguing link between property law, geography and power, noting:

Property ideologies and practices are shaped by the operation of property cuts and flows. The logic of property surely shapes “property consciousness,” creating an ethics of intersubjective separability, ordered with reference to boundaries. Ideologies and practices of property are shaped by the workings of property's cuts and flows. Property's logic of severance surely shapes “property consciousness,” creating an ethic of inter-subjective separability, ordered with reference to boundaries. This helps to us imagine property as a space of individual autonomy, detached from broader ethical and practical entanglements. The territorialization of property, as has been noted, is more than an outcome of power, but a means by which power is exercised and mobilized. Yet these very spatializations and territorializations also serves to de-politicize property, deflecting attention from relations between people to relations between people and apparently inert spaces. Space hides things from us. Similarly, territory appears to govern, rather than

---

<sup>41</sup> BRAVERMAN (2011).

<sup>42</sup> BLOMLEY (2011).

people. For all these reasons, the geographies of property cannot be thought of as simply a rather obvious outcome of more significant processes.<sup>43</sup>

Finally, in the context of legal geography, Braverman<sup>44</sup> stresses the importance of examining the operations of visibility and invisibility that law exercises in a specific space. This means that legal discourse can make visible or invisible the spatial movements that arise as a result of the norm. In the case of this article, we will address this aspect by analyzing the trajectory and evolution of land concentration and its recognition or lack of recognition in the main instrument for the strategic planning of rurality in Chile, the National Rural Development Policy.

### III. METHODOLOGY

It has been pointed out that the study of the interaction between spatial issues —such as land concentration— and normative issues —such as private property—, requires the expansion of methodological instruments, and we must move away from a purely dogmatic analysis of legal regulation. In this regard, the article argues that there is a contradiction between space and politics. The task then of the methodology will be to sustain and evidence the intensity of this contradiction.

The first approach is quantitative and specifically seeks to analyze the evolution and intensity of land concentration in Chile. The objective of this methodological strategy is to expose the degree of relevance of land concentration, in order to sustain with empirical property the level of contradiction between the spatial and the political issues.

The databases used were the Agricultural Census between 1955 and 2021. For the calculation of the evolution based on landholding size brackets, all the information contained in these files was used in order to present an overall picture. Then, for the rest of the metrics, linked to the Gini Coefficient and the 1% control of the biggest farms, it was preferred to use the 2007 and 2021 Agricultural Censuses, since they had the statistical conditions that allowed controlling two variables that are crucial to dimension the intensity of the phenomenon.

The first of these was to select only landholdings with land for agricultural and/or forestry purposes, so only those linked to the production of annual crops, forage crops, forestry plantations, improved pastures and productive but unworked land were filtered from the databases. Then, the most important regions for agricultural production in the country were selected, such as the regions of Valparaíso, Metropolitan Region, O'Higgins, Maule, Biobío, and Ñuble,<sup>45</sup> which together account for more than 70% of the country's agricultural and forestry GDP.<sup>46</sup> The purpose of these controls was to reaffirm the relationship between concentration as a spatial element of rurality and the PNDR as a coordination policy.

### IV. EVOLUTION OF THE LAND DISTRIBUTION IN CHILE

Land concentration in Latin America has been a widely studied topic in the context of the agrarian reforms that emerged at the beginning of the last century.<sup>47</sup> These policies were implemented in countries such as Mexico, Cuba, Nicaragua, Bolivia, Peru, and Chile, and

---

<sup>43</sup> BLOMLEY (2011), p. 216.

<sup>44</sup> BRAVERMAN (2020).

<sup>45</sup> Since the Ñuble Region was created in 2017, in order to make the 2007 and 2021 Agricultural Censuses comparable, the union of both under the name Biobio + Maule is used as a single category.

<sup>46</sup> ODEPA (2019).

<sup>47</sup> JANVRY & GARRAMÓN (1977).

although they differed in terms of the role of the State and the market, they all shared a common diagnosis: extreme land concentration hindered rural development.<sup>48</sup>

Historically, it has been difficult to estimate comparatively the levels of concentration in the region. Kay, citing an ECLAC study, sheds light on the intensity of the phenomenon between 1970 and 1994, noting that Chile would not have changed its Gini index of 0.92 during that period, the second highest in the group of countries analyzed.<sup>49</sup> Subsequently, OXFAM in its report “Land, Power and Inequality” compares the situation in Latin America with data from agricultural censuses, showing that the region has the highest concentration of land at a global level, with countries such as Colombia, Paraguay, and Chile as outstanding examples.<sup>50</sup> Among the causes of this phenomenon, he mentions the “global fever for land”, which has increased foreign investment in grain, sugar, and biofuel production areas.<sup>51</sup> Kay argues that the current levels of land concentration are linked to neoliberal policies implemented in the 1980s, such as the liberalization of land markets, and the formation of oligopolies in agricultural and forestry production.<sup>52</sup>

At the global level, inequality in land distribution has once again captured the interest of researchers and international organizations.<sup>53</sup> The research agenda promoted by OXFAM and the International Land Coalition has led to a broad reflection on this phenomenon.<sup>54</sup> This literature has made it possible to advance in the understanding of more precise methodologies for measuring inequality<sup>55</sup> and its socio-environmental effects.<sup>56</sup> Although high concentration rates were initially considered to be characteristic of regions such as Latin America and Africa, they are also found in Europe.<sup>57</sup> For this reason, the European Parliament adopted an agreement stating that the region presents a concentration similar to Brazil, Colombia, and the Philippines. It also states that land, essential for food and ecosystem services, should not be treated as a common commodity.<sup>58</sup> Authorities are responsible for controlling and limiting the loss of agricultural land due to concentration, real estate and urban pressures, and the expansion of desertification caused by climate change.<sup>59</sup>

Regarding the effects of this phenomenon, a relationship has been established between the incidence of rural poverty and limited access to land.<sup>60</sup> In turn, an improvement in land distribution would be associated with a reduction in food insecurity, since it would increase peasant participation in food production.<sup>61</sup> Thus, a poor distribution characterized by a high concentration of land would be linked to low productive use,<sup>62</sup> problems of economic growth,<sup>63</sup>

---

<sup>48</sup> BENNEWITZ (2017).

<sup>49</sup> KAY (2016); KAY (2012).

<sup>50</sup> GUEREÑA (2016).

<sup>51</sup> SAUER & LEITE (2012).

<sup>52</sup> KAY (2012).

<sup>53</sup> ALBERTUS *et al.* (2018); BAULUZ *et al.* (2020); BORRAS JR. *et al.* (2011).

<sup>54</sup> ILC & OXFAM (2020).

<sup>55</sup> VARGAS & LUISELLI (2020).

<sup>56</sup> BAULUZ *et al.* (2020).

<sup>57</sup> VAN DER PLOEG *et al.* (2015).

<sup>58</sup> EESC (2015).

<sup>59</sup> EUROPEAN PARLIAMENT (2017).

<sup>60</sup> MEARNS (1999).

<sup>61</sup> MENDOLA & SIMTOWE (2015).

<sup>62</sup> BARRACLOUGH (1973).

<sup>63</sup> DEININGER & FEDER (2001).



high social conflict,<sup>64</sup> accumulation of political power by elites, and greater difficulties in achieving sustainable development goals.<sup>65</sup> Similarly, the livelihoods of small farmers would be threatened by large-scale agricultural production.<sup>66</sup>

A central element in the context of land distribution is concentration, understood as a territorial phenomenon characterized by the accumulation of large tracts of land in relatively few farms.<sup>67</sup> Although an important debate has been generated around “land grabbing”,<sup>68</sup> this term is generally more related to informal processes of land accumulation by companies, which leads to the forced displacement of rural communities.<sup>69</sup> In the case of Chile and, particularly, of the regions analyzed, this description of the phenomenon is not entirely applicable, since land tenure security and the institutions designed to maintain and safeguard it are effective. In other words, concentration in Chile is a process that takes place within the framework of the law, hence our analytical category is “land concentration” and not “land grabbing”.

In relation to Chile, land concentration was widely addressed in the context of the studies for 1967 agrarian reform. In this context, research by McBride,<sup>70</sup> Barraclough,<sup>71</sup> the Agrarian Reform Corporation,<sup>72</sup> Moreno<sup>73</sup> and the president’s message of the agrarian reform law itself coincide in the existence of an extreme concentration of land, historically known as *latifundio*.<sup>74</sup> This latter concept implied not only the accumulation of land in the hands of a small group of landowners, but also a set of social relations marked by the exploitation and marginalization of peasants in rural development.<sup>75</sup> In particular, the government of Eduardo Frei Montalva subscribed to the thesis of the social function of property and was explicit in pointing out that, among the problems faced by rural areas, was the regulation of property rights, which eased the processes of extreme concentration that the country was experiencing.<sup>76</sup> Thus, he proposed that the Agrarian Reform would aim to solve the problem of backwardness in rural areas; caused by three factors: property regulation, land concentration and low productive yields.

Subsequently, the topic has been studied in the analysis of the transition from a *latifundista* model to another based on capitalist modernization,<sup>77</sup> the causes and economic impacts of the Agrarian Reform,<sup>78</sup> and the legal strategies to set the new model of land tenure and governance during the dictatorship.<sup>79</sup> On the other hand, the triumph of the democratic governments reopened the discussion on the rural development model,<sup>80</sup> however, the land

---

<sup>64</sup> VOLLRATH (2007).

<sup>65</sup> ILC & OXFAM (2020).

<sup>66</sup> EESC (2015).

<sup>67</sup> JÜRGENSON & RASVA (2020).

<sup>68</sup> BORRAS JR. & FRANCO (2012); BORRAS JR. *et al.* (2011); SCHUTTER (2011).

<sup>69</sup> GRAIN (2011).

<sup>70</sup> MCBRIDE (1930).

<sup>71</sup> BARRACLOUGH (1973); BARRACLOUGH (1972).

<sup>72</sup> CORA (1970).

<sup>73</sup> MORENO (2014).

<sup>74</sup> See Law 16.640 of 1967, on Agrarian Reform.

<sup>75</sup> BENGUA (1979); BENGUA (2016).

<sup>76</sup> See Law 16.640 of 1967, on Agrarian Reform; MORENO (2014).

<sup>77</sup> CARLSON (2019); GWYNNE & KAY (1997); KAY (1981); KAY (1998); BERGAMINI & RASSE (2022); MURRAY (2006).

<sup>78</sup> DONOSO *et al.* (2013); GONZÁLEZ *et al.* (2017); VALDES & FOSTER (2018).

<sup>79</sup> VILLELA (2019).

<sup>80</sup> BERDEGUÉ & PIZARRO (2014).

situation has not reappeared among the topics studied by social and economic scientists linked to rurality in Chile. Only the works of Echenique<sup>81</sup> and Guereña<sup>82</sup> develop a descriptive view based on the 1997 and 2007 Agricultural and Forestry Censuses.

With the objective of exposing the evolution and intensity of land concentration, three inequality metrics have been calculated so that, if no substantial differences are found in the results, the presence or absence of the phenomenon can be argued. The first of these analyzes the trajectory of land concentration on the basis of tranches according to the size of the landholdings. The particularity of Chart No. 1 implied calculating this metric based on the hectares of basic irrigation (HRB, by its Spanish acronym), whose measure was used during the Agrarian Reform to dimension the agricultural aptitude of the landholdings. In other words, 1 (HRB) was equivalent to more physical hectares depending on the level of access to water. This allowed for an updated comparison of the phenomenon.

The second metric was calculating the Gini coefficient, widely used in the literature specialized in measuring inequalities and particularly in the calculation of this factor for land markets.<sup>83</sup> And thirdly, the 1-99 ratio, which allows us to visualize comparatively how much land is owned by the 1% of the largest farms compared to the remaining 99%.

#### 4.1 Evolution of land concentration by size of landholdings

Table No. 1 shows both the organization of land ownership and its evolution according to the size of the landholdings. In 1965, landholdings of less than 5 hectares accounted for 81.4% of the total of landholdings in the country, although they controlled only 9.7% of the available land. On the other hand, landholdings with more than 80 hectares of basic irrigation constituted only 2% of the farms but controlled more than 55% of the land. This characteristic in terms of distribution was the main consideration for designing the Agrarian Reform of 1967.

When analyzing the trajectory of these two groups, plots of less than 5 hectares decreased from 1965 to 1978, from 81.4% to 71.5%. However, by 2007 and 2021 they increased again, representing today more than 93% of the country's farms. In terms of controlled land, 1978 is the period in which they own the largest amount of land, reaching 14.5%. This situation changes radically as we approach 2021, where they control only 5.3% of the land.

---

<sup>81</sup> ECHENIQUE (2012).

<sup>82</sup> GUEREÑA (2016).

<sup>83</sup> GUEREÑA (2016).

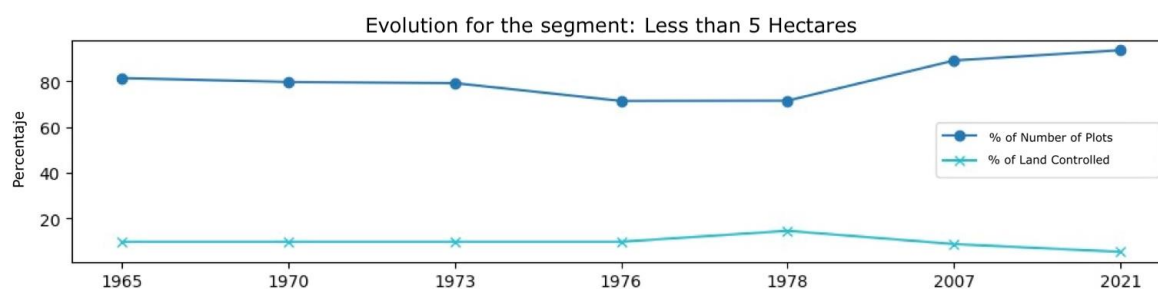
Table No. 1: Evolution of Land Distribution in Chile between 1965 and 2021 (Percentages)

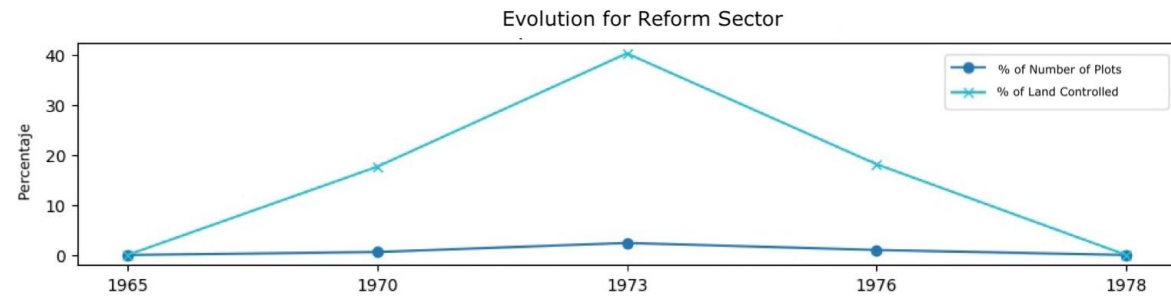
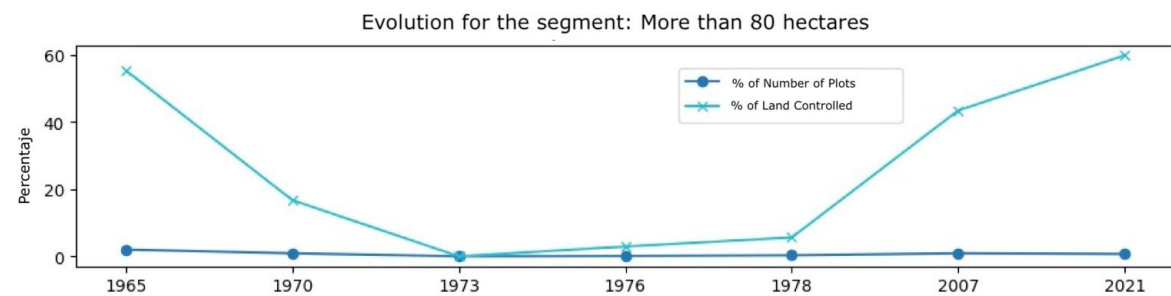
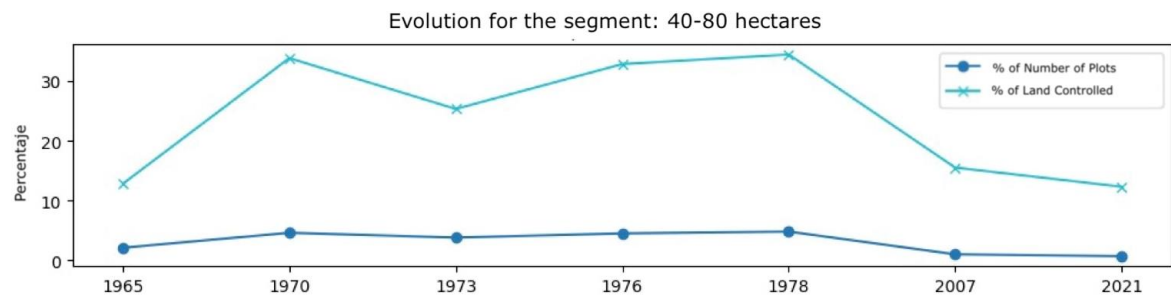
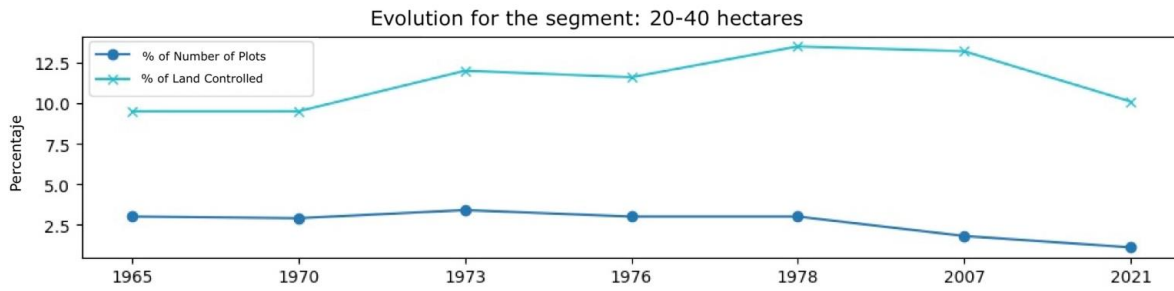
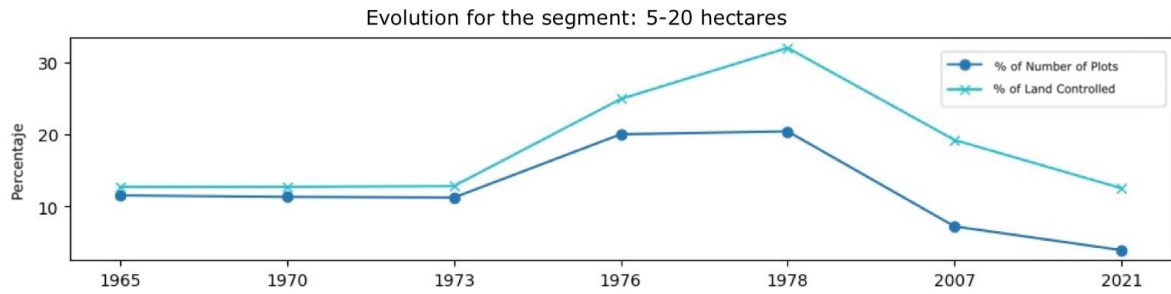
	1965		1970		1973		1976		1978		2007		2021	
Landholdings size in hectares under basic irrigation	No. of Plots	Controlled Land	No. of Plots	Controlled Land	No. of Plots	Controlled Land	No. of Plots	Controlled Land	No. of Plots	Controlled Land	No. of Plots	Controlled Land	No. of Plots	Controlled Earth
Less than 5	81.4	9.7	79.7	9.7	79.2	9.7	71.4	9.7	71.5	14.5	89.1	8.7	93.6	5.3
5-20	11.5	12.7	11.3	12.7	11.2	12.8	20	24.9	20.4	32	7.2	19.2	3.9	12.5
20-40	3	9.5	2.9	9.5	3.4	12	3	11.6	3	13.5	1.8	13.2	1.1	10.1
40-80	2.1	12.8	4.6	33.8	3.8	25.3	4.5	32.8	4.8	34.4	1	15.5	0.7	12.3
More than 80	2	55.3	0.9	16.7	0	0	0.1	2.9	0.3	5.6	0.9	43.4	0.7	59.8
Reformed sector	0	0	0.6	17.6	2.4	40.2	1	18.1	0	0	-	-	-	-

Source: Agricultural CENSUSES, BELLISARIO (2013); KAY (1980); KAY (1981); VILLELA (2019).

As for the bigger farms, the trend towards concentration is also reflected in their evolution, according to Chart No. 1. In 1965, farms of more than 80 hectares represented 2% of the total and controlled 55% of the land. However, between 1970 and 1973, they constituted 0.9% and 0%, and only controlled 16% and then 0% of the total available. This was due to the impact of the Agrarian Reform, which ended up eliminating the *latifundia* by expropriating landholdings of more than 80 hectares of basic irrigation. The agrarian counter reform and the policy of capitalist modernization of agriculture in Chile began to show its effects in 1976, when 0.1% of the farms with more than 80 hectares of basic irrigation controlled 2.9%. This growth accelerated over time and reached its peak in 2021, when only 0.7% of this type of farms controlled almost 60% of rural land in Chile.

Chart No. 1: Evolution of Land Concentration in Chile



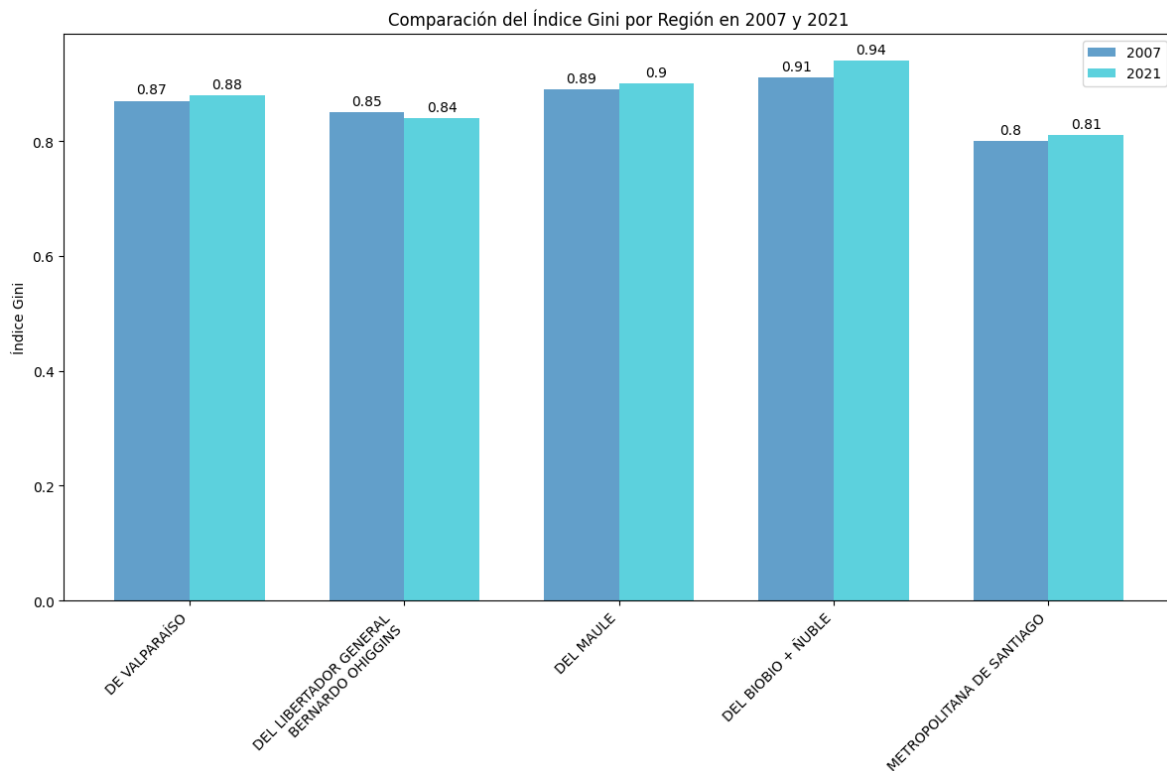


#### 4.2 Land concentration measured by the Gini coefficient

The Gini coefficient is an indicator that creates values between 0 and 1, which shows the levels of inequality in a population or group of people. In the case of the article, this calculation is made in relation to land distribution, where values closer to 0 indicate lower concentration and values closer to 1 indicate higher concentration.

According to the data presented, in 2007 the region with the highest inequality in land concentration measured by the Gini index was the Biobío + Ñuble region, with a value of 0.92, while the Santiago Metropolitan region had the lowest inequality, with a value of 0.80. For the year 2021, an increase in inequality is observed in all the regions analyzed, with the Biobío + Ñuble region once again having the highest inequality, with a Gini index of 0.94, followed by the Maule region with 0.90. The Metropolitan region continues to be the region with the lowest inequality, although with an increase to an index of 0.81. These data show an upward trend in land concentration in Chile between 2007 and 2021.

Graph No. 1: Gini Index Land Concentration for selected regions

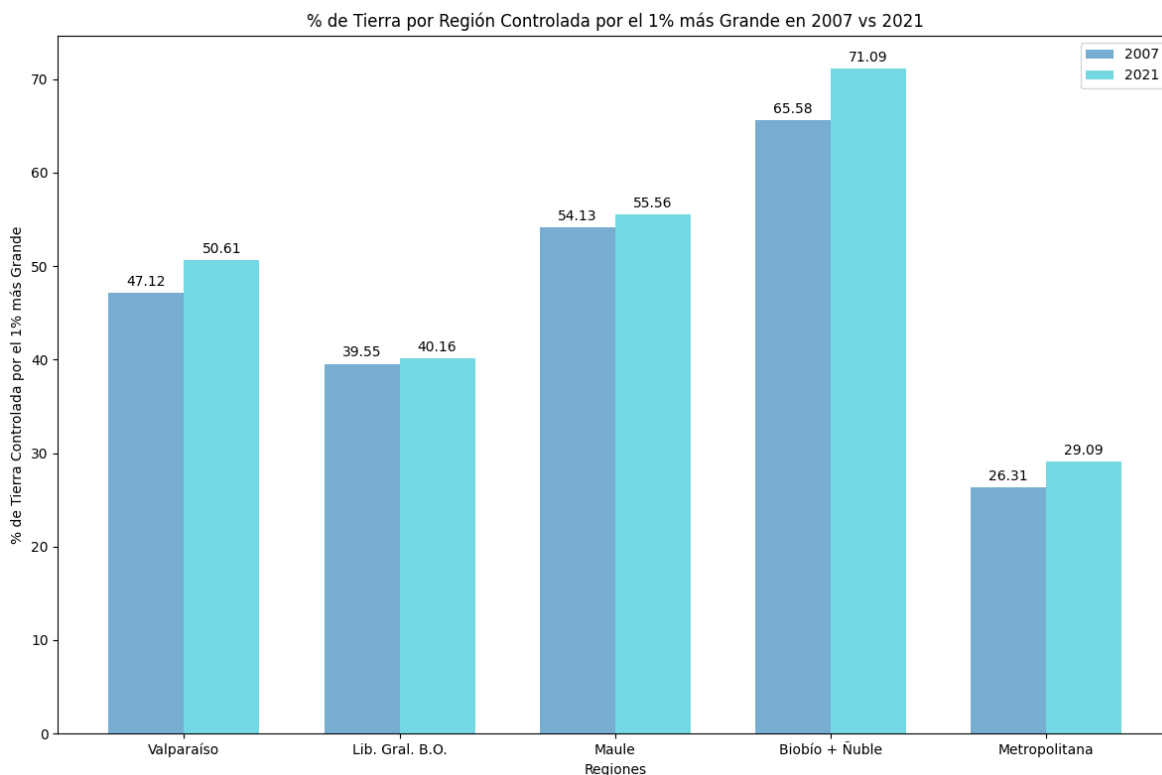


Source: Agricultural Censuses 2007 and 2021.

#### 4.3 Distribution of land in Chile according to the ratio 1-99.

In order to analyze the behavior of concentration with even greater precision, the percentage of land controlled by the 1% of the major farms was calculated. This metric allows for a radical illustration of the intensity of concentration as a factor that characterizes land distribution.

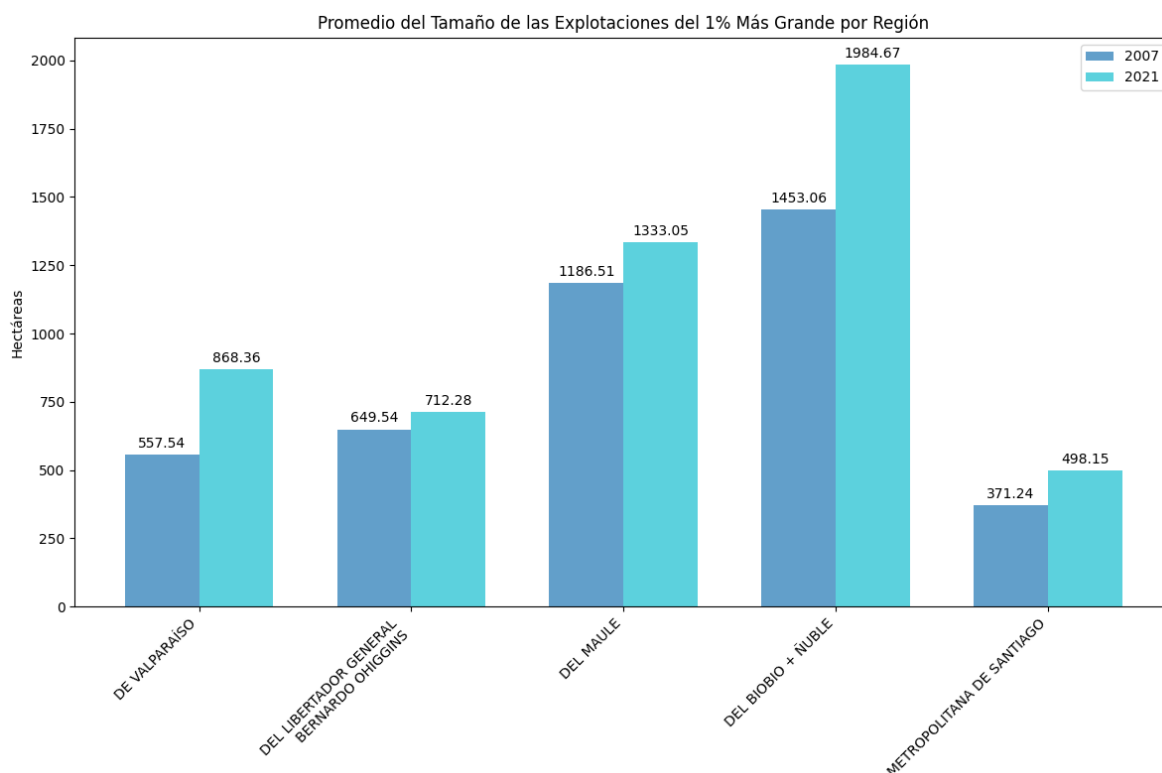
Graph No. 2: Percentage of Land controlled by the 1% of the biggest farms in selected regions.



Source: Agricultural Censuses 2007 and 2021.

The data on the percentage of land controlled by the largest 1% of landowners show increases between 2007 and 2021 in all regions, as shown in Graph No. 2. The Biobío + Ñuble region is where the largest 1% concentrates the highest percentage of land, going from 65.58% in 2007 to 71.09% in 2021. It is followed by the Maule region, which went from 54.13% to 55.56%. The Santiago Metropolitan region is the one with the least control by the largest 1%, although it also had an increase from 26.31% to 29.09% between 2007 and 2021. When focusing on this 1% of the biggest farms, it is important to mention first the case of the Maule + Biobío region, since if in 2007 its average was 1453ha, in 2021 it reached 1984ha, and secondly that of Valparaíso, where in the same period of time the average size of the farms in this group almost doubled, as shown in Graph No. 3.

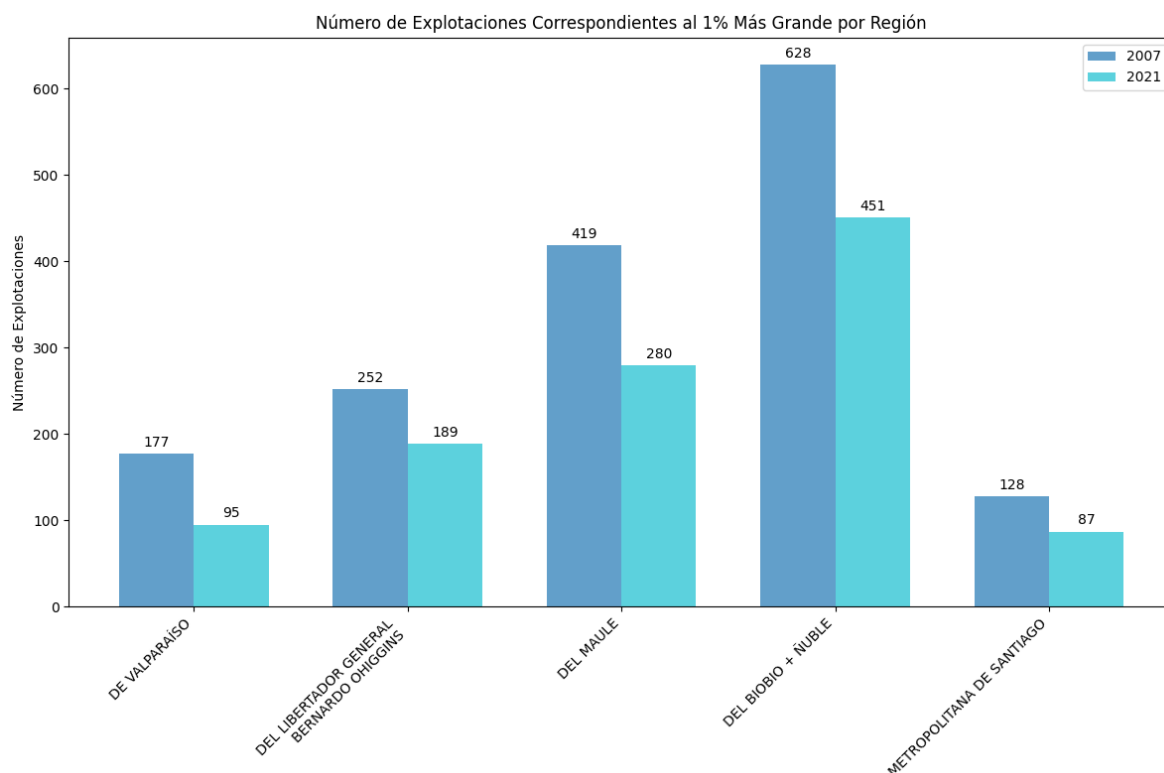
Graph No. 3: Average Size of Farms (in hectares) of the largest 1% in the selected regions



Source: Agricultural Censuses 2007 and 2021.

Another aspect that confirms the presence and intensity of concentration in Chile is the number of farms participating in the 1%. According to Graph No. 4, in all the selected regions this number decreased, that is, between 2007 and 2021 the number of farms decreased but their size increased. In the case of the Valparaíso region, between 2007 and 2021, the size of the landholdings of the largest 1% increased by more than 55%, but at the same time the number of farms decreased by 46%. This is similar to the case of BioBio + Maule, where there was a 36.56% increase in size, while the number of farms decreased by 28%.

Graph No. 4: Number of Farms corresponding to the largest 1% in the selected regions



Source: Agricultural Censuses 2007 and 2021.

Together, these metrics allow us to visualize that concentration is not only an element that is present during most of the country's agrarian history, but that has been strongly increased between 2007 and 2021. On the other hand, the regions where the analysis is carried out represent the rural areas contributing most to the agricultural and forestry GDP, which strengthens the link between the concentration phenomenon and the PNDR.

## V. OWNERSHIP AND THE NATIONAL RURAL DEVELOPMENT POLICY (PNDR)

The relevance of property regulation in the design of development instruments and strategies is fundamental. For example, in Europe, the Common Agricultural Policy has been deeply criticized from sectors representing peasant family farming, since the distribution of subsidies based on the landholding size would have facilitated the concentration of land.<sup>84</sup>

One of the most interesting debates for this article is the one related to restrictions of property rights through the implementation of policies linked to rural development. In this regard, the research led by Kirsteen Shields<sup>85</sup> reaffirms the importance of property regulation in the socio-legal sphere and, secondly, identifies the tools used in Europe to reconcile greater restrictions on property within the framework of the European Convention on Human Rights.

The author argues that most countries have certain limits on how land can be owned and used. In France, for example, a body established by the French government, known as

<sup>84</sup> BURGER (2001); EUROPEAN PARLIAMENT (2017); KAY (2015); PALŠOVÁ *et al.* (2021); POPOVICI *et al.* (2018); SHIELDS (2022).

<sup>85</sup> SHIELDS (2022).



SAFER, performs an external public interest assessment by reviewing agricultural land sales and intervening to ensure that the sale complies with the objectives of French agricultural law. This focuses more on maintaining the supply of agricultural land for farming than for land. On the other hand, New Zealand stands out internationally, as it has restricted foreign ownership of land through three tests: investor test, national benefit test, and national interest assessment. In this way, restrictions on ownership relate to both land transfer and destination. Thus, categories are established for the concept of ownership, which are linked to the maintenance of agricultural land with said purpose, limits to the surface area of the landholding, the type of owner, as well as his/her nationality. In addition, the “public interest” is key to justify this type of restrictive measures.

In the case of Chile, the document National Rural Development Policy (PNDR) promulgated in 2020 was considered. With this material, a discursive analysis around the concept of “land” was conducted, to then link its structural objectives with the situation of rural property in the country. “The history of our country is anchored to its generous land and its restless sea.”<sup>86</sup> This sentence represents the only instance where the word “land” appears in the PNDR. And it does so at the beginning of the document using a literary means to exemplify the relevance of this element in the country’s rural history. However, in the following pages, the concept disappears completely.

The PNDR sets out the sectoral and governmental vision of the strategy that the Chilean State should implement in the issue of rural development. In legal terms, it is not a law, since it has not been approved by the Congress of the Republic, nor does it have a stable budget for achieving its objectives. However, as its text indicates, it provides common guidelines to facilitate the coordination of actors linked to the agricultural world, seeking to guide public action together with the National Land Management Policy and the National Urban Development Policy.

The PNDR uses the criteria of the Organization for Economic Cooperation and Development (OECD)<sup>87</sup> to define rural territories. Thus, rural boroughs would be those with a population density of less than 150 (inhab./km<sup>2</sup>) and whose maximum population does not exceed 50,000 inhabitants. Thus, 83% of Chile’s surface area (263 of the 346 boroughs) would be rural. This represents a substantive change with respect to the socio-demographic importance of rural areas in the country, since historically the criteria of the National Institute of Statistics had been used, for which rural localities were those with less than 2000 inhabitants, corresponding to 12% of the localities. Now, according to the OECD criterion, these exceed 25%.

The construction of the instrument has considered and highlighted the existence of gaps between urban and rural areas, which impacts the potential of their opportunities. It also refers to the strong diversification of these areas in recent decades, which has led to activities related to the use of natural resources, tourism, fishing and aquaculture, among others. In addition, climate change has led to water scarcity and temperature variations, causing greater vulnerability in rural areas and their productive activities.

The PNDR sets out the need to advance in the consolidation of a new rural development paradigm for Chile. In this context, it proposes moving “from the current

---

<sup>86</sup> COMISIÓN INTERMINISTERIAL DE CIUDAD, VIVIENDA Y TERRITORIO (2020), p. 4.

<sup>87</sup> OECD (2014).

scenario of ‘rurality as a non-urban space’ to the gradual, sustained and orderly deployment of a modern rural paradigm that orients policies to encourage rural territories to mobilize their goods and resources.”<sup>88</sup> This new approach emphasizes the territorial rather than the sectoral, promoting the collaboration of different actors to favor the development of smaller settlements. In addition, this new paradigm is based on the premise of competitiveness of rural areas, the “valorization of local assets and the exploitation of unused resources, as opposed to the old approach characterized by equality and agricultural income.”<sup>89</sup>

In terms of objectives, its central purpose is “to improve quality of life and increase the opportunities of the population living in rural territories, through an integrated territorial approach at different levels, and which fosters synergies between public, private, and civil society initiatives.”<sup>90</sup> To this end, it proposes social welfare, economic opportunities, sustainability, and territorial identity as the main lines of action. In particular, the PNDR considers it relevant to adapt the norms and methodologies to the characteristics of rural areas in terms of investment, focusing the initiatives on the competitiveness and sustainability of the territories. This point allows us to advance in the analysis of land.

A first aspect is the way in which territory is described and the relevance it would have for national development. Using the OECD criteria, the PNDR emphasizes the strategic importance of the rural space for Chile, mainly because it automatically and considerably increases the population living in this type of territories. Subsequently, it recognizes the existing gaps between urban and rural areas, the effects of which would hinder the exploitation of the opportunities offered by this new paradigm. Although it mentions that these gaps are social and economic, there is no analysis or reflection that considers land as part of this set of variables that constitute the rural space.

The instrument destined to strategically guide rural development in Chile mentions the word “land” only once, and it does so to reaffirm its historical importance. It is therefore important to analyze the implications of this statement. It is a development policy that refers to space but, at the same time, makes invisible the characteristics of an element that constitutes it, as would be the case of rural property.

A strategic aspect of the policy is to modify the development paradigm. The document indicates that it is necessary to move towards modernity in order to encourage rural territories to mobilize their assets and resources.<sup>91</sup> The questions that arise reinforce the idea of a contradiction: what type and how many resources —such as land— will small farmers in Maule be able to mobilize, where 1% of the biggest farms own almost 60% of the land? Moreover, what is the rurality on which the strategic objectives of the policy are built? In other words, and considering the land inequality previously exposed, who are the subjects that will lead at the territorial level the implementation of the policy? Will it be the small peasants who have seen their land decrease, those who have taken advantage of the profitability of subdivision for non-agricultural purposes, or the agro-export and forestry companies that have increased the number of hectares they control?

---

<sup>88</sup> COMISIÓN INTERMINISTERIAL DE CIUDAD, VIVIENDA Y TERRITORIO (2020), p. 20.

<sup>89</sup> COMISIÓN INTERMINISTERIAL DE CIUDAD, VIVIENDA Y TERRITORIO (2020), p. 22.

<sup>90</sup> COMISIÓN INTERMINISTERIAL DE CIUDAD, VIVIENDA Y TERRITORIO (2020), p. 5.

<sup>91</sup> COMISIÓN INTERMINISTERIAL DE CIUDAD, VIVIENDA Y TERRITORIO (2020), p. 20.

From the above, it is possible to see that, given the conditions and potential impacts of the advanced degree of inequality in land distribution, there is an underlying contradiction in the PNDR. This arises due to the systematic disregard of an irreplaceable component of space, such as land and its distribution conditions. This gives rise to tensions, defined as an interaction between two unresolved phenomena that, based on this circumstance of instability, produce certain results. In order to deepen this approach, we will now consider three tensions arising from the theoretical proposal of Legal Geography.

The first tension emerges when conceptualizing territory as an element that allows omitting some of its central aspects. This refers to a way of conceptualizing space as a place where things happen and not as an element of fluid interaction between a heterogeneity of parts, including social parts and law.<sup>92</sup> In this sense, there is not an operative of systems, but the floor of a stage where diverse actors can play roles. Thus, the co-constitution of space mentioned by Blomley,<sup>93</sup> as a way of understanding the territorial derivatives of law, is denied.

The second tension concerns power relations. In this sense, social production of space is also saturated by power relations, which could be able to exclude, allow, facilitate, or hinder demands or alterations to a given order.<sup>94</sup> Now, in the particular case of unequal distribution of land, its invisibilization in the PNDR negates two discussions. The first, about the possible legal causes of the gaps described in the document, *i.e.*, by not mentioning the tenure framework, nor the evolution of distribution, no explanation would be worth to be looked for in the laws. It could be an economic, cultural, or social, but not legal explanation. The second discussion is linked to the above and refers to power relations. In this sense, it is worth asking: Will social and legal relations be similar in those areas where property is extremely concentrated? Or is the agency of those living with little land articulated independently of this factor? We cannot be sure of a positive answer in terms of positing or describing the type of relationship; however, with the perspective used in the PNDR, the answer to this tension is not relevant, at least for the purposes of the document. This approach to the debate is also a manifestation of the power of the legal structure and the way in which it has been internalized by decision-makers.

Ultimately, Blomley<sup>95</sup> suggests that there would be an interrelation (splicing) between legal and geographical orders. Thus, it would be impossible to understand separately land, which is a geographical concept, and that of owner, which comes from the legal sphere. This difficulty of isolating the legal concept from the spatial one poses the challenge of finding categories that exemplify this relationship. On this issue, the author argues that property relations are easily conceptualized as a static legal space, since they would be independent and neutral, showing no apparent linkage with social arrangements. Thus, interrelationships have effects, which tend to create a world systematically in favor of those actors who are more powerful, such as employers, men, whites, and landowners, among others. However, it is this lack of clarity that does not allow us to identify the internal differences in the spatial-legal structure. Here is an example.

Owning a certain amount of land implies having, to a large extent, the certainty of not being illegally dispossessed of it. There is an institutional framework operating in this sense. The legal discourse would argue that property is articulated as a right that does not differentiate

---

<sup>92</sup> COLLIS (2009); DELANEY (2015); KEDAR (2014).

<sup>93</sup> BLOMLEY (2022).

<sup>94</sup> BLOMLEY (2019).

<sup>95</sup> BLOMLEY (2003).

between owners, i.e., in this owner-land interrelationship, spatial and social variables are not categories for analysis; in other words, in this link, power relations would seem to be non-existent. Then, if we try to decouple this apparently neutral relationship, we could reach other conclusions. Thus, the security of the category of owner could be affected by a space where distribution of land is extremely unequal, since the pressure to lose or see this condition altered would be greater. In addition, someone who is also an owner, but now of a smaller landholding, would be permanently facing the option to sell this property to meet external and unpredictable expenses, such as those generated by an illness. Therefore, when reviewing this interrelationship, the power relations emerging therefrom are not neutral and are linked not only to a mere legal condition, but also to a material one, which in our case would depend on the amount of land owned, among other variables.

## VI. CONCLUSIONS

An underlying contradiction can be identified in the PNDR. On the one hand, it considers territorial gaps as a background to build the policy, but then ignores one of the irreplaceable elements of rural space, such as land distribution. This contradiction reveals a set of tensions that, in general, suggest that there is no space-law relationship. In this sense, it is difficult to foresee the fulfillment of the objectives and axes contained in the policy, given that their linkage with the forms in which the territory is distributed is practically non-existent.

However, it follows that the PNDR could not, even if the actors involved in its elaboration were in agreement, propose a rural development that would rethink the margins and content of the tenure system, considering, for example, pressures currently faced due to the climate crisis. It is obvious that this would not proceed from a strictly legal point of view, but as we pointed out, our analysis is socio-legal. This implies understanding that the PNDR produces a contradictory development strategy or, at least, one that ignores land or property as another element to be discussed within the framework of a strategy. This would happen because of two factors.

The first one is of a historical-legal nature and is related to establishing private property within the context of the capitalist modernization of agriculture, which implied dissociating economic results from distributive issues related to property. The second factor is linked to the narrative on property, which resulted in a radical separation between political projects and the system of regulation as a subjective right or institution. In other words, the political project of rurality depends on the framework set out by property law and not on politics.

Therefore, it seems urgent to build socio-legal narratives that question and challenge the landowner hegemony installed and consolidated in Chile. This, with the aim, for example, of developing a statute for rural property that takes into account its particularities and the strategic role it plays in national development. Following this approach, successful experiences in this area can be considered, such as the cases of Taiwan, Korea, and Japan, which, despite their differences, coincided in considering rural property as a different asset that required a different regulatory approach.

At the empirical level, the results obtained show the structural and sustained advance of land concentration in Chile. After developing three metrics, all of them point to the idea that today's property would be equally or more concentrated than 40 years ago. This phenomenon has not received the attention it deserves, mainly because it has been overshadowed by the economic results of the last 30 years where productivity and the reduction

of rural poverty stand out. While this has some merit, it does not prevent us from recognizing that the radicalization of concentration is related to the policy of tenure based on unrestricted private property. This last aspect deserves the attention of academia and policy makers, since pressures arising from the climate crisis —such as food insecurity— and the advance of the real estate market, may represent a real threat to the welfare of rural communities.

Ultimately, Legal Geography as a theoretical proposal allows not only to analyze space in relation to the law, but also to expand the conceptual categories to spheres linked to power relations, territorial identity, and subsistence strategies of small farmers. This type of approach also makes it possible to question both the scope of action of the law, its territorial neutrality, and its interpretative autonomy when interacting with scenarios such as those described. Expanding the frontiers of law<sup>96</sup> would make it easier to rediscover the operations of power that seek to make invisible the tensions generated by phenomena such as the concentration and subdivision of property.

---

<sup>96</sup> BRAVERMAN (2014).

## BIBLIOGRAPHY

- ALBERTUS, M.; BRAMBOR, T. & CENEVIVA, R. (2018). "Land Inequality and Rural Unrest: Theory and Evidence from Brazil", *Journal of Conflict Resolution*, Vol. 62, No. 3, pp. 557-596. DOI: <https://doi.org/10.1177/0022002716654970>.
- ARROYO, G. (1965). "Derecho de propiedad y reforma constitucional", *Revista Mensaje*, Vol. 14, No. 137, pp. 99-104.
- BANAKAR, R. & TRAVERS, M. (eds.) (2005). *Theory and method in socio-legal research* (Hart Publishing).
- BARRACLOUGH, S. (1972). "Agrarian reform and structural change in Latin America: The Chilean case", *The Journal of Development Studies*, Vol. 8, No. 2, pp. 163-181. DOI: <https://doi.org/10.1080/00220387208421395>.
- BARRACLOUGH, S.L. (1973). *Agrarian Structure in Latin America: A Resume of the CIDA Land Tenure Studies Of: Argentina, Brazil, Chile, Colombia, Ecuador, Guatemala, Peru* (Lexington Books).
- BARRACLOUGH, S. & FERNANDEZ, J. (1974). *Diagnóstico de la Reforma Agraria Chilena* (Siglo Veintiuno Editores).
- BAULUZ, L.; GOVIND, Y. & NOVOKMET, F. (2020). "Global Land Inequality", *HAL Open Science*, Working Paper N° 2020/10. Available online: <https://halshs.archives-ouvertes.fr/halshs-03022360>.
- BELLISARIO, A. (2013). "La reforma agraria chilena. Reformismo, socialismo y neoliberalismo, 1964-1980", *Historia Agraria*, No. 59, pp. 159-190. ISSN: 1139-1472.
- BENGOA, J. (1979). "La Evolución De La Tenencia De La Tierra Y Las Clases Sociales Agrarias En Chile", *Investigación Económica*, Vol. 38, No. 147, pp. 127-158.
- BENGOA, J. (1983). *El campesinado chileno después de la Reforma Agraria* (Ediciones Sur).
- BENGOA, J. (2013). "Rural Chile Transformed: Lights and Shadows: Rural Chile Transformed: Lights and Shadows", *Journal of Agrarian Change*, Vol. 13, No. 4, pp. 466-487.
- BENGOA, J. (2016). *Reforma agraria y revuelta campesina: seguido de un homenaje a los campesinos desaparecidos* (LOM Ediciones).
- BENNETT, L. & LAYARD, A. (2015). "Legal Geography: Becoming Spatial Detectives: Legal Geography: Becoming Spatial Detectives", *Geography Compass*, Vol. 9, No. 7, pp. 406-422.
- BENNEWITZ, E. von (2017). "Land tenure in Latin America: from land reforms to counter-movement to neoliberalism", *Acta Universitatis Agriculturae et Silviculturae Mendelianae Brunensis*, Vol. 65, No. 5, pp. 1793-1798.
- BERDEGUÉ, J.A. & PIZARRO, F.R. (2014). "La Agricultura Familiar en Chile", *RIMISP*, Grupo de Trabajo Desarrollo con Cohesión Territorial, Documentos de Trabajo N° 152.
- BERGAMINI, K. & RASSE, A. (2022). "Política Nacional de Desarrollo Rural: implementación, institucionalización y desafíos para Chile", *Centro UC Políticas Públicas*, Año 17, N.º 155.

- BIGÓ, P. (1965). "Visión cristiana de la propiedad", *Revista Mensaje*, Vol. 14, No. 140, pp. 262-357.
- BLANDY, S. (2015). "Socio-legal Approaches to Property Law Research", in BRIGHT, S. & BLANDY, S. (eds.) *Researching Property Law* (Macmillan Education UK), pp. 24-42. DOI: [http://dx.doi.org/10.1007/978-1-137-48618-9\\_3](http://dx.doi.org/10.1007/978-1-137-48618-9_3).
- BLOMLEY, N.K. (1994). *Law, space, and the geographies of power* (Guilford Press).
- BLOMLEY, N. (2003). "Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid", *Annals of the Association of American Geographers*, Vol. 93, No. 1, pp. 121-141.
- BLOMLEY, N. (2005). "The Borrowed View: Privacy, Propriety, and the Entanglements of Property", Vol. 30, No. 4, pp. 617-661. DOI: <https://doi.org/10.1111/j.1747-4469.2005.tb01142.x>.
- BLOMLEY, N. (2011). "Cuts, Flows, and the Geographies of Property", *Law, Culture and the Humanities*, Vol. 7, No. 2, pp. 203-216.
- BLOMLEY, N. (2014). "Property, Law, and Space", *SSRN Electronic Journal*. DOI: <https://dx.doi.org/10.2139/ssrn.2381518>.
- BLOMLEY, N. (2019). "The territorialization of property in land: space, power and practice", *Territory, Politics, Governance*, Vol. 7, No. 2, pp. 233-249.
- BORRAS JR., S.M. & FRANCO, J.C. (2012). "Global Land Grabbing and Trajectories of Agrarian Change: A Preliminary Analysis", *Journal of Agrarian Change*, Vol. 12, No. 1, pp. 34-59.
- BORRAS JR. S.M.; HALL, R.; SCOONES, I.; WHITE, B. & WOLFORD, W. (2011). "Towards a better understanding of global land grabbing: an editorial introduction", *Journal of Peasant Studies*, Vol. 38, No. 2, pp. 209-216.
- BRAHM, E. (1994). "El Concepto De Propiedad En La Ley N° 15.020 Sobre Reforma Agraria", *Revista Chilena de Derecho*, Vol. 21, No. 1, pp. 159-187.
- BRAHM, E. (1999). *Propiedad sin libertad: Chile 1925-1973* (Universidad de los Andes).
- BRAVERMAN, I. (2011). "Hidden in Plain View: Legal Geography from a Visual Perspective", *Law, Culture and the Humanities*, Vol. 7, No. 2, pp. 173-186.
- BRAVERMAN, I. (2014). "Who's Afraid of Methodology?: Advocating a Methodological Turn in Legal Geography", in BRAVERMAN, I.; BLOMLEY, N. & DELANEY, D. (eds.), *The Expanding Spaces of Law: A Timely Legal Geography* (Stanford University Press), pp. 120-141. DOI: <https://doi.org/10.11126/stanford/9780804787185.003.0006>.
- BRAVERMAN, I. (2020). "Oculto a plena vista: la geografía jurídica desde una perspectiva visual", in BRAVERMAN, I.; FORD, R.; VALVERDE, M. & CASTRO, M. (eds.), *Derecho y Geografía: Espacio, Poder y Sistema Jurídico* (Siglo del Hombre Editores), pp. 251-280.
- BURGER, A. (2001). "Agricultural development and land concentration in a central European country: a case study of Hungary", *Land Use Policy*, Vol. 18, No. 3, pp. 259-268.

- CARLSON, C. (2019). "Agrarian Structure and Underdevelopment in Latin America: Bringing the Latifundio 'Back In'", *Latin American Research Review*, Vol. 54, No. 3, pp. 678-693.
- CASTRO, M.V. (2019). *Derecho y geografía: espacio, poder y sistema jurídico* (Ediciones Uniandes - Siglo del Hombre Editores).
- CHONCHOL, J.; SILVA SOLAR, J. & BIGÓ, P. (1965). "Diálogo en torno a la propiedad", *Revista Mensaje*, Vol. 14, No. 143, pp. 567-573.
- CLARK, D.S. (2014). *Comparative law and society* (Edward Elgar).
- COLLIS, C. (2009). "The Geostationary Orbit: A Critical Legal Geography of Space's Most Valuable Real Estate", *The Sociological Review*, Vol. 57, No. 1 suppl., pp. 47-65. DOI: <https://doi.org/10.1111/j.1467-954X.2009.01816.x>.
- COMISIÓN INTERMINISTERIAL DE CIUDAD, VIVIENDA Y TERRITORIO (COMICIVYT) (2020). "Política Nacional de Desarrollo Rural". Available online: <https://bibliotecadigital.odepa.gob.cl/bitstream/handle/20.500.12650/72826/Pol%c3%adica-Nacional-de-Desarrollo-Rural.pdf>.
- CORPORACIÓN DE LA REFORMA AGRARIA (CORA) (1970). *Reforma Agraria Chilena 1965-1970* (CORA).
- CORDERO QUINZACARA, E. (2006). "La dogmática constitucional de la propiedad en el derecho chileno", *Revista de derecho (Valdivia)*, Vol. 19, No. 1, pp. 125-148. DOI: <http://dx.doi.org/10.4067/S0718-09502006000100006>.
- COTTERRELL, R. (2002). "Subverting Orthodoxy, Making Law Central: A View of Sociolegal Studies", *Journal of Law and Society*, Vol. 29, No. 4, pp. 632-644.
- DEININGER, K. & FEDER, G. (2001). "Land institutions and land markets", in GARDNER, B.L. & RAUSSER, G.C. (eds.), *Handbook of Agricultural Economics* (North-Holland), Vol. 1, Part A, pp. 287-331. DOI: [https://doi.org/10.1016/S1574-0072\(01\)10009-5](https://doi.org/10.1016/S1574-0072(01)10009-5).
- DELANEY, D. (2015). "Legal geography I: Constitutivities, complexities, and contingencies", *Progress in Human Geography*, Vol. 39, No. 1, pp. 96-102.
- DIAZ, L. (1972). *La propiedad en la ley de Reforma Agraria* (Andres Bello).
- DONOSO, G.; CANCINO, J. & FOSTER, W. (2013). "Farmland values and agricultural growth: The case of Chile", *Economía Agraria y Recursos Naturales*, Vol. 13, No. 2, pp. 33-52. DOI: <https://doi.org/10.7201/earn.2013.02.02>.
- ECHENIQUE, J. (2012). "El caso de Chile", in SOTO, F. & GÓMEZ, S. (eds.), *Dinámicas del mercado de la tierra en América Latina y el Caribe: concentración y extranjerización* (FAO), pp. 145-178. ISBN: 978-92-5-307117-3.
- EUROPEAN ECONOMIC AND SOCIAL COMMITTEE (EESC) (2015). "Opinion of the European Economic and Social Committee on 'Land grabbing – a warning for Europe and a threat to family farming' (own-initiative opinion)", NURM, K., OJ C 242/2015, 23.7.2015, pp. 15-23. Available online: <https://www.accesstoland.eu/IMG/pdf/eesc-2014-00926-00-00-ac-tra-en.pdf>.



- EUROPEAN PARLIAMENT (2017). "State of play of farmland concentration in the EU: how to facilitate the access to land for farmers", OJ C 298/2018, 23.8.2018, pp. 112-120. Available online: [https://www.europarl.europa.eu/doceo/document/TA-8-2017-0197\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-8-2017-0197_EN.pdf).
- FEENAN, D. (2009). "Foreword: Socio-legal studies and the humanities", *International Journal of Law in Context*, Vol. 5, No. 3, pp. 235-242.
- GOMEZ, S. & ECHENIQUE, J. (1991). *La agricultura chilena, las dos caras de la modernización* (FLACSO).
- GONZÁLEZ, F.; GALLEGO, F.A.; MARSHALL, G.; DÍAZ, J.G. & CUESTA, J.I. (2017). "La reforma agraria chilena: hechos estilizados a la luz de una nueva base de datos", *Estudios Públicos*, No. 146, pp. 7-48. Available online: <https://estudiospublicos.cl/index.php/cep/article/view/109>.
- GRAIN (2011). "Land grabbing and the global food crisis", 11/2011. Available online: <https://grain.org/media/W1siZiIsIjIwMTFvMTYvMDdfNDFFmjdFOTeYX2xbmRncmFiRlJBSU5fZGVjMjAxMS5wZGYiXV0>.
- GUEREÑA, A. (2016). *Desterrados: Tierra, poder y desigualdad en América Latina* (OXFAM).
- GWYNNE, R.N. & KAY, C. (1997). "Agrarian Change and the Democratic Transition in Chile: an Introduction", *Bulletin of Latin American Research*, Vol. 16, No. 1, pp. 3-10.
- HOJMAN, D.E. (1990). *Neo-liberal agriculture in rural Chile* (St. Martin's Press).
- ILC & OXFAM (2020). "Uneven Ground. La desigualdad de la tierra en el corazón de las sociedades desiguales". ISBN: 978-92-95105-60-7. Available online: [https://d3o3cb4w253x5q.cloudfront.net/media/documents/2020\\_11\\_land\\_inequality\\_synthesis\\_report\\_uneven\\_ground\\_summary\\_es\\_spread.pdf](https://d3o3cb4w253x5q.cloudfront.net/media/documents/2020_11_land_inequality_synthesis_report_uneven_ground_summary_es_spread.pdf).
- JANVRY, A. de & GARRAMÓN, C. (1977). "The dynamics of rural poverty in Latin America", *The Journal of Peasant Studies*, Vol. 4, No. 3, pp. 206-216.
- JÜRGENSON, E. & RASVA, M. (2020). "The Changing Structure and Concentration of Agricultural Land Holdings in Estonia and Possible Threat for Rural Areas", *Land*, Vol. 9, No. 2, pp. 41-56. DOI: <https://doi.org/10.3390/land9020041>.
- KAY, C. (1980). "Política Económica, Alianza de Clases y Cambios Agrarios en Chile", *Economía*, Vol. 3, No. 5, pp. 125-160.
- KAY, C. (1981). "La Política Agraria Del Gobierno Militar De Chile", *El Trimestre Económico*, Vol. 48, No. 191(3), pp. 567-601.
- KAY, C. (1998). "¿El fin de la reforma agraria en América Latina? El legado de la reforma agraria y el asunto no resuelto de la tierra", *Revista Mexicana de Sociología*, Vol. 60, No. 4, pp. 63-98. DOI: <https://doi.org/10.2307/3541332>.
- KAY, C. (2012). "Visión de la Concentración de la Tierra en América Latina", *Conference La Concentración de la Tierra: Un Problema Prioritario en el Ecuador Contemporáneo*, FLACSO sede Ecuador, Quito, Ecuador, March 1<sup>st</sup>, 2012. Available online: <hdl.handle.net/1765/39068>.

- KAY, C. (2015). "The Agrarian Question and the Neoliberal Rural Transformation in Latin America", *ERLACS*, No. 100, pp. 73-83. DOI: <https://doi.org/10.18352/erlacs.10123>.
- KEDAR, A. (2014). "Expanding Legal Geographies: A Call for a Critical Comparative Approach", in BRAVERMAN, I.; BLOMLEY, N.K., & DELANEY, D. (eds.), *The expanding spaces of law: a timely legal geography* (Stanford University Press), pp. 95-119. DOI: <https://doi.org/10.1515/9780804791878-007>.
- KEENAN, S. (2015). *Subversive property: law and the production of spaces of belonging* (Routledge).
- MCBRIDE, G.M. (1930). "The Agrarian Problem in Chile", *Geographical Review*, Vol. 20, No. 4, pp. 574-586.
- MEARNS, R. (1999). "Access to Land in Rural India", *World Bank*, Policy Research Working Paper No. 2123. Available online: <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/502021468751137942/access-to-land-in-rural-india-policy-issues-and-options>.
- MENDOLA, M. & SIMTOWE, F. (2015). "The Welfare Impact of Land Redistribution: Evidence from a Quasi-Experimental Initiative in Malawi", *World Development*, Vol. 72, pp. 53-69. DOI: <https://doi.org/10.1016/j.worlddev.2015.02.010>.
- MENKEL-MEADOW, C. (2019). "Uses and abuses of socio-legal studies", in CREUTZFELDT, N.; MASON, M. & MCCONNACHIE, K. (eds.), *Routledge Handbook of Socio-Legal Theory and Methods* (Routledge), pp. 35-57. Available online: <https://www.taylorfrancis.com/books/9780429952821/chapters/10.4324/9780429952814-3>.
- MORENO, R. (2014). *Sin Reforma Agraria no habría sido posible: memorias de la Reforma Agraria chilena 1958-1970* (Ediciones Copygraph). Available online: <http://www.memoriachilena.gob.cl/602/w3-article-341612.html>.
- MURRAY, W.E. (2002). "From dependency to reform and back again: The Chilean peasantry during the twentieth century", *Journal of Peasant Studies*, Vol. 29, No. 3-4, pp. 190-227.
- MURRAY, W.E. (2006). "Neo-feudalism in Latin America? Globalisation, agribusiness, and land re-concentration in Chile", *Journal of Peasant Studies*, Vol. 33, No. 4, pp. 646-677.
- NOVOA, E. (1982). "Una evolución inadvertida: El derecho de propiedad", *Revista Mensaje*, Vol. 31, No. 306, pp. 26-31.
- NOVOA, E. (1983). *Derecho, Política y Democracia* (Temis).
- NOVOA, E. (1989). *El derecho de propiedad privada: Concepto, evolución y crítica* (Centro de Estudios Políticos Latinoamericanos).
- OFICINA DE ESTUDIOS Y POLÍTICAS AGRARIAS (ODEPA) (2019). *Chilean agriculture overview 2019* (ODEPA). Available online: <https://www.odepa.gob.cl/wp-content/uploads/2019/09/panorama2019Final.pdf>.

- ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD) (2014). *OECD Rural Policy Reviews: Chile 2014* (OECD Publishing). DOI: <https://doi.org/10.1787/9789264222892-en>.
- ORZECK, R. & HAE, L. (2020). “Restructuring legal geography”, *Progress in Human Geography*, Vol. 44, No. 5, pp. 832–851.
- PALŠOVÁ, L.; BANDLEROVÁ, A. & MACHNIČOVÁ, Z. (2021). “Land Concentration and Land Grabbing Processes—Evidence from Slovakia”, *Land*, Vol. 10, No. 8, pp. 873–889. DOI: <https://doi.org/10.3390/land10080873>.
- POPOVICI, E.-A., MITRICĂ, B. & MOCANU, I. (2018). “Land concentration and land grabbing: Implications for the socio-economic development of rural communities in south-eastern Romania”, *Outlook on Agriculture*, Vol. 47, No. 3, pp. 204–213.
- RAJEVIC, E. (1996). “Limitaciones, reserva legal y contenido esencial de la propiedad privada”, *Revista Chilena de Derecho*, Vol. 23, No. 1, pp. 23–98.
- ROBLES, C. (2020). “The agrarian historiography of Chile: Foundational interpretations, conventional reiterations, and critical revisionism”, *Historia Agraria*, Vol. 81, pp. 99–122. DOI: <http://dx.doi.org/10.26882/histagrar.081e04r>.
- ROGERS, J. (1966). *Dos caminos para la reforma agraria 1945-1965* (ORBE).
- RUIZ-TAGLE VIAL, P. (2017). “Apuntes sobre la función social de la propiedad y la Reforma Agraria en Chile”, *Anales de la Universidad de Chile*, No. 12, Serie 7, pp. 95–112. DOI: <https://doi.org/10.5354/0717-8883.2017.47178>.
- SAUER, S. & LEITE, S.P. (2012). “Agrarian structure, foreign investment in land, and land prices in Brazil”, *The Journal of Peasant Studies*, Vol. 39, pp. 873–898.
- SCHIFF, D.N. (1976). “Socio-Legal Theory: Social Structure and Law”, *The Modern Law Review*, Vol. 39, No. 3, pp. 287–310.
- SCHUTTER, O. de (2011). “How not to think of land-grabbing: three critiques of large-scale investments in farmland”, *Journal of Peasant Studies*, Vol. 38, No. 2, pp. 249–279.
- SHIELDS, K. (2022). “A Review of Evidence on Land Acquisition Powers and Land Ownership Restrictions in European Countries”, *Scottish Government, Social Research Series, Agriculture, Environment and Marine*. ISBN: 978-1-80525-308-2. Available online: <https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2022/12/review-evidence-land-acquisition-powers-land-ownership-restrictions-european-countries/documents/review-evidence-land-acquisition-powers-land-ownership-restrictions-european-countries/review-evidence-land-acquisition-powers-land-ownership-restrictions-european-countries/govscot%3Adocument/review-evidence-land-acquisition-powers-land-ownership-restrictions-european-countries.pdf>.
- SILBEY, S. (2008). “Legal Consciousness”, in CANE, P. & CONAGHAN, J. (eds.), *The New Oxford Companion to Law* (Oxford University Press), p. 696.
- SILVA, P. (1987). *Estado, neoliberalismo y política agraria en Chile, 1973-1981* (CEDLA - Foris Publications).
- VALDÉS, A. & FOSTER, W. (2018). “Agricultural and Rural Policies in Chile”, in MEYERS, W.H. & JOHNSON, T. (eds.), *Handbook of International Food and Agricultural*

- Policies* (World Scientific), Vol. I: Policies for Agricultural Markets and Rural Economic Activity, pp. 291-308. DOI: [https://doi.org/10.1142/9789813226463\\_0013](https://doi.org/10.1142/9789813226463_0013).
- VAN DER PLOEG, J.D.; FRANCO, J.C. & BORRAS, S.M. (2015). "Land concentration and land grabbing in Europe: a preliminary analysis", *Canadian Journal of Development Studies*, Vol. 36, No. 2, pp. 147-162.
- VARGAS, D. & LUISELLI, C. (2020). "Methodological considerations on land inequality", *International Land Coalition*. ISBN: 978-92-95105-68-3. Available online: [https://d3o3cb4w253x5q.cloudfront.net/media/documents/2021\\_3\\_land\\_inequality\\_data\\_paper\\_methodological\\_considerations\\_low\\_res.pdf](https://d3o3cb4w253x5q.cloudfront.net/media/documents/2021_3_land_inequality_data_paper_methodological_considerations_low_res.pdf).
- VILLELA, H. (1979). "Autoritarismo y tenencia de la tierra: Chile 1973-1976", *Revista Mexicana de Sociología*, Vol. 41, No. 1, pp. 205-241.
- VILLELA, H. (2019). *Saqueo y exterminio de la clase campesina chilena: la contra reforma agraria del régimen civil y militar, 1973-1976* (LOM Ediciones).
- VOLLRATH, D. (2007). "Land Distribution and International Agricultural Productivity", *American Journal of Agricultural Economics*, Vol. 89, No. 1, pp. 202-216. DOI: <https://doi.org/10.1111/j.1467-8276.2007.00973.x>.
- WHITEHOUSE, L. & BRIGHT, S. (2015). "The Empirical Approach to Research in Property Law", in BRIGHT, S. & BLANDY, S. (eds.), *Researching Property Law* (Macmillan Education UK), pp. 43-59. DOI: [http://dx.doi.org/10.1007/978-1-137-48618-9\\_4](http://dx.doi.org/10.1007/978-1-137-48618-9_4).