

**The Socio-Legal Infrastructure of Rural Property:
Time, Space and Persons at the Climate Change Crossroads in Chile**

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Abstract

This thesis demonstrates that private rural property in Chile constitutes a significant barrier to addressing climate change challenges, particularly regarding adaptation and coordination efforts. Whilst the individual, absolute and exclusive nature imposed by the property regime is predicated on the demand for legal certainty, climate change embodies the very opposite: profound uncertainty. I argue that this tension impedes coordination amongst actors, creating critical scenarios for rural development. Through the lenses of legal geography, legal consciousness, and critical property theory, I develop an empirical legal analysis employing historical-archival research, geographical information systems, and Q methodology to examine how property law materialises through the confluence of time, space, and persons.

My findings reveal rural property's socio-legal infrastructure—an integrated system where temporal narratives, spatial patterns, and subjective consciousness operate through a conflating of legal certainty, juridical security, and land tenure security. The military dictatorship fused these distinct concepts into apparent technical unity, creating a specifically neoliberal configuration that generates self-contradictions the regime cannot resolve. Property's legal certainty functions as a political device that denies the past by erasing agrarian reform objectives, consolidates the present through property's dephysicalisation, and forecloses the future by rejecting distributive possibilities—precisely when climate uncertainty demands collective coordination.

The infrastructure's temporal dimension reveals how property narratives materialised through three periods: entrepreneurial (1950s), socio-communitarian (1964-1973), and technocratic (1980-2023). The entrepreneurial narrative decoupled property's social and productive functions. The socio-communitarian narrative democratically recoupled these functions, emphasising redistribution. The technocratic narrative consolidated the decoupling, depoliticising property as market facilitator. This established path dependencies that constrained collective responses. The spatial dimension manifests through simultaneous concentration and fragmentation—complementary processes stemming from the same ideological coupling that prioritises individual sovereignty over trans-boundary coordination, threatening both food security and export capacity.

Q methodology reveals how these contradictions generate fragmented legal consciousness in the subjective dimension. Four perspectives transcend class boundaries: small farmers defending absolute property more vehemently than entrepreneurs (Factor 1); landless actors mobilising reform memory for transformative futures (Factor 2); technicians and brokers embracing pragmatic adaptation within systemic constraints (Factor 3); and traditional elites alongside medium peasants forging hierarchical alliances that naturalise existing asymmetries (Factor 4). Whilst all acknowledge climate threats, profound fissures emerge regarding concrete implications. The apparent consensus masks irreconcilable positions about property rights' content and boundaries, revealing that the infrastructure produces subjects who defend the very system marginalising them. This impossibility of self-transformation establishes state mediation as empirical imperative.

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List of Abbreviations

ADI – Indigenous Development Area (Área de Desarrollo Indígena).

CONAF – National Forestry Corporation (Corporación Nacional Forestal).

CORA – Corporation of Agrarian Reform (Corporación de la Reforma Agraria).

CORFO – Production Development Corporation (Corporación de Fomento de la Producción).

CP – Participant code for rural property broker.

DG – Participant code for union (trade-union) leader.

FAO – Food and Agriculture Organization of the United Nations.

GE – Participant code for large agricultural entrepreneur (businessman / businesswoman).

GIS – Geographic Information Systems.

HBR / HRB – Basic Irrigated Hectares (Hectáreas de Riego Básico).

ICJ – International Court of Justice.

INDAP – Institute of Agricultural Development (Instituto de Desarrollo Agropecuario).

IPCC – Intergovernmental Panel on Climate Change.

KADE – Ken-Q Analysis Desktop Edition.

LGUC – General Law on Urbanism and Construction (Ley General de Urbanismo y Construcciones).

MC – Participant code for medium farmer.

MIR – Revolutionary Left Movement (Movimiento de Izquierda Revolucionaria).

NGO – Non-governmental organisation.

NRA – Participant code for agrarian reform grandson.

OC-32/25 – Advisory Opinion No. 32/25 of the Inter-American Court of Human Rights.

OGUC – General Ordinance on Urbanism and Construction (Ordenanza General de Urbanismo y Construcciones).

PANCC SAP – National Climate Change Adaptation Plan for the Forestry-Agricultural Sector (Plan Nacional de Adaptación al Cambio Climático del Sector Silvoagropecuario).

PC – Participant code for small peasant.

PLADECO – Communal Development Plan (Plan de Desarrollo Comunal).

PROCHILE – Chilean Export Promotion Bureau (Dirección General de Promoción de Exportaciones).

PROT – Regional Territorial Planning Plan (Plan Regional de Ordenamiento Territorial).

PRC – Communal Regulatory Plan (Plan Regulador Comunal).

PTI – Territorial Planning Instruments (Instrumentos de Planificación Territorial).

SAG – Agricultural and Livestock Service (Servicio Agrícola y Ganadero).

SII – Internal Revenue Service (Servicio de Impuestos Internos).

SNA – National Agricultural Society (Sociedad Nacional de Agricultura).

ST – Participant code for landless person.

TEC – Participant code for agricultural technician.

ZOIT – Zone of Tourist Interest (Zona de Interés Turístico).

Table of Laws

Chilean constitutional and legislative instruments

- Political Constitution of the Republic of Chile 1925 (as amended by Constitutional Reform Law No 16.615 of 1967)
- Political Constitution of the Republic of Chile 1980
- Constitutional Reform Law No 16.615 of 20 January 1967 (introducing the social function of property)
- Agrarian Reform Law No 16.640 of 28 July 1967
- National Monuments Law No 17.288

Chilean decree laws and codes (rural property, land and water)

- Decree Law No 208 of 17 December 1973 (on exclusion of former agrarian reform leaders from land allocation)
- Decree Law No 724 of 11 December 1974 (on security for agricultural investments)
- Decree No 240 of 28 March 1974 (Ministry of Agriculture, reallocating expropriated estates)
- Decree Law No 133 of 5 November 1974 (on reallocation of agrarian reform lands)
- Decree Law No 701 of 28 October 1974 (Forestry Development Law)
- Decree Law No 165 of 6 February 1975 (on regularisation and titling of rural land)
- Decree Law No 1.552 of 4 September 1976 (on family ownership and distribution of property)
- Decree Law No 3.262 of 30 April 1980 (on titling of state-owned rural land)
- Decree Law No 3.516 of 1 December 1980 (on the division of rural properties)
- Water Code, Decree with Force of Law No 1.222 of 29 October 1981
- Irrigation Promotion Law No 18.450 of 30 October 1985

Chilean planning, municipal and sectoral statutes

- General Law on Urbanism and Construction 1975 (Ley General de Urbanismo y Construcciones, LGUC)
- General Ordinance on Urbanism and Construction 1992 (Ordenanza General de Urbanismo y Construcciones, OGUC)
- Municipalities Organic Constitutional Law No 18.695 (Ley Orgánica Constitucional de Municipalidades)
- Law No 21.074 of 2018 on Regional Territorial Planning Plans (Planes Regionales de Ordenamiento Territorial, PROT)
- Indigenous Law 1993 (creating Áreas de Desarrollo Indígena, ADI)
- Native Forest Law 2008
- Regime on Zones of Tourist Interest (Zonas de Interés Turístico, ZOIT) 2010

International jurisprudence (for Climate Agrarian Reform)

- Obligations of States in respect of Climate Change (Advisory Opinion) [2025] ICJ Rep (23 July 2025)
- Advisory Opinion OC-32/25 (Inter-American Court of Human Rights, 29 May 2025)

Chapter 1.

Rethinking Rural Property in Times of Climate Change

Introduction

In the commune of Cochamó, southern Chile, an advertisement in New York offers 131,000 hectares for sale—a third of an entire commune. When questioned about this massive transaction, the local mayor responds simply: "It is not a fiscal asset, it is private property." In those eight words lies the essence of Chile's rural property regime: a system where individual ownership rights reign supreme, where the state looks away, and where territory becomes commodity. This scene—replicated across Chile as productive lands fragment into parcels and vast estates concentrate in fewer hands—reveals the central paradox this thesis explores: how can a property regime that once enabled agricultural modernisation now obstruct the very adaptation needed for survival in the climate crisis?

This thesis examines how Chile's rural property regime, characterised by individual, absolute, and exclusive rights, faces deep uncertainty produced by climate change. To analyse this predicament, I propose the concept of socio-legal infrastructure of property, which consists of the interconnection of time, space, and persons. The analytical approach adopted in this study demonstrates that the neoliberal configuration of these elements constitutes the fundamental obstacle to coordinating state-led planning and redistribution of rural territory—this is the central argument advanced throughout my analysis in this thesis.

The Chilean case presents a striking paradox. Between 1976 and 2023, the agricultural sector experienced unprecedented growth, establishing Chile as a regional leader in productivity and exports. Rural poverty plummeted from 40% to 6%¹. Yet this same success story conceals a darker reality: just 1% of landowners control 34% of agricultural land in some regions, while 37,150 hectares of productive soil have been lost to fragmentation in merely three regions². The very features that enabled growth—legal certainty, unrestricted dominion, minimal state intervention—now constrain collective responses to environmental challenges.

Climate change has exposed the fundamental contradiction at the heart of Chile's property regime. While climate effects are inherently collective—droughts respect no property boundaries, desertification advances regardless of title deeds—the legal framework treats land as purely individual domain. This tension between individual sovereignty and collective vulnerability reveals itself territorially through two simultaneous processes—the concentration of vast estates in few hands and the fragmentation of productive land into economically unviable plots. Both processes, I argue, stem from the same source, a property regime that has systematically decoupled land's productive function from its social and environmental dimensions³.

¹ Alberto Valdes and William Foster, 'Agricultural and Rural Policies in Chile' (2018) <http://www.worldscientific.com/doi/abs/10.1142/9789813226463_0013> accessed 12 February 2024; Alberto Valdés, 'A Rural Poverty Profile of the Region' in Ramón López and Alberto Valdés (eds), *Rural Poverty in Latin America* (Palgrave Macmillan UK 2000) <http://link.springer.com/10.1057/9780333977798_2> accessed 6 December 2022.

² These calculations, based on original analysis of cadastral and agricultural census data, are presented comprehensively in Chapter 3.

³ Hugo Vilella, 'Autoritarismo y Tenencia de La Tierra: Chile 1973-1976' (1979) 41 *Revista Mexicana de Sociología*

Understanding this crisis requires moving beyond conventional property scholarship. Chilean legal academia remains dominated by positivist approaches that treat property as a set of neutral rules, divorced from material contexts and power relations. This thesis employs an alternative framework, integrating three analytical perspectives. Critical property theory, as developed by Babie⁴, Butler⁵ and Nedelsky⁶ examines how regimes evolve through competing narratives and resist change through institutional inertia. Legal geography, drawing on Blomley⁷ and Graham⁸, analyses the reciprocal relationship between property arrangements and territorial configurations. Legal consciousness scholarship, particularly the work of Ewick and Silbey⁹, reveals how different actors internalise, legitimise, or contest specific property conceptualisations. Together, these approaches enable examination of property not merely as legal doctrine but as lived experience shaping and shaped by rural realities.

The research design operationalises these insights through mixed methods that capture both property's material manifestations and its subjective dimensions. Narrative analysis traces the evolution of property conceptualisations from the 1967 Agrarian Reform through contemporary technocratic governance. Historical data and georeferenced analysis document how these narratives materialise territorially through concentration and fragmentation patterns. Q methodology systematically identifies how different rural actors—from small peasants to large entrepreneurs—understand property's functions and imagine its future. This methodological complementarity reveals property as simultaneously a distributive mechanism, a meaning-making system, and a territorial force.

This thesis develops its argument through six interconnected chapters. Following this introduction, Chapter 2 examines three narratives shaping Chile's rural property regime since 1950, revealing how the Agrarian Reform's socio-communitarian vision was violently replaced by entrepreneurial and technocratic conceptualisations. Chapter 3 maps these narratives' territorial manifestations through simultaneous concentration and fragmentation processes. Chapter 4 employs Q methodology to analyse contemporary legal consciousness, identifying four distinct property perspectives among rural actors. Chapter 5 synthesises

205; Villela.

⁴ Paul Babie, 'Private Property and Climate Change' in Chris Bevan (ed), *Research Handbook on Property, Law and Theory* (Edward Elgar Publishing 2024) <<https://www.elgaronline.com/view/book/9781802202069/book-part-9781802202069-40.xml>> accessed 28 August 2024; Paul Babie, 'Idea, Sovereignty, Eco-Colonialism and the Future: Four Reflections on Private Property and Climate Change' (2010) 19 Griffith Law Review 527; Paul Babie, 'Private Property: The Solution or The Source of The Problem?' (2010) 2 Amsterdam Law Forum 23.

⁵ Lynda L Butler, 'Property, Climate Change, and Accountability' in Nicole Graham, Margaret Davies and Lee Godden, *The Routledge Handbook of Property, Law and Society* (1st edn, Routledge 2022) <<https://www.taylorfrancis.com/books/9781003139614/chapters/10.4324/9781003139614-28>> accessed 6 December 2023; Lynda Butler, 'The Importance of Viewing Property as a System' (2021) 73 San Diego Law Review <<http://ssrn.com/abstract=3658552>>.

⁶ Jennifer Nedelsky, 'A Relational Approach to Property' in Nicole Graham, Margaret Davies and Lee Godden, *The Routledge Handbook of Property, Law and Society* (1st edn, Routledge 2022) <<https://www.taylorfrancis.com/books/9781003139614/chapters/10.4324/9781003139614-31>> accessed 6 December 2023.

⁷ Nicholas K Blomley, *Law, Space, and the Geographies of Power* (Guilford Press 1994).

⁸ Nicole Graham, 'Dephysicalisation and Entitlement:: Legal and Cultural Discourses of Place as Property' in Brad Jessup and Kim Rubenstein (eds), *Environmental Discourses in Public and International Law* (1st edn, Cambridge University Press 2012) <https://www.cambridge.org/core/product/identifier/9781139094610%23c01942-1386/type/book_part> accessed 28 April 2023; Nicole Graham, 'This Is Not a Thing'; Nicole Graham, *Landscape: Property, Environment, Law* (Routledge 2011).

⁹ Patricia Ewick and Susan S Silbey, 'The Common Place of Law: Stories from Everyday Life' [1998] *Contemporary Sociology*.

these temporal, spatial, and subjective dimensions to crystallise the concept of 'socio-legal infrastructure', revealing how Chile's neoliberal conflation of legal certainty, juridical security, and land tenure security generates self-contradictions that climate change renders unsustainable. Chapter 6 advances transformation possibilities, proposing competing models of climate agrarian reform whilst demonstrating why structural inequalities and fragmented consciousness necessitate state mediation.

The stakes of this investigation extend beyond academic debate. As Chile faces increasing droughts, shifting agricultural zones, and mounting food insecurity, the question of property regime adaptation becomes urgent. Can a system premised on individual sovereignty generate collective responses to shared threats? How do different rural actors imagine property's future in a climate-changed world? What role must the state play in mediating between irreconcilable visions? These questions, explored throughout this thesis, suggest that Chile stands at a crossroads: continue defending a property regime designed for a world that no longer exists, or imagine new arrangements capable of reconciling production, equity, and survival. The choice made will determine not only who owns the land, but whether the land can continue sustaining those who depend upon it.

In the remaining part of this introductory chapter I develop the conceptual and methodological foundations for examining Chile's rural property regime. Section 1 articulates the research object and central argument, introducing the concept of socio-legal infrastructure and its three constituent dimensions—time, space, and persons—whilst establishing how the conflation of legal certainty, juridical security, and land tenure security generates the structural contradictions this thesis examines. Section 2 situates the research within broader theoretical debates about property in crisis, drawing upon critical property theory, legal geography, and legal consciousness scholarship to construct the analytical framework. This section develops the conceptual tools necessary for challenging doctrinal approaches to rural property, examines how legal geography illuminates the reciprocal relationship between property arrangements and territorial configurations in Chilean rural landscapes, and explores how legal consciousness scholarship reveals the subjective dimensions through which different actors internalise and contest property conceptualisations.

Section 3 presents the methodological approach, establishing narrative analysis as the primary method whilst detailing how historical analysis, spatial analysis through geographical information systems, and Q methodology operate as complementary techniques that capture both property's material manifestations and its subjective dimensions. This section also specifies the materials and data sources employed throughout the investigation.

Finally, Section 4 outlines the thesis structure, mapping how subsequent chapters build upon these foundations to develop the argument across its temporal, spatial, and subjective dimensions.

1. Research Object and Central Argument

This thesis examines how Chile's rural property regime operates through a socio-legal infrastructure comprising three interdependent dimensions—time, space, and subjectivities—whose specific articulation determines the regime's capacity to respond to climate change. The infrastructure itself is universal to all property regimes, but what defines Chile's neoliberal character is the ideological coupling of legal certainty, juridical security, and land tenure security that the military dictatorship consolidated, and democracy maintained. This coupling, by fusing concepts that operate in distinct ontological registers, generates structural contradictions the regime cannot resolve through its own mechanisms.

The temporal dimension organises collective memory about land through competing narratives that shape what futures become imaginable. Three narratives have contested this terrain since 1950. The entrepreneurial narrative champions individual sovereignty and resists any coupling between property's productive and social functions. The socio-communitarian narrative (1964-1973) envisioned land as vehicle for civic integration, coupling productive efficiency with social inclusion. The technocratic narrative, dominant since 1990, depoliticises property by transforming distributional questions into technical matters.

The violent imposition of the entrepreneurial vision during dictatorship established what I term the rural 'never again'—a temporal horizon mobilised by landed elites and military authorities to foreclose any return to redistributive land policies. This formulation inverts the meaning of Chile's iconic *nunca más*, which in urban contexts referred to the commitment against repeating state violence and human rights violations. In the countryside, however, 'never again' operated as a disciplinary promise: never again would peasants rise up, never again would land be redistributed¹⁰. This temporal freezing of transformation possibilities occurs precisely when climate change demands maximum institutional flexibility.

The spatial dimension materialises through territorial patterns of concentration and fragmentation that make collective coordination structurally impossible. While 1% of owners control 34% of agricultural land in some regions, 37,150 hectares fragment into economically unviable parcels. These seemingly contradictory processes stem from the same source—the ideological coupling grants unlimited individual discretion whilst providing no mechanisms for trans-boundary coordination. The resulting geography ensures that adaptation becomes impossible not due to technical limitations but because the juridical architecture prevents collective responses to shared threats.

The subjective dimension manifests through fragmented legal consciousness where actors inhabit contradictory positions regarding property's meaning and future. Through Q methodology, this thesis identifies four distinct configurations that transcend expected class categories. Small peasants defend neoliberal principles more forcefully than entrepreneurs themselves. Landless workers imagine transformative alternatives. Traditional elites and medium peasants form unexpected alliances around hierarchical complementarity. This

¹⁰ José Bengoa, *Reforma Agraria y revuelta campesina: Seguido de un homenaje a los campesinos desaparecidos* (LOM Ediciones).

fragmentation prevents coalition-building for change whilst ensuring the regime reproduces itself through the very subjects it marginalises.

The ideological coupling generates self-contradictions that climate change renders unsustainable. Juridical security promises unaltered rules precisely when environmental disruption demands institutional transformation. Legal certainty guarantees individual sovereignty when watershed management requires collective governance. Land tenure security, reduced to an automatic consequence of the other two, cannot ensure productive continuity when droughts destroy the material base. These contradictions are not external pressures but internal products of the infrastructure itself—the regime's success in eliminating property's social and environmental functions now prevents it from processing them when survival makes them unavoidable.

This structural incapacity for self-transformation establishes the necessity of state mediation not as ideological preference but as empirical imperative. The evidence demonstrates that neither market mechanisms nor voluntary agreements can overcome the fragmented consciousness and territorial atomisation the infrastructure produces. Only active state intervention can potentially reconfigure the coupling, articulate divergent trajectories, and enable the collective climate response that individual sovereignty systematically precludes. The Chilean case thus reveals a fundamental paradox of neoliberal property regimes—the characteristics that enabled agricultural modernisation now constitute the principal obstacles to climate adaptation.

In this regard, the Chilean rural property regime faces two specific tensions. The first emerges between legal certainty and climate uncertainty, while the system provides security for land markets through individual and exclusive property rights, climate change introduces deep uncertainty¹¹—characterised by unknown variables, changing structural conditions, and multiple possible futures—disrupting this underlying assumption. The second tension exists between individual control and collective needs. Property rights concentrate decision-making power in landowners, restricting coordinated action with state agencies and other actors. These tensions manifest most clearly in food security challenges, where the individual, absolute nature of property rights impedes collective responses to climate adaptation needs.

While the current property framework has driven economic growth and positioned Chile's agricultural sector as a regional leader, its constraints on coordinated adaptation strategies are particularly evident in the sustained loss of arable land through fragmentation and concentration processes, threatening both domestic food production capacity and export potential. This research examines how these tensions materialise territorially and how different actors interpret and respond to them, with particular attention to their implications for food security in a context of increasing climate uncertainty.

The historical trajectory of Chile's property regime reveals a dynamic process of coupling and decoupling between property's social, productive, and environmental functions. During certain periods, particularly in the 1960s, these functions were coupled: property rights were understood and regulated as inherently integrating social obligations, productive imperatives, and environmental considerations. The military regime's reforms marked a decisive decoupling of these functions, prioritising property's productive dimension while isolating it from social and environmental obligations.

This decoupling, institutionalised through constitutional and legal frameworks, created a

¹¹ Sara M Constantino and Elke U Weber, 'Decision-Making under the Deep Uncertainty of Climate Change: The Psychological and Political Agency of Narratives' (2021) 42 *Current Opinion in Psychology* 151.

property regime ill-equipped to address collective challenges. Climate change now exposes the limitations of this functionally decoupled regime, particularly in its capacity to balance food security imperatives with environmental adaptation needs. This thesis demonstrates that while various rural actors share a disposition toward property arrangements that facilitate climate adaptation, profound inequalities in access to economic, social, and cultural capital constrain the possibility of recoupling these functions in ways that could support effective adaptation. This evidence suggests that an effective regime transformation requires more than consensual agreements; it demands state intervention to mediate and implement coordination and spatial planning policies that can reintegrate property's multiple functions.

This historical decoupling of property functions was legitimised through a powerful economic narrative that emphasized productivity and market efficiency while downplaying social and environmental considerations. The regime's strength manifests in its economic outcomes. Between 1976 and 2023, Chile's agricultural sector experienced unprecedented growth, establishing the country as a regional leader in productivity, technological innovation, and international market penetration. Social indicators validate this success: for example, rural poverty declined from 40% to 6% during this period¹². This development rests on two fundamental pillars, property rights' individual and absolute nature and an institutional framework that ensures legal certainty for agricultural investment.

The power of this economic narrative derives not only from its quantitative outcomes but also from its capacity to establish consensus regarding the relationship between legal certainty and agricultural development. This hegemony has proved so effective that, for decades, it has precluded any significant challenge to the property regime, consolidating a vision wherein the constitutional protection of property appears as a prerequisite for the sector's progress.

The structural limitations of this economic model materialise territorially through two simultaneous phenomena: concentration and fragmentation of rural land. Chile has 40 million hectares; merely 1.8 million support forestry and agricultural production, where a dual production model has emerged¹³. Small-scale farmers primarily supply domestic food markets, while large landowners have capitalised on fruit growing and mono-cropping to satisfy the international market¹⁴. Within this context, the irreversible loss of agricultural land emerges as a critical concern.

Land concentration among high-capital actors has also reinforced hierarchical power relations in rural territories¹⁵. Simultaneously, the progressive fragmentation of landholdings subdivided into plots as small as 0.5 hectares through formal procedures results in systematic, productive land loss, frequently repurposed for real estate development. The state lacks adequate tools to coordinate or plan land use, while the existing property regime reinforces

¹² William Foster and Alberto Valdés, 'Características estructurales de los hogares agrícolas chilenos: Una tipología de los hogares rurales y determinantes de ingreso en base a la Encuesta Casen 2003' [2009] Estudios Públicos <<https://estudiospublicos.cl/index.php/cep/article/view/446>> accessed 12 February 2024; Ministerio de Desarrollo Social y Familia, 'Encuesta CASEN' (2017).

¹³ Warwick E Murray, 'Neo-Feudalism in Latin America? Globalisation, Agribusiness, and Land Re-Concentration in Chile' (2006) 33 *Journal of Peasant Studies* 646.

¹⁴ Sergio Gomez and Jorge Echenique, *La Agricultura Chilena, Las Dos Caras de La Modernización*. (Tercera, FLACSO 1991); Robert N Gwynne and Cristobal Kay, 'Agrarian Change and the Democratic Transition in Chile: An Introduction' (1997) 16 *Bulletin of Latin American Research* 3.

¹⁵ Saturnino M Borrás and others, 'Land Grabbing in Latin America and the Caribbean' (2012) 39 *The Journal of Peasant Studies* 845; Cristóbal Kay, 'Visión de La Concentración de La Tierra En América Latina' (2012); Ilc and Oxfam, 'Unever Ground. La Desigualdad de La Tierra En El Corazón de Las Sociedades Desiguales' (2020).

individual autonomy over decisions that generate collective impacts.

In this context of territorial vulnerability, climate change emerges as a challenge that exacerbates the tensions inherent in the property regime. Unlike the individualised nature of property rights, the causes and effects of anthropogenic climate change are inherently collective¹⁶. The advance of desert frontiers, shifts in rainfall patterns, and increasing drought frequency affect, to varying degrees, the quantity and quality of available agricultural land¹⁷. More broadly, these shifts are generating food insecurity. However, adaptive capacity remains deeply unequal. While large landowners possess the capital necessary to incorporate technologies and practices that facilitate adaptation and resilience, small-scale farmers face increasing vulnerability due to insufficient tools and capacities to confront this new reality. This asymmetry in adaptive capacity not only deepens existing inequalities in rural areas but also compromises the agricultural sector's overall capacity to respond effectively to climate pressures, thereby endangering both food security and export potential¹⁸.

Constructing an answer requires moving beyond mainstream approaches that dominate property scholarship both in Chile and across Latin American legal academia more broadly, where positivist and uncritical perspectives on property law remain entrenched. The Chilean case is particularly acute: with some notable exceptions such as Novoa's critical examination of property regimes, Guiloff's analysis of stability and change in constitutional property regulation and his work on property rigidity in Chilean Constitutional Court jurisprudence¹⁹, and Rajevic's contributions on territorial regulation²⁰ - these approaches treat property primarily as a normative structure, reducible to a set of legal rules, where systematic interpretation alone would provide sufficient responses. This positivist framework, by assuming property's internal coherence and rationality - where legal interpretation purportedly yields answers independent of material contexts - ultimately reduces property scholarship to reproduction and justification of existing arrangements.

In this thesis I employ an integrated theoretical framework synthesising three complementary analytical perspectives. Critical property theory, which examines how property regimes evolve, adapt and resist change through competing narratives and power relations; legal geography, analysing the reciprocal relationship between property arrangements and rural spatial configurations; and legal consciousness, illuminating the processes through which actors internalise and legitimise specific property conceptualisations.

The research design operationalises the socio-legal infrastructure framework through mixed methods that capture each dimension's complexity. Narrative analysis examines the temporal dimension by tracing how entrepreneurial, socio-communitarian, and technocratic narratives have contested property's meaning since 1950, revealing the violent imposition and subsequent naturalisation of the neoliberal coupling. Georeferenced data and spatial analysis

¹⁶ Babie, 'Private Property and Climate Change' (n 4); Robyn Bartel and Nicole Graham, 'Place in Legal Geography: Agency and Application in Agriculture Research' [2022] Geographical Research <<https://discovery.researcher.life/article/place-in-legal-geography-agency-and-application-in-agriculture-research/e40123bff9bb3bba9c5770dddeb4b1fa>> accessed 11 January 2023.

¹⁷ Lisandro Roco and others, 'The Impact of Climatic Change Adaptation on Agricultural Productivity in Central Chile: A Stochastic Production Frontier Approach' (2017) 9 Sustainability 1648; Saa, Constanza, 'Anteproyecto - Plan Nacional de Adaptación al Cambio Climático Del Sector Silvoagropecuario. Periodo 2024 - 2028' (FAO; Ministerio de Agricultura; Green Climate Fund 2023).

¹⁸ Saa, Constanza (n 17).

¹⁹ Matías Guiloff-Titun and Viviana Ponce De León-Solís, 'La Rigidez Del Derecho de Propiedad En La Jurisprudencia Del Tribunal Constitucional Chileno' (2024) 37 Revista de derecho (Valdivia) 111.

²⁰ Enrique Rajevic, 'La frágil regulación del suelo rural a cuatro décadas de su liberalización' [2020] AUS 54.

document the territorial dimension through concentration and fragmentation patterns that manifest the coupling's material consequences. Q methodology systematically identifies the subjective dimension by mapping how 29 rural actors—from landless workers to large entrepreneurs—have internalised, resisted, or reimagined property relations. Historical analysis traces how the ideological coupling was institutionally consolidated through specific legal instruments during dictatorship and maintained through technocratic depoliticisation in democracy. This methodological architecture enables examination of how the infrastructure operates as an integrated system rather than isolated components.

The argument unfolds by demonstrating how each dimension of the socio-legal infrastructure contributes to the regime's self-generated contradictions. First, the temporal analysis reveals how the "never again" to agrarian reform froze transformation horizons, with technocratic narrative converting property from political terrain into technical matter, eliminating even the vocabulary for imagining alternatives. Second, the spatial analysis documents how the ideological coupling produces simultaneous concentration and fragmentation—both expressions of unlimited individual sovereignty that fragment the territorial base needed for collective climate response. Third, the subjective analysis exposes how fragmented legal consciousness prevents coalition-building, with small peasants defending the very neoliberal principles that exclude them. Finally, the synthesis demonstrates how these three dimensions interlock through the ideological coupling to create a regime incapable of self-transformation—where the promise of juridical security prevents institutional flexibility, legal certainty precludes collective coordination, and land tenure security cannot ensure productive continuity when climate change destroys the material base.

The evidence establishes that Chile's rural property regime has reached the structural limits of its adaptive capacity. The apparent consensus about climate change masks irreconcilable differences about property's role in adaptation, while the fragmented consciousness and territorial atomisation prevent endogenous transformation. The infrastructure's success in decoupling property's productive function from its social and environmental dimensions now constitutes its fundamental weakness—it eliminated the very mechanisms needed to process collective challenges. This self-generated contradiction reveals why voluntary agreements and market mechanisms prove insufficient. Only state mediation can potentially reconfigure the ideological coupling, overcome the fragmented trajectories, and enable the trans-boundary coordination that climate adaptation demands. The Chilean case thus illuminates a global paradox: neoliberal property regimes generate the very problems their internal logic cannot solve.

2. Property in Crisis: Theoretical Considerations

The evolution of Chile's property regime presents a complex intersection of competing scholarly interpretations regarding its twentieth-century transformation. Brahm²¹ and Fernandois²² advance the position that the progressive socialisation of property from the early twentieth century precipitated its deterioration, ultimately contributing to the 1973 military coup by Augusto Pinochet. According to these scholars, the weakening of property

²¹ Enrique Brahm, 'Algunos Aspectos Del Proceso de Socialización Del Derecho de Propiedad En Chile Durante El Gobierno Del General Carlos Ibañez Del Campo (1927–1931)' (2012) 20 *Rechtsgeschichte Legal History* 234; Enrique Brahm, 'La Perversión de La Cultura Jurídica Chilena Durante El Gobierno de La Unidad Popular. "Resquicios Legales" y Derecho de Propiedad.' [1999] *Revista Chilena de Historia del Derecho* 335.

²² Arturo Fernandois Vöhringer, *Derecho Constitucional Económico: Garantías Económicas, Doctrina y Jurisprudencia* (2. ed. actualizada, Ediciones Universidad Católica de Chile 2006).

rights intensified between 1964 and 1973, mainly through constitutional reforms and the 1967 Agrarian Reform, wherein the liberal foundations of property rights confronted expanding restrictions on their exercise, manifested through price control policies and broader expropriation grounds.

This interpretative divergence reveals deeper epistemological tensions about the nature of property transformation in twentieth-century Chile. Brahm's analysis, rooted in a liberal-juridical framework, conceptualises property as an institution whose essence remains constant whilst its exercise becomes progressively constrained. His periodisation identifies three phases of 'deterioration': the initial regulatory interventions (1920s-1940s), the constitutional socialisation (1960s), and the radical appropriation attempts (1970-1973). Each phase, in his reading, represents not evolution but degeneration—a progressive deviation from property's natural state of individual sovereignty.

Fernandois extends this deteriorationist thesis through a constitutional lens, arguing that the 1967 reform's expansion of expropriation grounds fundamentally altered the property guarantee's nature. His analysis centres on what he terms the 'constitutional mutation' whereby property transformed from a subjective right into a mere legal position vulnerable to legislative reconfiguration. This mutation, he contends, occurred not through revolutionary rupture but through democratic institutions' gradual colonisation by collectivist ideologies. The paradox Fernandois identifies—that property's weakening proceeded through strengthened democratic legitimacy—reveals his underlying assumption that authentic democracy must necessarily protect, rather than redistribute, property rights.

Constitutional Reform Law No. 16.615 of 1967 crystallised this transformation by introducing property's social function, which encompasses 'whatever the general interests of the state, public utility and public health, the optimal use of productive resources and energy in service of the community, and the improvement of the living conditions the general population may require'²³. Fernandois argues that such reform institutionally weakened property rights by expanding expropriation grounds²⁴.

The scholarly interpretation presented above reveals a fundamental tension in Chilean property scholarship. Fernandois argues that the deterioration of property rights directly preceded Pinochet's dictatorship, which sought resolution through a new Constitution to restore respect for liberty and property rights²⁵. Conversely, Gómez Leyton maintains that legal reforms under Eduardo Frei Montalva (1964-1970) and Salvador Allende (1970-1973) democratised private property rights²⁶.

The relationship between property rights and democratic processes in twentieth-century Chile presents a critical analytical challenge. From the 1920s onwards, Chile's property regime underwent a fundamental transformation, characterised by increasing state regulatory

²³ Constitución Política de la República de Chile 1925 [Political Constitution of the Republic of Chile 1925], art 10(10)

²⁴ Fernandois Vöhringer (n 22).

²⁵ Fernandois Vöhringer (n 22) 212.

²⁶ Juan Carlos Gómez Leyton, *La frontera de la democracia: el derecho de propiedad en Chile ; 1925 - 1973* (1. ed, LOM Ed 2004); Juan Carlos Gomez Leyton, 'Democracia versus propiedad privada. Los orígenes político-jurídicos de la dictadura militar chilena.', *Sujetos sociales y nuevas formas de protesta en la historia reciente de América Latina* (CLACSO, Consejo Latinoamericano de Ciencias Sociales, 2006).

presence and policy intervention in property relations. Brahm²⁷ and Fernandois²⁸ interpret this process as a progressive deterioration of property rights.

However, their interpretation reveals a fundamental shortcoming. What they describe as 'deterioration' actually consists mainly of democratic modifications to the exclusionary element of property, enacted through legitimate legislative channels. This limitation becomes particularly evident in Fernandois's analysis, where democratic legitimacy receives notably cursory treatment. His brief acknowledgement that these property reforms 'enjoyed, at the time, the democratic approval of legislative and constituent bodies' exemplifies a formalist approach that overlooks the fundamental relationship between property and democracy²⁹. His framework subordinates democratically enacted property reform to an idealised conception of absolute property rights, effectively diminishing the significance of sovereign popular will expressed through established constitutional channels.

The deterioration/democratisation dichotomy thus emerges as more than mere semantic difference—it represents fundamentally incompatible ontologies of property. Where Brahm and Fernandois perceive pathology, Gómez Leyton identifies therapy. His 'democratisation' framework reconceptualises the 1925-1973 period not as property's decline but as its progressive socialisation, whereby an institution historically monopolised by elites became subject to popular sovereignty. This process, far from weakening property, strengthened its legitimacy by aligning it with democratic principles of social justice and collective welfare.

Gómez Leyton's archival research reveals how parliamentary debates increasingly framed property not as natural right but as social construction requiring continuous democratic legitimation. The 1967 constitutional reform's introduction of property's 'social function' represented, in this reading, not foreign imposition but organic evolution reflecting Chilean society's democratising trajectory. Crucially, this interpretation locates property's crisis not in the reforms themselves but in elite resistance to democratically mandated redistribution—resistance that ultimately manifested in authoritarian restoration.

The methodological implications of this interpretative divide extend beyond historical debate. Brahm and Fernandois, as evidenced in their analyses, consistently measure property transformations against the liberal-bourgeois conception that had dominated Chilean legal discourse—a model characterised by individual, absolute, and exclusive ownership. Their interpretation frames any departure from this model as deterioration or weakening. Gómez Leyton, conversely, approaches property as an institution whose content and limits are properly subject to democratic determination, viewing the expansion of social functions not as deterioration but as legitimate evolution responding to collective needs.

In this regard, the author argues for property's political dimension, stripping away its technical-economic veneer to highlight power relations³⁰. From this perspective, the military regime arises not from the democratic inability to resolve social conflicts but from property rights' democratisation and expansion to non-owning citizens. The dominant classes, realising the existing political regime could neither protect property rights in their traditional

²⁷ Enrique Brahm, *Propiedad Sin Libertad: Chile 1925-1973* (Universidad de los Andes 1999); Brahm, 'Algunos Aspectos Del Proceso de Socialización Del Derecho de Propiedad En Chile Durante El Gobierno Del General Carlos Ibañez Del Campo (1927-1931)' (n 21).

²⁸ Fernandois Vöhringer (n 22).

²⁹ Fernandois Vöhringer (n 22).

³⁰ Nedelsky (n 6); Eduardo Peñalver, 'Property as a Entrance' (2013) 91 Virginia Law Review <<https://virginialawreview.org/articles/property-entrance/>>; Laura S Underkuffler, *The Idea of Property: Its Meaning and Power* (Oxford University Press 2003).

form nor prevent their socialisation, sought to dismantle and replace the institutional framework with one ensuring such protection.

The legal transformations introduced by the military regime established what warrants characterisation as a neoliberal regime of rural private property. The legal reforms introduced by the military dictatorship constitute the first stage of what I subsequently characterise as the neoliberal infrastructure of property. With amplified force, this model reinstated a conception of property rights distinguished by absoluteness, individuality, and exclusivity.

Novoa argues that within the liberal-individualist tradition, absoluteness refers to the landowner's sovereignty to employ the asset with maximum latitude; individuality denotes specific, identifiable, and determined dominion; and exclusivity comprises the title-holder's capacity to reject any third-party intervention in the use, possession, or disposal of the asset. These characteristics manifest in what he terms quantitative unlimitedness, where the titleholder encounters no restrictions on asset accumulation³¹.

While Novoa, writing in the 1980s, categorised this regime as Neocapitalism, this thesis demonstrates that Chile's neoliberalism operates through a more specific mechanism—the conflation of legal certainty, juridical security, and land tenure security into an apparently technical unity³². This process constitutes the distinctively neoliberal character of Chile's rural property infrastructure, not merely through market liberalisation or state retrenchment, but through the systematic fusion of concepts that operate in distinct ontological registers. Legal certainty functions in the technical-formal register by identifying titleholders, juridical security operates in the ideological-temporal register by freezing transformation horizons, and land tenure security works in the material-ecological register by ensuring productive continuity. The dictatorship's genius lay not in inventing these concepts but in fusing them into an indivisible unity where questioning one element threatens the entire system³³.

This conflation produces three specifically neoliberal effects. First, it eliminates productive tensions between property's social, productive, and environmental functions—tensions that other Latin American regimes maintain through social function doctrines or differentiated tenure protections. Second, it naturalises political construction as technical necessity, transforming the violent counter-reform's outcomes into inevitable market logic. Third, it creates self-reinforcing incapacity for transformation, as the coupling that provided stability for agricultural modernisation now prevents institutional adaptation when climate change demands it. The state's role proves crucial but paradoxical—it actively maintains the conflation through constitutional guarantees and institutional frameworks whilst simultaneously being prevented by that same coupling from implementing the coordination mechanisms climate adaptation requires³⁴.

In property rights, this neoliberal transformation established a fundamentally different system

³¹ Eduardo Novoa, *El Derecho de Propiedad Privada: Concepto, Evolución y Crítica*. (2 Edición, Centro de Estudios Políticos Latinoamericanos 1989).

³² Novoa (n 30); Chapter 5 of this thesis develops the concept of ideological coupling as the specifically neoliberal form of Chile's socio-legal infrastructure.

³³ For the historical consolidation of this coupling, see Constitutional Commission Records (Actas Oficiales de la Comisión Constituyente), Sessions 155-157 and 161-165 (1975-1976); Decree Law 208 (1973); Decree Law 3,516 (1980)

³⁴ For broader analyses of Chilean neoliberalism that complement this property-specific account, see Renato Cristi, *La tiranía del mercado: auge y caída del fundamentalismo liberal en Chile* (1st edn, Editorial Catalonia 2021); Sebastian Edwards, *The Chile Project: The Story of the Chicago Boys and the Downfall of Neoliberalism* (Princeton University Press 2023)

from the colonial *latifundio*³⁵. Instead of a property regime based on traditional social hierarchies and reciprocal obligations between landowners and peasants, it maximised property's status as an absolute, individual, and exclusive right. Underkuffler, in analysing the American property regime, identifies these characteristics as constituting the 'myth of property'—a conceptual framework whose central risk lies in obscuring property's inherently social and contextual nature³⁶. This new form of governance considers three key mechanisms. The restriction of property's social function, the systematic dismantling of agrarian reform legislation, and the subsequent individual allocation of landholdings, reinforced through state incentives for land concentration via irrigation and forestry subsidies.

The dictatorship's constitutional status accorded to property functioned effectively as a shield against any shift in parliamentary power relations that might precipitate its reformulation, attenuation, or democratisation³⁷. Understanding this phenomenon requires analysing property law through its subjective and objective dimensions. The subjective dimension encompasses recognising the individual's power to use, possess, and dispose of property with the exclusion of third parties, enforceable through protective legal mechanisms. The objective dimension comprises the regulatory framework that defines property's social function, limitations, and guarantees within the legal order to ensure its exercise and protection³⁸.

Cordero characterises Chile's property regime as an impregnable stronghold against public powers—a juridical fortress separating public and private spheres. The author argues that such subjectivist orientation emerges directly from Chile's 1980 constitutional framework, designed to protect titleholders rather than the legal institution itself. Fernandois provides strong evidence that the Constitutional Commission³⁹ pursued comprehensive constitutionalisation of property rights, thereby constraining legislative capacity for regulation. Such protection reached its apotheosis through the doctrine of essential content.

This doctrine establishes that property comprises a set of essential attributes - the rights to possess, use, manage, receive income from, and alienate property- and holds that any limitation to even one of these attributes constitutes a restriction of property rights. This interpretation has been taken to its extreme by the Constitutional Court, effectively petrifying legislative discussion on property by treating any modification of these attributes as a potential violation of constitutional property rights⁴⁰. The doctrine of essential content warrants deeper examination as it represents the constitutional crystallisation of property's resistance to democratic reconfiguration.

³⁵ José Bengoa, *Historia Social de La Agricultura Chilena. Tomo II* (Ediciones Sur 1990).

³⁶ Underkuffler, *The Idea of Property* (n 30).

³⁷ Eduardo Cordero Quinzacara and Eduardo Aldunate Lizana, 'Evolución Histórica Del Concepto de Propiedad' [2008] *Revista de estudios histórico-jurídicos* <http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0716-54552008000100013&lng=en&nrm=iso&tlng=en> accessed 11 September 2023; Eduardo Cordero Quinzacara, 'De la propiedad a las propiedades: La evolución de la concepción liberal de la propiedad' (2008) 30 *Revista de derecho* (Valparaíso) <http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-68512008000200014&lng=en&nrm=iso&tlng=en> accessed 11 September 2023; Guillof, Matías, 'El estatuto constitucional de la propiedad: una mirada ex ante', *Propuestas para una nueva constitución: (originada en democracia)* (Segunda edición, 2015); Guillof-Titun and Ponce De León-Solís (n 19).

³⁸ Novoa (n 31).

³⁹ The Constitutional Commission (Comisión de Estudios de la Nueva Constitución Política de la República) was established by the military regime in 1973 and operated until 1978. This body was responsible for drafting Chile's 1980 Constitution, which institutionalized the military regime's political and economic model. The Commission was composed of lawyers and academics aligned with the regime's ideology.

⁴⁰ Cordero Quinzacara (n 37).

The doctrine's practical effects manifest in the institutional paralysis described by Cordero. The limitation extends beyond constraints upon legislative power to configure rights, encompassing restrictions on parliamentary authority to amend or repeal legislation conferring patrimonial powers. The 2006 Supreme Court case regarding the National Monuments Law No. 17,288 exemplified this paralysis, determining that restoration, repair and conservation costs imposed on property owners were unconstitutional, thereby according to provisions of the Civil Code concerning dominion and possession a 'quasi-constitutional' value that rendered their modification constitutionally impermissible⁴¹.

This jurisprudential approach creates profound constraints on legislative capacity. By treating any modification of property's traditional attributes as potential constitutional violation, the doctrine effectively shields the existing property regime from democratic reconfiguration. Environmental regulations, social housing requirements, or climate adaptation measures must operate within these constraints, limiting their potential effectiveness. The result is a property system that, as Cordero characterises it, functions as an impregnable stronghold against public powers—a juridical fortress separating public and private spheres.

The constitutional entrenchment of property rights generates a fundamental tension between the need for legal certainty and the demand for adaptability in property governance. Examining this tension, Guiloff argues that the primary challenge lies not within the constitutional provision but in the Chilean Constitutional Court's interpretative approach⁴². The Court's jurisprudence shows a notable oscillation: at times granting expansive legislative authority, whilst in other instances declaring limitations through reasoning predicated upon deprivation of essential attributes⁴³. Ferrada suggests a shift in jurisprudential criteria toward a more flexible interpretation of property restrictions, as evidenced in cases where the Court has accepted the non-compensation for expropriation when justified by property's social function⁴⁴.

These institutional limitations have prompted scholars to advocate for fundamental changes in Chilean property law. Cristi and Ruiz-Tagle develop a republican conception of property that contributes valuable insights to the debate, recognising its constitutional primacy as directly applicable given its connection to principles of liberty and citizen equality⁴⁵. The path toward reform emerges, in this sense, through multiple scholarly perspectives. From a regulatory standpoint, Ferrada suggests reconstructing legal dogmatics to enhance legislative capacities⁴⁶. This approach aligns with Rajevec's findings on the current model's limitations in rural land governance⁴⁷. These critiques of the Chilean model can be theoretically framed through Underkuffler's broader analysis of property rights, which suggests that resolving these challenges requires balancing individual interests with distributive justice principles⁴⁸.

⁴¹ Cordero Quinzacara (n 37).

⁴² Guiloff-Titun and Ponce De León-Solís (n 19).

⁴³ For a detailed discussion on the doctrine of essential attributes, see the Constitutional Commission's records (Actas Oficiales de la Comisión Constituyente), particularly the argumentative role developed by Commissioner Jaime Guzmán in Sessions 155-157 and 161-165 (1975-1976). Guzmán's intervention was instrumental in establishing this doctrine as a core element of property protection in the 1980 Constitution.

⁴⁴ Juan Carlos Ferrada, 'El Derecho de propiedad en el ordenamiento constitucional chileno: Revisión, evolución y estado actual.' (2014) LXXXII Revista de Derecho Universidad de Concepción.

⁴⁵ Renato Cristi and Pablo Ruiz Tagle Vial, *El constitucionalismo del miedo: propiedad, bien común y poder constituyente* (1. ed., 1. reimpresión, LOM Ediciones 2015).

⁴⁶ Ferrada (n 44).

⁴⁷ Rajevec (n 20).

⁴⁸ Laura S Underkuffler, 'The Holy Grail of Progressive Property' (2020) 29 Cornell Journal of Law and Public

Despite these scholarly contributions, property scholarship in Chile remains predominantly doctrinal, with contemporary legal dogmatics focusing mainly on the implications of subjectivist property interpretation. This doctrinal confinement is not uniquely Chilean—positivist approaches to property that isolate legal analysis from material contexts characterise property scholarship across Latin America and much of the Global South, and indeed remain influential in common law jurisdictions despite decades of critical property scholarship. Yet Chile represents a particularly acute manifestation of this broader tendency: beyond Novoa's foundational contributions, the field reveals a striking absence of critical examination of the property regime, alongside limited engagement with diverse analytical and methodological approaches. Such constrained analytical scope has fostered a conception of property disconnected from its geographical, territorial, cultural, social, political, environmental and economic dimensions. The resultant framework reveals property confined within an exclusively legal domain where emerging structural tensions challenge its presumed coherence. The Chilean case thus serves as a telling instance of a widespread problem, rendered especially visible by the extremity of its neoliberal property configuration.

2.1. Conceptual Tools for Challenging Rural Property Regime

Contemporary Chilean legal scholarship illustrates broad consensus regarding the consolidation of a property regime whose subjectivist conceptualisation has effectively constrained legislative authority⁴⁹. The implications of this regime extend well beyond juridical consequences, encompassing multifaceted political and institutional dimensions that demand sophisticated analytical approaches.

In this regard, Keenan's analysis reveals the extent to which property systems' rigidity emerges from their presumed linear causality between legal norm design and legal certainty. Such linearity posits a predictable progression wherein the configuration of liberal private property regimes inexorably generates legal certainty. This approach minimises contemporary sociological and environmental complexities whilst reinforcing hegemonic arrangements⁵⁰. Another approach to understanding property's rigidity comes from Fitzpatrick, who argues that achieving true property adaptability requires fundamentally reconsidering property's ontological frameworks⁵¹.

Butler considers property an open, dynamic system, rejecting fixed or absolute characterisations⁵². This analytical framework aligns with Shoemaker's observation that deeply embedded notions of stability within property systems inherently resist reform⁵³. Their analyses provide a particularly incisive critique of the neoliberal economic approach to property, which privileges allocation and efficiency whilst neglecting management and

Policy 717.

⁴⁹ Eduardo Cordero Quinzacara, 'La Dogmática Constitucional de La Propiedad En El Derecho Chileno' (2006) 19 *Revista de derecho* (Valdivia) <http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-09502006000100006&lng=en&nrm=iso&tlng=en> accessed 6 April 2023; Ferrada (n 44); Guillof, Matías (n 37); Guillof-Titium and Ponce De León-Solís (n 19).

⁵⁰ Sarah Keenan, *Subversive Property: Law and the Production of Spaces of Belonging* (Routledge 2015).

⁵¹ Daniel Fitzpatrick, 'Form and Function in Property Theory' in Nicole Graham, Margaret Davies and Lee Godden, *The Routledge Handbook of Property, Law and Society* (1st edn, Routledge 2022) <<https://www.taylorfrancis.com/books/9781003139614/chapters/10.4324/9781003139614-10>> accessed 5 December 2023.

⁵² Butler, 'Property, Climate Change, and Accountability' (n 5).

⁵³ Jessica Shoemaker, 'The Truth About Property' [2022] *Michigan Law Review* 1143.

distributive functions. Underkuffler extends this critical perspective, revealing the ways in which traditional conceptions, focused exclusively on theoretical and spatial dimensions, neglect crucial temporal and practical aspects⁵⁴. These analyses collectively reveal a fundamental disconnect: while property systems remain anchored in static, efficiency-focused models, they face increasingly complex challenges—from climate change to wealth concentration—that demand dynamic, multidimensional responses.

The immobilising effects of Chile's property regime become particularly acute when examined through the lens of institutional path dependence. The constitutional entrenchment analysed above creates not merely legal constraints but cognitive barriers to reimagining property relations. Legal actors—judges, legislators, administrators—internalise the regime's parameters, self-censoring reform proposals that might trigger constitutional challenge. This anticipatory compliance generates what might be termed 'reform fatigue', the gradual abandonment of transformative ambitions in favour of incremental adjustments that leave fundamental structures intact.

Moreover, the regime's resistance to change operates through temporal asymmetry. While property rights crystallised during dictatorship enjoy quasi-permanent protection, democratic modifications remain perpetually provisional, subject to constitutional challenge and judicial override. This asymmetry reflects a fundamental design principle whereby authoritarian-era arrangements receive enhanced protection against democratic revision. The result is a property regime that exhibits selective rigidity, infinitely flexible for market transactions but utterly inflexible for social transformation.

The comparative dimension illuminates Chile's exceptional position. While property systems globally have evolved to incorporate environmental and social functions⁵⁵, Chile's regime remains anchored in nineteenth-century absolutism. This divergence cannot be explained by cultural particularity or economic necessity but rather by the specific institutional choices embedded during authoritarian rule and perpetuated through democratic timidity. The property regime thus operates as a temporal portal, continuously reimporting dictatorship-era priorities into contemporary governance.

The immobilisation of property regimes fundamentally derives from their status as absolute property rights, which confer sovereign authority over asset utilisation upon holders. Babie argues that this characteristic underpins the progression of climate change through eco-colonialism, enabling citizens of developed nations to produce greenhouse gases based on the notion of absolute property⁵⁶. Fitzpatrick further establishes that this absoluteness tends to reify existing property rights in a decontextualised manner, presenting them as rational or natural manifestations of the legal order rather than contingent products of imperialism and the entanglement of land ownership with territorial sovereignty⁵⁷. The implications of this sovereignty framework ultimately constrain the political imagination of authority, as Chilean legal dogmatics have consistently suggested. Moreover, they foster an anthropocentric perspective that relegates the environment—specifically rural land—to a mere backdrop for human affairs⁵⁸.

⁵⁴ Underkuffler, *The Idea of Property* (n 30).

⁵⁵ dos Santos Cunha, Alexandre, 'The Social Function of Property in Brazilian Law' (2011) 80 *Foorrddhhaamm LLaaww RReevviieeww*; Sheila R Foster and Daniel Bonilla, 'The Social Function of Property: A Comparative Law Perspective' (2011) 80 *FORDHAM LAW REVIEW* 101.

⁵⁶ Babie, 'Private Property and Climate Change' (n 4).

⁵⁷ Fitzpatrick (n 51).

⁵⁸ Neil Walker, 'Sovereignty, Property and Climate Change' (2022) 27 *Edinburgh Law Review* 129.

A mutual reinforcement exists between individual sovereignty and property rights, materialising in exclusive control. Underkuffler's analysis suggests that an operative conception of property challenges this purportedly absolute nature of property rights, demonstrating that social limitations and obligations constitute inherent elements of property rights rather than external impositions that restrict an originally absolute property⁵⁹. This perspective requires understanding property as an inherently flexible institution that evolves to mediate tensions between individual and collective interests in response to changing social needs. Such flexibility enables property rights to adapt continuously to their context, recognising that restrictions on use and obligations towards the community fundamentally define the nature of property rights.

When property is conceptualised as a system⁶⁰ whose central feature lies in its capacity to connect individuals, institutions, and practices⁶¹, property's history of evolution and consolidation reflects the power relations and inequalities that generated it. Following this understanding of property's power-laden nature, Shoemaker concludes that the violence involved in legitimating property regimes shapes the type and content of subsequent critiques⁶². Consequently, property manifests as an illusion—deeply embedded in social relations—that appears natural and resolved, thereby resistant to change. This theoretical insight explains why questioning a model that appears to function effectively in legal, economic, and social contexts often is seen as counterintuitive and generates significant resistance.

Resilient Property Theory offers a critical framework for evaluating property regimes based on their capacity for resilience and adaptation⁶³. Unlike traditional liberal theories that focus on prescribing or critiquing state action, this approach examines the manner in which the state navigates its dual role as both a resilience allocator for other actors and as an institution maintaining its legitimacy. This dual role—simultaneously “other-regarding” and “self-regarding”—proves fundamental to understanding the strategies of property regimes in responding to what the theory terms “wicked problems,” which are complex issues that lack definitive solutions and require constant adaptation.

A second distinctive element of RPT lies in its conceptualisation of normative hybridity as an adaptation mechanism. Resilient property regimes operate across multiple scales (local, regional, national) and overlapping normative domains, enabling flexible responses to various crises. This hybridity facilitates what the theory describes as “dynamic equilibrium”, the system's capacity to maintain core functionality whilst adapting to new circumstances. Unlike approaches that equate stability with the mere absence of change, RPT suggests that true resilience requires institutional mechanisms that enable adjustments and adaptations without compromising the fundamental integrity of the system.

The implications of resilient property theory become particularly acute when examining

⁵⁹ Underkuffler, *The Idea of Property* (n 30).

⁶⁰ Butler, ‘Property, Climate Change, and Accountability’ (n 5).

⁶¹ Nedelsky (n 6).

⁶² Jessica Shoemaker, ‘Re-Placing Property’ [2023] *University of Chicago Law Review*, <<https://ssrn.com/abstract=4562406>>.

⁶³ Lorna Fox O’Mahony and Marc L Roark, ‘Property Theory and the State’, *Squatting and the State: Resilient Property in an Age of Crisis* (1st edn, Cambridge University Press 2022) <<https://www.cambridge.org/core/product/identifier/9781108767873/type/book>> accessed 17 June 2024; Lorna Fox O’Mahony and Marc L Roark, ‘Resilient Property Theory’ in Bram Akkermans (ed), *A Research Agenda for Property Law* (Edward Elgar Publishing 2024) <<https://www.elgaronline.com/view/book/9781803924816/book-part-9781803924816-10.xml>> accessed 17 October 2024.

contemporary challenges facing property regimes. Environmental crises—characterised by their collective nature, inherent complexity, and multi-scalar dimensions—necessitate an examination of the mechanisms through which property systems maintain equilibrium when confronting pressures that challenge their traditional foundations. The analysis indicates that regimes exhibiting greater adaptability and flexible institutional mechanisms may possess enhanced resilience to such challenges. Yet, validating such a proposition requires detailed empirical analysis to explore the various pathways through which property regimes respond to these pressures and the factors that facilitate or hinder their adaptation.

2.2. The legal geography of Chilean rural landscapes

Critical legal geography advances a perspective transcending binary constructs of space and law, moving beyond simplistic dichotomies towards a more nuanced comprehension of the intricate interplay between legal principles, physical materiality, and social space⁶⁴. This interdisciplinary field examines the reciprocal relationship between spatial-geographic elements and law, revealing the ways in which legal systems and practices both shape and are shaped by conceptions of space and place. Such analysis acknowledges the law's material connections to society's contextual realities and geographic manifestations. Legal geographers seek to decode the spatial dimensions of law, examining its application, enforcement, and lived experience across varied locales whilst considering the implications of spatial distinctions for individuals, communities, and broader society.

While legal geography uncovers the intricate connections between law and space, contemporary property regimes often obscure these material dimensions. Graham's notion of 'dephysicalisation' offers a critical assessment framework for the Chilean rural property landscape, highlighting the extent to which modern property law has become increasingly detached from physical reality, focusing instead on abstract legal relationships between subjects⁶⁵. The resulting detachment from materiality has profound implications, particularly in rural contexts where land concentration and fragmentation—though fundamentally linked to property's nature—are often relegated beyond property law's conceptual boundaries. When coupled with Underkuffler's 'property mythology'⁶⁶—which posits property as a right fundamentally linking humans—Graham's framework reveals property rights' complex responsibilities and effects.

The combination of these theoretical perspectives helps explain what Babie, citing Cohen, qualifies as the sovereignty of property holders, which grants them not only the power to determine resource utilisation but also enables their actions to affect others without reciprocal influence⁶⁷. Such sovereign power manifests itself through quotidian practices and social

⁶⁴ Nicholas Blomley, 'Landscapes of Property' (1998) 32 *Law & Society Review* 567; Nicholas Blomley, 'Property, Law, and Space' [2014] SSRN Electronic Journal; Nicole Graham, 'Dephysicalised Property and Shadow Lands' in Robyn Bartel (ed), *Graham, Nicole G., Dephysicalised Property and Shadow Lands (December 18, 2019)*. N. Graham, 'Dephysicalised Property and Shadow Lands' in R. Bartel and J. Carter (Eds) "*Handbook on Law, Space and Place*", Edward Elgar Publishing, Cheltenham, UK, 2020 (Forthcoming), *Sydney Law School Research Paper No. 19/83*, Available at SSRN: <https://ssrn.com/abstract=3505790> (Edward Elgar Publishing 2020) <SSRN: <https://ssrn.com/abstract=3505790>>; Graham, 'This Is Not a Thing' (n 8); Irus Braverman, 'Oculta a Plena Vista: La geografía jurídica Desde Una Perspectiva Visual' in Irus Braverman and others (eds), *Derecho Y Geografía: Espacio, Poder Y Sistema Jurídico* (Siglo del Hombre Editores 2020).

⁶⁵ Graham, *Landscape* (n 8).

⁶⁶ Underkuffler, *The Idea of Property* (n 30).

⁶⁷ Babie, 'Idea, Sovereignty, Eco-Colonialism and the Future' (n 4).

relations, materialising in what Blomley conceptualises as 'performative property'—a theoretical framework that examines the mechanisms through which property rights actively produce distinctive identities, social connections, and spatial formations through their daily enactment⁶⁸.

Property thus functions as an agent of subject-making, designating entities like 'landowner' and 'non-holder', instilling rights, power, and privilege in some whilst alienating or disenfranchising others. Consequently, property delineates social dynamics, prescribing duties, responsibilities, and interactions, forging networks amongst neighbourhoods, families, and communities, thereby regulating material and symbolic relations. These performative dimensions manifest with intensity in rural contexts, where property arrangements fundamentally shape patterns of access to and control over natural resources and determine the possibilities for territorial development and environmental stewardship.

However, rural spaces have often been overlooked in the primary corpus of legal geography. Pruitt contends that legal geography's urban-centric focus neglects the inherent discordance between law and the socio-spatial construction of rural life, where the law's articulation as an arm of the state appears to clash with rural dynamics⁶⁹. Conversely, Eisenberg posits that legal geography and rural law disciplines could be enriched through mutual engagement. Legal geography might benefit from a closer examination of rural concerns, whilst rural law scholars could employ legal geography methodologies for a more profound exploration of the intricate interplay between law, rural environments, and their reciprocal shaping, thereby enhancing the comprehension of rurality's societal significance⁷⁰.

The manifestation of these property dynamics takes on particular significance in the Chilean context, where rural spaces—despite their critical importance for the country's development—have remained notably absent from recent sociopolitical movements addressing fundamental issues such as education, health, and pensions. However, this apparent quiescence in Chilean rural areas should not be misinterpreted as an absence of power relations, knowledge systems, or socio-spatial significance. Instead, as Pruitt suggests, rural and remote places constitute inherently contested spaces materially and ideologically—a theoretical position resonating profoundly in examining property arrangements and their formative influence upon Chilean rural territories.

This apparent lacuna in rural representation traces its origins to the state's conceptualisation of Chilean rurality in the mid-1980s. Drawing upon Lefebvre's theoretical framework, Butler posits that the state may strategically deploy spatial production to enforce social order—emanating from an imperative to suppress dissent and prevent mobilisation within rural populations⁷¹. Lefebvre's framework illuminates how private property's legal architecture fundamentally relies upon spatial restrictions that shape quotidian life, providing the substratum for what he terms the 'negative appropriation of space' under private ownership.

Moreno's analysis of Decree 208 during the dictatorship offers a concrete illustration of this theoretical proposition⁷². The decree explicitly excluded former Agrarian Reform leaders

⁶⁸ Nicholas Blomley, 'Performing Property: Making The World' (2013) 26 Canadian Journal of Law & Jurisprudence 23.

⁶⁹ Lisa R Pruitt, 'The Rural Lawscape' in Irus Braverman, Nicholas Blomley and David Delaney (eds), *The Expanding Spaces of Law* (Stanford University Press 2014) <<https://academic.oup.com/stanford-scholarship-online/book/18323/chapter/176359277>> accessed 7 June 2023.

⁷⁰ Ann M Eisenberg, 'Navigating Legal Geographies' (2023) 50 Fordham Urban Law Journal 12.

⁷¹ Chris Butler, 'Critical Legal Studies and the Politics of Space' (2009) 18 Social & Legal Studies 313.

⁷² Rafael Moreno, *Sin Reforma Agraria no habría sido posible : memorias de la Reforma Agraria chilena 1958-*

from land acquisition, demonstrating how legal mechanisms materially shaped rural spaces through selective exclusion. Thus, the rural space emerged as a domain where the state, through formal and authoritarian mechanisms, strategically produced space by defining both legal frameworks and their material manifestations, ultimately facilitating market dominance and elevating the principles of individual, absolute, and exclusive property rights.

Decree 208 exemplifies this state production of space with clarity. As examined in detail in Chapter 2, this 1973 decree operated as a spatial disciplinary mechanism, systematically excluding from land access those who had participated in occupations or strikes during the Agrarian Reform period. The decree's spatial logic extended beyond mere exclusion—it actively reconfigured rural geography by determining who could occupy which spaces and under what conditions. Those blacklisted under Decree 208 found themselves not only legally barred from land ownership but spatially marginalised, often forced to migrate to urban peripheries or accept subordinate positions as temporary workers on lands they had once occupied as potential owners.

The testimonies documented in Chapter 2 reveal the decree's spatial effects: ‘When the dictatorship arrived... They applied 208 to my uncle, and he couldn't claim anything... It was a punishment; they gave the land back to the former owner.’⁷³ This redistribution of bodies in space—removing certain actors from the land while reinstating others—demonstrates how law operates as a technology of spatial ordering. The decree created what might be understood as legal geographies of exclusion, where the physical landscape remained unchanged, but the social landscape underwent radical reconfiguration through juridical violence.

This spatial reconfiguration through Decree 208 must be understood within Lefebvre's framework of spatial production. The state did not merely redistribute property titles; it produced a new rural space characterised by hierarchical relations and exclusionary boundaries. The decree transformed the countryside from a contested terrain where multiple property visions competed—as during the Agrarian Reform—into a pacified space where only one vision could legitimately exist. This pacification operated through fear, as documented in the testimonies: the phrase ‘never again will we rise up’⁷⁴ became embedded in rural consciousness, demonstrating how legal violence produces not only physical but psychological spaces of subordination.

Therefore, property regulation in rural settings transcends mere theoretical abstraction to materialise territorially. Its physical manifestation simultaneously fosters a narrative that legitimises and reinforces itself through time—via symbols, practices, and mainly through entrenched beliefs, stories, and meanings. Blomley and Bakan compellingly argue that legally constructed geographies may shape consciousness more profoundly than even critical legal scholars might acknowledge⁷⁵. In the Chilean context, while property is often presented as a legal abstraction, its material effects actively shape rural spaces, transforming landscapes, configuring social relations, and determining patterns of land use and access. This territorial materialisation of property law reveals how legal abstractions become concrete realities that structure both physical space and social consciousness in rural Chile.

1970 (Ediciones Copygraph 2014) <<http://www.memoriachilena.gob.cl/602/w3-article-341612.html>> accessed 13 October 2022.

⁷³ Interview with anonymous small peasant, Maule Region (Chile, April 2024) (in Spanish, translated by author).

⁷⁴ Interview with Rafael Moreno, Santiago de Chile Region (Chile, April 2020) (in Spanish, translated by author).

⁷⁵ Nicholas Blomley and Joel Bakan, ‘Spacing Out: Towards a Critical Geography of Law’ (1992) 30 *Osgoode Hall Law Journal* 661.

The interconnection between legal geography and the three narratives examined in Chapter 2—entrepreneurial, socio-communitarian, and technocratic—reveals how different property visions materialise as distinct spatial orders. The entrepreneurial narrative, emerging in the 1960s and consolidating during dictatorship, produced a geography of exclusion based on ‘capacity’ rather than need or historical connection to land. Senator Pedro Ibáñez's vision of an agricultural middle class defined by entrepreneurial capabilities rather than traditional ownership translated into spatial arrangements where technical education and business acumen determined territorial access. This narrative's spatial logic concentrated productive lands in the hands of those deemed capable while displacing those considered unfit for modern agriculture.

The socio-communitarian narrative (1964-1973) generated a radically different legal geography. As Chapter 2 documents, this narrative coupled property's social and productive functions, creating spaces where peasant families could become "participants in national life" through land access. The 1967 Agrarian Reform Law's spatial vision extended beyond mere redistribution—it sought to transform the *latifundio*'s hierarchical geography into democratised rural spaces where ‘land belongs to those who work it.’ The images from La Nación newspaper analysed in Chapter 2 visually represent this spatial transformation: peasants signing ‘their law’, recovering ‘their land’, becoming visible actors in spaces from which they had been historically excluded.

The violent transition from socio-communitarian to entrepreneurial spatial order during the dictatorship represents a crucial moment in Chile's legal geography. The counter-reform did not simply reverse the Agrarian Reform's redistributions; it produced an entirely new spatial configuration. Through instruments like Decree 208 and the broader constitutional framework, the dictatorship created what Chapter 2 identifies as a "democracy of landowners"—a spatial order where democratic participation became conditional upon property ownership. This transformation of political space through property law demonstrates Blomley's insight about legally constructed geographies shaping consciousness more profoundly than critical scholars might acknowledge.

Critical property scholarship has effectively theorised property's role in shaping social relations and spatial configurations. However, this body of scholarship remains predominantly focused on formal legal structures, thereby limiting our understanding of how property operates in everyday life. This disconnect between theoretical abstractions and lived experiences becomes particularly evident in rural spaces, where daily practices often diverge significantly from formal legal frameworks. The challenge, therefore, lies in developing methodological approaches capable of capturing property's quotidian dimensions—its manifestation, interpretation, and enactment through daily practices and social relations. Legal consciousness emerges in this context as a helpful theoretical framework, offering tools for analysing the interpretation, contestation, and transformation of property arrangements within everyday interactions.

Layard's theoretical work emphasises the necessity of contemplating the tools, techniques, and methods available for investigating the co-constitution of legal, spatial, social, and historical realms⁷⁶. This thesis responds to Layard's methodological challenge by examining how rural actors navigate and interpret property arrangements in their daily lives. This examination reveals how legal concepts are continuously reinterpreted and adapted to meet

⁷⁶ Antonia Layard, ‘Reading Law Spatially’ in Naomi Creutzfeldt, Marc Mason and Kirsten McConnachie (eds), *Routledge Handbook of Socio-Legal Theory and Methods* (1st edn, Routledge 2019) <<https://www.taylorfrancis.com/books/9780429952821>> accessed 6 October 2022.

local needs and circumstances, moving beyond formal legal categories to encompass lived experiences. The law transforms into something akin to a sentiment—a foundational sense of right or prohibition that shapes behaviour and social relations. Legal consciousness thus emerges as a crucial analytical lens, enabling us to examine how rural actors interpret, negotiate, and sometimes challenge property arrangements through their everyday practices and understanding.

2.3. The legal consciousness of rural private property

Property arrangements and spatial dynamics exercise reciprocal influence, collectively shaping power relations and social interactions that forge rural spaces. Legal consciousness, understood as the participatory and interpretative processes through which subjects co-construct and transform legal meanings within their communities⁷⁷, provides an analytical lens for examining the internalisation and meaning-making process by rural actors. This framework reveals the influence of perceived property meanings upon land-use decisions and the consolidation of private property's hegemonic position through collective legality formation. These shared understandings coalesce into ideological frameworks that become institutionalised, forming the material and discursive scaffolding for subsequent interpretative practices.

This theoretical approach transcends mere exploration of individual perceptions or discrete knowledge and beliefs about law⁷⁸. Instead, as I do in this thesis, it could also employ empirical methodologies to elucidate the law's hegemonic authority across temporal and spatial dimensions. It investigates its covert, routine manifestations within society and its strategic operations in maintaining power and legitimacy⁷⁹. Hegemony, conceptualised as a systemic dynamic, transforms routine practices and accrued advantages into entrenched habits and privileges⁸⁰. As Silbey elucidates, hegemony manifests through quotidian interactions, where cultural symbols and rituals become normalised, rendering the allocation of power and privilege—alongside the apportionment of burdens and detriments—seemingly inconspicuous⁸¹.

The rural property context reveals a fundamental paradox in that landless peasants persistently accept private property rights despite these very rights enabling ownership concentration that excludes them. This acceptance of legal systems that perpetuate inequality whilst proclaiming egalitarian principles demands explanation. I argue that law resolves this contradiction through its capacity to construct conceptual frameworks that systematically narrow interpretative possibilities. These legal frameworks present property rights as universally accessible, creating what amounts to false consciousness. Through this illusion of equal opportunity, those without property maintain faith in eventual ownership through

⁷⁷ Susan S Silbey, 'After Legal Consciousness' (2005) 1 Annual Review of Law and Social Science 323.

⁷⁸ Dave Cowan, 'Legal Consciousness: Some Observations' [2004] Modern Law Review; Filip Horák, David Lacko and Adam Kloczek, 'Legal Consciousness: A Systematic Review of Its Conceptualization and Measurement Methods' (2021) 31 Anuario de Psicología Jurídica 9.

⁷⁹ Ewick and Silbey, 'The Common Place of Law: Stories from Everyday Life' (n 9).

⁸⁰ Patricia Ewick, 'Consciousness and Ideology' in Austin Sarat (ed), *The Blackwell companion to law and society* (Blackwell Pub 2004).

⁸¹ Patricia Ewick and Susan Silbey, 'Sociology of Legal Consciousness and Hegemony' in Jiří Příbáň, *Research Handbook on the Sociology of Law* (Edward Elgar Publishing 2020)

<<https://www.elgaronline.com/view/edcoll/9781789905175/9781789905175.00021.xml>> accessed 22 October 2022; Patricia Ewick and Susan Silbey, 'Looking for Hegemony in All the Wrong Places: Critique, Context and Collectivities in Studies of Legal Consciousness' 17.

individual effort, even as structural barriers systematically prevent such access⁸².

The analytical triad of hegemony, ideology, and consciousness requires careful examination for understanding property in rural contexts. As Ewick and Silbey argue, meanings can be ideological only insofar as they serve power, with ideologies varying in the degree to which they are contested, conventionalised or institutionalised⁸³. These authors frame ideology and hegemony as ends of a continuum of representations that serve power - at one end are the still visible struggles referred to as ideology, at the other end are struggles no longer active, where power is dispersed through social structures and meanings so embedded that representational and institutional struggles are no longer visible.

This theoretical framework helps us understand how rural communities both internalise and resist property arrangements. As Hall notes, 'hegemony is not ideological mystification. Nor is it cultural domination as total incorporation, as if all the contradictory and oppositional forces and practices simply were engulfed and disappear'⁸⁴. Through this lens, we can analyse how Chile's rural property regime maintains its dominance not through simple ideological manipulation, but through what Ewick and Silbey identify as the complex interplay between institutional arrangements and cultural meanings that makes certain property relations appear natural while simultaneously creating spaces for resistance and transformation.

The study of legal consciousness unveils domains of subjective legal experience often overlooked by research focused exclusively on formal legal phenomena. Ewick and Silbey's theoretical contribution conceptualises narratives as performative social acts, reliant upon normative structures governing their creation and reception⁸⁵. These narratives, being situationally crafted and interpreted, embed consciousness with a structured understanding of causal social relations. As vehicles for ideological influence, they prescribe acceptable conduct and value frameworks, often engendering emotional identification and allegiance—dynamics particularly evident in rural property relations.

3. Methodological Approach

Despite their foundational role in legal scholarship, doctrinal and theoretical approaches to property law impose significant structural constraints on property studies. Conventional methodologies constrain analytical frameworks and methodological tools by designating specific material and cultural elements as legally irrelevant. The resulting narrowing of knowledge production consolidates what Fox O'Mahony and Roark identify as a methodological hegemony that, in the case of Chile, obscures critical fissures in its system of property relations⁸⁶.

Bell⁸⁷ conceptualises law as a socially constructed entity, while Cownie and Bradney situate it within broader societal contexts, emphasising its dynamic interaction with social, cultural,

⁸² Ewick (n 77).

⁸³ Ewick and Silbey, 'Looking for Hegemony in All the Wrong Places: Critique, Context and Collectivities in Studies of Legal Consciousness' (n 81).

⁸⁴ Simon Halliday, 'After Hegemony: The Varieties of Legal Consciousness Research' [2019] *Social and Legal Studies* 859.

⁸⁵ Ewick and Silbey, 'The Common Place of Law: Stories from Everyday Life' (n 9).

⁸⁶ Lorna Fox O'Mahony and Marc L Roark, *Squatting and the State: Resilient Property in an Age of Crisis* (Cambridge university press 2022).

⁸⁷ Felicity Bell, 'Empirical Research in Law' [2016] *Griffith law review*.

and spatial elements⁸⁸. Building on these theoretical foundations, empirical methodologies provide the analytical tools necessary to examine law's spatial manifestations and reveal property's dual nature as both architect and product of social relations and power structures.

In this regard, the complexity of property law demands a mixed-methods research approach (MMR), which Johnson conceptualises as integrating qualitative and quantitative methodologies to achieve nuanced comprehension of complex phenomena⁸⁹. This methodological framework facilitates triangulation—enhancing reliability and analytical depth—whilst expanding the scope of academic inquiry through simultaneous engagement with quantitative breadth and qualitative depth. Blackham's analysis explicates MMR's capacity to yield a sophisticated understanding of legal complexities, particularly salient for examining multifaceted phenomena such as property relations⁹⁰. The integrative nature of MMR enables the synthesis of disparate methodological insights, fostering comprehensive analysis that transcends the limitations inherent in isolated methodological approaches.

3.1. Narrative Analysis as Primary Method

Narratives serve a dual purpose in this research. They challenge the dogmatic trajectories in Chilean property research, while also emerging as objects of study in their own right once identified and characterised. As analytical tools, they reveal the constructed nature of presumed objective realities, exposing deeply embedded inequalities, tensions, and exclusions. As objects of study, they allow us to examine how different understandings of property interact, evolve and materialise territorially. This dual character transcends quantitative-qualitative paradigms, manifesting through diverse interactions consolidated in linguistic and social practices. While serving hegemonic roles in shaping Chilean property understanding and practice, these narratives simultaneously enable critical examination of established property arrangements through their capacity to reveal alternative possibilities.

The concept of 'property narrative' provides a critical lens for understanding how cultural and political discourses contextualise property rights within frameworks of individual liberty and political agency. Building on the theoretical contributions of Fox O'Mahony and Roark⁹¹, Graham and Shoemaker⁹², Blomley⁹³, and Page⁹⁴, I examine how these narratives operate to shape both legal consciousness and material outcomes in rural property relations. Following Graham and Shoemaker, I share the cultural link between property rights and personal freedom, a connection that intriguingly depends on state recognition and enforcement. Blomley's analysis of the compelling narratives present in both ordinary and extraordinary property scenarios has informed my approach, as has Page's identification of property

⁸⁸ Fiona Cownie and Anthony Bradney, in Dawn Watkins and Mandy Burton (eds), *Research methods in law* (Second edition, Routledge 2018).

⁸⁹ R Burke Johnson, Anthony J Onwuegbuzie and Lisa A Turner, 'Toward a Definition of Mixed Methods Research' (2007) 1 *Journal of Mixed Methods Research* 112.

⁹⁰ Alysia Blackham, 'When Law and Data Collide: The Methodological Challenge of Conducting Mixed Methods Research in Law' (2022) 49 *Journal of Law and Society* <<https://onlinelibrary.wiley.com/doi/10.1111/jols.12373>> accessed 20 April 2023.

⁹¹ Fox O'Mahony and Roark, *Squatting and the State* (n 86).

⁹² Nicole G Graham and Jessica A Shoemaker, 'Property Rights and Power across Rural Landscapes'.

⁹³ Nicholas Blomley, 'From "What?" To "So What?": Law and Geography in Retrospect' in Jane Holder and Carolyn Harrison (eds), *Law and Geography* (Oxford University Press 2003) <<https://academic.oup.com/book/10012/chapter/157402324>> accessed 6 October 2022.

⁹⁴ John Page, 'Property, Values, and the Empirics of Place' (2019) 28 *Griffith Law Review* 1.

narratives' unique ability to convey a sense of place, highlighting the often overlooked but crucial role of narrative in linking legal frameworks with their practical application in modern society.

Fox O'Mahony and Roark establish narratives' fundamental role in constructing and sustaining property regimes. Rather than mere stories about property, narratives function as mechanisms through which conceptions of property relations gain legitimacy and maintenance⁹⁵. No set of institutions or legal prescriptions exists independently of meaning-giving narratives—each constitution requires its epic, each set of commandments contextualising scripture.

Within resilient property theory, narratives perform dual functions. They simplify complex phenomena by defining specific 'problems' and promoting seemingly natural solutions while simultaneously exposing the political and power structures underlying property law during moments of crisis. This duality clarifies the mechanisms behind property systems' stability during regular periods and their adaptation during crises. The theory's emphasis on normative hybridity across jurisdictions points to states' and institutions' flexibility through continuous negotiation between competing property visions.

Within this mixed-methods framework, narrative analysis provides a qualitative dimension for understanding the materialisation of property relations in rural contexts. In socio-legal studies, narrative inquiry emerges as a vital paradigm offering insights into societal dynamics, particularly relevant for examining property relations. Thus, narratives simultaneously craft social meanings and reflect power relations that underpin and propagate those meanings⁹⁶. Scholars such as Leavy and Polkinghorne argue that narratives' multidimensional qualities shape individual experiences within broader social frameworks, providing a granular view of human behaviour, societal structures, and cultural ethos⁹⁷.

As Brooks articulates, legal narratives offer a mode of comprehending law and its mechanisms by emphasising the interplay between facts, perceptions, and cultural contexts⁹⁸. Moving beyond the strict application of rules, this approach recognises language's pivotal role in shaping legal ideas. Building on Nurse and Wolff's perspectives, legal disputes manifest as contested narratives of facts and entitlements, granting coherence to temporal experiences and anchoring individuals within historical frameworks⁹⁹.

This thesis employs narrative analysis as a critical methodological tool with both deconstructive and transformative purposes. While it challenges dominant power structures by uncovering the diversity of stories obscured by traditional legal methodologies, it also reveals emerging alternative narratives that suggest different possibilities for organising rural

⁹⁵ Lorna Fox O'Mahony and Marc L Roark, 'State, Narratives and Norms', *Squatting and the State: Resilient Property in an Age of Crisis* (1st edn, Cambridge University Press 2022)

<<https://www.cambridge.org/core/product/identifier/9781108767873/type/book>> accessed 17 June 2024.

⁹⁶ Ewick and Silbey, 'The Common Place of Law: Stories from Everyday Life' (n 9); Patricia Ewick and Susan Silbey, 'Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative' (1995) 29 *Law & Society Review* 197.

⁹⁷ Patricia Leavy, *Method Meets Art: Arts-Based Research Practice* (Third edition, The Guilford Press 2020).

⁹⁸ Peter Brooks, 'Narrative in and of the Law' in James Phelan and Peter J Rabinowitz (eds), *A Companion to Narrative Theory* (Blackwell Publishing Ltd 2005)

<<https://onlinelibrary.wiley.com/doi/10.1002/9780470996935.ch28>> accessed 25 December 2022.

⁹⁹ Angus Nurse, 'Law, the Environment and Narrative Storytelling' in Naomi Creutzfeldt, Marc Mason and Kirsten McConnachie (eds), *Routledge Handbook of Socio-Legal Theory and Methods* (1st edn, Routledge 2019) <<https://www.taylorfrancis.com/books/9780429952821/chapters/10.4324/9780429952814-2>> accessed 6 October 2022.

property relations. This dual approach not only exposes the constructed nature of what is often perceived as an objective reality, thereby revealing the inequalities and exclusions perpetuated by the current system, but also registers and examines alternative property arrangements that could better address contemporary challenges. This methodology is particularly pertinent to my research goal, which is to understand both the effects of neoliberal land tenure systems on food security and subsistence living in Chilean rural communities, and the potential emergence of new property arrangements better suited to address climate adaptation needs.

3.2. Complementary Methods

The operationalisation of this methodological strategy demanded the articulation of diverse techniques to capture both material elements and socially constructed meanings of rural property. While narrative analysis provides the primary analytical framework, the complexity of property relations requires additional methodological tools to fully capture their multiple dimensions. These complementary methods work in concert, each building upon and enriching the findings of the others through a carefully designed progression that moves from historical construction to contemporary manifestation of property narratives.

The methodological integration follows a sequential logic. Historical analysis first contextualises the narratives identified through narrative analysis, grounding them in specific temporal moments and institutional developments. This historical foundation then informs spatial analysis, which examines how these narratives materialise in territorial configurations and physical arrangements. Finally, Q methodology captures how these historically constructed and spatially manifested narratives are currently understood, interpreted, and contested by different rural actors. This progression enables a comprehensive examination of property narratives' evolution from historical constructions to contemporary territorial and social realities.

3.2.1. Historical Analysis

Building upon the narrative frameworks identified through narrative analysis, historical research provides the temporal and institutional context essential for understanding how property narratives evolved and consolidated. This historical examination is particularly crucial as it reveals the specific moments and processes through which certain property conceptualisations gained dominance while others were marginalised.

The documentary and archival analysis encompasses news articles, posters, documentaries, and songs about agrarian transformation and property rights in Chile, focusing mainly on 1960-1973. This includes examination of the Commission for the Study of the New Constitution minutes (1973-1976), Constituent Council records (1976-1980), materials from the Pedro Ibáñez archive, and parliamentary debates surrounding the 1967 agrarian reform.

3.2.2. Spatial Analysis

While historical analysis reveals the temporal evolution of property narratives, spatial analysis examines their territorial manifestation. This methodological progression from

historical to spatial analysis is crucial, as it demonstrates how narratively constructed and historically consolidated property arrangements materialise in specific geographical configurations and land-use patterns.

Territorial representations construct and convey property meanings, according to Rose's ideas. Her analysis establishes the role of visual representations—maps and photographs—in shaping understandings of property relations whilst potentially directing attention in persuasive ways¹⁰⁰. Beyond mere technical tools, these visual elements actively participate in narrative construction, wielding persuasive power through culturally shaped acts of imagination. This understanding of property's visual dimension as a narrative-building mechanism offers insights into actors' interpretations and sense-making of property arrangements.

Following this methodological orientation, the research focuses on the Ñuble and Maule regions, which occupy a central position in Chile's agricultural economy. These regions, accounting for 20% of the country's rural population per OECD data, indicate significant rural characteristics—Maule with 61.57% rural population and Ñuble with 55.71%, substantially exceeding the national average of 24.5%. Their combined contribution encompasses over 20% of national forestry and agricultural land, 30.3% of total properties, and 23.2% of Agricultural and Forestry GDP. Their Mediterranean climate and varied topography support remarkable agricultural diversity, from cereal production to viticulture.

The analysis of property trajectories employs data from Agricultural Censuses (1955-2021) and the Agricultural and Livestock Service, examining patterns of concentration and fragmentation. Environmental cartography provides land analysis data, complemented by the Agrarian Reform property database. ArcGis¹⁰¹ systematisation enables the identification of rural spaces where diverse concentrations, fragmentation, soil uses, and Agrarian Reform properties converge, facilitating territory selection for qualitative research and providing contextual material for semi-structured interviews.

3.2.3. Q Methodology

The progression from spatial to subjective analysis through Q methodology represents the final step in our methodological sequence. Having examined how property narratives evolved historically and manifested territorially, Q methodology enables us to understand how these narratives are currently interpreted, internalised, and sometimes challenged by various rural actors. This method proves particularly valuable as it bridges the historical-spatial analysis with contemporary understandings of property relations.

Building on this relationship between visual representation and meaning-making, Q methodology systematically examines contemporary property narratives. Developed by William Stephenson in 1935, Q-methodology offers a distinctive approach to examining human subjectivity through systematic quantitative analysis. Unlike conventional factor analysis that correlates variables across a sample of subjects (R-methodology), Q-

¹⁰⁰ Carol M Rose, *Property and Persuasion: Essays on the History, Theory, and Rhetoric of Ownership* (1st edn, Routledge 2019) <<https://www.taylorfrancis.com/books/9781000236477>> accessed 29 February 2024.

¹⁰¹ ArcGIS is a geographic information system (GIS) developed by Esri that enables the creation, management, analysis, and visualisation of spatial and geographical data. In this research, ArcGIS facilitated the systematic integration of cadastral records, agricultural census data, and soil suitability layers, enabling the identification of territorial patterns of concentration and fragmentation across the study regions.

methodology inverts this logic by correlating subjects across a sample of variables, revealing shared thinking patterns on complex issues.

This methodological inversion proves particularly valuable for analysing property narratives, as it identifies distinct viewpoints without imposing predetermined categorical frameworks. The method's capacity to systematically capture subjective positions while maintaining scientific rigour addresses a fundamental challenge in property research: the empirical investigation of varied actor understandings and relationships with property institutions. Furthermore, its revelation of shared subjectivity patterns whilst preserving individual nuances makes it especially suitable for exploring rural actors' negotiations between competing property narratives—from traditional conceptions emphasising absolute rights to emerging perspectives acknowledging climate adaptation imperatives¹⁰².

I have used 40 statements addressing critical regime aspects such as land fragmentation, large-scale entrepreneurship, property concentration, and climate change. The study engaged 29 participants in forced ranking exercises following quasi-normal distribution, including producers, technical experts, policymakers, and sector leaders. Factor analysis revealed underlying thought structures about rural property, identifying shared patterns of regime interpretation.

Applying the Q methodology proves particularly valuable for uncovering processes of legal consciousness that shape contemporary narratives about rural property. The patterns identified transcend isolated opinions, revealing broader interpretative frameworks that illuminate actor engagement with existing structures of rural property. Combining quantitative and qualitative elements, this methodological approach overcomes traditional legal research limitations, providing nuanced insights into direct participants' interpretations of rural property functions.

To understand Q methodology's distinctive contribution, consider the difference between a traditional survey and this approach. A conventional survey might ask 1,000 rural actors to rate their agreement with "property rights should be absolute" on a scale from 1 to 5, producing statistical averages that obscure internal complexity. Q methodology inverts this logic—it asks just 29 carefully selected participants to rank 40 different statements about property relative to each other, forcing them to prioritise what matters most. A small peasant must decide whether "drought threatens my livelihood" matters more than "I should be free to use my land as I wish," revealing not isolated opinions but integrated worldviews. The method then uses factor analysis to identify participants who rank statements similarly, discovering, for instance, that some small peasants share thought patterns with large entrepreneurs rather than with other peasants. This reveals something surveys cannot capture—how people holding radically different structural positions can inhabit the same ideological space, explaining why a property regime can maintain legitimacy even among those it systematically excludes. Where surveys measure what people think, Q methodology reveals how they think, uncovering the deep structures of consciousness that enable or constrain transformation possibilities.

3.3. Materials and Data Sources

The integration of these diverse methodological approaches requires careful coordination of

¹⁰² Josephine Previte, Barbara Pini and Fiona Haslam-McKenzie, 'Q Methodology and Rural Research' (2007) 47 *Sociologia Ruralis* 135.

different data types and analytical techniques. Each method not only contributes its specific insights but also informs the application of subsequent methods. For instance, historical analysis guides the selection of geographical areas for spatial examination, while spatial patterns inform the selection of participants and the development of statements for Q methodology.

The methodological challenge lies in assembling techniques and materials to identify narratives, their socio-legal content, and involved actors. Quantitative and qualitative dimensions interweave within narratives' internal functioning, constituting integral aspects of their essence. The processing and interpretation of different data types emerge from the narratives rather than through predetermined researcher categories. Each narrative inherently evokes specific types of content, whether quantitative or qualitative.

In addition to the 29 participants involved in my Q method, I conducted semi-structured interviews with 20 key Chilean rural actors that further explored these perspectives. This qualitative technique generated nuanced discussions about property functions and climate change implications, following flexible thematic guides that facilitated the emergence of novel perspectives¹⁰³. This approach enriched Q methodology findings whilst examining narrative operation in everyday discourse, revealing complex perceptions of the current regime amidst climate change challenges.

This methodological progression, from narrative analysis through historical and spatial methods to Q methodology, enables a comprehensive examination of how property narratives evolve, materialise, and are understood in contemporary rural Chile. Each method builds upon the insights generated by previous methods while contributing its unique analytical perspective, creating a rich, multi-layered understanding of property relations.

4. Thesis Structure

This thesis unfolds through six interconnected chapters that systematically examine each dimension of Chile's socio-legal infrastructure of property, revealing how the neoliberal coupling of legal certainty, juridical security, and land tenure security generates self-contradictions that climate change renders unsustainable.

Chapter 1 establishes the analytical framework of socio-legal infrastructure as a system operating through three interdependent dimensions—time, space, and subjectivities—whose specific articulation determines a property regime's ideological character. Moving beyond doctrinal approaches that dominate Chilean property scholarship, it integrates critical property theory, legal geography, and legal consciousness studies to examine how property functions simultaneously as temporal narrative, territorial force, and subjective experience. The chapter introduces the specifically Chilean configuration where the military dictatorship fused legal certainty, juridical security, and land tenure security into an ideological coupling that democracy subsequently naturalised. The mixed-methods design—narrative analysis for temporal dimensions, spatial analysis for territorial patterns, Q methodology for subjective consciousness—responds to the socio-legal infrastructure of property's own complexity as an integrated system rather than isolated components.

Chapter 2 examines the temporal dimension of the infrastructure by tracing three competing

¹⁰³ Sarah A Elwood and Deborah G Martin, “‘Placing’ Interviews: Location and Scales of Power in Qualitative Research” (2000) 52 *The Professional Geographer* 649; Margaretha Järvinen, ‘The Biographical Illusion: Constructing Meaning in Qualitative Interviews’ (2000) 6 *Qualitative Inquiry* 370.

narratives that have contested property's meaning since 1950. The entrepreneurial narrative systematically resists coupling property's productive and social functions, championing individual sovereignty as foundation for agricultural modernisation. The socio-communitarian narrative (1964-1973) envisioned radical coupling through the Agrarian Reform, making land access vehicle for civic integration. The technocratic narrative, dominant since 1990, depoliticises property by transforming distributional questions into technical matters, eliminating even the vocabulary for imagining alternatives. Through archival analysis and interviews with historical actors, the chapter reveals how the violent imposition of the entrepreneurial vision during dictatorship established "never again" to agrarian reform as the regime's temporal horizon, freezing transformation possibilities precisely when climate change demands institutional flexibility.

Chapter 3 maps the spatial dimension of the infrastructure, documenting how the ideological coupling materialises territorially through simultaneous concentration and fragmentation. Using six decades of census data and GIS analysis, it reveals that 1% of owners controlling 34% of land while 37,150 hectares fragment into unviable parcels are not contradictory but complementary expressions of the same neoliberal logic—unlimited individual discretion without collective coordination mechanisms. The chapter demonstrates how legal certainty operates spatially by guaranteeing absolute sovereignty over each territorial portion whilst

preventing trans-boundary governance. Maps become analytical tools revealing how the coupling's spatial manifestation makes adaptation structurally impossible, as concentration monopolises decisional capacity while fragmentation atomises the territorial base needed for collective climate response.

Chapter 4 investigates the subjective dimension through Q methodology, revealing how fragmented legal consciousness prevents coalition-building for transformation. Analysis of how 29 rural actors prioritise statements about property identifies four configurations that transcend expected class categories. Small peasants defend neoliberal principles more forcefully than entrepreneurs themselves, demonstrating the infrastructure's hegemonic success. Landless workers and technicians imagine transformative alternatives from positions of exclusion. Traditional elites and medium peasants form unexpected alliances around hierarchical complementarity. The chapter exposes how apparent climate consensus masks irreconcilable differences about property's role in adaptation, each factor processing the ideological coupling differently—some defending it despite material exclusion, others questioning it from the margins, none capable of generating endogenous transformation.

Chapter 5 synthesises the three dimensions to crystallise how the socio-legal infrastructure operates as an integrated system through the ideological coupling. The chapter reveals how this coupling generates self-contradictions the regime cannot resolve through its own mechanisms. Juridical security's promise of unaltered rules prevents the institutional flexibility climate adaptation demands. Legal certainty guarantees individual sovereignty when watershed management requires collective governance. Land tenure security, reduced to automatic consequence of the other two, cannot ensure productive continuity when droughts destroy the material base. Through analysis of climate policies, agricultural programs, and constitutional debates, it demonstrates how technical solutions fail because they cannot address the infrastructure's fundamental contradiction—the coupling that provided stability for modernisation now prevents the coordination climate survival requires.

Chapter 6 theorises transformation possibilities emerging from the infrastructure's self-generated contradictions. Drawing together temporal, spatial, and subjective evidence, it proposes three competing models of "climate agrarian reform" whilst revealing why only state mediation can potentially reconfigure the ideological coupling. The chapter identifies specific fissures where the infrastructure's contradictions become unsustainable—moments when juridical security cannot guarantee productive continuity, when legal certainty fragments collective response capacity, when even the coupling's defenders recognise its inadequacy. The analysis concludes that Chile's rural property regime exemplifies a global paradox where neoliberal infrastructures generate problems their internal logic cannot solve, requiring not market mechanisms or voluntary agreements but active state intervention to reintegrate property's productive, social, and environmental functions.

Through this progression, the thesis demonstrates that examining property through its socio-legal infrastructure reveals both the sources of regime stability and the conditions for potential transformation. The Chilean case illuminates how neoliberal property regimes maintain hegemony through ideological couplings that appear technical whilst operating politically, generating contradictions that become visible only when external pressures like climate change expose their structural limits.

Chapter 2.

Building Property, Building Exclusion: Three Narratives of Chilean Rural Property.

Introduction

About a decade ago, I telephoned a friend serving as a Chile Ministry of Agriculture adviser to inquire about the country's rural land distribution status. He was an economist specialising in rural development who had actively participated in both the anti-dictatorship struggle and the subsequent democratic transition. His response came abruptly and unequivocally: *'Don't get into that subject. It's resolved and closed. There's nothing more to discuss.'* This exchange encapsulates a profound transformation: how did property—once central to Chile's political imagination—become unspeakable?

The transition from vehement declaration to enforced silence reveals the technocratic narrative's most insidious achievement. Where the entrepreneurial narrative had proclaimed 'Not again!' with alarm and threat, the technocratic approach accomplished something more profound—it rendered the very question obsolete. This silencing operated not through censorship but through a more sophisticated mechanism that transformed property from a political question requiring democratic deliberation into a technical matter whose optimal arrangements had been scientifically determined and institutionally settled.

The speed of this transformation proves remarkable. In 1988, as documented in the exchanges between Gonzalo Martner, Arturo Sáez¹⁰⁴, and their opponents, property remained a site of passionate contestation. The right's response—claiming that reform proposals would revive 'arbitrary dispossession' and 'systematic fomenting of hatred'—demonstrated that property questions still possessed the power to mobilise political emotions and rhetoric¹⁰⁵. Yet by the time my friend answered my inquiry a decade into the new millennium, such passion had evaporated, replaced by flat assertions of closure. This evolution from heated debate to cool dismissal marks the technocratic narrative's victory.

Throughout history, certain practices become commonplace and unassailable, leaving their underlying purposes, actors, and interests unexamined. Law plays a crucial legitimating role in this process, consolidating these practices whilst silencing critique¹⁰⁶. Through law's legitimating function, these practices transform into narratives that shape property relations. Ultimately, it is law that settles such matters, determining fundamental questions such as who qualifies as an owner.

This chapter examines how three competing narratives constitute the temporal dimension of Chile's socio-legal infrastructure of property, each attempting to articulate differently the relationship between property's productive and social functions. These narratives—entrepreneurial, socio-communitarian, and technocratic—do not merely reflect ideological positions about land distribution but actively shape what temporal horizons become possible

¹⁰⁴ Members of the Chilean Socialist Party and active participants in the formation of the political alliance known as the Concertación de Partidos Políticos, which brought together social sectors opposed to the dictatorship of Augusto Pinochet.

¹⁰⁵ *El Mercurio* (Santiago, Chile, 1988).

¹⁰⁶ Robert W Gordon, 'Critical Legal Histories' (1984) 36 Stanford Law Review 57.

within the property regime.

Central to understanding these transformations is how the concept of inclusion itself has been radically reconfigured. During the Agrarian Reform period (1964–1973), inclusion meant civic integration—previously marginalised peasants would become national development protagonists through land access that embodied long-denied political and social rights. However, the post-1990 technocratic narrative transformed this into ‘subordinate’ or ‘forced’ inclusion, whereby peasants received invitations to participate in a pre-established agro-export model under structurally asymmetrical conditions¹⁰⁷. From protagonists, they became guests in a system positioning them as wage labourers or state subsidy recipients.

This transformation was neither peaceful nor merely discursive. The current property regime's constitutive violence—exemplified by Decree Law 208's systematic exclusion of Agrarian Reform leaders—operated as the new order's foundational mechanism. This violence disappeared with democratic transition but mutated into subtler exclusionary forms, legitimised through technocratic discourses on efficiency, competitiveness, and legal certainty. As Blomley suggests, violence represents not property's feature, but its possibility condition—essential for establishing and maintaining boundaries¹⁰⁸.

The answer to how property became depoliticised—not in the sense of losing its political character, but rather of acquiring a different political form that presents itself as purely technical—proves complex, transcending legal structures or dictatorship violence alone. A deeper analysis reveals the crucial role of technocratic governance that emerged during democratic transition, effectively transforming property questions from matters of democratic deliberation into objects of technical expertise. This depoliticisation, which paradoxically constitutes a political operation precisely by denying its political nature—my friend's insistence that there was ‘nothing more to discuss’—represents the ultimate triumph of what I term the technocratic narrative.

The rural property regime has undergone significant changes since the mid-twentieth century through three pivotal historical moments. The 1967 Agrarian Reform, the Counter-Reform during the military dictatorship (1973–1989), and the technocratic consolidation under democracy (1990 to present). These processes altered land tenure structures whilst simultaneously reconfiguring and entrenching social, economic, and political relations in Chile's countryside.

In rural Chile, there are ostensibly no conflicts over land¹⁰⁹, whilst accelerated economic growth has been consistent throughout the past thirty years. The repeated mantra has thus emerged that the rural property regime functions effectively and has underpinned the so-called Chilean agro-export miracle. Why, then, should one question something that appears to work? Although pertinent, this question is inherently rhetorical. It discourages critical inquiry by functioning as a defence of the status quo, implying that apparent stability or apparent lack of visible conflict or functionality itself suffices to forego scrutiny. Law—and property in particular—tends, by its structure, to produce stability and offer certainty¹¹⁰. However, in doing so, it simultaneously renders invisible the tensions, conflicts, and

¹⁰⁷ Murray, ‘Neo-Feudalism in Latin America?’ (n 13); Warwick Murray, ‘From Dependency to Reform and Back Again: The Chilean Peasantry during the Twentieth Century’ (2002) 29 *Journal of Peasant Studies* 190.

¹⁰⁸ Blomley, ‘Performing Property’ (n 68).

¹⁰⁹ I am referring specifically to the central regions of the country. In southern Chile, the Mapuche conflict exists and mainly concerns the issue of land tenure.

¹¹⁰ Bruce G Carruthers and Laura Ariovich, ‘The Sociology of Property Rights’ (2004) 30 *Annual Review of Sociology* 23.

inequalities integral to its operation. This chapter therefore aims to look beneath the legal surface to identify the narratives sustaining property's functioning.

As socially organised phenomena¹¹¹, narratives go beyond the mere recounting of events. They serve as mechanisms that legitimise and uphold specific understandings of property relations and their meanings¹¹². Accordingly, they constitute a cornerstone of this investigation by performing a dual function¹¹³; on the one hand, they operate as methodological and analytical tools that challenge doctrinal approaches to property in Chile; on the other, they offer a socio-legal and empirical alternative for exploring the interconnection between law, the state, space, violence, and exclusion¹¹⁴.

Narratives, as I employ the concept here, are neither natural phenomena nor deliberate constructions designed by identifiable actors. Rather, they crystallise through the confluence of dispersed practices, competing interests, material conditions, and power relations—a process that is thoroughly social yet exceeds any single actor's intentional design. In this sense, narratives emerge rather than being constructed: no individual or group authors them completely, yet they remain fundamentally socio-legal phenomena, products of historically specific conditions and struggles. Their content is heterogeneous, while their political and legal implications are variable. They surface and remain latent until the conditions that gave rise to them once again render them operative. As such, they connect individuals, timeframes, actions, and structures that may appear disconnected from a doctrinal perspective. The objective of this chapter is precisely to trace this emergence by theoretically and empirically linking various elements, actors, policies, and norms, which, through their collective operation, provide coherence and rationality to the legal geography of rural space. By examining how these narratives crystallise from everyday practices of property relations, I reveal how they shape and are shaped by the material and social realities of rural Chile.

In this way, narratives reveal the complex interplay of facts, perceptions, and cultural contexts¹¹⁵, underscoring the decisive role of time, people, and space in constructing and transforming the legal geography of rural property in Chile. Uncovering their internal coherence allows identification of patterns and connections typically overlooked by doctrinal analysis. Thus, in this chapter I seek to reveal such coherence through analysing historical documents (minutes from the Constituent Commission, parliamentary debates, laws and decrees), period press (*El Mercurio*, *La Nación*), specialised publications from the agricultural sector, and semi-structured interviews with key informants (former high-ranking government officials, peasant leaders, academics, and businesspeople). This methodological apparatus does not construct the narratives but renders visible patterns that already operate—often in dispersed and unarticulated form—within the socio-legal infrastructure. The analytical elements I use to make these narratives visible include the coupling and decoupling of property's social and productive functions, alongside conceptual categories related to exclusion/inclusion, consciousness, violence, and security.

These categories are crucial because they reveal how property regimes operate beyond formal legal rules. Exclusion/inclusion exposes who gains or loses access to land; consciousness illuminates how actors internalise property relations; violence uncovers the force underlying property's apparent stability; and security demonstrates how different groups seek protection

¹¹¹ Ewick and Silbey, 'Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative' (n 96).

¹¹² Fox O'Mahony and Roark, 'Resilient Property Theory' (n 63).

¹¹³ Ewick and Silbey, 'Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative' (n 96).

¹¹⁴ Graham and Shoemaker (n 92).

¹¹⁵ Brooks (n 98).

through varying property arrangements. This methodological toolkit strips property of the impartiality, objectivity, and depoliticisation with which it has often been cloaked. In doing so, it exposes operations sustaining unequal property relations over time and reveals how these have exploited both democratic and authoritarian institutional conditions for their benefit.

The chapter identifies three narratives. The first, which I term the Entrepreneurial Narrative, emerged in the early 1960s and reached its height during Augusto Pinochet's dictatorship. It featured the promotion of a rural middle class with entrepreneurial characteristics, the institutional decoupling of property's social and productive functions, and the deployment of institutional violence. Secondly, the Socio-Communitarian Narrative developed between 1964 and 1973. This narrative highlights ownership consciousness complexity, the institutional and political coupling of social and productive functions, and peasant family inclusion. Finally, the Technocratic Narrative emerges from the entrepreneurial narrative's evolution, entailing a continued, radical consolidation of the decoupling between social and productive aspects.

This chapter is organised chronologically and thematically around these three pivotal narratives. Following this introduction, Section 1 examines the Entrepreneurial Narrative that emerged in the early 1960s, focusing on its resistance to coupling property's social and productive functions. Section 2 explores the Socio-Communitarian Narrative (1964-1973) that sought to democratise land access through the Agrarian Reform. Section 3 returns to analyse how the Entrepreneurial Narrative was violently reimposed during Pinochet's dictatorship (1973-1989), examining the coup as elite response, the counter-reform's legal strategies including Decree 208, and the emergence of a new agro-exporting class. Section 4 traces the evolution into the Technocratic Narrative during the democratic transition (1990-present), showing how property issues were depoliticised through technical discourse and the consolidation of neoliberal arrangements. Section 5 concludes with final reflections on how these narratives continue to shape contemporary debates about rural property in Chile. Through this structure, the chapter reveals how competing narratives have legitimised different property regimes across democratic and authoritarian contexts, ultimately producing the current concentration of land ownership and the marginalisation of peasant voices.

1. Entrepreneurial Narrative

Recent scholarship has examined narratives of landowners expropriated during Chile's 1967 Agrarian Reform¹¹⁶. Their critiques consistently relate to the loss of the *latifundio*¹¹⁷ as a social structure. These accounts convey pain and anger at the erosion of the paternalistic order. They offer no transformative proposals; instead, they present a distorted memory where history imagines landowners and labourers sharing tables, or their children playing together in the same mud. Was there, however, an alternative narrative constructed alongside that of the expropriated rural elites? In this thesis, I argue that there was—and that it proved highly influential.

The entrepreneurial narrative emerged clearly during legislative debates on the constitutional and agrarian reform laws promoted by Eduardo Frei Montalva's government (1964–1970). Its central figure was right-wing senator and businessman Pedro Ibáñez, who, whilst acknowledging the urgent need to increase food production, developed a narrative characterised by modernising ambitions and exclusionary premises¹¹⁸.

Frei's formula was already explicit in the presidential message accompanying Law 16.640 (Agrarian Reform)¹¹⁹. According to the government, rural underdevelopment stemmed from the *latifundio* and its failure to utilise land productively. The proposed solution involved creating a tenure system to dismantle the extreme concentration of property ownership, thus enabling peasant families to participate in food production.

Senator Ibáñez stated that ‘large estates are those which allow for higher yields and better living conditions for those who work the land, because the proper exploitation of such estates requires an entrepreneurial capacity that is very scarce in this country’¹²⁰. I shall not dwell here on the economic dimension of this claim, but rather on its concluding remark—that such entrepreneurial capacity is rare. This assertion reveals an issue largely overlooked in agrarian reform literature.

The concept of ‘entrepreneurial capacity’ in Ibáñez's formulation warrants careful examination, as it operates as the narrative's central organising principle and exclusionary mechanism. This capacity, never precisely defined in the parliamentary debates, functions less as an objective criterion than as a floating signifier filled with class-specific content. When Ibáñez speaks of entrepreneurial capacity being ‘very scarce in this country’, he constructs a double movement: acknowledging the need for agricultural modernisation while

¹¹⁶ Cousiño Vicuña, Angela and Ovalle Gana, María Angélica, *Reforma Agraria Chilena. Testimonios de Sus Protagonistas*. (Memoriter 2013).

¹¹⁷ A large-scale agrarian estate system characterised by paternalistic labour relations and extreme land concentration, dominating rural Chile until the mid-twentieth century.

¹¹⁸ Pedro Ibáñez stated: ‘The social goals of agriculture can be none other than to allow all Chileans to eat better, while at the same time raising the standard of living of rural workers.’ He added that his speech was not ‘in defence of selfish or unjust interests, but because we want to defend, above all, the independence of the hard-working men of our nation. And also because we are deeply concerned about the food crisis that will inevitably arise from the squandering of the country’s limited agricultural resources’: Biblioteca del Congreso Nacional de Chile, Legislatura Ordinaria year 1966. From 21 May 1966 to 18 September 1966 (document generated 23 September 2019) <https://www.bcn.cl/laborparlamentaria>.

¹¹⁹ Law 16.640 (28 September 1967) Diario Oficial (Chile) 1 October 1967

¹²⁰ Biblioteca del Congreso Nacional de Chile (n 11) 15.

simultaneously restricting the pool of legitimate modernisers.

The parliamentary records reveal how this capacity was implicitly defined through negation—by specifying who lacked it rather than who possessed it. Traditional large landowners, despite their land ownership, were not automatically assumed to possess entrepreneurial capacity; many had allowed their estates to stagnate. Peasants, by contrast, were presumptively excluded from this category, not through empirical assessment but through cultural assumption. The entrepreneurial capacity thus emerged as a third category, neither traditional ownership nor peasant labour, but a modernising force that combined technical knowledge, international connections, and business acumen.

This conceptualisation reveals the narrative's modernising ambition alongside its exclusionary core. Unlike defenders of the traditional *latifundio* who sought simply to preserve existing arrangements, Ibáñez envisioned transformation—but transformation restricted to a select group. Who ought to be the beneficiaries of Agrarian Reform? Why these individuals and not others? These questions, framed as the subjective dimension of the agrarian question, are always resolved politically and expressed through the property regime. Countries have two main arenas for settling such issues: parliamentary halls or military barracks. Chile utilised both.

Ibáñez did not present himself as a defender of the *latifundio*, but rather as an advocate for the agricultural middle class—a position novel at that time. According to the senator, the Christian Democrats sought ‘to prevent the formation in the countryside of an independent, hardworking agricultural middle class, modern in its methods, with economic resources and a progressive entrepreneurial spirit’¹²¹. Yet whom did the senator have in mind when referring to this middle class?

For the *Sociedad Agrícola del Sur* (Agricultural Society of the South), writing in 1968, ‘a man gains his dignity as both citizen and producer; and in such capacity, he is evaluated and placed within a natural hierarchy, automatically determined by varying degrees of responsibility and merit. An agrarian reform which, by force of law, disrupts this value hierarchy, disorders the system, and provokes resistance, rejection, and consequences more severe than the harm it seeks to remedy’¹²².

The entrepreneurial narrative found expression not only through collective organisations like the *Sociedad Agrícola del Sur* (Agricultural Society of the South), but also through individual landowners and intellectuals who articulated similar views about who deserved to own land. These voices, representing established agricultural interests, shared a common belief in the necessity of selecting 'suitable' beneficiaries for any land redistribution.

Meanwhile, Javier Irarrázabal Larraín, owner of the Illapel Hacienda, believed that Jorge Alessandri's 1962 agrarian reform had been largely ineffective—but had done one thing correctly: ‘people were chosen as people ought to be chosen to become property owners—that is, people with entrepreneurial capacity, who had demonstrated they possessed such ability’¹²³. Francisco Antonio Encina was even more explicit. Writing in 1962, he argued that

¹²¹ Biblioteca del Congreso Nacional de Chile, *Legislatura Extraordinaria period 1966–1967. From 2 October 1966 to 29 March 1967* (document generated 23 September 2019) 16 <https://www.bcn.cl/laborparlamentaria>.

¹²² Sociedad Agrícola del Sur, statement (1968) Pedro Ibáñez Archive, Universidad Adolfo Ibáñez Digital Repository <https://repositorio.uai.cl/discover?query=reforma+agraria> accessed December 2024.

¹²³ Cousiño Vicuña, Angela and Ovalle Gana, María Angélica (n 116) 84. For comparative purposes, the

‘if the school does not provide human material with agricultural vocation and essential economic virtues, it can do nothing. When acting upon men who are already mentally set in their ways, it will scarcely succeed in producing even four or five percent of efficient individuals’¹²⁴.

The internal contradictions of the entrepreneurial narrative become apparent when examining how its proponents simultaneously critiqued existing arrangements whilst defending hierarchy. Encina's pessimistic assessment that schools could produce 'only four or five percent of efficient individuals' from those 'already cognitively formed' reveals a fundamental tension: if entrepreneurial capacity was so rare and difficult to develop, how could it serve as the basis for agricultural transformation? This scarcity, rather than undermining the narrative, became its justification—precisely because entrepreneurial capacity was rare, those possessing it deserved privileged access to land.

These contradictions multiplied when the narrative confronted practical questions of implementation. Who would identify those possessing entrepreneurial capacity? What mechanisms would transfer land from inefficient traditional owners to efficient entrepreneurs? How would this differ from the Agrarian Reform's redistribution, which the narrative's proponents vehemently opposed? The answers reveal the narrative's ultimate incoherence. Whilst critiquing both traditional *latifundio* and peasant redistribution, it could only imagine change through market mechanisms that would, paradoxically, likely reconcentrate land in traditional elite hands—albeit now legitimised through entrepreneurial discourse rather than inherited privilege.

The narrative's relationship to the state exposed another contradiction. While advocating for a new rural middle class and agricultural modernisation, proponents like Ibáñez opposed state intervention in land distribution. Yet creating this entrepreneurial class would require active state policies—credit access, technical education, land transfer mechanisms—that the narrative's market fundamentalism precluded. This contradiction would only be resolved through dictatorship, when authoritarian state power could impose the entrepreneurial vision while maintaining the fiction of market neutrality.

A central feature of the entrepreneurial narrative lies in how it reformulates the fundamental question of land distribution. Rather than asking who *should* own and manage land—as Frei's formulation does, prioritising access for peasant families and tenant farmers—it asks who *can* effectively manage and make land productive. This reframing shifts the debate from moral and political grounds to technocratic criteria, focusing on the cultural, economic, and social capital that an agricultural middle class must possess.

The entrepreneurial narrative's contribution lies precisely in this repositioning, which would later become central under Pinochet's dictatorship (1973–1989). It replaces the normative aspiration of social justice—namely, including the excluded—with a politics of pragmatism, privileging those who know how to manage, those with capability, and those possessing the necessary competencies to make land productive and profitable. Its fundamental objection to

municipality of Rome extends to roughly 128,500 hectares, while Greater London covers about 157,200 hectares. This rhetorical question emphasises the incongruity in the criteria of ownership: rather than reflecting any merit-based or collective decision, inheritance under colonial conditions placed land in the hands of a single lineage.

¹²⁴ Francisco Antonio Encina, statement (1962) Pedro Ibáñez Archive, Universidad Adolfo Ibáñez Digital Repository <https://repositorio.uai.cl/discover?query=reforma+agraria> accessed December 2024.

the Agrarian Reform, therefore, appears to be the attempt to subvert the *latifundio*'s social order through peasant family inclusion. Exclusion functions here as a defence mechanism to protect a social class historically sustained by the *latifundio*, now perceiving itself threatened by property democratisation. Quite simply, not everyone can be a property owner.

The exclusion/inclusion dynamics within the entrepreneurial narrative operated through a sophisticated reconfiguration of legitimate rural citizenship. Unlike the crude exclusions of traditional *latifundio* based on inherited status, or the inclusive vision of the Agrarian Reform based on labour, the entrepreneurial narrative constructed a new form of exclusion based on putative capacity. This exclusion appeared meritocratic and modern, aligned with development discourse, yet functioned to preserve elite control through new legitimating principles.

The narrative's power lies precisely in its ability to present exclusion as inclusion—it offered a vision where any individual with entrepreneurial capacity could access land, regardless of traditional status. This formal openness masked structural closure. The very definition of entrepreneurial capacity—requiring technical education, business knowledge, and international connections—effectively excluded the rural majority. When Irarrázabal praised the selection of ‘people with entrepreneurial capacity, who had demonstrated they possessed such ability’, he naturalised advantages accumulated through class privilege as individual merit.

This reconfiguration of exclusion/inclusion would prove remarkably durable. As Chapter 2's analysis of the technocratic narrative will later demonstrate, the entrepreneurial narrative's capacity-based exclusions evolved into technical qualifications under dictatorship and market efficiency under democracy. The fundamental principle remained constant: land access required demonstrating capacities that, by definition, most rural inhabitants lacked. The entrepreneurial narrative thus established a template for modern exclusion—not the crude prohibitions of traditional hierarchy but sophisticated disqualifications based on ostensibly neutral criteria that systematically favoured existing elites while appearing to promote modernisation and efficiency.

The functions of property—whether coupled or decoupled—are determined by democratically assigned objectives, not by inherent characteristics of property itself. This determination process—the political struggle over whether to couple or decouple property's social and productive functions—represents a contested political field where different visions compete. To suggest that property functions are predetermined or natural would restrict legitimate democratic debate about an institution that, whilst important, remains subordinate to democratic principles. Consequently, property's content, limits, and functions are not defined by abstract moral or subjective standards but instead reflect the interests that an organised political community has collectively prioritised and institutionalised through democratic processes.

This research distinguishes between property's social and productive functions. The former concerns the institution's role in achieving society's general aims, whereas the latter addresses the property owner's economic and individual interests. In the Chilean context, initial attempts to give juridical form to property's social function occurred during the drafting of the 1925 Constitution and were formally realised through the 1966 constitutional reform. The productive function, conversely, manifests through the individual, absolute, and exclusive ownership notion integral to the property regime in the Chilean Civil Code, itself heavily influenced by the liberal bourgeois tradition¹²⁵.

Although the productive function dominated Chilean property discourse for centuries, by the 1960s this hegemony began weakening. Globally, private property faced questioning, with many jurisdictions actively pursuing its radical reconfiguration¹²⁶. Chile was no exception. An increasingly broad coalition of political actors and social movements demanded its structural transformation. Within this context, the Chilean entrepreneurial narrative sought to resist the rising tide of property's social function—doing so strategically.

Its advocates recognised their minority position and felt increasingly cornered by emerging forces. Though Ibáñez came from the *latifundio* context, his speeches show no nostalgia for that way of inhabiting property—precisely what makes his proposal novel. Instead, he promoted an exclusionary modernity that decoupled social from productive functions, this time favouring a group defined by entrepreneurial capacities and aspirations rather than traditional landownership. This strategy suffered legal and political defeat in 1967, though only until 1973.

2. The Socio-Communitarian Narrative

‘The countryside must be transformed, and the beast of the furrow must become a man.’¹²⁷
—Tancredo Pinochet LeBrun, Santiago, 1916.

In Chile, the *latifundio* functioned as a large-scale agrarian unit establishing relationships of dependence and hierarchy between landowners and the rural population¹²⁸. This relationship

¹²⁵ Thomas W Merrill and Henry E Smith, ‘The Morality of Property’ (2007) 48 *William and Mary Law Review* 1849 https://scholarship.law.columbia.edu/faculty_scholarship/824 accessed December 2024; Joseph William Singer, ‘Democratic Estates: Property Law in a Free and Democratic Society’ [2009] *Cornell Law Review*.

¹²⁶ Eduardo Novoa, ‘Una Evolución Inadvertida: El Derecho de Propiedad.’ (1982) 31 *Revista Mensaje* 26; Novoa (n 31).

¹²⁷ From Spanish translation “El campo se debe transformar, y la bestia del surco debe ser persona”

¹²⁸ Manuel Canales, Jorge Razeto Migliaro and René Valenzuela (eds), *Casta y sumisión: Chile a 50 años de la*

manifested through the *inquilinaje* system, wherein peasant families resided on the land in exchange for labour services¹²⁹. Seasonal employment also existed involving *torrantes*¹³⁰ or *afuerinos*, workers who migrated according to the agricultural calendar¹³¹.

The *latifundio* was not merely the dominant mode of agricultural production, but the lived expression of the property regime in rural Chile. It represented, according to Canales:

‘a matter of lineage, caste, closed social sets, families, genetics, and other mechanisms through which humans recognised themselves and closed themselves off from others. It constituted a structural rather than merely relative inequality, continually reproduced by binding and separating two groups, marking each as the counterpart of the other in a soldered relation of inequality. A relationship that classifies, absolutely and almost irreversibly, one into a class, and others into another, in a vertical discontinuity of polar extremes’¹³².

Poverty, civic exclusion, extreme land concentration, and low productivity defined the *latifundio* regime¹³³. According to Bellisario¹³⁴, by the mid-twentieth century, approximately 1.3% of properties controlled around 70% of Chile's agricultural land, reinforcing deeply unequal landholding patterns. Under such conditions, the *latifundio* embodied an order of obedience and subordination. Landowners held both resources and authority, whilst peasants lacked effective means to negotiate or access ownership¹³⁵.

The 1967 Agrarian Reform Law fundamentally altered land tenure structures. It capped landholdings per owner, authorised expropriation of underutilised estates, and regulated compensation based on fiscal valuations, payable through long-term bonds, thus facilitating redistribution to historically marginalised sectors¹³⁶. It also promoted agricultural worker and peasant organisation participation, encouraging settlements with various ownership arrangements—including individual, cooperative, and collective tenure following a three-year transition—so agricultural property would fully assume its social function serving the common good¹³⁷.

reforma agraria (Primera edición, Facultad de Ciencias Sociales, Universidad de Chile : Social-Ediciones 2018); Bengoa, *Historia Social de La Agricultura Chilena. Tomo II* (n 35).

¹²⁹ Claudio Robles-Ortiz, ‘Agrarian Capitalism and Rural Labour: The Hacienda System in Central Chile, 1870–1920’ (2009) 41 *Journal of Latin American Studies* 493; José Bengoa, *Reforma agraria y revuelta campesina: seguido de un homenaje a los campesinos desaparecidos* (LOM Ediciones 2016).

¹³⁰ Temporary agricultural workers. They travelled from one farm to another during harvest time.

¹³¹ Gonzalo Falabella, ‘Desarrollo del capitalismo y formación de clase: el torrante en la huella’ (1970) 32 *Revista Mexicana de Sociología* 87; Daniel Barnaby Carter, ‘Los terratenientes de Cautín: actores claves de la contrarreforma’ (2017) 0 *Anales de la Universidad de Chile* <<http://www.anales.uchile.cl/index.php/ANUC/article/view/47203>> accessed 20 February 2025.

¹³² Canales, Razeto Migliaro and Valenzuela (n 128) 198.

¹³³ Bengoa, *Historia Social de La Agricultura Chilena. Tomo II* (n 35); José Bengoa, *El Campesinado Chileno Después de La Reforma Agraria* (Ediciones Sur 1983); Cristóbal Kay, ‘Agrarian Reform and the Class Struggle in Chile’ (1978) 5 *Latin American Perspectives* 117.

¹³⁴ Antonio Bellisario, ‘The Chilean Agrarian Transformation: The Pre-Agrarian Reform Period (1955-1965)’ (2006) 6 *Journal of Agrarian Change* 167.

¹³⁵ Correa, Sofía, ‘Los Expropiados’ (2017) 12 *Revista Anales* 205.

¹³⁶ Ley de Reforma Agraria 1967.

¹³⁷ Jacques Chonchol, ‘La Reforma Agraria En Chile (1964-1973)’ (1976) 43 *El Trimestre Económico* 599.

The socio-communitarian narrative drew upon cultural elements. In 1964, Chilean peasants sang: *'We shall be no more serfs, no longer outcasts, when agrarian reform comes to the peasants. The patron's wife gave me a plot, I brought the labour, and she took the yield. I brought the labour, and she took the yield'*¹³⁸. These cultural expressions were embraced politically by President Eduardo Frei Montalva, who had campaigned on a promise of deep and drastic agrarian reform.

This narrative found further support in the Chilean Catholic Church's actions. From 1962, under Bishop Manuel Larraín's leadership and influenced by the social encyclicals, the Church donated five estates to peasant cooperatives. This initiative made a political statement about rural poverty whilst offering a model of communal landholding rooted in the peasant family—one initially eschewing individual ownership¹³⁹. The Church's influence on agrarian reform was both deep and extensive. Ministers, undersecretaries, and members of the parliament maintained strong territorial and doctrinal ties to the Church¹⁴⁰. Its comprehensive proposal centred on three interconnected elements: the role of the state, the meaning of property, and the dignity of the peasantry.

Regarding the state, the Church believed it should guide structural change by promoting property's social function, thus fulfilling justice demands. As Arroyo stated, 'the intervention of the state in distributive processes does not violate property rights, but rather consolidates them, insofar as it ensures that property serves, in addition to its individual function, a social one'¹⁴¹. Simultaneously, the Church maintained that Christian-inspired agrarian reform should aim at 'creating new, dynamic, entrepreneurial landowners capable of revitalising agriculture.' Private property remained a core Church principle; its abolition was never questioned. However, the Church's nuanced position profoundly challenged the liberal-bourgeois conception of property that had dominated Chilean political discourse until the 1950s.

The debate over coupling property's social and productive functions—previously discussed regarding the entrepreneurial narrative—was central to the Church's stance. As it affirmed: 'An agrarian structure that excludes most rural families from land ownership, no matter how productive it may be, cannot be reconciled with the teachings of the Church'¹⁴². This theological position would soon find expression in the legal sphere, influencing Chile's legislative approach to agrarian reform.

The juridical component of the socio-communitarian narrative was solidified through Law 16.640 in 1967¹⁴³. This legislation effectively coupled property's productive and social functions, aligning with the Church's position. By limiting large estates and redistributing land, it merged economic efficiency with peasant dignity. It simultaneously upheld private property (reserving ownership for the original proprietor) while advancing the common good

¹³⁸ Traditional, *Song performed by Hilda Morales at '50 años Ley de Reforma Agraria – Escuela Superior Campesina'* (2017) <https://www.youtube.com/watch?v=CAHIUe5-ns0> accessed March 2025.

¹³⁹ William Thiesenhusen, *Chile's Experiments in Agrarian Reform* (The University of Wisconsin Press 1966).

¹⁴⁰ Francisca Salas, 'La Reforma Agraria de La Jerarquía Católica Chilena : Una Lectura Socio-Política Sobre El Catolicismo Institucional Entre 1958 y 1964' [2016] *Nuevo mundo mundos nuevos* <<http://journals.openedition.org/nuevomundo/69693>> accessed 24 February 2025.

¹⁴¹ Gonzalo Arroyo, 'Derecho de Propiedad y Reforma Constitucional.' (1965) 14 *Revista Mensaje* 99, 12.

¹⁴² Arroyo (n 141) 11.

¹⁴³ Agrarian Reform Law No 16.640 (28 July 1967).

(through expropriation and social justice), fulfilling the ecclesiastical vision of harmonising productivity and social responsibility¹⁴⁴. In Arroyo's words, agrarian reform 'does not seem to depart from Christian inspiration, as it promotes a profound transformation in the structure of landholding, enabling many peasants to become true owners'¹⁴⁵.

The socio-communitarian perspective enables exploration of the relationship between property rights and peasant consciousness. Chinchilla¹⁴⁶ argues that the production of both consciousness and property's meaning stems primarily from one's relationship to the *latifundio*'s social structure, rather than from specific laws' enactment. Consequently, *inquilinos*¹⁴⁷, having accessed land plots even before the reform, tended to favour individual land tenure. In contrast, *afuerinos*—those excluded from the system—advocated for more radical land use collectivisation.

Lehmann¹⁴⁸ offers a complementary analysis, highlighting the role of security—understood as protection, subsistence, and livelihood stability—in shaping this consciousness. Under the *latifundio*, peasants associated security with 'good landowners.' With the Farmworkers' Unionisation Law introduction, Lehmann notes, security shifted to unions, which assumed the responsibility of guaranteeing its provision. Later, with the Agrarian Reform Law implementation, security responsibility passed to the state and its agencies.

The transformation of security from personal patronage through collective organisation to state guarantee represents a fundamental reconfiguration of rural subjectivity that the socio-communitarian narrative both reflected and produced. Under the *latifundio* system, security operated through vertical bonds where the 'good landowner' provided protection in exchange for loyalty and labour. This personalised security created profound dependencies, as peasants' material survival depended on maintaining favour with individual patrons. The vulnerability inherent in this arrangement manifested in the constant possibility of expulsion, wage reduction, or withdrawal of plot access based on patron whims.

The Farmworkers' Unionisation Law marked the first structural shift in security provision. Unions offered collective security through solidarity—strikes, mutual aid funds, and negotiated contracts replaced individual pleading for patron benevolence. This transition fundamentally altered power dynamics, as security derived from horizontal bonds among workers rather than vertical subordination to owners. Yet union-based security contained its own limitations, depending on organisational strength, leadership quality, and members' ability to maintain solidarity under pressure. The state's tolerance or repression of union activities could enhance or destroy this security form overnight.

The Agrarian Reform Law's implementation represented security's most radical transformation, shifting responsibility from private relationships to public institutions. State agencies like CORA (Corporation of Agrarian Reform) and INDAP (Institute of Agricultural Development) became security providers through credit access, technical assistance, and land

¹⁴⁴ Chonchol (n 137); Kay, 'Agrarian Reform and the Class Struggle in Chile' (n 133).

¹⁴⁵ Arroyo (n 141) 12.

¹⁴⁶ Norma Stoltz Chinchilla and Marvin Sternberg, 'The Agrarian Reform and Campesino Consciousness' (1974) 1 Latin American Perspectives 106.

¹⁴⁷ Inquilinos were permanent resident labourers on an estate, typically granted small plots in exchange for their labour, while afuerinos were seasonal or itinerant workers who migrated to meet agricultural labour demands. Both groups depended on the landowner's goodwill for subsistence and livelihood.

¹⁴⁸ David Lehmann, 'Peasant Consciousness and Agrarian Reform in Chile' (1972) 13 European Journal of Sociology / Archives Européennes de Sociologie / Europäisches Archiv für Soziologie 296.

redistribution. This institutionalisation promised security based on citizenship rights rather than personal relationships or organisational membership. However, this promise contained the seeds of its own vulnerability—state-based security required continuous political support, adequate funding, and bureaucratic efficiency. When peasants began anticipating the reform process's instability and potential reversal¹⁴⁹, as documented in testimonies, they revealed acute awareness that state-guaranteed security remained contingent on political configurations beyond their control.

Security, therefore, always depended on external agents—whether landowner, union, or state. This reflects how asymmetrical power relations operated in rural Chile. Giglo, citing Parra, describes this as *dependent consciousness*, a subjectivity shaped by the patron–worker dynamic¹⁵⁰. Relying on others to safeguard one's interests meant that once reforms were achieved, they required urgent defence.

In this context, the aspiration ‘to have something in my name’ stems neither from human nature nor from historical predisposition among Chilean peasants. Although Bengoa¹⁵¹ and Toolin¹⁵² suggest peasants generally preferred individual tenure, Chinchilla¹⁵³ and Lehmann¹⁵⁴ most convincingly trace this consciousness's causal origins. By 1970–1971, peasants began anticipating the reform process's instability and potential reversal. Foreseeing the coming dictatorship, they understood the urgent need to consolidate gains—primarily through private ownership, now functioning as a safeguard.

While peasant consciousness developed through lived experience, the socio-communitarian narrative found expression in the public discourse of the period. *La Nación* newspaper's pages provide insight into property's performativity in this broader social context. The narrative's central discursive elements appear clearly there. First, defending rule of law and legality as social transformation vehicles—where ‘the individual, liberty, and the law’¹⁵⁵ receive respect. Second, including the peasantry as a political objective of the new property regime, recovering ‘their land’ for ‘full participation in national life’—while noting that ‘it is the peasants who will carry out the agrarian reform,’ because it represents ‘their law and their celebration’¹⁵⁶.

The visual language deployed in *La Nación*'s coverage reveals how the socio-communitarian narrative operated through carefully constructed imagery that transformed peasants from invisible labour into visible citizens. The photograph titled ‘The peasant witnessed the signing of his law’¹⁵⁷ performs crucial ideological work through its composition. The

¹⁴⁹ Chinchilla and Sternberg (n 146); Lehmann (n 148).

¹⁵⁰ Nicolo Gligo V, *Reforma Agraria Chilena: causas, fases y balance* (Universidad de Chile, Facultad de Ciencias Agronómicas 2021).

¹⁵¹ José Bengoa Cabello, ‘La Vía Chilena al “Sobre” Capitalismo Agrario’ (2017) 0 *Anales de la Universidad de Chile* <<http://www.anales.uchile.cl/index.php/ANUC/article/view/47176>> accessed 20 February 2025.

¹⁵² Jennifer M Toolin, ‘Law and Development Theory: A Case Study of the Chilean Land Reform Efforts’ [1984] *The Fletcher Forum* 28.

¹⁵³ Chinchilla and Sternberg (n 146).

¹⁵⁴ Lehmann (n 148).

¹⁵⁵ *La Nación* (Santiago, January 1967) front page, in Fondo Diario La Nación, Universidad Diego Portales <https://culturadigital.udp.cl/index.php/diario-la-nacion/1967/enero/> accessed March 2025

¹⁵⁶ *Ibid*

¹⁵⁷ See Image 2

peasant, positioned as witness rather than supplicant, occupies the frame's centre while governmental figures appear peripheral. This visual arrangement inverts traditional hierarchies where peasants appeared, if at all, as background figures in official ceremonies. The image's caption employs possessive language—'his law'—that transfers ownership from state to peasant, constructing law as something belonging to rural workers rather than imposed upon them.

The materiality of these images matters as much as their content. Published in a state newspaper and distributed nationally, they circulated new representations of rural citizenship into urban households and government offices. The photograph 'Land for the peasant, land to work, land to produce' employs a tripartite structure that links ownership, labour, and productivity as inseparable elements¹⁵⁸. This visual rhetoric counters the entrepreneurial narrative's separation of ownership from labour, instead presenting them as naturally unified in the peasant figure. The image's composition, with tractors and workers sharing equal visual weight, suggests mechanisation without displacement—modernisation that includes rather than excludes traditional rural inhabitants.

La Nación's photographic choices reveal strategic decisions about which aspects of reform to emphasise. Images consistently feature collective moments—groups signing documents, assemblies in discussion, communal work scenes—rather than individual property transfers. This visual emphasis on collectivity reinforces the narrative's communitarian dimensions while avoiding the individualistic imagery that might align with entrepreneurial discourse. The newspaper's decision to photograph peasants with documentation, whether land titles or reform legislation, performs important legitimating work by showing rural workers as legal subjects capable of understanding and wielding juridical instruments.

Lastly, food production forms the central economic and productive aim of agrarian reform. No defence of profit-seeking in food production appears. This creates a radical contrast with the dictatorship's and subsequent democratic governments' agro-export policies. As *La Nación* wrote in 1967: 'The objective is the man and his family, and second, to feed our country'; and 'Land for the Peasant, Land to Work, Land to Produce'¹⁵⁹.

¹⁵⁸ See images 5 and 6

¹⁵⁹ Ibid



Image 2 The peasant witnessed the signing of his law - Diario La Nación, July 1967, Chile.

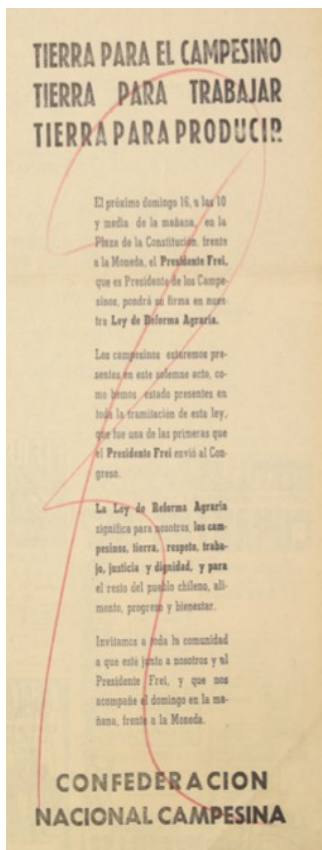


Image 3 Land for the peasant, land to work, land to produce - La Nación newspaper, July 1967, Chile

J. ULISES DIAZ C.
Presidente Nat. del H.C.I.

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Image 6 Agrarian reform enacted. The peasant is fully incorporated into national life. President Frei said 'You will carry out the Agrarian Reform' - La Nación newspaper, July 1967, Chile.

The sequencing and selection of these images in *La Nación* construct a visual narrative of transformation that operates on multiple registers simultaneously. The progression from 'The peasant recovers his land' through witnessing law-signing to 'Land for the peasant, land to work, land to produce' traces a journey from dispossession through legal recognition to productive integration. This visual sequence performs important ideological work by presenting reform not as revolutionary rupture but as restoration—peasants 'recover' what was always rightfully theirs. The recovery language sidesteps questions of property's legitimacy under previous arrangements while asserting moral claims transcending positive law.

The images' compositional elements reinforce the socio-communitarian narrative through consistent visual strategies. Peasants appear in clean, dignified clothing rather than the ragged garments often used to depict rural poverty. This sartorial choice presents rural workers as citizens ready for inclusion rather than charity cases requiring salvation. Group compositions dominate individual portraits, reinforcing collective rather than individualistic orientations. The presence of women and children in several images expands reform beneficiaries beyond

male heads of household, suggesting family and community transformation rather than mere property transfer.

The technological elements visible in these photographs—tractors, buildings, infrastructure—present modernisation as compatible with peasant ownership. Unlike entrepreneurial narrative imagery that might oppose traditional peasants to modern machinery, *La Nación*'s photographs integrate both within unified frames. This visual strategy counters arguments that peasants lacked capacity for modern agriculture, instead showing them as naturally suited to mechanised production once given opportunity. The images thus perform crucial legitimisation work by visualising successful peasant modernisation before it had been fully realised, creating aspirational representations that could guide reform implementation.

3. The Entrepreneurial Narrative: Property, Power, and Social Class

The 1967 Agrarian Reform received approval from more than 80% of sitting deputies and senators¹⁶⁰. This reveals the substantial democratic legitimacy underpinning the process. Drawing on Brahm¹⁶¹ and Fermandois¹⁶², one can argue that socialisation, understood as the weakening of absolute property, followed an institutional trajectory. Rather than a violent imposition of a new property regime, it represented the legal expression of political and social priorities broadly agreed upon at that historical juncture. I emphasise this point because academic literature often overlooks its argumentative significance—namely, that the subsequent counter-reform imposed by the dictatorship cannot claim superior legitimacy by characterising the reform as radical or anti-democratic, when in fact it enjoyed overwhelming parliamentary support and followed constitutional procedures.

Between 1973 and 1989, Chile's current rural land tenure system was designed and implemented. It features individual, absolute, and exclusive property rights, imposed by an authoritarian regime. This model privileges social exclusion within a framework of expansive economic freedom, thereby establishing—without counterbalance—rural Chile's legal geography.

Multiple actors played pivotal roles in this transformation. The state, now under military dictatorship control, and economic elites jointly defined the institutional pathway required to re-establish juridical security as the economic model's cornerstone. Simultaneously, violence and fear enabled peasantry exclusion, retribution, and subjugation. Law, in its authoritarian form, provided the legal scaffolding for both repression and economic policy. Finally, peasant consciousness was strategically deployed to legitimise the process, with Pinochet himself declaring: 'We gave them land ownership'¹⁶³.

¹⁶⁰ Biblioteca del Congreso Nacional de Chile, *History of Law 16.640 on Agrarian Reform (1967, Chile)* <https://www.bcn.cl/obtienearchivo?id=recursoslegales/10221.3/45903/1/HL16640.pdf> accessed March 2025.

¹⁶¹ Enrique Brahm, 'El Concepto De Propiedad En La Ley N° 15.020 Sobre Reforma Agraria' (1994) 21 *Revista Chilena de Derecho* 159; Brahm, *Propiedad Sin Libertad: Chile 1925-1973* (n 27).

¹⁶² Fermandois Vöhringer (n 22).

¹⁶³ Villela (n 3).

During Eduardo Frei Montalva's 'Revolution in Liberty,' legal order remained central in distinguishing his project from Marxist revolutions whilst preserving liberal democracy. Allende maintained this democratic approach but intensified expropriations under Law 16.640, which accounted for over 67% of total land expropriated¹⁶⁴. Minister Chonchol aimed to make peasants 'participants in the reform,' thus breaking their state dependency. However, from 1971 onwards, land occupations led by the Revolutionary Left Movement (MIR) exceeded the legal framework¹⁶⁵.

According to De Riz, expropriation acceleration provoked uncontrollable rural social struggle, creating a split. Reform beneficiaries developed a protective mindset towards their newly acquired land, whilst the rural poor resorted to direct action when facing unmet demands¹⁶⁶. Kay highlights the process's core contradiction. Despite its radical scope, it curtailed peasantry's revolutionary potential and failed to incorporate the poorest into a sustainable political alliance¹⁶⁷. Once they secured land, many chose individual or family production models, weakening collective structure possibilities and affecting food production—thereby increasing tensions with urban middle classes¹⁶⁸.

The causes of Chile's democratic breakdown have been extensively debated. Valenzuela links it to unresolved political polarisation between the centre and extremes of the political spectrum¹⁶⁹; Garretón views it as one facet of Chile's incomplete modernisation which resulted in structural tensions between economic development and political participation¹⁷⁰, and Edwards sees it as part of a macroeconomic crisis which led to hyperinflation and economic collapse¹⁷¹. Correa, however, highlights the centrality of property as a decisive factor. Agrarian reform, nationalisations, and the redefinition of private ownership intensified the antagonism between those seeking to limit or abolish private property and those defending it as a fundamental right¹⁷².

Gómez Leyton¹⁷³ goes further, arguing that the primary cause of the 1973 coup was the democratisation of private property. For decades, he suggests, a 'domination pact' guaranteed the inviolability of large estates—particularly in rural areas—alongside a formal democracy. The constitutional reform of 1967, the Agrarian Reform, and the Farmworkers' Unionisation Law shattered this pact by legally opening space for peasants, workers, and the urban poor to challenge existing property structures and demand redistribution. This 'democratisation of property'—intensified by land occupations and social mobilisation—clashed with elite interests, prompting their support for an authoritarian solution. This ultimately culminated in the military coup and the establishment of a new constitutional order with severe restrictions on social rights.

¹⁶⁴ Peter Winn and Cristobal Kay, 'Agrarian Reform and Rural Revolution in Allende's Chile' (1974) 6 *Journal of Latin American Studies* 135.

¹⁶⁵ Kyle Steenland, 'Rural Strategy Under Allende' (1974) 1 *Latin American Perspectives* 129.

¹⁶⁶ Liliana De Riz, 'La Política Agraria de La Unidad Popular y La Lucha de Clases En El Campo' (1977) 39 *Revista Mexicana de Sociología* 873.

¹⁶⁷ 05/12/25 5:02:00 p.m.

¹⁶⁸ Kay, 'Agrarian Reform and the Class Struggle in Chile' (n 133).

¹⁶⁹ Valenzuela, Arturo, *El Quiebre de La Democracia En Chile*. (Facultad Latinoamericana de Ciencias Sociales, 1978).

¹⁷⁰ Manuel Antonio Garretón, *El proceso político chileno* (FLACSO, Santiago de Chile 1983).

¹⁷¹ Sebastian Edwards, *The Chile Project: The Story of the Chicago Boys and the Downfall of Neoliberalism* (Princeton university press 2023).

¹⁷² Correa, Sofía (n 135).

¹⁷³ Gómez Leyton (n 26).

By late 1973, political polarisation and widespread land occupations exposed the breakdown of institutional order. Occupations of smaller estates—beyond the limits established by Agrarian Reform law and led by the MIR—signalled the rupture between political projects and Chile's formal democratic framework. Yet rather than restoring the democratically approved property regime, the dictatorship instrumentalised this crisis by invoking 'legal uncertainty.' The new authoritarian regime transformed institutional collapse into an opportunity to entrench a model centred on individual, absolute, and exclusive private property.

3.1. Pragmatism or Strategy? The Land Policy of the Dictatorship

The agrarian counter-reform required a strong discursive framework to legitimise the return to individual property and cooperative eradication. According to Collins¹⁷⁴, immediately after the coup, the regime portrayed the previous reform as insecure and uneconomical, pushing for agricultural 'normalisation.' Kay notes that the dictatorship revived landed elites' long-standing demands for unrestricted property rights protection, emphasising productivity and legal certainty to justify widespread restoration of expropriated estates¹⁷⁵. This approach aligned with the economic agenda outlined in *El Ladrillo*¹⁷⁶, which advocated dismantling collective tenure whilst reinforcing individual ownership and entrepreneurialism¹⁷⁷.

El Ladrillo—the dictatorship's economic policy blueprint—addressed land issues directly¹⁷⁸. It proposed removing landholding limits but included an 80-irrigated-hectare ceiling to prevent excessive concentration. While seeking to liberalise the land market, it also recommended a temporary ban on reformed land sales to prevent fraud. However, these safeguards were never implemented. In practice, the dictatorship's counter-reform was even more radical than *El Ladrillo* had anticipated. Neither landholding limits nor sales restrictions were enforced. This divergence reflects internal tensions: although *El Ladrillo* proposed gradual reforms, the regime pursued full-scale liberalisation, which led to the widespread reconsolidation of large estates¹⁷⁹.

The counter-reform's legal embodiment materialised through legislative instruments such as Decree 240¹⁸⁰ and Decree Law 133¹⁸¹, which facilitated the reallocation of over three million hectares¹⁸². This model favoured those with technical qualifications—such as agronomists—

¹⁷⁴ Joseph Collins, *Agrarian Reform and Counter Reform in Chile* (IFDP 1980).

¹⁷⁵ Cristóbal Kay, 'La Política Agraria Del Gobierno Militar De Chile' (1981) 48 *El Trimestre Económico* 567.

¹⁷⁶ Segio A de Castro (ed), *'El Ladrillo': bases de la política económica del gobierno militar chileno* (Centro de Estudios Públicos 1992).

¹⁷⁷ Villela (n 3); Villela (n 3).

¹⁷⁸ *El Ladrillo* was a seminal policy document drafted in the early 1970s by a cohort of young economists associated with the University of Chicago (subsequently dubbed the 'Chicago Boys'). Originally intended to influence the Unidad Popular government, it ultimately became the central economic blueprint of Augusto Pinochet's regime following the coup in 1973. Known informally as *El Ladrillo* (literally 'The Brick') due to its heft and level of detail, it laid the foundations for Chile's neoliberal model, advocating market

¹⁷⁹ Hugo Villela, *Saqueo y Exterminio de La Clase Campesina Chilena: La Contra Reforma Agraria Del Régimen Civil y Militar, 1973-1976* (1a. ed., LOM Ediciones 2019); Pedro Lovera, 'El Dificultoso Camino a La Neoliberalización: El Caso de La Sociedad Nacional de Agricultura, 1983-1990' (2018) 7 *Revista Divergencia* <<https://www.revistadivergencia.cl/wp-content/uploads/2018/11/02-PEDRO-LOVERA.pdf>> accessed 16 July 2024.

¹⁸⁰ Decree No 240 (Ministry of Agriculture, 28 March 1974).

¹⁸¹ Decree Law No 133 (5 November 1974).

¹⁸² Villela (n 179).

over less educated former settlers. This ‘suitability’ emphasis, framed as efficiency, also served to politically control the countryside, allowing former administrators or landowner relatives to outcompete previous beneficiaries¹⁸³. As Villela¹⁸⁴ argues, under modernisation's guise, the process ultimately rewarded familial ties and links to former landowners, subverting the reformist principle of ‘land to those who work it.’

In practical terms, the counter-reform proceeded through estate restitution to former owners, public auctions, and individual parcelling of remaining lands¹⁸⁵. The regime prioritised professionals and agronomists over former settlers, whilst excluding ‘undesirable’ peasants from land allocation. Political and economic power were thus secured through land reconcentration and agro-export production promotion. One of the clearest exclusion instruments was Decree Law 208, which expelled individuals involved in land occupations or strikes. It exemplifies how the counter-reform's economic logic was underpinned by repression and lacked rural legitimacy.

liberalisation, the privatisation of state-owned enterprises, minimal state intervention in the economy, and widespread deregulation—transforming Chile’s productive and social structures under military rule.

¹⁸³ Kay, ‘La Política Agraria Del Gobierno Militar De Chile’ (n 175).

¹⁸⁴ Villela (n 3).

¹⁸⁵ Collins (n 174); Lovera (n 179); Antonio Bellisario, ‘The Chilean Agrarian Transformation: Agrarian Reform and Capitalist “Partial” Counter-Agrarian Reform, 1964–1980 Part 2: CORA, Post-1980 Outcomes and the Emerging Agrarian Class Structure’ (2007) 7 *Journal of Agrarian Change* 145.

3.2. Decree 208 and the Violence of Property

As Blomley¹⁸⁶ argues, property is a complex web of social relations predicated on exclusion and boundary-making. In this sense, property regimes are underpinned by acts of force—both symbolic and physical—that determine who may legitimately access land. Decree Law 208 of 1973 did precisely this: it crystallised the political content the dictatorship ascribed to the emerging property regime. It marked the origin of a form of legal certainty rooted in punitive norms and direct repression. According to Bengoa¹⁸⁷, it was the dictatorship's primary instrument for restructuring the countryside and reaffirming hierarchies by systematically denying land access to those involved in land occupations.

This was not merely an administrative act; it was a mechanism to impose a new agrarian order through fear. Testimonies from small and medium peasants show that, without credit or technical assistance, many agrarian reform beneficiaries were forced to sell or abandon their land¹⁸⁸. Loyalty to the regime was rewarded, whilst those on 'blacklists' were excluded. One peasant recalls: 'When the dictatorship arrived... They applied 208 to my uncle, and he couldn't claim anything... It was a punishment; they gave the land back to the former owner.'¹⁸⁹ Another explains: 'They didn't allow them to access land... It was meant to punish those who had been leaders in the agrarian reform.'¹⁹⁰

These testimonies echo Blomley's ¹⁹¹thesis that legal property regimes enforce boundaries through force—those excluded were condemned to dispossession and marginality. Institutional violence thus functioned as a tool of social discipline, resonating with Bourdieu's concept of symbolic violence. Through fear and continuous threat, the rural population internalised inequality as immutable. Land was returned to former landlords or sold to new entrepreneurs, and juridical security came to rest on intimidation and exclusion.

Bengoa¹⁹² notes that, in rural Chile, the phrase 'never again' acquired an inverse meaning. While in urban settings it denoted a rejection of state violence, in the countryside it was understood as 'never again will we rise up,' out of fear of another agrarian revolt. One testimony captures this sense of guilt: 'Who wouldn't want a small piece of land?'¹⁹³—a question laden with internalised shame. Thus, institutional violence not only dispossessed peasants but also eroded their collective consciousness, shifting blame onto those who had sought to reclaim land.

In sum, Decree 208 shows that rural property in Chile was not established solely through law, but through punitive acts that defined who was 'legitimate' and who was to be excluded.

¹⁸⁶ Nicholas Blomley, 'Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid' (2003) 93 *Annals of the Association of American Geographers* 121.

¹⁸⁷ Bengoa Cabello (n 151).

¹⁸⁸ Bengoa, *Reforma agraria y revuelta campesina* (n 129).

¹⁸⁹ Interview with Small Peasant A1 (Maule Region, Chile, 15 April 2024) (conducted in Spanish, translated by author).

¹⁹⁰ Interview with Small Peasant A2 (Maule Region, Chile, 15 April 2024) (conducted in Spanish, translated by author).

¹⁹¹ Nicholas Blomley, 'The Boundaries of Property: Complexity, Relationality, and Spatiality' (2016) 50 *Law & Society Review* 224.

¹⁹² Bengoa Cabello (n 151).

¹⁹³ Interview with Small Peasant A (Maule Region, Chile, 15 April 2024) (conducted in Spanish, translated by author).

This exclusion went beyond physical expulsion—it implanted a deep-seated fear that stifled peasant mobilisation. The ‘constitutive violence’ described by Benjamin, Bourdieu, and Blomley is unmistakable. The juridical security promised by the dictatorship was rooted not in democratic consensus but in repression and coercion. While the national discourse invoked ‘never again’ as a commitment to non-repetition, in rural Chile it became a warning that rebellion would lead to renewed dispossession.

3.3. The Constitutional and Legal Strategy

The dictatorship's constitutional and legal strategy deployed the concepts of legal certainty and juridical security interchangeably, presenting them as technical equivalents to close off the past of agrarian reform and foreclose future redistributive possibilities. This deliberate conceptual fusion—articulated through constitutional debates, legal decrees, and institutional reforms—would become foundational to Chile's neoliberal property infrastructure. Yet as this investigation progressively reveals, these concepts operate in fundamentally distinct registers. Legal certainty functions in the technical-formal domain of title identification, juridical security in the ideological-temporal register of frozen transformation horizons, and land tenure security in the material-ecological sphere of productive continuity. The dictatorship's strategic achievement lay precisely in obscuring these distinctions, forging an ideological coupling that would make questioning any element appear as threatening the entire system of rural property.

Legal certainty constituted a central tenet of the dictatorship's discourse, repeated as a mantra in nearly every public forum. However, the ‘lost order’ restoration entailed not a return to transgressed democratic norms, but the construction and consolidation of an entirely new order—forged amid repression and political assassination. The regime's constitutional strategy operated swiftly and effectively. In 1973, it convened the Commission for the Study of the New Constitution or Ortuzar Commission (*Comisión de Estudios de la Nueva Constitución*), composed primarily of regime-loyal academics tasked with providing legal scaffolding for the new authoritarian institutional framework.

According to the 26 September 1973 session minutes: ‘Legal security is an essential condition for the economic development of the country. Its legal system must inspire confidence in creation, labour, and investment. This requires giving stability to the law and ensuring its application in accordance with its spirit, establishing provisions to prevent the malicious use of its terms (legal loopholes)’¹⁹⁴. Weeks later, the Commission warned: ‘It is essential to ensure stability in the law, as the continual alteration of the rules of the game discourages investment and severely harms our economy’¹⁹⁵. These declarations reflect the Commission's prioritisation of legal order certainty and stability.

One of the Commission's most significant interventions was the private property regime's substantial alteration. The revised text narrowed property's social function scope established in the 1967 reform and entrenched a reinforced notion of individual, absolute, and exclusive ownership. In Article 19(24) of the new constitution, grounds for imposing restrictions or

¹⁹⁴ Constitutional Study Commission (Comisión de Estudio de la Nueva Constitución), Session Minutes (26 September 1973) (translated by author).

¹⁹⁵ Ibid

expropriations were limited to a reduced justification set—such as national interest, public security, and public health—excluding the broader social aims previously permitted under the 1967 reform. This marked a clear shift favouring owner's legal certainty protection over redistributive policy enablement.

One provision, however, remained untouched. Article 10(14) of the 1925 Constitution stated: 'The State shall promote the appropriate division of property and the establishment of family ownership'¹⁹⁶. This provision was retained in the 1967 constitutional reform as a nod to agrarian reform¹⁹⁷. Later, in 1976, Decree Law 1,552 reaffirmed: 'To promote access to private ownership for a greater number of people, the law shall encourage an appropriate distribution of property and the constitution of family property.'¹⁹⁸ Even the Ortúzar Commission's proposed draft included a similar provision in Article 20(22)¹⁹⁹.

In 1976, Pinochet created another constitutional advisory body, the Council of State (Consejo de Estado), including former presidents, ministers, military officers, and businesspeople such as Pedro Ibáñez. A fervent opponent of property redistribution policies under Frei Montalva and Allende, Ibáñez strongly criticised the Ortúzar draft for its property regulation vagueness, particularly for maintaining the clause assigning state responsibility for promoting equitable distribution. In session 64, at Ibáñez's request, the Council unanimously removed that clause²⁰⁰.

Beyond these constitutional modifications, the dictatorship implemented a comprehensive legal framework that radically transformed rural Chile by liberalising natural resource markets. The 1981 Water Code created perpetual, tradable water rights²⁰¹; the 1985 Irrigation Promotion Law channelled subsidies to incentivise private investment²⁰². Simultaneously, Decree Law 3,516 (1980) eliminated rural subdivision restrictions, dramatically altering territorial structures²⁰³. The forestry sector experienced explosive growth through Decree Law 701 (1974), which subsidised pine and eucalyptus monoculture expansion for export²⁰⁴.

This strategy gained reinforcement through laws providing agricultural diversification tax incentives and international market competitiveness. Together, these policies configured a rural economic model based on natural resource privatisation and export-oriented logic, consolidating a system where private investment and international markets became Chile's agrarian development primary drivers.

Although Ibáñez was not the sole architect of the new property regime, his influence proved decisive. The emerging constitutional property model resulted from the convergence of the Ortúzar Commission's academic-political vision and the Council of State's entrepreneurial pressure. This highlights how narratives operate across diverse arenas—democratic or

¹⁹⁶ Political Constitution of the Republic of Chile 1925, art 10(14) (translated by author).

¹⁹⁷ Constitutional Reform Law No 16,615 (20 January 1967), maintaining art 10(14) (translated by author).

¹⁹⁸ Decree Law No 1,552 (4 September 1976) art [número si lo tiene] (translated by author).

¹⁹⁹ Constitutional Study Commission, 'Draft Constitutional Text' (1978) art 20(22) (translated by author).

²⁰⁰ Council of State (Consejo de Estado), Session Minutes No 64 (1978) [añada fecha específica si la tiene] (translated by author).

²⁰¹ Water Code, Decree with Force of Law No 1,222 (29 October 1981).

²⁰² Irrigation Promotion Law No 18,450 (30 October 1985).

²⁰³ Decree Law No 3,516 (1 December 1980).

²⁰⁴ Decree Law No 701 (28 October 1974), modified by Law No 19,561 (1998).

authoritarian, formal or informal, corporate or academic. Their content defies binary political and ideological categories, instead revealing a complex web of interests, influence, and opportunity. Their effects vary over time—sometimes succeeding, sometimes failing, sometimes lying dormant awaiting an opportunity—or, as in Chile's case, a military coup.

3.4. The Emergence and Consolidation of the Agro-Exporting 'Middle Class'

Scholars agree that roughly one-third of land expropriated between 1967 and 1973 was re-parcelled into individual holdings during the dictatorship²⁰⁵. According to Collins, the military junta accessed over 49,000 properties to implement its capitalist modernisation project—whilst simultaneously cutting the Ministry of Agriculture's budget by 75%. This process advanced individual land titling while dismantling agricultural production state support²⁰⁶.

The entrepreneurial narrative's subjective dimension became a central pillar of Chile's rural private property socio-legal infrastructure. If, in 1967, Pedro Ibáñez criticised agronomists' and technicians' exclusion from land distribution, the dictatorship fulfilled precisely his envisioned model. Decree 165 of 1975 not only expanded eligibility but granted preferential access to professionals, university graduates, and former skilled employees²⁰⁷. Simultaneously, millions of hectares returned to their former owners²⁰⁸.

For private property to function as a social exclusion mechanism, it cannot undergo a democratisation process. The new proprietors were not peasant families or tenant farmers seeking dignity through land. Instead, they comprised returning *latifundistas*, newly individualised farmers drawn from a 'purged' peasantry segment, members of the local bourgeoisie, and technocrats who gained agricultural access through regime loyalty or perceived utility. This reconfigured property structure emerged not from market dynamics but from deliberate selection by Pinochet's authoritarian state and its civilian allies.

According to Gómez and Echenique, former agrarian reform land's primary purchasers were ex-landowners, local merchants and hauliers (50%), professionals and technicians (30%), with only a minority (less than 10%) comprising surrounding peasants²⁰⁹. In interviews conducted for this research, large-scale entrepreneurs described land market liberalisation as having enabled 'capitalised entrepreneurs, export-oriented investors, risk-takers—sharks, really—people with business vision and capital' to lead modernisation²¹⁰.

Both these entrepreneurs and subsequent policy advocates have sought to use peasant 'private property consciousness' notion to justify capitalist modernisation. 'They wanted to be owners,' proponents argue. This interpretation, however, disregards the material conditions under which this consciousness developed and persisted. As Bahamondes notes, this

²⁰⁵ Cristóbal Kay, 'Reflections on Latin American Rural Studies in the Neoliberal Globalization Period: A New Rurality?': *Latin American Rural Studies: A New Rurality?* (2008) 39 Development and Change 915; Villela (n 179); Antonio Bellisario, 'La reforma agraria chilena. Reformismo, socialismo y neoliberalismo, 1964-1980.' [2013] *Historia Agraria* 32.

²⁰⁶ Collins (n 174).

²⁰⁷ Villela (n 179).

²⁰⁸ Gomez and Echenique (n 14).

²⁰⁹ Gomez and Echenique (n 14).

²¹⁰ Interview with Large Landowners A-B (Maule Region, Chile, 15 April 2024) (conducted in Spanish, translated by author).

consciousness functioned as a defensive mechanism²¹¹, similar to Lehmann's security concept identified before 1973²¹². Rural dwellings' physical isolation, geographic dispersion, and permanent organisations' traditional absence led many peasants to focus inwardly—'seeking subsistence on their plots while avoiding contact with neighbours.' After 1973, repression undermined collective action trust and produced organising fear.

Peasants, subjected to an authoritarian order and exclusionary economic model, developed fatalistic attitudes with minimal change hope. Political participation remained minimal; many avoided even formal communal organisations. The few active spaces were often apolitical or recreational (sports clubs, churches), reflecting political engagement evasion following the coup's trauma. Thus, 'private consciousness' emerged as an individual survival strategy which, whilst providing protection, also weakened collective agency and entrenched social fragmentation²¹³.

Within this context of weakened rural solidarity, the private property institution aimed to further neutralise community organisation and secure peasant support by converting them into legal parcel owners. Under Pinochet, this protection became enshrined in law and the 1980 Constitution, consolidating the new landowning elite's power while marginalising peasant owners, many of whom sold their land under debt pressure and resource scarcity. This led to reconcentration, excluding smallholders from the agricultural sector. Thus, private property functioned as both economic and political pillar, reconfiguring rural class structure by transforming the old *latifundio* into a modern agrarian bourgeoisie—reinforcing the equation: those controlling land control power.

3.5. The Use and Abuse of Property Functions

The process initiated under the dictatorship constituted not merely a normative reordering but the establishment of Chile's neoliberal socio-legal infrastructure through a specific ideological coupling. This coupling—fusing legal certainty, juridical security, and land tenure security into an apparent technical unity—systematically eliminated the productive tensions between property's social, productive, and environmental functions that had characterised the agrarian reform period.

From critical property theory's perspective, this transformation represents more than regime change; it reconfigured the infrastructure's three dimensions simultaneously. Temporally, it froze 'never again' as the horizon of possibility. Spatially, it enabled unlimited individual discretion without collective coordination mechanisms. Subjectively, it produced forms of legal consciousness where even the excluded defend the principles of their exclusion. The dictatorship thus constructed an infrastructure where property ceased to be understood as central to democratic order²¹⁴, instead becoming a neoliberal accumulation instrument whose ideological coupling makes structural exclusion appear as technical necessity²¹⁵.

²¹¹ Bahamondes, Miguel and others, 'Siete Estudios de Organizaciones de Base En Comunidades Campesinas.' (Grupo de Investigaciones Agrarias - Academia de Humanismo Cristiano 1985) Documento de Trabajo 27.

²¹² Lehmann (n 148).

²¹³ Crispi, Jaime, 'Neoliberalismo y Campesinado En Chile' (Grupo de Investigaciones Agrarias - Academia de Humanismo Cristiano 1981) Documentos de Trabajo 5; Díaz, Harry and Rivera, Rigoberto, 'Notas Sobre La Estructura Social Agraria En Chile' (Grupo de Investigaciones Agrarias - Academia de Humanismo Cristiano 1986) 20; Bahamondes, Miguel and others (n 211).

²¹⁴ Singer, 'Property Law as the Infrastructure of Democracy'.

²¹⁵ Carol M Rose, *Property and Persuasion: Essays on the History, Theory, and Rhetoric of Ownership* (Routledge

This transformation consolidated during the dictatorship through legal reforms curtailing property's social function whilst promoting its absolute, individual, and exclusive character. As Underkuffler²¹⁶ rightly notes, property law's presumed neutrality represents a myth concealing its distributive function and role in reproducing social hierarchies. The legal certainty enshrined in the 1980 Constitution cemented this transformation, establishing a model wherein any redistribution-aimed state intervention was construed as a constitutional order threat.

From legal geography's standpoint, this transformation not only consolidated a new legal regime but also materially reconfigured rural space, altering land use and access patterns. The resulting structure—marked by both high concentration and fragmentation—emerged not as a natural outcome but as deliberate normative choices determining who could produce and who faced rural marginality relegation. Large landowners amassed most agricultural surface, whilst smallholders remained trapped in unviable *minifundios*²¹⁷.

In this context, property 'dephysicalisation' enabled the neoliberal agrarian regime to operate disregarding territory's material realities and the structural inequalities it engendered—land concentration, fragmentation, and agrarian livelihoods' erosion²¹⁸. Private property, beyond merely a right, became territorial control infrastructure, with the state acting as market guarantor rather than agrarian conflict mediator.

This decoupling materialised through state violence, 1980 Constitution-imposed legal certainty, and peasant consciousness reconfiguration. The dictatorship employed repression to eliminate collective landholding forms, criminalising former settlers via Decree Law 208, thereby excluding them from ownership. Simultaneously, legal certainty ceased functioning as democratic stability principle and became a unilateral guarantee for large landowners, ensuring land would no longer face redistributive policies. Peasant consciousness, fragmented through fear and insecurity, underwent redefinition within individual property logic as the only viable security form.

This reconfiguration manifested in the rural inversion of the 'never again' slogan—while urban Chile proclaimed 'never again' to state violence, in the countryside it meant 'never again will we rise up,' as documented in peasant testimonies and rural oral histories. The transformation of collective memory into individual survival strategies became embedded in popular expressions like '*mejor no meterse*' (better not to get involved) and '*cada uno en lo suyo*' (each one to their own). Thus, the decoupling did not merely separate social from productive functions—it politicised rural property in a new way, reducing it to a technical market issue far removed from agrarian justice questions.

As Ewick and Silbey argue, a legal system's hegemony is sustained not only through law's force but through norms and narratives' internalisation legitimating the existing order. In Chile, smallholders have been induced to accept legal certainty as the sole stability path—

2019).

²¹⁶ Underkuffler, *The Idea of Property* (n 30).

²¹⁷ Extremely small plots of land unsuitable for agricultural production.

²¹⁸ Graham, 'This Is Not a Thing' (n 8).

even when this traps them in precarious, constrained tenure regimes²¹⁹.

This phenomenon appears especially visible among agrarian counter-reform beneficiaries who, despite receiving land, faced systematic denial of credit, technical assistance, and market access. Consequently, they became formal owners yet remained economically vulnerable. Legal certainty or juridical security thus functioned as both legitimisation mechanism for the neoliberal agrarian regime and social discipline device, wherein losing minimal holdings fear prevented collective organisation attempts.

From a critical perspective, Chile's rural property socio-legal infrastructure emerges as institutionalised exclusion and territorial control assemblage, wherein legal certainty ensures exclusion continuity, with violence operating as its ultimate guarantor. The entrepreneurial narrative succeeded in displacing property debate terms—shifting focus from inequality and distribution to investment and productivity. Yet, as Blomley reminds us, violence never disappears from property; it merely changes form. In Chile's case, this violence has been naturalised through legal norms legitimising dispossession and entrenching inequality as a rural order structural feature.

4. The Technocratic Narrative

Understanding the relationship between time, space, and persons enables us to perceive continuities transcending traditional doctrinal interpretative frameworks. A central entrepreneurial narrative feature was the consolidation of a new rural middle class. I have argued that such a narrative's effectiveness in reshaping legal frameworks depends primarily on economic and political forces' confluence regardless of whether the context is democratic or authoritarian.

Although the entrepreneurial narrative lacked influence in the final years preceding the military coup, it regained full force under Pinochet. To prove effective, it relied on various power mechanisms. Initially, it employed authoritarian and closed deliberation to legitimise its economic and political project. Additionally, it implemented legal repression (through Decree Law 208) and direct state violence via peasant opponent persecution. Thus, two pillars sustained the entrepreneurial narrative under the dictatorship: violence and law.

The technocratic narrative emerges as the entrepreneurial narrative's outcome. With democracy's return and systematic human rights violations' cessation in Chile from 1990 onward, the entrepreneurial narrative could no longer rely on violence for exclusion. Consequently, it turned to alternative instruments capable of safeguarding the new entrepreneurial landowning class that had emerged during the dictatorship.

To this end, it deployed *technique* as its central resource. It promoted the idea that property decisions should rest on technical criteria, thereby exploiting property's depoliticisation and solidifying the decoupling of its social and productive functions. Now, the technocratic narrative advanced this process through two discursive pillars: legal certainty/juridical security and the imaginary of Chile as an 'Agro-food Power' (*Potencia Agroalimentaria*).

4.1. Not Again!

²¹⁹ Ewick and Silbey, 'Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative' (n 96).

Agrarian Reform effects have been widely analysed from various disciplinary perspectives. While Bengoa has thoroughly explored how the process triggered a landowning class's revenge under Pinochet, notable literature gaps remain regarding how both left- and right-wing actors processed and deployed this historical episode during the transition to democracy (1989–1990) and in subsequent democratic governments²²⁰. What remains clear is that agrarian reform—and, more broadly, property distribution issues—ceased to feature in Chile's political debate from 1990 onward. Archival research uncovered a key episode illustrating the first democratic governments' approach to this issue.

In the late 1980s, Chile still operated within the institutional framework imposed by the dictatorship. On 5 October 1988, a national plebiscite determined Augusto Pinochet's mandate conclusion. Political discussions then centred on socialist renewal, human rights violations, democratic stability, and economic growth. In this context, the Second National Peasant Seminar convened. There, Gonzalo Martner proposed an Agro-food Reform, aimed at increasing food production and promoting greater countryside equity and social justice. He also proposed creating a National Land Fund to facilitate land access for historically excluded groups and impoverished peasants. Importantly, Martner's proposal avoided expropriation calls. Arturo Sáez, however, remarked: 'When property is the result of dispossession, it must be sanctioned. We believe that the issue of property must become part of the democratic debate'²²¹.

The right's response proved immediate and forceful. The National Renewal Party (Partido Renovación Nacional) claimed that the proposal revived 'arbitrary dispossession, the predatory and annihilatory attack on agricultural production, and the systemic fomenting of hatred among peasants, leading to the destruction of the harmony required for rural progress and national development.' They further argued that Chile's agricultural miracle had been achieved through a 'free society without planning or state intervention, but simply through incentives that unleashed the productive and entrepreneurial capacity of Chilean farmers,' warning that they would 'resolutely oppose any attempt to revive failed policies. Chile will not again suffer the tragic consequences of a new agrarian reform.'²²²

The National Society of Agriculture (SNA) adopted an even more categorical stance: 'We alert the sector to this outrageous initiative, which only seeks to harm those attempting to present themselves to the country under a new guise. Attempting to divide producers into good and bad is a masquerade that should place all productive and labour sectors on high alert. Any proposal involving new forms of expropriation constitutes a veiled act of violence that undermines the path to democracy we all seek'.²²³

Similarly, the Agronomists' Association argued that 'it considers grave and decisively rejects any attempt to interfere with property rights, the fundamental basis upon which productive activity and professional development rest. It has been under the current government (the dictatorship) that the right to property and free enterprise have been fully respected, enabling

²²⁰ Bengoa Cabello (n 151).

²²¹ *El Mercurio* (Santiago, 1988) press clipping, in Pedro Ibáñez Archive, Universidad Adolfo Ibáñez Digital Repository <https://repositorio.uai.cl/discover?query=reforma+agraria> accessed March 2025.

²²² Ibid

²²³ Ibid

extraordinary agricultural growth'.²²⁴

The 1988 debate's choreography reveals the technocratic narrative's emerging hegemony even before democracy's formal return. The alignment between National Renewal, the SNA, and the Agronomists' Association demonstrates how different elite sectors converged on a common strategy—transforming any discussion of property redistribution into an existential threat to democratic transition itself. This rhetorical manoeuvre proved brilliantly effective, as it placed reform advocates in an impossible position. To insist on discussing property appeared to endanger the broader democratic project, while accepting silence meant abandoning transformative aspirations.

Martner's proposal itself reflected this emerging constraint. His 'Agro-food Reform' explicitly avoided expropriation, instead proposing a National Land Fund that would facilitate access through market mechanisms. Even this modest proposal—essentially accepting the property regime's fundamental structure while seeking marginal adjustments—provoked accusations of revolutionary intent. The disproportionate response revealed how the technocratic narrative operated through anticipatory prohibition, where even mentioning alternative property arrangements triggered warnings of chaos and regression. The debate's outcome was predetermined not by argument quality but by the successful framing of property discussion itself as democratically dangerous.

The international dimension of these exchanges deserves emphasis. The repeated invocations of Chile's 'agricultural miracle' and integration into global markets positioned property arrangements as technical requirements for maintaining international competitiveness rather than domestic political choices. This external validation—real or imagined—provided the technocratic narrative with seemingly objective justification. How could Chile risk its successful insertion into global value chains by reopening settled property questions? The technical imperative of maintaining export growth thus displaced political consideration of internal distribution.

Meanwhile, in his regular *La Segunda* column, Jaime Guzmán²²⁵ wrote: 'To build a stable and efficient democracy in Chile, it is essential to foster convergence among the country's moderate sectors. The Christian Democrats cannot be considered a moderate or stabilising force unless they unequivocally and explicitly renounce their doctrinal opposition to the foundations of the Western capitalist system, which has characterised them since their origins. One must recall that the Christian Democratic government launched its revolutionary programme with a drastic, massive, and confiscatory agrarian reform, following a virtual abolition of constitutional property guarantees. No one claimed then that a fundamental human right—the right to property—was being violated... No democracy can be stable if elections place the people's way of life at stake. And property rights, beyond their ethical significance, are at the very core of a society's structure'.²²⁶

Two elements stand out here. First, the absence of peasant voices in the debate. *El Mercurio* published political, professional, and business elite opinions—but not those most directly affected. This illustrates how the legal geography of property not only maps rural space but

²²⁴ Ibid

²²⁵ For further insight into Jaime Guzmán's political thought, see Renato Cristi, *El pensamiento político de Jaime Guzmán* (2nd edn, Lom Ediciones 2011).

²²⁶ Jaime Guzmán, column in *La Segunda* (Santiago, 1988), in Pedro Ibáñez Archive, Universidad Adolfo Ibáñez Digital Repository <https://repositorio.uai.cl/discover?query=reforma+agraria> accessed March 2025.

also the narrative space. When addressing a matter as foundational as property, not everyone receives permission to speak.

Second, the tone of alarm, threat, and instability that right-wing politicians, technicians, and entrepreneurs employed. ‘Not again!’—they rushed to declare. With that declaration came the warning: if property faces questioning, democracy itself stands under threat. The contradiction becomes evident. On one hand, they defend the transition toward an imagined democratic horizon; on the other, they deny that democracy the capacity to debate foundational issues. Guzmán's logic appears clear: democracy's boundary lies not in popular sovereignty but in property, which he described as the ‘nerve’ of social structure.

As previously noted, property occupied the dictatorship's authoritarian and repressive agenda's core. Across various spheres and through different strategies, the entrepreneurial narrative's essence during the dictatorship remained unwavering. Property must be recognised as a natural right—individual, absolute, and exclusive. This position ultimately became enshrined in the 1980 Constitution.

Guzmán consistently warned explicitly that liberal democracies could not process radical leftist views. Certain matters, therefore, needed to remain outside democratic deliberation. In this sense, his logic maintained consistency. Property must exist beyond the democratic sphere. Thus, when understanding the technocratic narrative's development under democratic governments, institutional structure becomes key. In a 1990 video, Guzmán stated: ‘They [the opposition] received power on the day and hour set—not a day earlier or later. And they received it within the framework of the Constitution we drafted. Democracy is what we built into the Constitution’²²⁷.

Accordingly, what I term the socio-legal infrastructure of property began consolidating over time. Property conceptualisation forged amidst repression and state violence transformed into the ‘democracy of property’—a democracy not merely delimited by property but structured around its preservation. Neoliberal ideology advanced further. No longer content with defending the proprietary order, it now sought to build a democracy of property owners.

In this context, Chile's agricultural sector experienced rapid growth since the 1980s, particularly in fresh and processed fruit exports²²⁸. The agricultural export index surged dramatically, rising from 100 in 1961 to 6,622 between 1990 and 1998, and further to 9,877 between 1999 and 2001. Agricultural exports demonstrated remarkable growth rates: 23% annually between 1975 and 1983, and 19.6% between 1984 and 1989²²⁹. The sector maintained strong performance over extended periods—growing at an annual average rate of 8% between 1984 and 1989, over 7% annually between 1986 and 1998, and 5.3% between 1996 and 2003²³⁰. These economic developments corresponded with poverty reduction from 75% to 17% between 1990 and 2017, whilst real income grew by 2.3% between 1998 and 2017²³¹.

²²⁷ Fundación Jaime Guzmán, video of Jaime Guzmán (date unknown)

<https://www.facebook.com/watch/?v=509804549701372> accessed March 2025.

²²⁸ Alberto Valdes and William Foster, ‘Agricultural and Rural Policies in Chile’ (2018)

<http://www.worldscientific.com/doi/abs/10.1142/9789813226463_0013> accessed 7 October 2022.

²²⁹ William Foster and Alberto Valdés, ‘Chilean Agriculture and Major Economic Reforms: Growth, Trade, Poverty and the Environment’ (2006) 23 *Region et Developpement* 187.

²³⁰ Ramón Valderas, Mauricio Meyer and Rodrigo González, ‘Crecimiento económico en el sector agropecuario-silvícola a nivel nacional y regional en el período 1996 - 2008’ (2011) 29 *Idesia* (Arica) 119.

²³¹ Valdes and Foster, ‘Agricultural and Rural Policies in Chile’ (n 228).

However, these same policies simultaneously consolidated land ownership inequality. For instance, just 5% of the largest farms captured 85% of irrigation subsidies between 1986 and 2018²³². The forestry sector expansion, facilitated by Decree 701, resulted in extreme concentration with three companies controlling 52% of the country's forestry holdings²³³ and was associated with worsening land distribution and increased poverty²³⁴.

4.2. The Moment of the Technicians

The institutional context wherein Chile's nascent democracy began governing featured a robust counter-majoritarian mechanism network. As Jaime Guzmán noted in 1991, Chilean democracy was what *they* had created. This manifested through appointed senators, laws requiring qualified quorums, and Pinochet's continuation as Army Commander-in-Chief. The stability/instability dichotomy had already shaped the 1988 electoral competition, during which regime opposition parties developed a clear strategic position. They were neither, nor wished to become, the Popular Unity government or Eduardo Frei Montalva's Christian Democratic administration. One major consequence of this distancing was that central issues from those earlier periods—such as the property question—vanished entirely from political discourse. In their place, the concept of legal certainty/juridical security assumed dominance.

Technocracy represents a political model wherein authority resides with experts whose decisions rest on ostensibly objective technical criteria, deriving legitimacy from academic credentials rather than electoral support²³⁵. These actors operate on the assumption that social problems require 'rational' and 'depoliticised' solutions²³⁶. This model developed in Chile under the dictatorship through the 'Chicago Boys' influence and subsequently persisted in the *Concertación* democratic governments²³⁷. Its core principles—expert knowledge supremacy, efficiency, and political deliberation replacement with technical analysis—consolidated during the *Concertación* period (1990–2010), which prioritised expert knowledge in public policy design. This produced technical regulatory framework implementation aimed at guaranteeing legal certainty and institutional stability amid political fluctuations.

Consequently, *Concertación* governments promoted institutional frameworks wherein technical decisions—for example, macroeconomic management or strategic sector regulation—created legal guarantee climates minimising economic actor risks. This legal certainty atmosphere served the broader political objective of internationally projecting Chile

²³² Cristian Jordan, Guillermo Donoso and Stijn Speelman, 'Irrigation Subsidy Policy in Chile: Lessons from the Allocation, Uneven Distribution and Water Resources Implications' (2023) 39 International Journal of Water Resources Development 133.

²³³ Georgia Bottaro and others, 'Forest Plantations' Externalities: An Application of the Analytic Hierarchy Process to Non-Industrial Forest Owners in Central Chile' (2018) 9 Forests 141.

²³⁴ Laura Nahuelhual, 'The Role of Land Inequality in the Poverty-Forest Loss Nexus Patterns: A Case Study from Chile' [2024] Journal of Rural Studies.

²³⁵ Mireya Dávila Avendaño, 'Tecnocracia y democracia en el Chile contemporáneo: el caso de los gobiernos de la Concertación (1990-2010)'.

²³⁶ Sebastián Andrés Rumié Rojo, 'Chicago Boys en Chile: neoliberalismo, saber experto y el auge de una nueva tecnocracia' (2018) 64 Revista Mexicana de Ciencias Políticas y Sociales
<<http://www.revistas.unam.mx/index.php/rmcyps/article/view/61782>> accessed 10 March 2025.

²³⁷ Carlos Huneeus Madge, 'Crecimiento económico, declinación del desarrollo político y tecnocracia en Chile: Lecciones para el nuevo ciclo político post estallido' [2021] Revista de Ciencias Sociales Ambos Mundos 19; Avendaño (n 235).

as reliable and ‘modern’, whilst simultaneously narrowing the scope for introducing significant changes to inherited structures²³⁸.

In this manner, Chile's technocratic narrative approached property issues as conceptual continuity matters. The socio-legal infrastructure constructed during the dictatorship had already decoupled property's social and productive functions. This manifested through discursive preferences for economic efficiency, land market liberalisation, and entrepreneurship valorisation among a new landowning class credited with achieving the so-called Chilean agro-export miracle. This decoupling enabled a technocratic property policy orientation wherein political and distributive considerations no longer warranted attention. What mattered now was property's capacity to sustain and expand the agro-export market.

4.3. From (Almost) Owners to Wage Labourers

Access to property defines the role that peasants play within the neoliberal order. Defenders of the lost *latifundio*, as Rafael Moreno has noted, often argue that it was the dictatorship—and only the dictatorship—that fulfilled the promise of turning peasants into landowners. Yet they conveniently omit the fact that the individualised distribution of land, coupled with the absence of state support for agricultural production, led many peasant beneficiaries to lose their land²³⁹. In this way, the dynamic operation of the land market—as advocated by Pinochet's economists—ultimately brought into being the entrepreneurial middle class Pedro Ibáñez had long championed. This structure has remained virtually untouched from 1990 to the present day.

In the Chilean case, I argue that the socio-legal infrastructure of property, as shaped by the technocratic narrative, effectively settled the question of the role of smallholders in capitalist modernisation. By marginalising peasants from land allocation processes—whether due to class bias, exclusion legitimised by Decree Law 208, or the functioning of the land market—they were compelled to reconvert themselves into labourers, becoming available for waged employment in the large agro-export enterprises. This outcome clearly reflects the strategies and effects of property in the construction of rural space. The operations of exclusion—naturalised within the exercise of ownership—also determine the role of property within the neoliberal socio-productive schema.

Thus, non-traditional exports' spectacular growth was grounded in cheap peasant labour exploitation²⁴⁰, operating as a peasantry mechanism of domestication. The ownership illusion—and with it, the notion of controlling one's destiny and family well-being—proved precisely that: an illusion. As Bengoa states, Chilean peasants were abandoned²⁴¹. In this regard, Murray²⁴² and Portilla²⁴³ argue that, despite the fruit export sector's celebration as a success story, the actual outcome has been land reconcentration, small farmer marginalisation, and their increasing proletarianisation. Smallholder subordination through debt and contractual dependency aligns seamlessly with advanced neoliberal capitalism's

²³⁸ Huneeus Madge (n 237).

²³⁹ Bengoa, *El Campesinado Chileno Despues de La Reforma Agraria* (n 133).

²⁴⁰ Cristobal Kay, ‘Chile’s Neoliberal Agrarian Transformation and the Peasantry’ (2002) 2 *Journal of Agrarian Change* 464.

²⁴¹ Bengoa, *Reforma agraria y revuelta campesina* (n 129).

²⁴² Murray, ‘Neo-Feudalism in Latin America?’ (n 13).

²⁴³ Belfor Portilla R., *La política agrícola en Chile: lecciones de tres décadas* (Naciones Unidas, CEPAL, Div de Desarrollo Productivo y Empresarial, Unidad de Desarrollo Agrícola 2000).

logic, with Chile often portrayed as its model.

From their perspective, private property guarantees, alongside economic deregulation, privatisation, and dictatorship-era trade liberalisation, proved essential for attracting private investment²⁴⁴. This, they argue, generated increased rural employment, higher agricultural household incomes, reduced rural–urban migration, and lower rural poverty levels. However, Betancor²⁴⁵ presents contrasting findings. His research suggests that rural poverty reduction across Chilean municipalities cannot be directly attributed to agricultural activity growth. Instead, it stems from income source diversification and redistributive social policies that have mitigated inequality.

No conclusive results therefore exist confirming either type or intensity of social benefits from Chilean agriculture modernisation. Consequently, divergent views persist regarding remaining challenges. While Valdés and Foster identify rural labour force ageing as a key concern—suggesting the sector requires additional labour to sustain productivity—Kay²⁴⁶ maintains that the unresolved issue remains the agrarian question itself: smallholders' and rural working poor's precarious situation.

4.4. The State, Public Programmes, and Political Actors

This final section examines how the technocratic narrative manifested in state policy over three decades of democratic governance, tracing the systematic erasure of land distribution from the political agenda. By analysing presidential programmes and interviewing key government officials across different administrations, I demonstrate how property questions were progressively transformed from political issues requiring democratic debate into technical matters of market efficiency. This analysis reveals the institutional mechanisms through which the depoliticisation of rural property became entrenched, despite changing political coalitions.

In presidential democracies such as Chile's, government programmes serve dual functions: expressing presidential commitment to the electorate and providing administrative roadmaps. For this study's purposes, I collected successive Chilean government policy programmes between 1990 and 2025, identifying land, peasantry, property, and rural development references.

Under Patricio Aylwin's administration (1990-1994) clear emphasis fell on reparation and land tenure democratisation. The state would play an active role facilitating land access for new peasant owners and restoring plots to those displaced during earlier periods. This vision linked rural development to property rights expansion, seeking to balance productive opportunities whilst correcting historical imbalances associated with land concentration²⁴⁷.

²⁴⁴ Valdés and Foster, 'Agricultural and Rural Policies in Chile' (n 228); Alberto Valdés and William Foster, 'The Agrarian Reform Experiment in Chile: History, Impact, and Implications' [2014] SSRN Electronic Journal <<http://www.ssrn.com/abstract=2486811>> accessed 7 October 2022.

²⁴⁵ Andrea Bentancor, Félix Modrego and Julio Berdegué, 'Crecimiento y Distribución del Ingreso como Determinante de la Reducción de la Pobreza en Comunas Rurales de Chile' (Rimisp 2008) Documento de Trabajo 14; Andrea Bentancor, Félix Modrego and Julio Berdegué, 'Crecimiento Agrícola y Pobreza Rural en Chile y sus Regiones' (Rimisp 2008) Documento de Trabajo 6 <https://rimisp.org/wp-content/files_mf/137167158113663828882008_BentancorModregoBerdegue_crecimiento_agricola_pobreza_rural_N6.pdf>.

²⁴⁶ Kay, 'Chile's Neoliberal Agrarian Transformation and the Peasantry' (n 240).

²⁴⁷ Patricio Aylwin, 'Programa de Gobierno 1990-1994'.

During Eduardo Frei Ruiz-Tagle (1994–2000) and Ricardo Lagos (2000–2006) administrations, rural property concerns shifted towards land title modernisation and regularisation. Smallholders remained deserving of credit, technical assistance, and irrigation infrastructure for market integration. However, land distribution itself became progressively sidelined, with greater emphasis on strengthening family agriculture and supporting productive chains²⁴⁸. Michelle Bachelet's first presidency (2006–2010) reinforced these priorities, promoting agricultural mortgage credit and *minifundio* support, though without proposing property relations structural reform²⁴⁹.

In Sebastián Piñera's two administrations (2010–2014; 2018–2022), focus continued on title regularisation, aimed at facilitating credit access and enhancing small and medium producer competitiveness. While policies targeting Indigenous peoples maintained continuity, land restitution remained confined to specific commitments²⁵⁰. During Bachelet's second term (2014–2018), land titling and Indigenous ownership guarantees expanded, but comprehensive agrarian reform remained absent. Finally, Gabriel Boric's government (2021–2025) placed renewed land emphasis, though primarily regarding the Mapuche conflict.

For this thesis, I interviewed four senior officials from Patricio Aylwin, Eduardo Frei Ruiz-Tagle, Sebastián Piñera, and Michelle Bachelet administrations, alongside two union leaders from Chile's largest peasant organisations²⁵¹. The interviewees consistently identified three key reasons for land-related issues disappearing from the political agenda: peasant movement grassroots pressure absence, unfavourable Congressional force balance, and political elite strategic commitment to globalisation and competitiveness.

These factors interacted with varying intensity. One official remarked, 'If there had been political will [to distribute land], the money would have been found.'²⁵² Yet another stressed that 'the country opted for globalisation; agriculture had to get on board... and the land issue was no longer central.'²⁵³ In this sense, political will manifested not through dictatorship legacy challenges, but through its continuation—with certain adjustments.

Small-scale peasant farming sector support need was widely shared at democratic transition commencement, marking a clear departure from dictatorship approaches. As one interviewee noted, 'That was more or less consensual... but the land issue wasn't there.'²⁵⁴ The goal involved integrating these producers into export chains—'They weren't to be excluded from the export model. What we did was support that integration, but there was never a plan to change property relations. That was never seriously pursued.'²⁵⁵ Accordingly, state role—particularly through National Institute of Rural Development (INDAP)—reduced to providing these peasant families subsidies and technical assistance.

Inclusion also constituted a key Frei formula element, insofar as the 1967 Agrarian Reform aimed to incorporate peasant families into national life through land access. This original

²⁴⁸ Ricardo Lagos, 'Programa de Gobierno 2000-2006'; Eduardo Frei, 'Programa de Gobierno 1994-1998'.

²⁴⁹ Michelle Bachelet, 'Programa de Gobierno 2006-2010'.

²⁵⁰ Sebastian Piñera, 'Programa de Gobierno 2010-2014'; Sebastian Piñera, 'Programa de Gobierno 2018-2022'.

²⁵¹ Interviews conducted between March - August 2024, Santiago, Chile. Interview protocols approved by University of Kent ethics committee. Interviewees granted anonymity.

²⁵² Interview with Senior Agricultural Ministry Official, Aylwin Administration (1990-1994), conducted March - August 2024, Santiago, Chile.

²⁵³ Interview with Senior Economic Ministry Official, Frei Ruiz-Tagle Administration (1994-2000), conducted March - August 2024, Santiago, Chile.

²⁵⁴ Interview with Senior INDAP Official, Bachelet Administration (2006-2010), conducted March - August 2024, Santiago, Chile.

²⁵⁵ Interview with Peasant Union Leader 1, conducted March - August 2024, Santiago, Chile.

vision conceived inclusion as democratisation of property and economic opportunity. Under the technocratic narrative, however, a profound transformation occurred in how inclusion itself was understood. A new inclusion version emerged—what might be termed forced inclusion—wherein smallholders' participation in the agro-export model became imperative rather than emancipatory. No longer was inclusion about property redistribution; instead, it meant adapting to market imperatives. As one interviewee starkly stated: 'The smallholders were going to have to join in one way or another.'²⁵⁶

This precisely illustrates the technocratic narrative's operation. Originating in authoritarianism and predicated on an individual, absolute, and exclusive property concept, it initially determined—under Pinochet—who would access land. Under democracy, peasants received invitations to join the new export-oriented model. This invitation, however, arrived on technocratic terms: join or be left behind. Inclusion became productive, not political. Thus, property's social and productive function decoupling reduced peasant agency to mere economic participation, erasing land access and distribution from public debate realms.

The concept of subordinate inclusion represents the technocratic narrative's most sophisticated innovation in managing rural exclusion. Unlike the entrepreneurial narrative's explicit exclusions based on capacity, or the socio-communitarian narrative's inclusive aspirations based on labour, subordinate inclusion offered integration without transformation. Small farmers received credit, technical assistance, and market access—but always as junior partners in an agro-export model whose fundamental parameters remained non-negotiable. This inclusion operated through what might be termed differential incorporation, where different rural actors entered the system at structurally predetermined levels.

INDAP's evolution exemplifies subordinate inclusion's institutional manifestation. Originally conceived as an agency for promoting peasant development, it transformed into a subsidy distribution mechanism that maintained smallholder subsistence without enabling accumulation or scale transformation. As interviewees noted, 'Some peasants with 5 or 6 hectares were able to get on board... but the majority remained in subsistence and depend on INDAP. What can you do with just 1 hectare?' This rhetorical question reveals subordinate inclusion's fundamental limitation—it provided sufficient support to prevent complete marginalisation while ensuring beneficiaries remained locked in structural subordination.

The perverse genius of subordinate inclusion lay in its ability to generate consent through partial incorporation. By offering tangible if limited benefits—subsidies, technical assistance, preferential credit terms—it created stakeholders in the existing system among those who might otherwise oppose it. Small farmers defending their INDAP subsidies became unlikely allies in maintaining arrangements that systematically disadvantaged them. This mechanism proved far more effective than exclusion in neutralising potential opposition, as it transformed structural critique into technical negotiation over subsidy levels and credit terms.

The inclusion was not merely forced—it was also subordinate. The property system reconfigured between 1964 and 1973 had democratised land access and disrupted entrenched power relations. By contrast, the post-1990 inclusion model, stripped of land-property dimensions, reproduced dictatorship-introduced class hierarchies within rural productive systems. The landless received invitations to sell their labour cheaply, whilst smallholders received subsidies and, in some cases, captured minimal agro-export boom shares. As one

²⁵⁶ Ibid 200

interviewee recalled: ‘Some peasants with 5 or 6 hectares were able to get on board... but the majority remained in subsistence and depend on INDAP. What can you do with just 1 hectare?’

Thus, rural Chile's contours are defined not by agrarian policy but by the socio-legal infrastructure of property. This scheme determines the roles of those with substantial land, those with minimal holdings, and the landless. State function, particularly, has reduced to subsidy provision, reinforcing smallholder subsistence models. While interviewees offered slightly different emphases, all agreed that the ‘Chile as Agro-food Power’ policy contributed to growth and positioned the country in international markets. However, its implementation lacked territorial planning strategy, environmental sustainability, or land redistribution policy that would have enabled the most vulnerable peasants to compete on equal terms.

Yet the technocratic narrative derives sustenance not solely from globalisation and competitiveness commitment. It also manifests, sometimes with equal bluntness, in the political sphere. During Ricardo Lagos's government (2000–2006), the Agriculture Ministry commissioned multiple studies documenting state responsibility for reparations to peasant families excluded from dictatorship-era land allocation. All these reports remained classified

until becoming public through Joana Salem's 2020 research²⁵⁷. None of their recommendations were ever implemented by the Chilean state.

The suppression of these reparation reports represents a critical moment in the technocratic narrative's consolidation. The Lagos administration's decision to commission studies documenting state responsibility while simultaneously classifying their findings reveals the narrative's internal contradictions. These reports, as Salem's research uncovered, detailed systematic exclusions, documented individual cases of dispossession, and proposed specific reparation mechanisms. Their burial was not accidental oversight but deliberate policy, reflecting calculation that acknowledging historical debts would undermine the technical consensus sustaining the agro-export model.

The reports' existence and suppression demonstrate how the technocratic narrative managed inconvenient truths through administrative obscurity rather than ideological confrontation. Unlike the entrepreneurial narrative's open celebration of exclusion as meritocratic selection, the technocratic approach required maintaining fiction that past injustices had been overcome through democratic transition and economic growth. Acknowledging ongoing reparation needs would have exposed this fiction, revealing how democracy had consolidated rather than remedied dictatorship's property distributions. The classification decision thus protected not state security but narrative coherence.

The reasons behind this decision remain unclear, as the then-Minister declined research participation. Nonetheless, given the period's structural conditions—and how the technocratic narrative had consolidated deliberate land question non-engagement—implementing these recommendations would have directly contradicted the government's chosen action course, encapsulated in its slogan: 'Chile as an Agro-exporting Power.' In Chile, as consistently demonstrated, choices were made by landowners and politicians.

In 2022, the Constitutional Convention attempted to introduce a broader property social function conception by incorporating an ecological dimension into Article 78 of the Political Constitution: 'The law shall determine the means of acquiring property, its content, limits and obligations, in accordance with its social and ecological function.' However, more than 60% of voters rejected this proposal. Similarly, in 2023, the Constitutional Council proposed a text virtually identical to the 1980 Constitution, which also faced wide-majority rejection. Consequently, property's constitutional regulation remains precisely as established after the Council of State's 64th session, presided over by Mr Ibáñez.

The constitutional failures of 2022-2023 demonstrate the technocratic narrative's persistent power even amid broader political transformation. The 2022 Constitutional Convention's attempt to introduce an ecological dimension to property's social function—seemingly modest compared to historical reform ambitions—met overwhelming rejection. This outcome cannot be attributed solely to poor drafting or political miscalculation. Rather, it reflects how thoroughly the technocratic narrative has naturalised existing arrangements, making even incremental modifications appear as dangerous departures from proven models.

The 2023 Constitutional Council's proposal, virtually replicating the 1980 Constitution's property provisions, met similar rejection, suggesting public exhaustion with constitutional approaches to property questions. This double failure—progressive and conservative

²⁵⁷ Joana Salém Vasconcelos, 'Tierra y Derechos Humanos En Chile: La Contrarreforma Agraria de La Dictadura de Pinochet y Las Políticas de Reparación Campesina' [2020] *Historia Agraria Revista de agricultura e historia rural* 209.

alternatives both rejected—reveals the technocratic narrative's ultimate achievement. It has created conditions where property arrangements appear simultaneously unchangeable and undiscussable, locked in place not by popular endorsement but by the absence of imaginable alternatives. The persistence of Mr Ibáñez's formulation, decades after its initial articulation, testifies to the narrative's success in placing property beyond democratic reach.

5. Conclusions

The temporal dimension of Chile's socio-legal infrastructure reveals how three competing narratives have contested property's meaning across seven decades, each attempting to articulate differently the relationship between productive and social functions. This chapter has traced how the entrepreneurial narrative's violent imposition during dictatorship established the ideological coupling that continues to organise Chile's rural property regime—fusing legal certainty, juridical security, and land tenure security into an apparent technical unity that forecloses transformation possibilities.

The analysis demonstrates that narratives operate not as mere discourses but as temporal mechanisms within the infrastructure, determining what histories can be remembered and what futures remain imaginable. The entrepreneurial narrative succeeded in establishing 'never again' to agrarian reform as the regime's temporal horizon, transforming the socio-communitarian vision from lived experience into traumatic memory that disciplines present possibilities. The technocratic narrative completed this temporal closure by eliminating property from political terrain, converting distributional questions into technical matters where efficiency metrics replace democratic deliberation.

This temporal freezing manifests through transformed meanings of fundamental concepts. 'Inclusion' shifted from civic integration during the reform—where peasants became historical protagonists—to subordinate participation after 1990, where they merely adapt to predetermined models. 'Security' evolved from collective protection through unions and state intervention to individual property titles as sole horizon of possibility. These semantic transformations reveal how the ideological coupling operates temporally, naturalising political construction as technical necessity while obscuring the violence that established and maintains current arrangements.

Decree Law 208 exemplifies how physical violence founded the new temporal order, systematically excluding reform participants from future land access. Yet this founding violence did not disappear with democracy but transmuted into symbolic forms—technocratic language that renders alternative property arrangements literally unspeakable. The 1989 peasant seminar's immediate delegitimisation when raising redistributive questions demonstrates how the coupling operates to police the boundaries of political imagination, making property regime transformation appear not merely undesirable but unthinkable.

The constitutional failures of 2022-2023 reveal both the infrastructure's persistent power and emerging contradictions. That proposals from opposite political positions both faced rejection suggests not popular endorsement of existing arrangements but exhaustion with constitutional approaches that cannot address the infrastructure's deeper operation. The temporal dimension has become so thoroughly colonised by the ideological coupling that even modest reforms appear as dangerous departures, while structural problems demanding urgent response remain unaddressed.

This temporal analysis establishes the foundation for examining how these narratives materialise spatially. If the temporal dimension shapes what can be imagined about property, the spatial dimension reveals what actually exists—how the ideological coupling produces specific territorial configurations that make collective climate adaptation structurally impossible. Chapter 3 therefore shifts from examining how narratives organise time to mapping how they organise space, revealing that concentration and fragmentation are not market failures but the coupling's logical territorial expression. The maps that follow make visible what the temporal closure conceals—a geography of exclusion where individual sovereignty fragments precisely the territorial coherence that environmental survival demands.

Chapter 3.

Maps of Power:

Land Concentration, Fragmentation, and the Limits of Climate Adaptation in Chile

Introduction

A stone entrance opens onto a rural road flanked by kiwi trees still in full production, yet the promise of agricultural permanence dissolves into 5,000 m² parcels awaiting buyers. Meanwhile, 1,000 kilometres south in Cochamó, an advertisement in New York offers 131,000 hectares for sale—a third of an entire commune. When questioned about this massive transaction, the local mayor responds with eight words that crystallise how property operates spatially in Chile: ‘It is not a fiscal asset, it is private property.’

These contrasting scenes reveal the spatial dimension of Chile's socio-legal infrastructure of property—how the infrastructure materialises territorially through patterns of distribution, mechanisms of access and exclusion, and forms of territorial control. Yet this spatial dimension cannot be understood without recognising that property itself has an irreducible material component. Land is not merely an abstract object of legal relations but physical territory subject to ecological processes, climatic conditions, and productive capacities.



Image 7 Entrance gate to property in the process of fragmentation. San Clemente, 16 March 2024. Chile.

Alcalde de Cochamó y venta de un tercio de la comuna: "No es un bien fiscal, es una propiedad privada"

Publicado: Sábado, 10 de Diciembre de 2022 a las 08:18hrs. | Periodista Digital: [Cooperativa.cl](#)

- Hace semanas se conoció de un anuncio en Nueva York de la venta de de 131 mil hectáreas de la comuna.
- Silverio Morales explicó que habrá una reunión con los propietarios el próximo 16 de diciembre para que cuenten al municipio qué piensan hacer con el lugar.



«Cómo funciona? ¿Cuándo parte? ¿Dónde pastula? Cooperativa Contenido de Servicio [ver más](#)

Image 8 'It is not a fiscal asset, it is private property.' Cooperativa Radio, Chile. 10th of December, 2022

The neoliberal operation examined in previous chapters fused three distinct concepts—legal certainty, juridical security, and land tenure security—into an apparent unity. While legal certainty operates in the technical-formal register (identifying titleholders) and juridical security in the ideological-temporal register (freezing transformation horizons), land tenure security functions in the material-ecological register. This third register concerns the physical relationship between those who work the land and their capacity to maintain productive

continuity. The ideological coupling reduces tenure security to an automatic consequence of the first two concepts, assuming that clear titles and stable rules guarantee productive permanence.

Climate change exposes the fundamental flaw in this reduction. Droughts, floods, shifting agricultural zones, and ecosystem degradation neither recognise property boundaries nor respect legal certainty. A perfectly registered title with absolute juridical security cannot ensure productive continuity when material conditions make agriculture impossible. The infrastructure's spatial dimension thus becomes the terrain where the coupling's internal contradiction manifests most acutely—where the promise of security through individual sovereignty confronts the reality that climate challenges transcend property boundaries and demand collective responses.

This chapter maps how concentration and fragmentation operate as complementary processes within the same infrastructure, producing a geography where individual sovereignty fragments the very territorial coherence that collective climate response requires. What looks like a gate, a parcel, or an auction is the materialisation of legal doctrine. In Chile, land does not speak with trees or rivers—it speaks with title deeds, subdivision permits, and cadastral codes. These instruments of law are not neutral. They are the terrain where power is distributed, accumulated, and legitimised. As such, this chapter is an attempt to make the territory speak law, to show how land use patterns become a cartography of legal authority.

To do so, I ‘make the maps speak’. I transform census data, GIS layers, and subdivision records into socio-legal evidence. The map is not just a tool of analysis; it can be a form of critique. It reveals that fragmentation is not only a market process, but a mode of governance without public policy. Likewise, concentration is not only an economic fact, but a normative silence. The law permits it because it refuses to imagine limits to it. This silence is not passive—it is a technology of exclusion. In Chile, the law does not need to evict or repress in order to exclude; it simply allows exclusion to materialise.

This critical mapping exercise is particularly urgent in the context of climate change. As I demonstrate in this chapter, Chile faces a double exposure, the simultaneous erosion of its agro-export base and its internal food sovereignty. Climate pressure demands coordination, adaptability, and resilience. But the current rural property regime—individual, absolute, and exclusive—offers none of these. On the contrary, it produces a landscape where adaptation becomes nearly impossible. Fragmentation accelerates the loss of agricultural land; concentration monopolises decision-making power; and the law looks away.

Thus, the chapter demonstrates how the spatial dimension of Chile's socio-legal infrastructure generates contradictions that the regime cannot resolve through its own mechanisms. The infrastructure that successfully enabled agricultural modernisation by guaranteeing individual sovereignty over each territorial portion now prevents the trans-boundary coordination that climate adaptation demands. This spatial analysis reveals that concentration and fragmentation are not externalities to be corrected but inherent products of an infrastructure that prioritises individual discretion while lacking collective governance mechanisms.

The resulting territorial configuration ensures that climate adaptation becomes structurally impossible—not because actors lack technical knowledge or financial resources, but because the infrastructure's spatial organisation fragments the very territorial coherence required for watershed management, ecosystem protection, and coordinated agricultural planning. In this context, the infrastructure's spatial dimension emerges as the material expression of deeper contradictions, where the mechanisms that provided stability for four decades now constitute the principal impediments to collective survival.

This chapter proceeds as follows. Following this introduction, Section 1 develops the theoretical framework by examining property through three analytical lenses: the power relations that structure rural spaces, the transformative pressures that climate change imposes on property regimes, and the dual processes of concentration and fragmentation as complementary manifestations of the same neoliberal logic. Section 2 presents the methodology, detailing the mixed-methods approach that combines six decades of agricultural census data with geospatial analysis, employing inequality metrics including Gini coefficients to trace territorial transformations. Section 3 provides comprehensive empirical evidence organised in three dimensions: first, documenting the historical re-concentration of land ownership since the 1980s counter-reform; second, mapping the explosive fragmentation of productive agricultural land into economically unviable parcels; and third, quantifying the loss of 37,150 hectares of agricultural territory to real estate speculation across the Maule, O'Higgins, and Ñuble regions. Section 4 concludes by synthesising these findings within a legal geography framework, demonstrating how concentration and fragmentation operate as interdependent processes that make collective climate adaptation structurally impossible while revealing the politics of property that sustain these spatial configurations.

Together, these sections reveal a system of property that is materially brittle, ecologically unsustainable, and legally insulated. The current territorial order is not inevitable—it is constructed. It is produced by a socio-legal infrastructure that governs rights and space itself. This chapter is, therefore, not just a diagnosis of rural Chile—it is the legal geography anatomy of its rural private property system.

1. Framing the Property

1.1. Power Relations and Spaces

As established in Chapters 1 and 2, Chile's rural property regime has historically oscillated between periods of coupling—when property rights were aligned with social and environmental goals—and moments of decoupling, in which land is conceived as an individual and absolute domain, detached from any collective function. This dynamic not only structures the rural landscape but also reconfigures power relations. By adhering to the logic of decoupling, the sovereign authority of the landowner is enhanced, while the capacity of the state and local communities to influence land use decisions is correspondingly diminished.

In this regard, Paul Babie enriches the discussion by framing property as a regime of power, wherein the owner exercises extensive control over the resource, effectively establishing a form of de facto sovereignty. According to Babie, this power not only organises patterns of landholding but also constrains the intervention of other actors—be they state or community—in matters of land governance, thereby obstructing the integration of social or environmental functions into property relations. This framework helps explain why, once the property regime becomes decoupled from its collective dimensions, it generates fertile ground for both concentration (when large-scale actors accumulate property rights) and fragmentation (when individual owners subdivide land for speculative or market-driven purposes). Both phenomena ultimately stem from the sovereign autonomy granted to property holders by the legal system.

This logic is closely tied to the concept of coupling and decoupling: the individualist vision of property—anchored in the agro-export model—has effectively uncoupled land from its social and environmental objectives. From the perspective of Resilient Property Theory, such a configuration lacks the flexibility required to respond to unprecedented challenges, such as the climate crisis or the imperative of ensuring national food security²⁵⁸. By privileging individual sovereignty, the Chilean property regime enables both concentration and fragmentation, but offers little room for collective adaptability.

1.2. Question from Climate Change

The IPCC's *Climate Change and Land* report highlights how land use dynamics—particularly agricultural and forestry expansion for commercial purposes—contribute to the net increase in greenhouse gas emissions, the degradation of native ecosystems, and the loss of biodiversity²⁵⁹. These effects are exacerbated by climate change itself, which in turn reduces soil quality, alters precipitation patterns, and increases the risk of desertification²⁶⁰. According to the IPCC, transforming agri-food systems and implementing land-based mitigation and adaptation measures (e.g., reforestation or strategic crop planning) are essential to curbing global warming and ensuring food security.

However, the effectiveness of these strategies depends heavily on the property regime that governs the territory. When property is conceived as an individual and absolute right, the potential for collective land-use planning is significantly constrained²⁶¹. Decisions such as consolidating large estates for monoculture or fragmenting land for speculative real estate markets stem from the exercise of the owner's right to dispose, but they can decouple the agrarian system from environmental and social logics, thereby undermining the coordination necessary for effective climate adaptation²⁶².

²⁵⁸ Fox O'Mahony and Roark, 'Resilient Property Theory' (n 63).

²⁵⁹ Intergovernmental Panel On Climate Change, *Climate Change and Land: IPCC Special Report on Climate Change, Desertification, Land Degradation, Sustainable Land Management, Food Security, and Greenhouse Gas Fluxes in Terrestrial Ecosystems* (1st edn, Cambridge University Press 2022) <<https://www.cambridge.org/core/product/identifier/9781009157988/type/book>> accessed 15 May 2023.

²⁶⁰ Hossein Azadi and others, 'Impact of Agricultural Land Conversion on Climate Change' (2020) 23 Environment, Development and Sustainability 3187; Gang Chen, 'Agricultural Land Use Change Options and Climate Change' (2019) 7 Current Investigations in Agriculture and Current Research; Felipe Teixeira Dias and others, 'Land Use and Global Environmental Change: An Analytical Proposal Based on A Systematic Review' (2022) 12 Land 115.

²⁶¹ Philip R Berke and Mark R Stevens, 'Land Use Planning for Climate Adaptation: Theory and Practice' (2016) 36 Journal of Planning Education and Research 283.

²⁶² Isabelle Anguelovski and others, 'Equity Impacts of Urban Land Use Planning for Climate Adaptation: Critical

In terms of food systems, the accelerated conversion of agricultural land into residential or tourist developments²⁶³ results in a loss of cultivable soil (fragmentation) and threatens the availability of land for domestic food production²⁶⁴. Simultaneously, the concentration of land in the hands of high-capital actors reinforces an agro-export model which, while contributing to economic growth²⁶⁵, also increases dependency on imported staple crops²⁶⁶. As a result, the country becomes more vulnerable to international price fluctuations and trade disruptions, with serious implications for food security²⁶⁷.

These transformations are not merely market-driven; they are rooted in the very conception of property as an individual, absolute, and—above all—change-resistant right²⁶⁸. According to Graham and Bartel²⁶⁹, private property, by severing the owner from responsibility for environmental consequences, may incentivise practices that yield short-term productivity gains while externalising long-term ecological costs (desertification, water stress) to the wider community.

Here, Paul Babie²⁷⁰ offers a decisive contribution: property encounters a crisis of justification when the sovereign power it confers produces socio-environmental harms that the owner neither absorbs nor acknowledges. This dynamic, which Babie associates with the notion of ‘eco-colonialism,’ describes how ecological costs are displaced onto vulnerable actors (small farmers, local communities, ecosystems), while the property regime allows large landowners and corporations to maximise profits through territorial control.

Such displacement translates into the expansion of monocultures, unregulated urbanisation (fragmentation), and the exclusion of small-scale producers, all of which undermine local resilience and food sovereignty²⁷¹. In this way, the prevailing property arrangements not only hinder the implementation of territorial planning but also render the effects of climate change

Perspectives from the Global North and South’ (2016) 36 *Journal of Planning Education and Research* 333.

²⁶³ Rodrigo Hidalgo, Axel Borsdorf and Felipe Plaza, ‘Parcelas de agrado alrededor de Santiago y Valparaíso: ¿Migración por amenidad a la chilena?’ [2009] *Revista de geografía Norte Grande* <http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-34022009000300005&lng=en&nrm=iso&tlng=en> accessed 7 October 2022; Marcelo Reyes, María Olavarria and Lien Rodriguez, ‘Fragmentación Del Suelo Rural En La Comuna de Puerto Varas. Cifras e Imágenes de Un Futuro Insostenible.’ (Instituto de Políticas Públicas en Salud - Universidad San Sebastian 2023) Informe Final <https://www.ipsuss.cl/ipsuss/site/artic/20230118/asocfile/20230118112006/informe_final_ipsuss_fragmenta_ci_n_del_suelo_rural_en_la_comuna_de_puerto_varas.pdf>.

²⁶⁴ Navin Ramankutty and others, ‘The Global Distribution of Cultivable Lands: Current Patterns and Sensitivity to Possible Climate Change’ (2002) 11 *Global Ecology and Biogeography* 377.

²⁶⁵ Foster and Valdés (n 229).

²⁶⁶ Magdalena Jensen, ‘Transformación de los sistemas alimentarios en Chile: cambio de uso de suelo y comercio internacional’ [2021] *Estudios Internacionales* 2.

²⁶⁷ Yohannes H, ‘A Review on Relationship between Climate Change and Agriculture’ (2015) 07 *Journal of Earth Science & Climatic Change*; Jevgeniy Bluwstein and Connor Cavanagh, ‘Rescaling the Land Rush? Global Political Ecologies of Land Use and Cover Change in Key Scenario Archetypes for Achieving the 1.5 °C Paris Agreement Target’ (2023) 50 *The Journal of Peasant Studies* 262.

²⁶⁸ Craig Arnold and Lance H Gunderson, ‘Adaptive Law and Resilience’ [2014] *Environmental Law Reporter*; Shoemaker (n 53).

²⁶⁹ Nicole Graham and Robyn Bartel, ‘Farmscapes: Property, Ecological Restoration and the Reconciliation of Human and Nature in Australian Agriculture’ (2017) 26 *Griffith Law Review* 221.

²⁷⁰ Babie, ‘Idea, Sovereignty, Eco-Colonialism and the Future’ (n 4); Babie, ‘How Property Law Shapes Our Landscapes’ (n 258).

²⁷¹ Saturnino M Borrás and Jennifer C Franco, ‘The Challenge of Locating Land-Based Climate Change Mitigation and Adaptation Politics within a Social Justice Perspective: Towards an Idea of Agrarian Climate Justice’ (2018) 39 *Third World Quarterly* 1308.

structurally unjust—those who decide the least often suffer the most.

Another critical factor is the structural inertia of property systems. Butler²⁷² and Nedelsky²⁷³ argue that property is typically configured as a highly stable institution, embedded in strong legal and cultural frameworks that resist substantial reform. When, in addition, property becomes ‘dephysicalized’²⁷⁴—that is, when ownership is abstracted from the land’s physical and environmental reality—the disconnection between individual decisions and collective costs is intensified. From this perspective, both concentration and fragmentation are territorial manifestations of that disconnection. The former, driven by the pursuit of economies of scale and control over export markets; the latter, by the widespread sale of small parcels for tourism or housing, even in areas of high agricultural or ecological value²⁷⁵.

As Fox O’Mahony and Roark argue through Resilient Property Theory²⁷⁶, climate adaptation requires a minimum level of normative flexibility to allow for the ‘recoupling’ of social, productive, and environmental functions. In Chile, however, the decoupled logic of the property regime obstructs such reintegration. The result is a territory marked by greater vulnerability to climate variability, loss of cultivable soils, and an institutional landscape ill-suited to enable coordinated action among public, private, and community actors²⁷⁷.

Thus, the question posed by climate change extends far beyond technical debates on emissions. It delves into the legal structure of ownership itself and how—by intensifying concentration and fragmentation—it limits the scope for collective mitigation and adaptation. From Babie’s ‘problem of justification’ to Arnold and Gunderson’s insights on legal resistance to reform, and Graham’s notion of dephysicalization, the evidence converges toward a troubling conclusion. The Chilean rural property regime neither accommodates environmental functions nor safeguards food security. Climate change does not merely expose these deficiencies; it is compounded by them, revealing the urgency of rethinking both property regulation and territorial coordination.

1.3. Seeing Through the Lens of Land Concentration and Fragmentation.

Land concentration has long been a central concern across Latin America, including in Chile, where it has historically motivated successive waves of agrarian reform throughout the 20th century²⁷⁸. Contemporary research continues to highlight Chile as a paradigmatic case of land concentration²⁷⁹. The underlying causes of this phenomenon are closely associated with the

²⁷² Butler, ‘The Importance of Viewing Property as a System’ (n 5).

²⁷³ Nedelsky (n 6).

²⁷⁴ Graham, ‘Dephysicalised Property and Shadow Lands’ (n 64).

²⁷⁵ Pablo Allard, ‘Parcelaciones rurales: Propuestas para el desarrollo de las subdivisiones rústicas en Chile’.

²⁷⁶ Fox O’Mahony and Roark, ‘Resilient Property Theory’ (n 63).

²⁷⁷ Saa, Constanza (n 17).

²⁷⁸ Alain de Janvry and Carlos Garramón, ‘The Dynamics of Rural Poverty in Latin America’ (1977) 4 *The Journal of Peasant Studies* 206; Eduardo von Bennewitz, ‘Land Tenure in Latin America: From Land Reforms to Counter-Movement to Neoliberalism.’ (2017) 65 *Acta Universitatis Agriculturae et Silviculturae Mendelianae Brunensis* 1793.

²⁷⁹ Ilc and Oxfam (n 15); IPES-Food, ‘Land Squeeze: What Is Driving Unprecedented Pressures on Global Farmland and What Can Be Done to Achieve Equitable Access to Land?’; Kay, ‘Visión de La Concentración de La Tierra En América Latina’ (n 15).

influx of foreign capital and neoliberal reforms that liberalised the land market²⁸⁰.

The effects of land concentration are extensive, encompassing increases in rural poverty²⁸¹, food insecurity²⁸², under-utilisation of agricultural land²⁸³, economic stagnation²⁸⁴, and the intensification of social conflict²⁸⁵. In Chile, historical records reflect stark disparities: by 1925, just 2,567 landowners controlled 20 out of 25 million hectares nationwide²⁸⁶. By 1965, farms larger than 80 hectares—accounting for only 2% of holdings—controlled over 55% of Chile's agricultural land²⁸⁷. Recent studies reaffirm the persistence of these patterns, with particular emphasis on land with access to irrigation²⁸⁸.

Alongside this, land fragmentation—the legal division of large agricultural units into smaller plots—has emerged as another significant issue, both globally and within Chile²⁸⁹. Fragmentation can be driven by various factors, including inheritance customs, speculative land sales, and demographic pressure. While it may enable certain forms of redistribution, it frequently produces holdings that are too small to be economically viable²⁹⁰.

The consequences of fragmentation are multifaceted. It undermines agricultural efficiency²⁹¹, disrupts local food systems, distorts land markets, and weakens rural economies²⁹². In Chile, Decree 3.516 (1980) institutionalised this process by authorising the subdivision of rural land into plots as small as 0.5 hectares. Although the decree formally requires that such plots retain agricultural use, limited enforcement has led to widespread non-compliance and a

²⁸⁰ Sérgio Sauer and Sergio Pereira Leite, 'Agrarian Structure, Foreign Investment in Land, and Land Prices in Brazil' (2012) 39 *The Journal of Peasant Studies* 873; A Haroon Akram-Lodhi, 'Land, Markets and Neoliberal Enclosure: An Agrarian Political Economy Perspective' (2007) 28 *Third World Quarterly* 1437.

²⁸¹ Robin Mearns, *Access to Land in Rural India* (The World Bank 1999) <<https://doi.org/10.1596/1813-9450-2123>> accessed 3 February 2023.

²⁸² Mariapia Mendola and Franklin Simtowe, 'The Welfare Impact of Land Redistribution: Evidence from a Quasi-Experimental Initiative in Malawi' (2015) 72 *World Development* 53.

²⁸³ Solon Barraclough, 'Agrarian Reform and Structural Change in Latin America: The Chilean Case' (1972) 8 *The Journal of Development Studies* 163.

²⁸⁴ Klaus Deininger and Gershon Feder, 'Land Institutions and Land Markets', *Handbook of Agricultural Economics*, vol 1 (Elsevier 2001) <<https://www.sciencedirect.com/science/article/pii/S1574007201100095>> accessed 30 November 2022.

²⁸⁵ Dietrich Vollrath, 'Land Distribution and International Agricultural Productivity' 16.

²⁸⁶ George McCutchen McBride, 'The Agrarian Problem in Chile' (1930) 20 *Geographical Review* 574.

²⁸⁷ Kay, 'La Política Agraria Del Gobierno Militar De Chile' (n 175).

²⁸⁸ Jorge Echenique, *Dinámicas del mercado de la tierra en América Latina y el Caribe: concentración y extranjerización* (Fernando Soto Baquero and Sergio Gómez eds, FAO 2013); Murray, 'Neo-Feudalism in Latin America?' (n 13).

²⁸⁹ Demetris Demetriou, 'Land Fragmentation' in Demetris Demetriou, *The Development of an Integrated Planning and Decision Support System (IPDSS) for Land Consolidation* (Springer International Publishing 2014) <http://link.springer.com/10.1007/978-3-319-02347-2_2> accessed 7 October 2022.

²⁹⁰ Gashaw Tenna Alemu, Zewdu Berhanie Ayele and Assefa Abelieneh Berhanu, 'Effects of Land Fragmentation on Productivity in Northwestern Ethiopia' (2017) 2017 *Advances in Agriculture* 1.

²⁹¹ Sergio Colombo and Manuel PERUJO Villanueva, 'The Inefficiency and Production Costs Due to Parcel Fragmentation in Olive Orchards' [2017] *New Medit*; Eduardo Gomes and others, 'Agricultural Land Fragmentation Analysis in a Peri-Urban Context: From the Past into the Future' (2019) 97 *Ecological Indicators* 380; J Looga and others, 'Land Fragmentation and Other Determinants of Agricultural Farm Productivity: The Case of Estonia' (2018) 79 *Land Use Policy* 285.

²⁹² Pierre Damien Ntihinyurwa and Walter Timo de Vries, 'Farmland Fragmentation and Defragmentation Nexus: Scoping the Causes, Impacts, and the Conditions Determining Its Management Decisions' (2020) 119 *Ecological Indicators* 106828.

measurable loss of productive land²⁹³.

Evidence across regions indicates that fragmentation is consistently associated with the loss of agricultural land, primarily due to the unregulated urbanisation of rural zones, often occurring without proper planning instruments or infrastructure investment²⁹⁴. Scholars have pointed to persistent institutional deficits, particularly the absence of coherent planning tools for rural territories²⁹⁵. While recent studies on fragmentation in Chile have relied primarily on satellite imagery—typically focused on metropolitan or high-tourism regions—this chapter shifts the analytical lens toward rural areas that are central to Chile’s agricultural and forestry GDP. Here, the objective is to trace the evolution of small-lot parcels and estimate their cumulative impact on the loss of agriculturally designated land.

Ultimately, land concentration and fragmentation in Chile must be understood not as contradictory processes, but as mutually reinforcing expressions of the same property regime. By severing property from its social and environmental functions, the legal framework facilitates both the accumulation of vast estates by a few actors and the proliferation of sub-hectare lots with no agricultural purpose. These dynamics are not merely concurrent—they are structurally interdependent, sustained by the legal system’s recognition of an unrestricted right to dispose. The result is a spatial configuration that generates profound implications for the sustainability of the rural sector and for the country’s capacity to respond effectively to climate change.

2. Measuring Territorial Power: Historical Analysis and Geospatial Methods for Tracing Concentration and Fragmentation

This section outlines the methods used to examine how rural private property arrangements manifest territorially through land concentration and fragmentation. The analysis combines historical data, inequality metrics, and geospatial tools. Since some of the terminology and techniques stem from disciplines such as agrarian economics or spatial analysis, I provide explanations of key concepts throughout the following subsections to maintain clarity across interdisciplinary audiences.

2.1. Historical Analysis and Inequality Measures

The study of land concentration in Chile was carried out using Agricultural Census data from 1965 to 2021. Due to the varying structure and granularity of the data across years, a

²⁹³ Hidalgo, Borsdorf and Plaza (n 264); INE, ‘Parcelas de Agrado Desde La Perspectiva Censal y Territorial.’ (Instituto Nacional de Estadística 2020); Mario Medina, ‘Evaluación del impacto económico y social de las parcelas de agrado en la comuna de Talagante, Región Metropolitana, Chile.’ (Universidad de Chile 2009); Ignacio Contreras Munizaga, ‘Expansión urbana por loteos rurales y su impacto sobre el desarrollo urbano sustentable. Caso de estudio: comuna de Melipilla, Chile; período 2006-2018’ (Pontificia Universidad Católica de Chile 2019); Reyes, Olavarria and Rodriguez (n 264).

²⁹⁴ Hidalgo, Borsdorf and Plaza (n 264); INE (n 294); Medina (n 294); Munizaga (n 294); Reyes, Olavarria and Rodriguez (n 264).

²⁹⁵ Allard (n 276); Víctor Jiménez Barrado and others, ‘Promoted Urbanization of the Countryside: The Case of Santiago’s Periphery, Chile (1980–2017)’ (2020) 9 Land 370; Gloria Naranjo Ramírez, ‘El Rol de La Ciudad Infiltrada En La Reconfiguración de La Periferia Metropolitana de Santiago de Chile’ (2009) LXX Estudios Geográficos 205; Marco Aurelio Márquez Poblete, ‘El ordenamiento territorial de los espacios rurales en Chile’ (1999) 26 Revista de geografía Norte Grande 113.

harmonisation process was required. Data from earlier censuses (1965, 1975, 1997) were presented in grouped intervals rather than individual-level microdata. To allow for temporal comparison, landholdings were classified using the HBR²⁹⁶ system, an index commonly used in Chilean agrarian policy to standardise productivity potential of plots, independent of geographic or climatic differences.

To evaluate inequality, several complementary indicators were used. First, the Gini coefficient was calculated for total land distribution and separately for irrigated and rainfed lands. This metric provides a general measure of inequality, ranging from 0 (perfect equality) to 1 (total inequality), and has been applied widely in land studies across Latin America²⁹⁷. Second, concentration ratios were calculated by estimating the proportion of land controlled by the top 1%, 5%, and 10% of landowners. These measures help identify the weight of large estates within regional landholding structures and have been recommended²⁹⁸ to complement the Gini index, which is sensitive to intermediate distribution values²⁹⁹.

The spatial scope of analysis focuses on six regions—Valparaíso, O’Higgins, Maule, Ñuble, Biobío, and the Metropolitan Region. These were selected based on three criteria: their combined contribution to over 60% of national agricultural and forestry GDP³⁰⁰, their disproportionately high rates of land fragmentation, and their rural population shares, which exceed the national average. In total, these areas include 573,441 hectares of productive land under analysis.

To distinguish between productivity contexts, irrigated and non-irrigated lands were analysed separately. This segmentation is crucial, as water availability significantly affects land use value, crop selection, and land market behaviour³⁰¹. In addition to concentration indices, the historical analysis tracked how the relative share of different farm size categories evolved over time. Following Bauluz³⁰² et al. and Plogmann et al.³⁰³, landholdings were grouped by HRB category and measured both by their share of total properties and by their share of land controlled. This double metric captures not only the dominance of large estates but also the growing marginalisation of smallholder agriculture within Chile’s rural property regime.

The 2021 Agricultural Census offered a significant opportunity to deepen the analysis. Unlike earlier datasets, it provided disaggregated data at the regional level, including property size, type of use, and irrigation status. This granularity allowed for more precise differentiation

²⁹⁶ Hectáreas de Riego Básico (HRB)

²⁹⁷ Ilc and Oxfam (n 15); Luis Bauluz, Yajna Govind and Filip Novokmet, ‘Global Land Inequality’ (2020) <<https://halshs.archives-ouvertes.fr/halshs-03022360>>; Kay, ‘Visión de La Concentración de La Tierra En América Latina’ (n 15).

²⁹⁸ Delfino Vargas and Cassio Luiselli, ‘Methodological Considerations on Land Inequality’ (International Land Coalition 2020) <https://d3o3cb4w253x5q.cloudfront.net/media/documents/2021_3_land_inequality_data_paper_methodological_considerations_low_res.pdf>.

²⁹⁹ Vargas and Luiselli (n 299).

³⁰⁰ ODEPA, ‘Lineamientos Para El Uso de Las Definiciones de Ruralidad En Chile.’ (Oficina de Estudios y Políticas Agrarias 2022) <<https://www.masvidarural.gob.cl/wp-content/uploads/2022/03/Lineamientos-para-el-uso-de-las-definiciones-de-ruralidad-en-Chile.pdf>>.

³⁰¹ Echenique (n 289); Jordan, Donoso and Speelman (n 232).

³⁰² Bauluz, Govind and Novokmet (n 298).

³⁰³ Jana Plogmann and others, ‘Farm Growth and Land Concentration’ (2022) 115 Land Use Policy 106036.

between productive and non-productive land and enabled the isolation of variables—such as the number of holdings per owner, land use intensity, crop diversification patterns, and the relationship between property size and irrigation access—relevant to fragmentation and concentration. The availability of such microdata made it possible to construct comparative profiles across regions, property sizes, and land-use types, enhancing the diagnostic power of the statistical indicators employed.

2.2. Geospatial Analysis

To analyse land fragmentation, a geospatial methodology was developed that integrates administrative records, cadastral information, and land use cartography. The primary indicator used was the subdivision intensity index, defined as the number of resulting plots divided by the area of the original property (plots per hectare). For example, if a 10-hectare parcel is legally subdivided into 20 plots, its subdivision intensity would be 2.0. This index normalises subdivision behaviour and allows for comparison across properties of different sizes.

The core dataset was obtained from the Agricultural and Livestock Service (SAG), consisting of approved subdivision requests for the regions of Maule, Ñuble, and O'Higgins between 2018 and 2023. These records typically include plot dimensions, approval dates, and geographical identifiers. To spatially contextualise this data, it was cross-referenced with two additional sources: rural property polygons from the Internal Revenue Service (SII), which provide the geometric outlines of each rural plot, and land-use classifications from the National Forestry Corporation (CONAF), which indicate whether each area is designated for agriculture, forestry, or other uses.

The data processing involved three main steps: (1) standardising and cleaning records to remove errors or duplicate entries; (2) linking each subdivision record to a specific property polygon using its unique ID; and (3) georeferencing the location of each new plot. To enhance spatial accuracy, random point generation within each polygon was implemented: a point was assigned for each resulting plot, distributed randomly within the original land parcel. These points were then overlaid on CONAF's land-use maps to determine whether fragmentation occurred on agricultural land specifically.

To better understand who is fragmenting land and how, properties were grouped into six size categories: <5 ha, 5–10 ha, 10–50 ha, 50–100 ha, 100–500 ha, and >500 ha. This typology helps illustrate not only how much land is being subdivided, but which types of landowners are driving the process. For example, small properties may subdivide for family inheritance or short-term financial needs, while medium-sized properties might respond to market incentives or urban expansion.

In addition to the subdivision intensity index, the absolute number of new plots produced by each category was calculated. This allowed us to distinguish between categories that fragment more aggressively (high intensity) and those that contribute most to the total number of new lots. While smallholders tend to subdivide at a higher rate, medium and large properties—especially those between 10 and 50 hectares—are responsible for the bulk of new parcels generated.

This dual lens—intensity and volume—was essential for capturing the differentiated spatial impact of fragmentation. ArcGIS Pro was used to integrate these data sources and visualise patterns across space, highlighting concentrations of fragmentation near urban centres or on productive land³⁰⁴. The geospatial methodology thus provided a robust empirical basis for understanding how the rural property regime manifests territorially and how it shapes the challenges of climate adaptation and food security.

3. The Territorial Evidence: Patterns of Concentration and Fragmentation in Chilean Rural Land

3.1. Land Concentration in Chile

The distribution of land is a decisive variable for understanding how Chile’s rural property regime—characterised by the primacy of the individual, absolute, and exclusive right—has shaped the territorial geography of property in the country’s rural areas. This section presents, first, the historical transformations in Chile’s tenure structure, and then the current regional profile of land concentration and its relationship to access to irrigation. The data are drawn from Agricultural Census records spanning 1965 to 2021, harmonised using the Basic Irrigated Hectares (HRB) index.

3.1.1. Historical Evolution

Table 1 summarises the trajectory of landholding according to farm size. In 1965, smallholdings (< 5 hectares) accounted for 81% of titles but just 10% of the total land area, while the largest properties (> 80 hectares), comprising only 2% of holdings, controlled 55% of all agricultural land. This stark asymmetry formed the empirical justification behind the 1967 Agrarian Reform Law, which authorised the expropriation of large estates and the redistribution of rural land to peasant families.

<i>Land Holdings (hectares)</i>	1965	1970	1973	1976	1978	2007	2021
<i>Less than 5 ha</i>							
<i>Percentage of Plots</i>	81.4	79.7	79.2	71.4	71.5	89.1	93.6
<i>Controlled Land</i>	9.7	9.7	9.7	9.7	14.5	8.7	5.3
<i>5-20 ha</i>							
<i>Percentage of Plots</i>	11.5	11.3	11.2	20.0	20.4	7.2	3.9
<i>Controlled Land</i>	12.7	12.7	12.8	24.9	32.0	19.2	12.5

³⁰⁴ ArcGIS Pro is a professional desktop Geographic Information System (GIS) software developed by ESRI that enables spatial analysis, mapping, and data integration. It allows researchers to process, analyze, and visualize geographic data through multiple layers and analytical tools.

<i>20-40 ha</i>							
<i>Percentage of Plots</i>	3.0	2.9	3.4	3.0	3.0	1.8	1.1
<i>Controlled Land</i>	9.5	9.5	12.0	11.6	13.5	13.2	10.1
<i>40-80 ha</i>							
<i>Percentage of Plots</i>	2.1	4.6	3.8	4.5	4.8	1.0	0.7
<i>Controlled Land</i>	12.8	33.8	25.3	32.8	34.4	15.5	12.3
<i>More than 80 ha</i>							
<i>Percentage of Plots</i>	2.0	0.9	0.0	0.1	0.3	0.9	0.7
<i>Controlled Land</i>	55.3	16.7	0.0	2.9	5.6	43.4	59.8
<i>Reform Sector</i>							
<i>Percentage of Plots</i>	0.0	0.6	2.4	1.0	0.0		
<i>Controlled Land</i>	0.0	17.6	40.2	18.1	0.0		
<i>Total</i>							
<i>Percentage of Plots</i>	100	100	100	100	100	100	100
<i>Controlled Land</i>	100	100	100	100	100	100	100

Table 1 Evolution of Land Distribution in Chile 1965-2021 (Percentages). Data from Bellisario (2007), Kay (1975), Villavicencio-Pinto (2020b), Villela (1979).

Between 1970 and 1973, redistribution policy reached its apex: holdings larger than 80 hectares effectively disappeared from official records (0% of titles and 0% of total land), while the so-called ‘reformed sector’ came to manage approximately 40% of the national agricultural surface. This period represents the clearest moment of ‘coupling’ between the

social and productive functions of property. Law explicitly understood agrarian ownership as an instrument for peasant inclusion and national food security.

The 1973 military coup, followed by the enactment of Decree Law 208, marked the onset of the counter-reform. By 1976, a small percentage (0.1%) of large estates reappeared, controlling 2.9% of the land. This reversal was institutionalised with the 1980 Constitution and Decree Law 3.516, which liberalised rural land sales and subdivision. From that point forward, a pattern of sustained re-concentration emerged. By 2007, just 0.9% of holdings accounted for 43% of agricultural land, and by 2021, a mere 0.7% of holdings controlled nearly 60%. This trajectory illustrates how the discourse of legal certainty—rooted in the rigorous protection of individual ownership—displaced the redistributive rationale of the 1960s and 1970s, diminishing the State’s capacity to reshape agrarian structures in pursuit of collective goods such as food security.

In parallel, the number of smallholdings (< 5 hectares) increased once again after 2007, reaching 94% of all titles by 2021, but accounting for just 5% of land area. The result is a dualised landscape, a large number of formal owners with micro-scale holdings, and a small elite with sovereign control over vast territorial extensions. Figure 1 illustrates this ‘pendulum’ effect. The collapse of *latifundio* between 1967 and 1973, followed by a steady re-concentration of land from 1980 onward, while the proportion of land under small-scale holdings has stagnated or declined. The graphic reinforces a sociolegal reading, when law prioritises the social function of property, land concentration falls; when it centres on the legal certainty of individual title, inequality resurfaces.

A general trend towards greater concentration of land in large estates (over 2,000 hectares) was observed over time, especially since 1997. Conversely, the proportion of land controlled by smaller estates (less than 20 hectares) shows a slight increase between 1975 and 1997, but by 2021, there is a clear trend towards decline, consistent with higher levels of land concentration. Having examined the historical evolution of land concentration, we now turn to the current conditions and characteristics of this phenomenon in Chile.

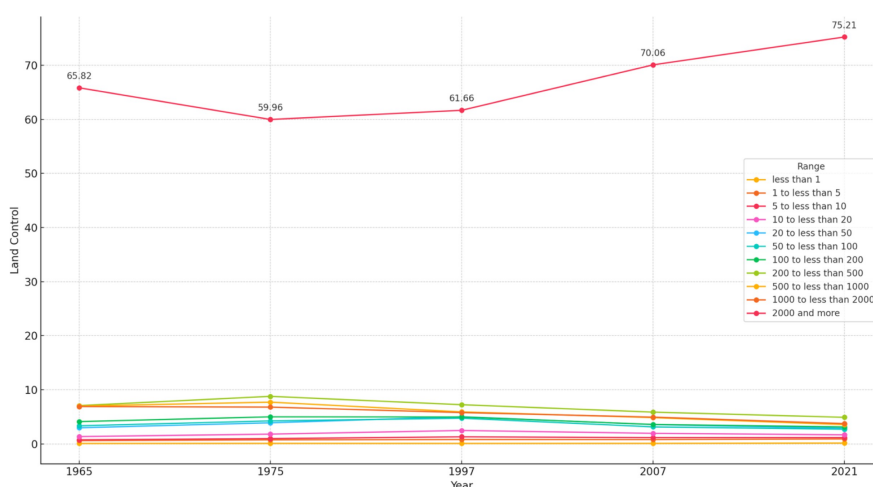


Figure 1

Figure 1 Evolution of Land Concentration in Chile, 1965-2021

Source: Author's calculations based on Agricultural Censuses (Censos Agropecuarios) 1965, 1976, 1997, 2007, and 2021.

3.1.2. Current Conditions and Characteristics of Land Concentration in Chile

Regional Gini coefficients—all exceeding 0.70 (Figure 2)—confirm that Chile ranks among the countries with the highest levels of land inequality globally. This extreme concentration aligns with recent international assessments that highlight Latin America as a region of particular concern³⁰⁵. Within the context of this study, these findings suggest that despite Chile's macroeconomic development, land distribution remains a persistent structural challenge for rural development and, increasingly, for climate change adaptation strategies.

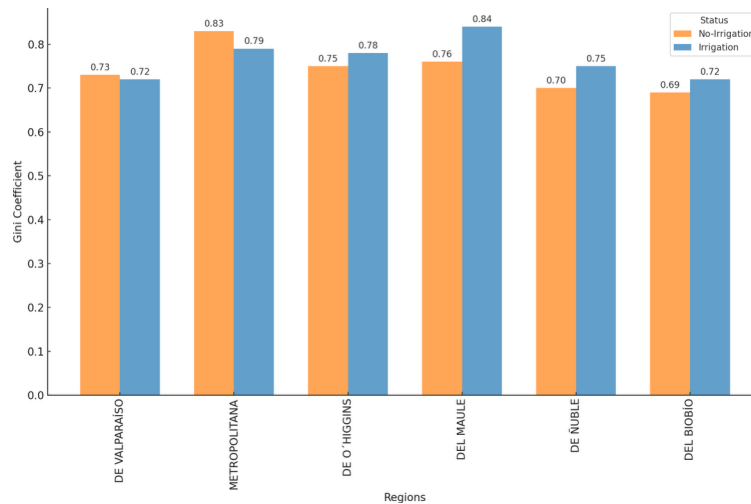


Figure 2 Gini Coefficient of Land Concentration in Selected Chilean Regions

Source: Author's calculations based on Agricultural Censuses 2021.

This empirical evidence reinforces the notion of ‘owner sovereignty’ articulated by Babie: the greater the level of land concentration, the greater the quasi-sovereign autonomy of those who control vast tracts of land to unilaterally determine its fate, free from institutional or community counterbalances³⁰⁶. The Chilean property regime, by granting virtually unrestricted rights of use and disposition, exacerbates this power asymmetry and inhibits the social and environmental functions of property from operating as corrective mechanisms.

The percentile analysis deepens this reading, as illustrated in Figure 3. In the Biobío region, the top 1% of landowners control 34% of agricultural land, and in all other regions studied, the top 5% hold more than half. The contrast between the top 10% (with an average holding of 51.7 hectares) and the bottom 10% (holding between 0.1 and 0.3 hectares) reflects a disparity of roughly 400:1. The average holding of the top decile (~52 ha) is equivalent to 73

³⁰⁵ Ilc and Oxfam (n 15); IPES-Food (n 280).

³⁰⁶ Babie, ‘Private Property and Climate Change’ (n 4).

football fields, whereas that of the bottom decile (~0.13 ha) fits within one-fifth of a field. At this scale, mechanisation, access to credit, or implementation of irrigation infrastructure becomes virtually impossible. The disproportion reveals a market where smallholders lack the critical mass—in terms of land area and capital resources—necessary to benefit from economies of scale, negotiate collectively, or influence productive models aligned with climate adaptation goals.

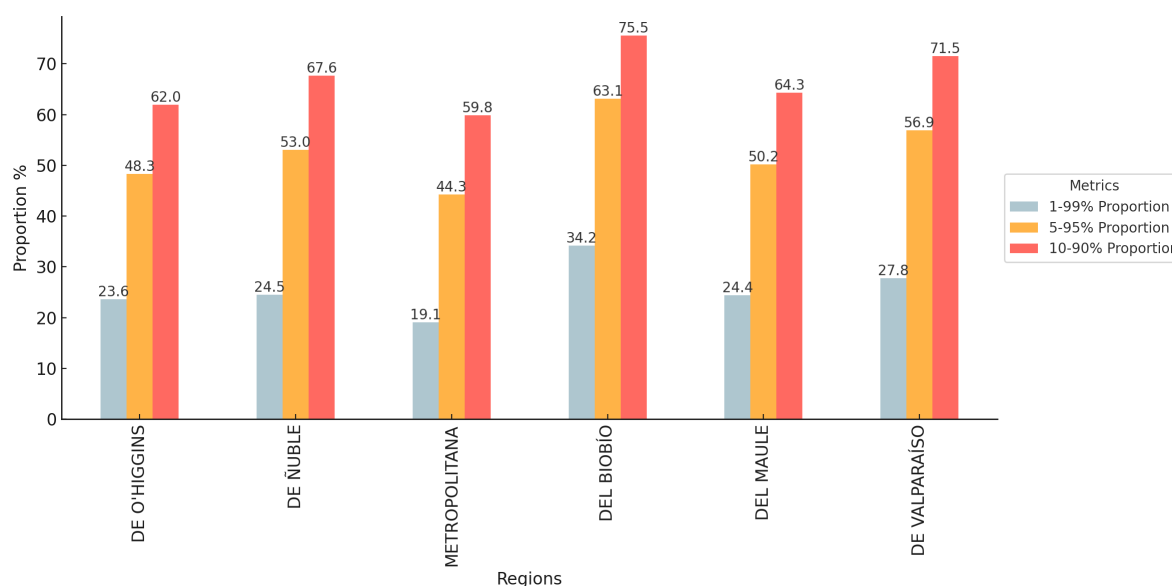


Figure 3 Land Concentration Metrics in Selected Chilean Regions

Source: Author's calculations based on Agricultural Censuses 2021.

As Figure 2 shows, all selected regions exhibit values above 0.7 Gini coefficient. Following Echenique³⁰⁷ and Vargas and Luiselli³⁰⁸, it is essential to disaggregate these indicators by water access, given its importance in determining agricultural potential. When concentration is calculated specifically for irrigated lands, the inequality becomes even more acute. As a legally autonomous resource since the 1981 Water Code, water access introduces a new layer of concentration. The top 10% of irrigated landowners control 65% of total irrigated hectares (Table 2), and 68% in rainfed areas.

Percentile	Land Type	% of Land Controlled	Average Area (ha)	Number of Exploitations
Bottom 10%	Irrigated	0.10%	0.09	4,684
	Non-Irrigated	0.43%	0.22	2,765
50%	Irrigated	4.43%	0.82	23,422
	Non-Irrigated	6.66%	0.67	13,827
90%	Irrigated	34.90%	3.59	42,159

³⁰⁷ Echenique (n 289).

³⁰⁸ Vargas and Luiselli (n 299).

Top 10%	Non-Irrigated	32.47%	1.82	24,888
	Irrigated	65.09%	60.32	4,684
	Non-Irrigated	67.52%	34.05	2,765

Table 2 Comparison of Land Concentration between Irrigated and Non-Irrigated Lands Source. Data from Agricultural Census 2021.

Thus, water availability adds a new axis of exclusion, determining who can adopt high-value crops or climate-resilient technologies. Additionally, state irrigation subsidies—established under Law 18.450 and its subsequent amendments—have disproportionately benefited large holdings, as demonstrated by Jordan³⁰⁹, thereby reinforcing a pro-large-holder bias in the distribution of productive water resources.

This pattern supports Graham’s argument regarding ‘dephysicalisation’. The law separates ownership from its material substrate, allowing a small elite to extend its influence beyond mere land surface. According to Villavicencio-Pinto in rural areas with limited irrigation access, land concentration alone accounts for up to 7% of rural poverty, adding a distributive dimension to the water problem³¹⁰.

By contrast, the mass of landowners with less than 1 hectare of irrigated land accounts for just over 0.1% of the irrigated surface. This highlights how the promise of individual ownership—promoted during the counter-reform as a route to ‘security’—has, in practice, produced micro-parcels devoid of productive capacity or bargaining power over water access. The current regime thus maximises legal certainty for large landholders while exposing the majority to climate precarity, placing increased pressure on the State’s obligation to ensure the social and environmental functions of land.

3.2. Land Fragmentation in Chile: Trends and Actors

Land fragmentation—understood here as the legal subdivision of rural properties into plots of at least 0.5 hectares, as permitted by Decree Law 3.516—constitutes the material counterpart to concentration. Both are expressions of the same property regime that grants owners virtually unrestricted rights of disposal. From a socio-legal perspective, fragmentation atomises the territorial base, complicating any efforts toward planning or collective coordination. It reinforces the notion of landowner sovereignty described by Babie. This section analyses the recent dynamics of fragmentation (2018–2022), identifies the key actors driving the process, and explores its implications for the social and environmental functions of land.

An analysis of 54,000 subdivision requests, registered by the Agricultural and Livestock Service between 2018 and 2022, reveals a cumulative increase of 203% between 2020 and 2021. Two contextual factors help explain this surge. First, mobility restrictions related to the COVID-19 pandemic increased demand for second homes in rural areas. Second, the July 2020 legal reform authorising the withdrawal of up to 10% of pension funds injected liquidity into the market, facilitating the purchase of so-called parcellations. The pre-existing legal

³⁰⁹ Jordan, Donoso and Speelman (n 232).

³¹⁰ Eduardo Villavicencio-Pinto, ‘Beyond the Agro-Export Boom: The Challenges of Land Concentration and Fragmentation in Chile’ (2025) 157 Land Use Policy 107624.

framework, which allows subdivision without requiring agricultural use, amplified the responsiveness of the land market to these shifts.

3.2.1. Intensity vs. absolute contribution

Two complementary metrics were used to analyse subdivision patterns. The first is absolute contribution, which quantifies the number of 0.5-hectare plots generated by each property size category—<5, 5–10, 10–50, 50–100, 100–500, and >500 hectares—relative to the total number of new parcels. The second is subdivision intensity, defined as the number of plots generated per hectare of the original property. This figure provides insight into the internal pressure that subdivision exerts on a given holding, and by extension, on its future agricultural viability.

A simple example helps to illustrate the distinction. A 20-hectare property that is subdivided into 40 plots yields an intensity of 2 plots per hectare and an absolute contribution of 40 parcels. In contrast, a 400-hectare estate subdivided into 400 parcels has a lower intensity (1 plot per hectare) but a much higher absolute contribution. Viewed in isolation, each metric can generate misleading interpretations. Intensity reveals relative pressure but conceals the total number of parcels entering the market. Absolute contribution reflects magnitude but says little about how quickly a land base is being depleted. Using both indicators together allows for a more balanced reading of the pressures and impacts reshaping Chile's rural landscape.

This dual reading is essential for answering two central questions: which actors are driving the most significant transformation in land area, and who is putting the productive continuity of their own land at greatest risk. Intensity and contribution must be considered jointly to

assess both the relative pressure exerted on land and the effective scale of spatial transformation.

In the current period, properties between 10 and 50 hectares emerge as the principal drivers of fragmentation. Between 2018 and 2022, they generated 39.4% of all new parcels and accounted for 22.1% of the total subdivided area, with a moderately high intensity of 1.30 plots per hectare. This pattern suggests that medium-scale owners are responding to market incentives associated with urban expansion and speculative real estate development.

At the other end of the spectrum, properties smaller than 5 hectares exhibit the highest intensity—3.77 plots per hectare—but their share of total fragmentation declined during the period. This trend points to increasing economic pressure on smallholders, who may resort to land subdivision for inheritance or tourism-related sales.

Large estates, those exceeding 500 hectares, recorded the lowest intensity overall—0.23 plots per hectare. However, between 2020 and 2021, their intensity rose sharply from 0.07 to 0.24 plots per hectare, representing a 235% increase, the highest percentage change among all categories. When these actors subdivide, they often introduce over 1,000 new parcels in a single operation, dramatically altering rural demographics and demonstrating the scale of private land-use planning power afforded by large-scale ownership.

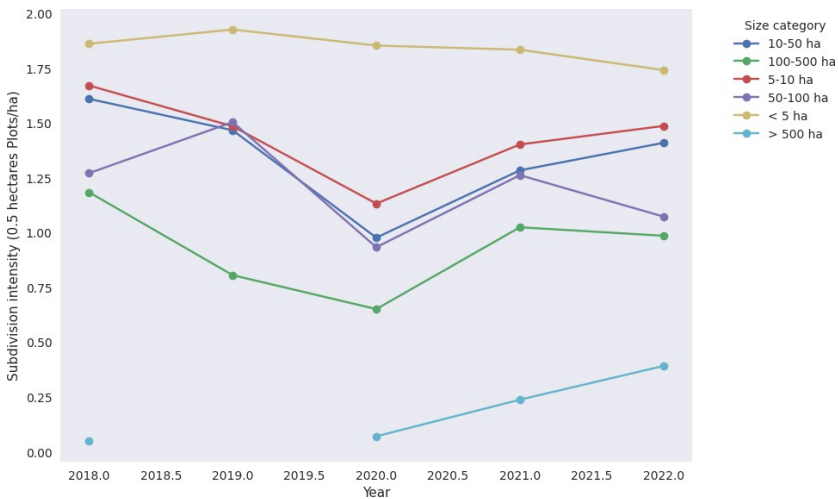


Figure 4 Temporal Evolution of Subdivision Intensity by Property Size Category in Chile

Source: Author's calculations based on SAG administrative data

Figure 4 clearly illustrates this divergence. Large-scale holdings lead the annual percentage variation in subdivision intensity. In contrast, medium-sized properties contribute the highest absolute volume of newly generated plots, as shown in Figure 5.

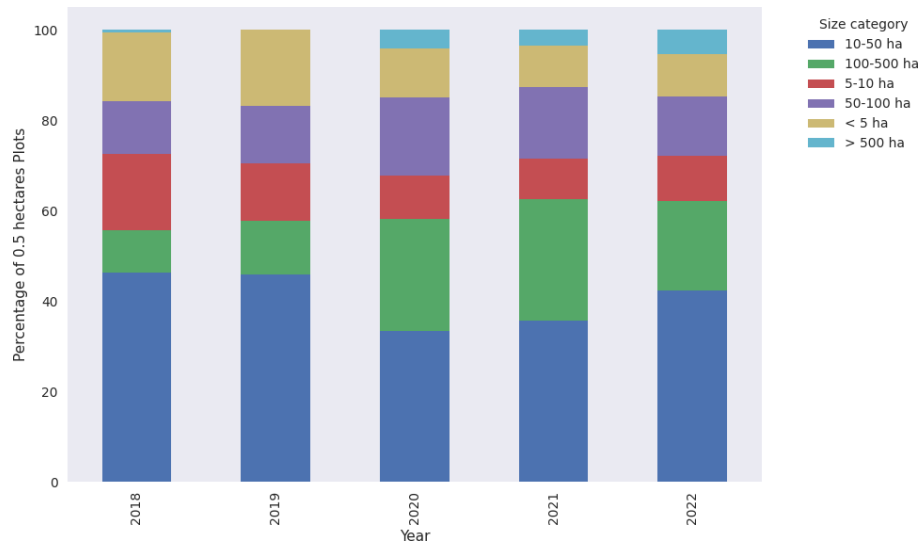


Figure 5 Percentage Contribution of Plots by Property Size Category in Chile, 2018-2022

Source: Author's calculations based on SAG administrative data

Table 3 confirms that land fragmentation is a complex phenomenon involving landowners across multiple property size categories, each displaying distinct behavioural patterns. Medium-sized owners, particularly those holding between 10 and 50 hectares, represent the main contributors in absolute terms to the fragmentation process. Smallholders, especially those owning less than 5 hectares, show the highest levels of subdivision intensity, although their overall contribution to the total number of new plots is proportionally smaller. Meanwhile, large and very large landowners are increasingly participating in subdivision, a trend that may have significant long-term consequences for the structural integrity of Chile's agricultural sector.

Category	Average Number of Plots	Median Number of Plots	Total Number of Plots
< 5 ha	3.77	3.0	19,783
5-10 ha	10.05	11.0	19,448
10-50 ha	26.79	23.9	76,142
50-100 ha	76.43	82.0	29,042
100-500 ha	168.35	134.0	44,611
> 500 ha	182.70	63.0	7,856

Table 3 Summary of Plots by Land Size Category Note. The table shows the average, median, and total number of plots in different land size categories.

3.2.2. Loss of Land Designated for Agricultural Use

The processes of land concentration and fragmentation have direct implications for agricultural land use, as evidenced by the following analysis of land loss. In the Ñuble Region 63% of the plots are located on land designated for agricultural use, while in the Maule and O'Higgins Regions, the figures reach 55% and 48%, respectively, amounting to more than 37,150 hectares, as shown in Figures 6, 7 and 8. This data highlights the significant threat that subdivision poses to food production in the country. The literature agrees that although this type of fragmentation, involving half-hectare plots, does not formally imply a change in land use, in practice, these plots often become part of the real estate market for housing construction rather than being used for agricultural, livestock, or forestry production³¹¹.

Figures 6, 7, and 8 depict the spatial distribution of plots per square kilometre (intensity), enabling the identification of hotspots for this type of land subdivision. In the Ñuble Region, a clear pattern emerges, with growth primarily concentrated near Chillán, the region's administrative and financial capital. A similar trend is observed in the Maule Region, where 0.5-hectare plots cluster around Talca, the regional capital. The O'Higgins Region presents a more nuanced picture, with a more uniform distribution of plots, making the pattern less distinct than in the other regions. Nonetheless, these observations align with existing literature³¹², which suggests that proximity to populated centres is a significant driver of land fragmentation, largely due to the availability of services. This spatial pattern further reinforces the hypothesis of non-agricultural use of these plots, as their inhabitants are likely to maintain employment in urban areas.

Another crucial aspect revealed by Figures 6, 7, and 8 is the relationship between plot location and land designated for agricultural use. The green areas in these figures represent land classified by the Agricultural and Livestock Service (SAG) in 2021 as designated for agricultural purposes. Notably, the increase in fragmentation is predominantly occurring on this agriculturally significant land. In all three regions, fragmentation is most intense in the central areas, which have historically been dedicated to the production of cereals, fruit, vineyards, and improved pastures. This pattern becomes even more pronounced when analysing the phenomenon at the municipal level, taking into account the types of crops reported in the 2021 Agricultural Census.

³¹¹ Hidalgo, Borsdorf and Plaza (n 264); INE (n 294).

³¹² Medina (n 294).

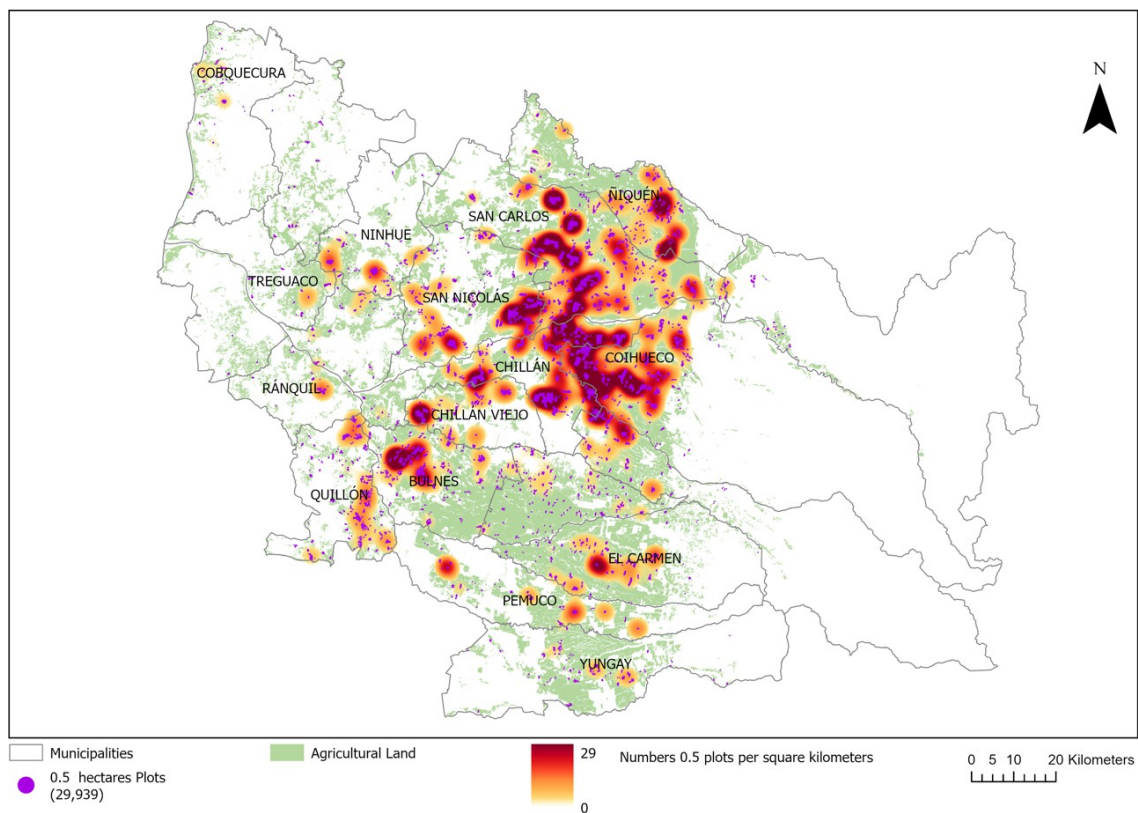


Figure 6 Distribution of Fragmented Plots on Agricultural Land in Ñuble Region, Chile

Source: Author's calculations based on SAG administrative data 2019-2023

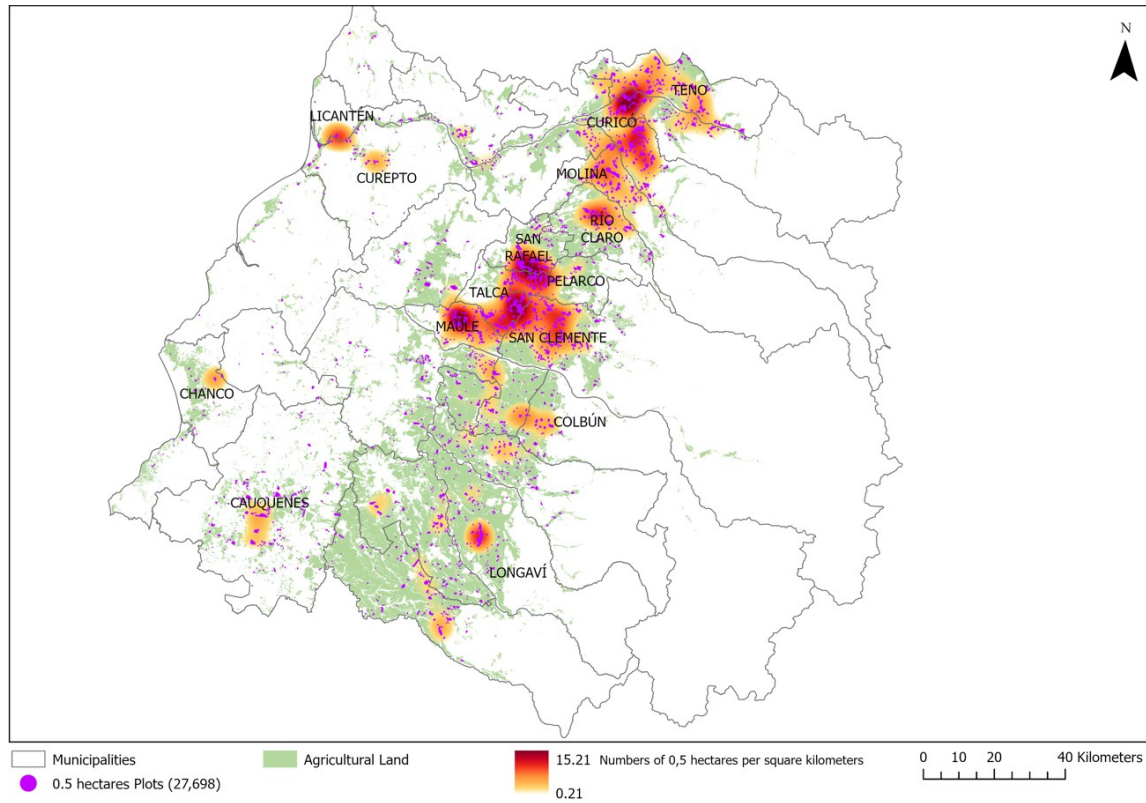


Figure 7 Distribution of Fragmented Plots on Agricultural Land in Maule Region, Chile

Source: Author's calculations based on SAG administrative data 2019-2023

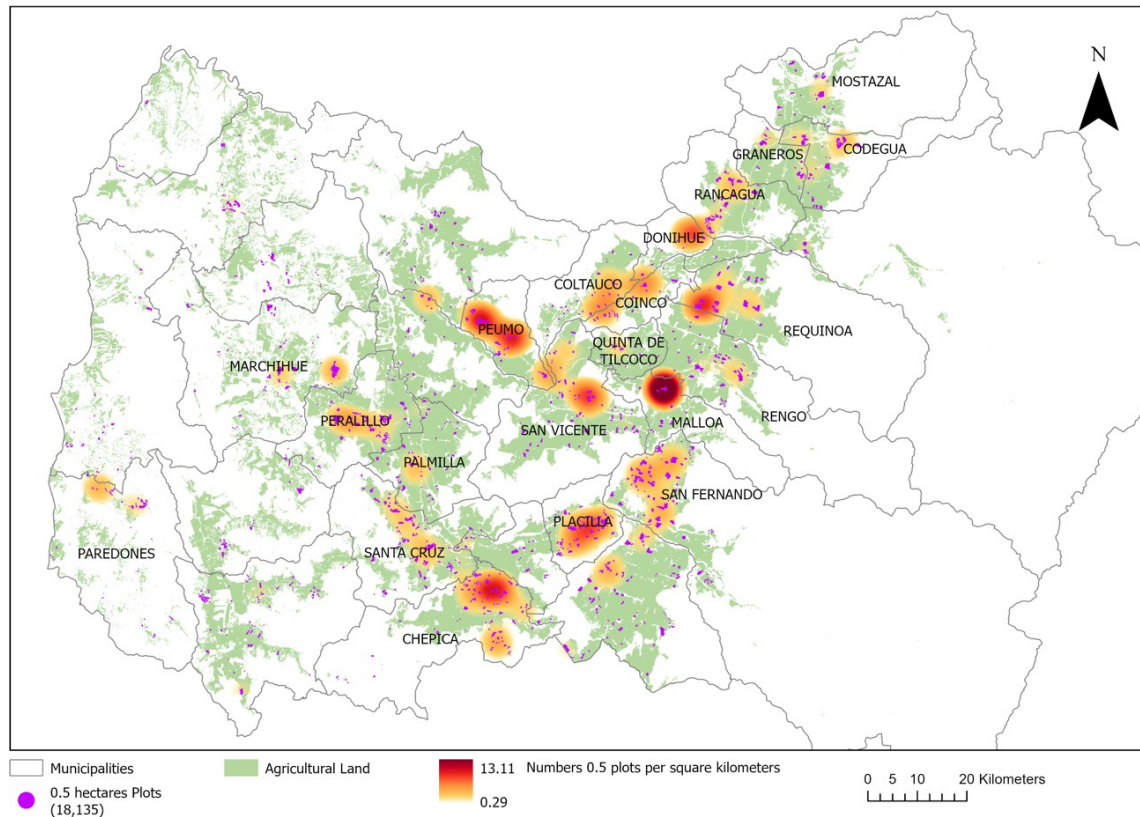


Figure 8 Distribution of Fragmented Plots on Agricultural Land in O'Higgins Region, Chile

Source: Author's calculations based on SAG administrative data 2019-2023

The evidence presented in Table 4 shows that land subdivision does not differentiate between the two foundational pillars of Chilean agriculture. In municipalities such as San Carlos, Chillán, and San Nicolás—traditional hubs of cereal and livestock production—more than half of the fragmented land corresponds to cereals and forage hybrids. In these areas, 60% of the land devoted to pastures and between 58% and 71% of the land used for cereals is concentrated in holdings larger than 100 hectares, confirming that large domestic market actors are actively participating in the subdivision of 0.5-hectare parcels. Conversely, in fruit-producing regions such as Litueche, Curicó, and Talca, subdivision primarily affects estates geared almost entirely toward export. Permanent fruit crops and vineyards account for between 49% and 68% of the subdivided area in these zones, and once again, it is holdings over 100 hectares that contribute the most affected land.

This mixed pattern leads to two clear consequences. First, the conversion of cereal and forage lands into real estate reduces the land available for domestic food production, thereby intensifying dependence on imported staple grains. Second, it simultaneously erodes the territorial base of the fruit export sector, undermining a production model that has sustained Chile's trade balance for more than three decades. The cumulative loss of agricultural land—still likely underestimated given that only half of the plots were georeferenced—has a dual

impact. It compromises internal food security and weakens external competitiveness. This illustrates that fragmentation is not a marginal or incidental issue, but a systemic obstacle to both primary models of agrarian development in Chile.

<i>Region</i>	<i>Municipality</i>	<i>Number of Plots</i>	<i>% of Subdivided Agricultural Land</i>	<i>Municipality Gini Coefficient</i>	<i>Primary Land Use (%)</i>	<i>Secondary Land Use (%)</i>
<i>Región del Libertador General Bernardo O'Higgins</i>	Litueche	2128	17.8	0.90	Improved Pastures: 31.15%	Fruit Trees: 30.24%
<i>Región de Ñuble</i>	San Carlos	5576	14.2	0.83	Cereals: 40.4%	Forage Crops: 15.8%
<i>Región de Ñuble</i>	Chillán	4406	20.8	0.83	Cereals: 40%	Forage Crops: 13.8%
<i>Región de Ñuble</i>	San Nicolás	2765	17.8	0.84	Cereals: 46.6%	Forage Crops: 7.5%
<i>Región del Maule</i>	Curicó	2805	10.9	0.78	Fruit Trees: 68.1%	Vines: 16.5%
<i>Región del Maule</i>	Talca	1613	16.6	0.71	Fruit Trees: 22.7%	Vines: 26.3%
<i>Región del Maule</i>	Maule	1513	13.8	0.77	Vegetables: 30.8%	Fruit Trees: 21.5%

Table 4 Summary of Agricultural Land Subdivision and Use by Region and Municipality

4. Conclusions

The geography of rural property in Chile is not only a reflection of market dynamics or demographic pressures—it is a visible trace of how law imagines authority, ownership, and responsibility. At the heart of the Chilean tenure system lies a powerful legal silence. There is no regulatory safeguard concerning how much land a person or corporate entity can accumulate. This is not an oversight; it is a design choice. As Chapter 1 of this thesis argued, the elevation of property to the status of a fundamental right—often framed as a human right—has entrenched a normative framework in which accumulation becomes untouchable. Property, seen in this light, is not merely a legal instrument but a shield, a device through which political and distributive decisions are redefined as natural entitlements³¹³.

This has profound socio-legal implications. If the law makes no distinction between owning 5 hectares or 500,000, and if it remains silent on the social or ecological responsibilities attached to that ownership, then it authorises not just inequality but a disembedded form of

³¹³ Underkuffler, *The Idea of Property* (n 30); Fitzpatrick (n 51).

authority. The empirical evidence presented in this chapter—especially the persistence of extreme land concentration and the legal ability to fragment that land without consequence—makes this architecture explicit. The Chilean legal order has codified a version of property that is at once absolute and detached, privileging sovereignty of ownership without coupling with any form of spatial, social, or environmental accountability³¹⁴.

Here, the concept of ‘dephysicalisation’ developed by Graham becomes particularly illuminating. In this framework, ownership becomes increasingly abstracted from the material conditions of the land itself³¹⁵. A landowner can hold vast areas without engaging with the ecological or social systems those lands sustain. As the findings here show, landowners can fragment agricultural land into hundreds of plots, enabling real estate speculation and rural sprawl, without bearing responsibility for the broader consequences. This is not just a technical or administrative issue—it is a legal construction. The law defines what owners owe and to whom, and in this system, owners owe nothing beyond the formal limits of their parcel.

This institutional indifference reveals the political nature of Chile's legal geography. As such, the geography of property in Chile does not merely reflect market or demographic trends—it reveals and reproduces its underlying socio-legal infrastructure. As Blomley³¹⁶ and Keenan³¹⁷ have argued, space is not just shaped by law—it is governed through law. The patterns of land accumulation, fragmentation, and use in Chile are not apolitical outcomes; they are the materialisation of legal ideologies. The belief that ownership implies dominion but not responsibility is a deeply political stance, one that legal regimes often obscure through technical neutrality.

The analysis presented in this chapter can therefore be read as a sociolegal cartography. A mapping of how law distributes power over territory. What emerges is a stark asymmetry. Large landowners enjoy not only the capacity to decide the fate of rural land, but also the insulation from its consequences. The cumulative outcome is a regime in which property rights are expansive, but property obligations are nearly non-existent.

This is not only a critique of concentration—it is a critique of the political imagination embedded in Chile's property system. It challenges the very idea that property can remain a private domain while it shapes collective futures. As shown here, property decisions—particularly the choice to fragment or retain agricultural land—have cascading effects on ecological stability, food security, and territorial cohesion. Yet, these decisions are framed and legitimised as purely private acts.

This chapter has attempted to lift the veil on this condition. Through a triangulation of historical data, spatial analysis, and institutional critique, it has sought to make visible a geography that is often treated as neutral. Concentration is not a relic of the past, nor a statistical anomaly—it is the territorial expression of a legal regime that refuses to regulate its most fundamental instrument. In that sense, this chapter does not simply describe the property regime; it exposes its logics, its silences, and its exclusions. The debate over

³¹⁴ Babie, ‘Idea, Sovereignty, Eco-Colonialism and the Future’ (n 4).

³¹⁵ Graham, ‘Dephysicalised Property and Shadow Lands’ (n 64).

³¹⁶ Blomley, *Law, Space, and the Geographies of Power* (n 7).

³¹⁷ Keenan (n 50).

property in Chile cannot be limited to discussions about the rightful owner. It must encompass the broader political and ecological stakes of a system that governs territory without governing its consequences.

The empirical findings presented confirm that the technocratic narrative of property—consolidated during the dictatorship and legitimised throughout the democratic period—has shaped a regime in which individual landowner sovereignty systematically overrides collective planning capacities. The permissiveness of the legal system with respect to land subdivision has generated a fragmented rural landscape, where ecological sustainability, food security, and spatial coordination are placed at risk.

In this context, the spatial dimension of Chile's socio-legal infrastructure reveals how the ideological coupling generates self-contradictions that undermine the regime's own conditions of reproduction. The fusion of legal certainty, juridical security, and land tenure security into an apparent unity produces a territorial order where individual sovereignty over each parcel prevents the trans-boundary coordination that tenure security now requires.

The infrastructure does not simply fail to process environmental and social dimensions—it actively fragments the territorial coherence necessary for their integration. This spatial manifestation exposes the coupling's fundamental inadequacy when confronting climate change. The same mechanisms that guaranteed tenure security through individual titles and stable rules now ensure its impossibility, as productive continuity depends on watershed management, ecosystem protection, and coordinated planning that transcend property boundaries. The infrastructure that successfully enabled agricultural modernisation through unlimited individual discretion has become the principal impediment to collective survival, generating problems whose resolution requires precisely the coordination mechanisms that the coupling systematically precludes.

At the same time, the chapter has shown that fragmentation is not simply an effect of elite decisions. On the contrary, in specific political-economic moments—as with the pension fund withdrawals during the pandemic—fragmentation became a means of bottom-up access to land. In this sense, fragmentation has operated as a kind of market-led agrarian reform, a process of informal redistribution driven by demand from lower and middle sectors. Yet this distribution occurred in the absence of planning, environmental coordination, or food security objectives. What emerged is not a new rural order, but a dispersed one, an agrarian reform without purpose, without function, and without governance.

These dynamics also challenge the foundational dualism of Chilean agricultural development. The belief that smallholders serve domestic consumption while large landowners secure export growth. My data demonstrates that both groups now participate in subdivision, undermining the productive bases of both subsistence and commercial agriculture. In a context of climate volatility and food system fragility, this signals a double threat. The risk of losing both the ability to feed the population and the capacity to sustain agro-export revenue. This is not only a warning about agricultural policy, but a symptom of institutional brittleness. The property regime, once hailed for delivering growth and stability, is now structurally misaligned with the challenges it faces.

The discussion that follows in Chapter 4 departs from this empirical landscape to examine the terrain of legal meaning. The regime we have examined is not only a material structure—it is also a discursive and subjective system. What this chapter has described as concentration, fragmentation, and deregulated land use are not merely technical outcomes; they are socio-legal expressions of how property is understood and enacted. Property, in this sense, functions simultaneously as a distributive mechanism and as a normative horizon.

Thus, what we have described so far is the objective expression of a broader legal consciousness. The way rural actors imagine, internalise, and legitimise property as a system of entitlements, exclusions, and responsibilities. The implications of this are profound, if territorial fragmentation and loss of agricultural capacity are grounded in how property is practiced and legitimised, then reversing these trends requires not only legal reform but a transformation in how property is understood.

The technocratic narrative's spatial manifestations, dominant since 1990, reveal how legal geography operates through depoliticisation. As Chapter 2 demonstrates, this narrative transformed property from a site of political contestation into a technical matter of market efficiency. Spatially, this manifests in what the empirical evidence of Chapter 3 will later reveal, simultaneous processes of concentration and fragmentation that appear as natural market outcomes rather than political choices. The technocratic narrative produces space through non-intervention—by refusing to regulate subdivision under Decree 3.516 or limit concentration, it enables a geography where 37,150 hectares can be lost to fragmentation while 1% of owners control 34% of land in some regions.

This technocratic production of space operates through what might be understood as governance by absence. Unlike the entrepreneurial narrative's active exclusions through Decree 208 or the socio-communitarian narrative's active inclusions through reform, the technocratic approach governs space by withdrawing the state from spatial planning. This withdrawal, however, is itself a form of spatial production—it creates territories where individual property decisions aggregate into collective disasters. Productive land converts to real estate, agricultural zones fragment beyond viability, and climate adaptation becomes impossible due to atomised decision-making.

The progression from entrepreneurial through socio-communitarian to technocratic narratives thus represents not merely ideological shifts but transformations in how law produces rural space. Each narrative generates distinct patterns of inclusion and exclusion, concentration and distribution, visibility and invisibility. The entrepreneurial narrative

produced spaces of capability-based hierarchy; the socio-communitarian narrative attempted spaces of democratic participation; the technocratic narrative produces spaces of market-mediated fragmentation. Understanding these narrative-spatial connections is crucial for comprehending how contemporary rural Chile became a territory where, as noted in the introduction, a mayor can declare about 131,000 hectares for sale: ‘It is not a fiscal asset, it is private property’—as if this statement explained and justified everything.

If fragmentation is the spatial expression of property sovereignty, how do actors understand that sovereignty? If the land is being lost as a collective resource, how is this internalised, contested, or justified? In short, we move from what property does to how it is lived—from the spatial dimension of the infrastructure to its subjective dimension, where the ideological coupling between legal certainty, juridical security, and land tenure security must be continuously performed and legitimised by those who inhabit it. This transition reveals that the future of rural Chile will not only be decided in courts, parliaments, or cadastral records, but also through the beliefs and expectations of those who inhabit and shape its territories. The infrastructure's stability depends not merely on legal frameworks or territorial patterns, but on how rural actors reproduce or challenge the coupling's promises even as material conditions increasingly diverge from juridical guarantees.

Chapter 4.

From Narratives to Consciousness: How Persons Inhabit the Socio-Legal Infrastructure of Rural Property

Introduction

This chapter examines the 'persons' dimension of property's socio-legal infrastructure—specifically, how various rural actors understand, legitimise, and contest property arrangements during times of climate crisis. In other words, I aim to explore the social imaginary of property, referred to by Babie as 'ego'. Having analysed the temporal transformations (Chapter 2) and spatial reconfigurations (Chapter 3) of Chile's rural property regime, I now turn to those who inhabit this infrastructure: peasants, entrepreneurs, agricultural workers, and technicians whose daily practices constitute property as lived experience. Their legal consciousness—the ways they internalise and mobilise property concepts—reveals how the neoliberal configuration of time, space, and persons shapes differential capacities to confront environmental uncertainty.

The analysis centres on a fundamental paradox. Whilst near-unanimous consensus exists regarding climate change impacts on Chilean agriculture, this apparent agreement masks profound disagreements about property's role in addressing the crisis. When a Maule peasant states that the production of food becomes increasingly difficult due to droughts, she articulates a fundamentally different reality from the central valley fruit entrepreneur uttering identical words. For her, drought threatens family subsistence and intergenerational continuity; for him, it represents a technical challenge requiring capital investment and market repositioning. These divergent meanings stem not from different information but from structurally unequal positions within the property regime—positions that determine who can adapt, who must migrate, and who profits from crisis.

Through Q methodology, I capture how 29 rural actors prioritise and organise their property understandings. Rather than imposing predetermined categories, this approach reveals how participants themselves structure property meanings by ranking 40 statements about land rights, state intervention, and climate adaptation. Participants arranged these statements—from 'the State shouldn't meddle in my land decisions' to 'large entrepreneurs must share land'—in a forced distribution from most agreed (+5) to most rejected (-5). This methodological inversion—asking few people to order many statements rather than surveying many people about few variables—uncovers the value hierarchies and relational logics that constitute legal consciousness.

The findings challenge conventional assumptions about property attitudes aligning with class position or farm size. Factor analysis reveals four distinct 'crystallisations' of legal consciousness that cut across expected demographic categories. Small peasants sometimes share property understandings more closely with large entrepreneurs than with other small producers. These unexpected affinities, captured through z-scores and factor loadings, illuminate how property's ideological power operates: fragmenting potential solidarities whilst creating unlikely convergences around market logic or state intervention. Crucially,

whilst all four factors acknowledge climate change as a threat to rural livelihoods, they diverge irreconcilably on its implications for property arrangements. This apparent consensus on climate crisis masks profound fissures regarding whether adaptation demands collective coordination, state intervention, or merely individual technological adjustment—revealing that the subjective dimension of the socio-legal infrastructure constitutes a critical obstacle to the coordinated responses that climate change demands.

This chapter proceeds as follows. Section 1 presents Q methodology's theoretical and methodological foundations and its particular suitability for capturing legal consciousness complexity through analysis of 29 rural actors ordering 40 property statements. Section 2 reveals four distinct crystallisations of legal consciousness emerging from the data: internalised rural neoliberalism, redistributive ecologism with historical memory, adaptive pragmatism, and business traditionalism with identity anchoring. Section 3 examines surface consensuses about climate change that dissolve upon closer inspection, exposing irreconcilable conflicts about property's future and revealing grey zones where no perspective achieves hegemony. Section 4 analyses how different groups couple or decouple property's productive, social, and environmental functions, revealing competing visions of agricultural transformation. Section 5 concludes by reflecting on what this fragmented legal consciousness implies for collective responses to climate crisis and the emerging imperatives for state mediation.

1. Q-Methodology: Operationalising Legal Consciousness

1.1. Theoretical and Methodological Foundations

Q methodology represents a radical inversion of traditional factor analysis, especially suited for studying complex subjectivities like legal consciousness about property. Whilst traditional surveys ask many people about few variables, Q methodology asks few people to order many statements according to their personal perspective, factorising³¹⁸ people instead of variables to identify shared perspectives. The process begins by constructing a 'concourse'—the universe of discourses on the topic—compiling hundreds of statements from interviews, legal documents, press and public debates about rural property³¹⁹.

From this concourse I extracted the Q-set: 40 final statements capturing the full spectrum of property positions, from 'Land is for those who work it' to 'I have the right not to make my plot productive'. The participants (P-set) ordered these statements in a quasi-normal forced distribution from -5 (most disagree) to +5 (most agree), generating individual Q-sorts. These orderings convert into standardised z-scores enabling factor analysis—a statistical technique that identifies clusters of participants who arranged statements in similar patterns. Crucially, these factors represent shared worldviews or 'families of perspective' that transcend expected social categories.

The analysis reveals not simply what individuals think but how different property concepts relate to each other within consciousness—for instance, how views on state intervention correlate with positions on land redistribution, or how environmental concerns connect to

³¹⁸ This term refers to the process of organising groups of people who sort and prioritise statements in a similar way.

³¹⁹ Whilst it is not possible to capture all statements that represent the field of study in this process, I sought to identify the most representative ones by thoroughly literature review and other current research materials.

market orientations. Remarkably, these relational patterns often cut across class lines: a small peasant and large entrepreneur might share a factor (similar property worldview) whilst peasants from identical economic positions load onto different factors. This methodological approach thus exposes how statements cohere into distinct property consciousness architectures that defy conventional assumptions about class determining property attitudes.

The condition of instruction and forced distribution constitute crucial methodological elements distinguishing Q methodology. The specific instruction—‘order these statements according to your personal viewpoint about land property’—subjectively frames the exercise, differentiating it from ordering by ‘importance’ or ‘objective truth’. The forced distribution replicates how we prioritise in real life. Not everything can be equally important. Participants must place exactly one statement at each extreme (-5/+5), two at -4/+4, increasing to eight at the neutral position (0), creating a quasi-normal curve.

This restriction generates revealing moments. When an agricultural entrepreneur must choose between placing ‘agriculture is a business’ or ‘the state shouldn’t intervene’ in their single +5 position, they reveal their fundamental priority. This choice exposes whether market logic (viewing land primarily through profit maximisation) or libertarian autonomy (freedom from state regulation) constitutes their core value. Similarly, when a traditional peasant faces the decision between ‘land is identity’ and ‘the agrarian reform was successful’, they must prioritise either the ontological dimension of property (land as constitutive of selfhood and community) or its political-redistributive dimension (historical justice through land reform). These forced choices reveal that seemingly aligned positions actually represent distinct and sometimes competing value systems. The resulting Q-sort is more than the sum of isolated opinions—it is a holistic configuration exposing which values subordinate others when worldviews require internal hierarchy.

The emergent factors represent ‘ideal types’ of legal consciousness—distinct patterns in how groups understand property. To grasp how this works, consider the difference between traditional surveys and Q methodology. A traditional survey asks hundreds of people the same few questions—‘Do you support private property?’ or ‘Should the state regulate land use?’—then finds patterns in their answers. Researchers might discover that people who support private property also tend to oppose state regulation, revealing an underlying ‘market orientation’. Q methodology inverts this logic entirely. Instead of asking many people about few topics, it asks few people (our 29 participants) to arrange many statements (40 cards about property), then identifies who arranged them similarly.

Imagine three participants independently sorting the statement cards. Despite never meeting, a small peasant from Ñuble, a sharecropper from Maule, and an agricultural technician from O’Higgins might place ‘land is for those who work it’ at +5, ‘large estates should be divided’ at +4, and ‘property is absolute’ at -5. The software detects this shared pattern—not just agreement on individual statements but the entire architecture of their beliefs—and groups them into one ‘factor’. This factor represents a coherent worldview where labour legitimises

ownership, redistribution seems just, and property absolutism appears morally wrong. Each factor thus captures not isolated opinions but entire philosophies about how property, justice, and society interconnect. The analysis ultimately produces an 'ideal type' for each factor—a representative arrangement showing that worldview in its purest form.

The software assigns numerical values to capture these patterns precisely. When the statement 'agriculture is primarily a business' receives a high positive value (+2.1) in one group but a strong negative value (-1.8) in another, this gap signals a fundamental ideological fracture—what seems self-evident truth to one group appears morally objectionable to another. These numbers thus map the moral geography of rural Chile, revealing where worldviews converge and where they become irreconcilable. A statement generating such opposing values marks not mere disagreement but different universes of meaning about property's purpose.

1.2. Implementation and Ethical Considerations

The P-set selection followed theoretical sampling principles seeking maximum diversity of perspectives on rural property, not statistical representativeness. The 29 participants included small peasants (8), medium farmers (6), agricultural entrepreneurs (4), rural workers (3), public officials (3), union leaders (3) and agricultural professionals (2), ensuring representation of different structural positions in the Chilean countryside. Gender composition reached 48% female participation, crucial given that rural women experience property specifically, facing additional barriers to land access and control.

Geographic selection covered the Maule and Ñuble regions, capturing variations in tenure structures, from coastal dryland smallholdings to central valley fruit enterprises. Sampling sought theoretical saturation: including perspectives until no new fundamental ways of understanding property emerged, recognising that legal consciousness structures according to social position, historical trajectory and access to material and symbolic resources.

The application combined face-to-face and virtual modalities adapted to rural realities. Twenty participants completed the Q-sort in face-to-face sessions, as Figure 1 shows, sorting 10x6 cm physical cards with printed statements, on a cardboard template with the forced distribution drawn. This tactile method facilitates reflection and reorganisation, especially valuable for participants with less digital familiarity.

Nine participants used Q-Method Software online, which digitally replicates the process of dragging and ordering cards, necessary to include actors with internet access. Both modalities followed an identical protocol: informed consent, process explanation with demonstrative example, initial reading of all statements, pre-classification into three piles (agree/neutral/disagree), fine ordering in the forced distribution, and recorded post-sort interview to capture reasoning. The process lasted between 45-90 minutes per participant, recognising cognitive load with breaks and refreshments, especially important for older participants or those at the end of working days.



Image 9 The mechanism used to apply Q-method in rural areas of the Maule and Ñuble Regions.



Image 10 The mechanism used to apply Q-method in rural areas of the Maule and Ñuble Regions.

The analysis employed KADE (Ken-Q Analysis Desktop Edition) version 1.3.0, specialised software that compared how all 29 participants arranged their statements. The software identified four distinct groups of participants who, despite different backgrounds, sorted statements in remarkably similar ways. These four groups captured 37% of the total variation in how participants understood property—a robust result in Q methodology. Each group comprised participants whose arrangements correlated strongly (above 0.40) with that particular pattern. From these, the software generated an 'ideal' arrangement for each group—a representative sorting that captures that worldview in its purest form. These four ideal arrangements, each reflecting a coherent philosophy about property, became the foundation for the analysis that follows.

The analysis revealed four distinct ways of understanding rural property, cutting across expected categories like peasant versus entrepreneur or traditional versus modern. The largest group (9 participants) shared a pragmatic-productive worldview, prioritising efficiency and market success—surprisingly including both entrepreneurs and modernising small farmers. The second group (7 participants) held a critical-transformative perspective, emphasising social justice and environmental sustainability. A third group (6 participants) combined environmental concerns with resistance to change, whilst the fourth (5 participants) understood land primarily through identity and cultural belonging. Two participants defied classification, suggesting hybrid perspectives that bridge multiple worldviews. These groupings emerged from how people actually sorted statements, not from predetermined categories, revealing that property consciousness in rural Chile operates through logics more complex than class position or farm size would predict.

1.3. Methodological Reflexivity: Power Dynamics in Q-Method Application

The application of Q-methodology in rural contexts characterised by profound power asymmetries revealed methodological dimensions that merit critical analysis. Far from constituting a neutral instrument, the forced statement ordering process operated as a device that made visible and, in certain cases, reproduced the power relations of the Chilean countryside. The differentiated reactions of participants to the methodological instrument constitute revealing data in themselves about how different rural actors relate to classification processes and position-taking regarding property.

The most revealing contrast emerged in responses to the cognitive challenge that forced ordering represents. Whilst small and medium peasants persisted in completing the exercise despite their difficulties—expressed in comments like ‘what an interesting thing, but complicated’³²⁰—some large businessmen exercised what we might term the privilege of refusal. A particularly illustrative case was that of a large businessman who, having started the process, opted to abandon it when confronting the methodological demand of forced prioritisation. His refusal to ‘be forced into the definition the instrument demanded’ reveals a dimension of power rarely captured in rural studies, where the capacity of some actors to simply withdraw from spaces where they are demanded to make potentially uncomfortable positions explicit.

Statement 19, 'Land is for those who work it', emerged as a particularly significant

³²⁰ Interview with Small Peasant D (Maule Region, Chile, 15 April 2024) (conducted in Spanish, translated by author).

methodological breaking point. The visceral reaction of another businessman—I'm not here to answer these types of questions, I thought this was about something else³²¹—exposes how certain formulations touch sensitive fibres of the property order. The z-scores of this statement reveal its polarising nature: whilst Factor 2 values it positively (0.708), Factors 1 and 3 reject it (-0.317 and -1.237 respectively), with Factor 4 remaining almost neutral (0.085). Business discomfort with this statement reveals how its redistributive logic inherently challenges large property's legitimacy—forcing landowners to position themselves regarding a principle that, if accepted, would undermine their very right to ownership. The statement's power lies precisely in this fusion: it simultaneously proposes redistribution whilst questioning whether current owners deserve their land at all.

This methodological experience illuminates a fundamental paradox. Those who hold greater power in the rural property regime are precisely those who can exercise greater resistance to instruments designed to study that same regime. Whilst peasants with extensive working days dedicated up to 90 minutes to carefully reflect and reorder statements, some businessmen manifested impatience or directly refused to participate when the content proved ideologically challenging. This asymmetry in the disposition to be 'studied' reproduces, in the methodological space, the hierarchies that structure the Chilean rural field.

The application of Q-method thus revealed its double edge. Whilst its forced prioritisation structure manages to capture legal consciousness complexities that traditional methods would overlook, it can also generate selective self-exclusion by powerful actors unwilling to submit to its classificatory demands. This methodological tension does not invalidate the results, but does demand recognising that the identified factors represent perspectives of those who accepted participating in an exercise that, for some, proved uncomfortably revealing of the contradictions inherent to their positions in the rural order. The method, in this sense, operated as a mirror that some preferred not to look into.

2. Four Crystallisations of Legal Consciousness

The composition of actors defining each factor reveals unexpected configurations that transcend traditional structural categories of the Chilean countryside. Factor 1, defined by nine participants, comprises mostly small peasants (PC1, PC5, PC6, PC7, PC9, PC10), but crucially includes a medium farmer (MC4), a landless person (ST) and a large businesswoman (GE4). This structural heterogeneity, which includes significant female participation (6 of 9 participants), suggests that rural neoliberal consciousness has transversally permeated different social and gender positions, forming a coalition where small producers—especially peasant women—share perspectives with large capital actors. The dominant presence of small peasants in this factor evidences profound neoliberal subjectivation processes that have reconfigured traditional rural identities beyond expected class determinations.

The other factors show equally revealing alliances between actors with disparate economic capitals and trajectories. Factor 2 articulates a critical perspective from six participants including an agrarian reform grandson (NRA), a landless woman (ST2), a medium farmer (MC3), an agricultural technician (TEC2), an NGO representative and a small peasant woman (PC11), forming a coalition from marginalised or technical-professional positions committed to transformation. Factor 3 presents a diverse composition with seven

³²¹ Interview with Large Landowner D (Maule Region, Chile, 15 April 2024) (conducted in Spanish, translated by author).

participants: small peasants (PC2, PC4, PC8), a large businessman (GE2), a rural property broker (CP), a union leader (DG) and an agricultural technician (TEC), suggesting a pragmatism that crosses class and functional boundaries. Factor 4, also with seven participants, concentrates the greatest business presence (GE1, GE3) but includes medium farmers (MC1, MC2), small peasants (PC3 appears twice) and a peasant leader (DC), revealing how organised peasantry sectors can paradoxically align with hierarchical business visions. This compositional complexity, where 48% of total participants are women distributed across all factors, demonstrates that perspectives on rural property emerge from biographical trajectories and identification processes that transcend simple structural determinations of class or gender.

2.1. Factor 1: The Peasant Voice

The central paradox of this factor lies in its composition: six small peasants³²² (PC1, PC5, PC6, PC7, PC9, PC10), one medium farmer (MC4), one landless person (ST) and one large businesswoman (GE4) converge on a perspective legitimising the concentrating property order. Particularly significant is that six of nine participants are rural women—four small peasant women, one landless woman and one large businesswoman—whose adherence to neoliberal principles challenges traditional narratives about female peasant resistance. This configuration reveals how rural neoliberalism has achieved its deepest hegemony. Not through external imposition, but through active internalisation of the property regime. The presence of large businesswoman GE4 does not lead but joins a predominantly peasant chorus defending absolute individual property, evidencing subjectivation processes transcending expected structural determinations.

Factor 1 is characterised by apparently contradictory tensions articulating a sophisticated defence of individual property. Statements with highest factor loadings evidence explicit recognition of structural concentration realities. Statement 21 ($Z = 1.89$) affirms that ‘large businessmen have bought most agricultural land’, whilst Statement 34 ($Z = 0.93$) recognises that ‘large farmers are buying land and displacing small producers’. However, this factual consciousness coexists with moderate rejection of business protagonism, as shown by Statement 10 ($Z = -0.61$): ‘Large businessmen have used and taken advantage of the land they have very well’. The apparent contradiction between recognising concentration and legitimising business management reveals a discursive strategy accepting factual reality without questioning its moral or legal legitimacy, avoiding both fact denial and questioning of the property order.

The categorical rejection of redistributive narratives is revealing. Statement 38 ($Z = -0.40$) ‘Large businessmen must share their land’ and Statement 19 ($Z = -0.32$) ‘Land for those who work it’ show resistance to historical peasant movement principles. More significant still is Statement 40 ($Z = -2.45$): ‘Large businessmen understand and value small peasants' role’,

³²² Throughout this thesis, the classification of rural producers follows criteria combining landholding size with economic activity diversification. Small peasants (*pequeños agricultores*) are defined as those holding fewer than 12 hectares whose livelihoods depend primarily on agricultural production. Medium farmers (*medianos agricultores*) hold between 12 and 40 hectares and typically diversify their income through employment in other economic sectors. Large agricultural entrepreneurs (*grandes empresarios agrícolas*) hold more than 40 hectares. These thresholds align with categories employed by Chile's Institute of Agricultural Development (INDAP) and the Ministry of Agriculture for policy purposes, though it should be noted that landholding size alone does not capture the full complexity of rural differentiation, which also involves access to irrigation, soil quality, market integration, and capital availability.

whose absolute rejection suggests consciousness of structural asymmetry that, paradoxically, does not translate into questioning but pragmatic acceptance. The defence of individual over associative work (Statement 28, $Z = 0.98$) confirms internalisation of business rationality fragmenting collective action possibilities.

Environmental valuation in this factor presents distinctive characteristics systematically subordinating it to individual property rights defence. Whilst Statement 29 ($Z = 1.87$) recognises that ‘producing food is increasingly difficult due to droughts and seasonal changes’, this climate consciousness does not lead to openness to collective interventions. Statement 33 ($Z = 0.08$), with its neutral valuation about state intervention injustice to halt climate change, reveals unresolved tension between environmental recognition and property autonomy. Climate change adaptation is conceived exclusively in individual terms. Each owner must resolve their own challenges without questioning the institutional framework limiting collective responses.

This is not a simple alienation or false consciousness, but an active form of neoliberal subjectivation reconfiguring peasant identity in business terms. The decoupling of land as constitutive of social identity—evidenced in low valuations of Statements 5 ($Z = -0.12$), 8 ($Z = -0.28$) and 12 ($Z = -0.28$)—marks a rupture with traditional peasant conceptions where land was more than an economic asset. This rural neoliberalism represents a profound hegemonic victory where the existing order is not just accepted but actively defended, even when its concentrating and excluding effects are recognised. The emerging ‘peasant voice’ is not that of the traditional peasant or organised movement, but of rural subjects who have adopted individual business rationality whilst maintaining some consciousness about the model’s limits.

2.2. Factor 2: Redistributive Memory

This factor articulates a counter-hegemonic coalition from the property regime’s margins, composed of an agrarian reform grandson (NRA), a landless woman (ST2), a medium farmer (MC3), an agricultural technician (TEC2), an NGO representative and a small peasant woman (PC11). Half the participants are women who, from positions of exclusion or professional commitment, articulate systemic critique of the existing order. The agrarian reform grandson’s presence operates as a generational bridge connecting historical land struggles with contemporary climate justice demands, whilst the combination of landless actors, committed technicians and civil society organisations configures a perspective integrating technical knowledge, political memory and dispossession experience. This

composition explains this factor's unique capacity to synthesise redistribution and sustainability. Precisely those excluded from property access or working directly with these exclusions can most clearly imagine alternatives to the dominant model.

Factor 2 is mainly composed of landless actors and articulates a critical and distributive configuration facing climate change that legitimises greater state and collective presence over property. Defining statements reveal systemic environmental consciousness. Statement 31 ($Z = 2.06$) 'Ignoring climate change is like closing one's eyes to an approaching storm' obtains the highest valuation, whilst Statement 29 ($Z = 1.67$) about productive difficulties due to droughts reinforces this climate centrality.

However, unlike Factor 1, this environmental consciousness articulates with strong land identity valuation. Thus Statement 5 ($Z = 1.23$) affirms that 'Land isn't just something we use, but part of who we are', and Statement 14 ($Z = 1.44$) maintains that 'Family peasant agriculture is a way of life, more than a business'. This configuration reveals a perspective where environmental and identity dimensions mutually reinforce, creating bases for structural questioning of the property regime.

The categorical rejection of property individualism is forceful. Approval of Statement 4 ($Z = -1.17$) 'The state shouldn't meddle in what I decide with my land' and strong rejection of Statement 36 ($Z = -1.46$) 'I have the right not to make my plot productive' show frontal questioning of neoliberal property regime pillars. In this sense, historical memory operates as a critical catalyst, revealed by support for Statement 26 ($Z = 1.16$) about dictatorial persecution of peasant families and Statement 38 ($Z = 1.03$) 'Large businessmen must share their land', articulating a narrative connecting past injustices with present redistributive demands. Absolute rejection of Statement 22 ($Z = -2.27$) 'Land concentration is a matter of the past' confirms that this counter-hegemonic consciousness feeds on historical understanding that denaturalises the present and legitimises its transformation.

Climate consciousness does not operate here as depoliticised discourse but as reinforcement of redistributive demands. Thus, if climate change threatens food production, land concentration becomes not just unjust but ecologically unsustainable. Rejection of Statement 25 ($Z = -1.89$) 'Those who've always worked the countryside and have no land, it's their fault' shows how this perspective rejects individualisation of structural problems, whilst support for Statement 38 about sharing business land reveals disposition towards redistributive interventions.

This unique articulation manages to overcome both the 'green individualism' characterising certain middle-class environmentalisms and the 'redistributive productivism' that ignored ecological dimensions. The result is a form of consciousness understanding environmental crisis and land concentration as interconnected manifestations of the same accumulation regime.

This configuration's transformative potential lies in its capacity to articulate integral critique of Chile's rural property regime from multiple convergent dimensions. The synthesis between agrarian reform memory, environmental consciousness and redistributive demands creates an interpretative framework denaturalising the existing order and projecting alternatives. However, structural limits are evident. This perspective emerges mainly among landless actors, restricting their capacity for direct material action over territory.

Strategic neutrality on certain statements—like 16 on parcellations ($Z = -0.27$) or 21 on business concentration ($Z = 0.17$)—suggests pragmatic understanding of current force correlations. This counter-hegemonic consciousness faces the challenge of translating into transformative practices in a context where the juridical-institutional framework and power relations systematically favour reproduction of the individual property order.

2.3. Factor 3: Adaptive Pragmatism

This factor's eclectic composition—three small peasants (PC2, PC4, PC8), one large businessman (GE2), a rural property broker (CP), a union leader (DG) and an agricultural technician (TEC)—reflects pragmatic convergence between actors who, from diverse structural positions, share an instrumental approach to rural property. The property broker and union leader's presence is particularly revealing. They are actors mediating between different social worlds who've developed capacity to recognise critiques without translating them into fundamental questioning.

This configuration, where a small peasant woman (PC8) coexists with a large businessman and land market operators, explains this factor's sophisticated capacity to process and neutralise tensions. Each actor contributes from their position an element of realism that, together, constructs a perspective recognising historical and environmental problems whilst pragmatically defending the status quo. The agricultural technician and union leader function as articulators of this pragmatism, translating between technical, political and economic languages without questioning the system's fundamental premises.

Factor 3 is characterised by sophisticated strategic separation between historical recognition and contemporary defence of private property. That is, historical critiques are validated but do not translate into frontal questioning of the current regime. Defining statements show this duality. Statement 21 ($Z = 0.70$) recognises that 'large businessmen have bought most agricultural land' and Statement 11 ($Z = 0.62$) admits that 'democratic governments decided not to worry about land distribution', these recognitions coexist with practical defence of private management.

Statement 18 ($Z = 0.91$) affirms that 'depending on others to work the land limits projects one wants to implement', whilst Statement 36 ($Z = 0.77$) defends that 'I have the right not to make my plot productive'. This complex configuration allows simultaneously maintaining critical consciousness of the past and pragmatic defence of the present, revealing how history functions as diagnosis but not as transformative action mandate.

Pragmatic instrumentalisation manifests in categorical rejection of any form of contemporary redistribution. This is evident in Statement 35 ($Z = -1.69$) about sanctioning those who do not produce their land, which obtains strongest rejection, followed by Statement 38 ($Z = -1.60$) about sharing land. This pragmatic navigation recognises historical injustices—as shown by Statement 26 ($Z = 0.54$) about dictatorial persecution—but confines them to the past without deriving redistributive imperatives for the present. Statement 27 ($Z = 0.73$) 'Chileans aren't good at working associatively' reveals how this consciousness naturalises collective model limitations, situating them as immutable cultural characteristics rather than modifiable historical constructions.

The instrumental relationship with environment in this factor is characterised by realism recognising problems without questioning structural causes. Statement 31 ($Z = 1.81$) about ignoring climate change shows the highest environmental consciousness among all statements, whilst Statement 16 ($Z = 1.76$) recognises that ‘people parcel their lands because it's no longer profitable to make them productive’, showing understanding of underlying economic dynamics. Statement 2 ($Z = 1.34$) criticises parcellations for consuming water and eliminating productive soil, evidencing concern for environmental effects.

However, this environmental consciousness operates within a logic of managing effects without altering causes. Therefore, climate urgency and parcellation problems are recognised, but without questioning the tenure model generating these dynamics. Environmental pragmatism consists of adapting individual practices to new climate conditions, accepting as given the private property institutional framework limiting collective and territorial responses to environmental crisis.

This factor has incorporated historical and environmental critiques without altering its fundamental premises about private, individual and exclusive property legitimacy. This perspective's sophistication lies in its capacity to be simultaneously critical and conservative, enlightened and proprietary. Unlike Factor 1's ‘peasant rural neoliberalism’, here we find subjects maintaining historical memory and environmental consciousness, but who have developed cognitive mechanisms to make this critical knowledge compatible with status quo defence. This reflexive neoliberalism's maturity manifests in its capacity to process and neutralise potentially transformative critiques through historical division. Thus, the past is recognised as problematic, the future as environmentally challenging, but the present is defended as the only possible order.

2.4. Factor 4: Business Traditionalism

This factor's composition reveals a particularly complex alliance between economic elites and middle peasantry sectors: two large businessmen (GE1, GE3), two medium farmers (MC1, MC2), two small peasants sharing identification (PC3 appears in positions 11 and 19) and a peasant leader (DC). This configuration, where three of seven participants are women—one large businesswoman and two medium farmers—suggests construction of a traditional-hierarchical block transcending productive scale differences through appeal to shared rural values.

The peasant leader's presence is especially significant. Their alignment with large businessmen does not represent simple co-optation, but articulation of a vision where traditional countryside hierarchies are legitimised through identity discourses naturalising complementarity between ‘bosses’ and ‘workers’. This singular coalition between businessmen and medium peasants, mediated by traditional rural leaderships, explains how this factor manages to combine large property defence with strong peasant identity valuation. Both elements reconcile in a narrative where each actor occupies their ‘natural’ place in an idealised rural order that must be preserved against threats of urban modernisation and territorial fragmentation.

Factor 4 represents a complex coalition managing to combine strong land identity valuation with legitimisation of inegalitarian structures. This manifests in highest valuations in Statement

5 ($Z = 2.63$) affirming that ‘land is not just something we use, but part of who we are’—the highest valuation among all factors—whilst simultaneously approving Statement 9 ($Z = 1.18$) maintaining that ‘if large businessmen do well, small and medium ones benefit’.

This configuration reveals a sophisticated hegemonic strategy where cultural and traditional land valuation does not operate as critique of the concentrating order but as its legitimation. Statement 14 ($Z = 1.81$) about family agriculture as way of life coexists with Statement 12 ($Z = 0.82$) naturalising that ‘in the countryside and as always, those with land command, the rest obey’. The apparent tension resolves through a hierarchical complementarity narrative where large businessmen and family agriculture occupy differentiated but mutually necessary places in a naturalised order.

This form of hierarchical peasant identity reconciles large business legitimation with rural tradition valuation through particularly effective hegemonic synthesis. High approvals of Statement 37 ($Z = 0.67$) affirming that ‘large businessmen have been fundamental for Chilean rural development’, whilst Statement 27 ($Z = 1.15$) maintains that ‘Chileans are not good at working associatively’, naturalise both business leadership and supposed cultural limitations for collective alternatives.

Identity expression is accompanied by strong defence of individual property order, operating somehow as complementary elements. The high rejection that large agricultural businessmen should share their land ($Z = -1.08$) and the possibility of fining owners for deciding not to produce ($Z = -1.05$) prove this.

Meanwhile, rejection of Statement 1 ($Z = -3.17$) about parcellations as opportunity—the most absolute rejection in the entire matrix—reveals how this perspective defends a traditional rural order threatened by territorial fragmentation. This defence seemed to present an implication of elements linked to identity and its defence, as well as acceptance of the problem climate change represents for agricultural production.

Neutralisation of Statement 20 ($Z = -0.56$) about good Agrarian Reform results shows its rejection by avoiding explicit demonisation whilst denying any legitimacy to past redistributive projects. This configuration does not represent simple business conservatism but a culturally sophisticated form that has incorporated identity and environmental sensibilities without altering fundamental power structures.

2.5. Gender Dimensions in Legal Consciousness of Rural Property

The gender composition of identified factors reveals patterns challenging conventional narratives about rural women and property. With 48% female participation in the study, these women's distribution across different factors exposes unexpected configurations meriting specific analysis. The most surprising finding emerges in Factor 1, where six of nine participants are women, including four small peasant women, one landless woman and one large businesswoman. This female overrepresentation in the most markedly neoliberal factor contradicts theoretical expectations associating rural women with more collectivist positions or critiques of the individual property order³²³.

³²³ Federici S, *Re-enchanting the World: Feminism and the Politics of the Commons* (PM Press 2019) Meinzen-Dick RS, Doss CR, Flintan F, Knight R, Larson AM and Monterroso I, 'Women's Tenure Security on Collective Lands: A

Statement 13, unique in the instrument for explicitly addressing gender dimension by affirming that ‘In the countryside life is always harder for women’, generates moderate but revealing consensus in its nuances. Z-scores show generalised acceptance (Factor 1 with 0.55, Factor 2 with 0.31, Factor 3 with 1.26, and Factor 4 with 0.51), but precisely Factor 3, characterised by its adaptive pragmatism, presents the highest valuation. This variation suggests that recognition of gender inequities in the countryside does not automatically translate into property regime questioning. In fact, the majority female presence in Factor 1 indicates that many rural women have internalised and actively defend principles of individual, absolute and exclusive property.

The convergence of small peasant women with a large businesswoman in Factor 1 suggests neoliberal subjectivation processes transcending class differences when intersecting with gender. One possible interpretation is that rural women, historically excluded from formal land property, find in individual property rights discourse an inclusion promise not offered by traditional collectivist models, frequently dominated by patriarchal logics. Individual property defence could represent, paradoxically, an emancipation strategy regarding family and community structures that have limited their autonomous land access.

This generalised configuration of legal consciousness about rural property complexifies simplified narratives about women and land. Evidence suggests rural women do not constitute a homogeneous group with predefined property positions, but their perspectives are shaped by gender's intersection with class position, biographical trajectory and differential access to diverse capital types. Female predominance in the most neoliberal factor could indicate that, for some rural women, individual property's promise represents a more attractive autonomy path than collective models where traditional gender hierarchies remain unquestioned. This finding has significant implications for thinking about gender and property policies that do not assume rural women's preferences and needs beforehand.

2.6. A Soul Issue: Identity and Property

In Chile, peasant culture as a cultural value appears once a year. On 18 September, the day on which national independence from the Spanish Empire is celebrated, the entire country dresses as peasants. Their dances are performed and even television advertisements change their language to speak in peasant mode as well. It is a type of identity reservoir from which we draw for our celebrations. The festivities end and peasant culture returns to invisibility.

In this festive atmosphere, emphasis is often placed on a supposed historical relationship that small peasants have with the land. This would be a matter that transcends normative content. Land is much more than land. Honestly, when I arrived in Chile to conduct my fieldwork, I did so with the idea my father had shared with me: that small farmers have an affective and cultural relationship with their land, a notion also reinforced by scholarly literature³²⁴. Contrary to initial expectations, the results of the Q methodology proved revealing. At this point, I shall focus precisely on the comparison between factors 1 and 4, as these present z-scores with the greatest intensity in the selected statements.³²⁵

Conceptual Framework' (2025) 118 Journal of Rural Studies 103694 Lastarria-Cornhiel S, 'Impact of Privatization on Gender and Property Rights in Africa' (1997) 25(8) World Development 1317

³²⁴ Bengoa, *Reforma agraria y revuelta campesina* (n 129).

³²⁵ Bengoa, *Reforma Agraria y revuelta campesina* (n 10); Bengoa, *El Campesinado Chileno Despues de La*

The neoliberal peasantry is the only one of the four groups that rejects the identity question. Land would not be part of them. Moreover, this group rejects the idea that family peasant agriculture is a way of life rather than a business. Meanwhile, where it emerges with very strong intensity is in the group of large entrepreneurs. There, land is part of them, not merely something they use. The z-score of 2.63 represents one of the highest results in this Factor, indicating that this statement was one to which most people in this group assigned +4 or +5 on the agreement scale. That is, they prioritised it far above the remaining 39 statements. But what lies behind these statements?

No.	Statement	Z-score F1	Z-score Factor 2	Z-score Factor 3	Z-score Factor 4
5	Land is not only something we use, but part of who we are.	-0.12	1.23	0.28	2.63
6	Land is important for its monetary value, but also for what it represents.	0.11	0.75	1.24	0.40
7	Being a landowner is an important sign of success and respect in our society.	0.81	-0.01	-0.66	-0.09
8	Moving from being workers to landowners changes our position in society.	-0.28	0.64	-0.32	0.81
12	In the countryside, as it has always been, those with land command; the rest obey.	-0.28	0.06	-1.56	0.82
14	Peasant family farming is a way of life rather than a business.	-0.35	1.44	0.01	1.81
15	Medium- and large-scale agriculture is a business rather than a way of life.	1.12	0.55	-0.11	-0.15

Note. Values are Z-scores (two decimal places).

Table 5 Z-scores by statement and factor

The interviews help to clarify this doubt. Land identity for the dominant classes is linked to what Rafael Moreno catalogued as 'the defenders of the lost *latifundio*'³²⁶, referring to a group of landowners who to date cannot resist not only the loss of property but also a much more relevant matter: the social status it provided them. It is the defence of a hegemonic past, not in productive terms, but in social and cultural ones. The dances, the wine, the horses, the mansions, the charity of the patrons and, of course, at the centre of everything was always

Reforma Agraria (n 133); Bengoa, *Historia Social de La Agricultura Chilena. Tomo II* (n 35); José Bengoa, 'Rural Chile Transformed: Lights and Shadows: Rural Chile Transformed: Lights and Shadows' (2013) 13 *Journal of Agrarian Change* 466; Bengoa, *Reforma agraria y revuelta campesina* (n 129).

³²⁶ Interview with Politician A (Maule Region, Chile 2022) (conducted in Spanish, translated by author).

property.

'I grew up in an environment marked by the Hacienda. We provided housing, schooling, and shops for the workers, we made sure they lacked nothing, 12 or 15 products, sugar, flour, coffee, tea, oil. When I got off my horse, there was always someone to clean me and remove my boots. As a child, the peasants of the estate treated me as your mercy.'³²⁷ Why do you think they treated you as your mercy? I asked the former large estate owner. 'Out of respect for a structure, a property structure, also out of respect for what the Colony was and the *latifundio*.'

This result of 0.82 also matches the figure given by the group of large landowners for the belief that, as has always been the case in the countryside, those with land hold power. And this demonstrates how land is a spatial element of the infrastructure that plays different roles in the configuration of proprietary consciousness.

Whilst for small peasants accessing this implies a sign of success and respect in our society, for large landowners it does not, as one interviewed entrepreneur argued: 'the problem is for those who make their living from the countryside, at least I have my profession [lawyer]'.³²⁸ For the former, it is the achievement of a lifetime and therefore their family security depends on their existence, forming a strong individual proprietary consciousness. Hence their defence, which I have categorised as neoliberal, but which at the end of the day is a survival strategy within the frameworks of history. For the large landowners, it is status not success, which are different matters. The *latifundio* was status, not monetary gain; it represented social class rather than wealth.

For large landowners today, the *latifundio* no longer exists and therefore, that aura that property produced for them is no longer there, and hence their nostalgia, arguing that 'identity' has been lost. They thus attempt to tell peasants that small agriculture is a way of life rather than a business (note that Factor 4 assigns 1.81 to statement 14); whilst peasants respond that big landowners are more a business than a way of life. A matter which, inversely, big landowners reject (Statement 14 -0.15).

It is interesting how the dephysicalisation of property within the framework of the neoliberal property infrastructure not only narratively facilitated the maintenance of concentration and fragmentation but also eliminated the cultural question that was attached to the spatial in the countryside. The *latifundio* implied the direct, even brutal connection between property, the spatial, and the subjective, to the point of merging into what one interviewed large entrepreneur defined as 'The soul issue'³²⁹. They were a single expression, which, when altered by the redistribution implemented first by the Agrarian Reform and then during the dictatorship, when commodified for transaction in the land market, also resulted in an effect on the idea of rural identity held by the dominant classes.

Let me recall Chapter 2 and the emergence of the entrepreneurial narrative. The central characteristic of this was the critique of small peasants' inability to lead capitalist modernisation, as well as a refusal to maintain the *latifundio* due to its unproductivity. It is there where I see the initial germ of the end of this relationship between property-status in Chilean rurality. With the triumph of this narrative under Pinochet, they were no longer the

³²⁷ Interview with Big Landowner A (Maule Region, Chile 2022) (conducted in Spanish, translated by author).

³²⁸ Interview with Big Landowner D (Maule Region, Chile 2022) (conducted in Spanish, translated by author).

³²⁹ Interview with Big Landowner D (Maule Region, Chile 2022) (conducted in Spanish, translated by author).

old *hacendados*³³⁰, therefore the value of the Colony and its class hierarchies did not exist. They were other wealthy people, ones who, unlike small peasants, 'spoke languages, had contacts abroad and economic capital'³³¹, but not the custom of dancing cueca and drinking wine on 18 September.

What I know is that for small peasants, within the framework of this research, property is not a romantic question linked to who they are. It is a concept of critical importance for the role it plays in their lives as a symbol of success and survival. Therefore, it is not love for the land, it is defence of what is one's own, and being one's own, the magic of private property is their principal ally, but as I have argued, also their principal enemy.

3. Apparent Consensus and Revealing Fissures

I address the Climate Consensus through comparative analysis of z-scores, as demonstrated in Table 6. That ignoring climate change constitutes wilful blindness to imminent threats is a point of radical consensus amongst the four factors. The drought-induced challenges to food production (Statement 219) consolidate the robustness of the climate agreement amongst the factors.

No.	Statement	Z-score F1	Z-score Factor 2	Z-score Factor 3	Z-score Factor 4
29	It is increasingly difficult to produce food because of droughts and shifts in the seasons.	1.87	1.67	1.22	1.89
30	Concern about climate and food feels distant until something is missing from our table.	0.58	-0.10	0.94	0.41
31	Ignoring climate change is like closing one's eyes to an approaching storm.	0.52	2.06	1.81	0.66
32	Agricultural and livestock production is one of the major contributors to climate change.	-0.87	-0.62	-1.26	-0.51
33	State intervention that affects my lifestyle to curb climate change—which I have not caused—seems unfair to me.	0.08	-0.72	0.45	-0.53

Table 6 Z-scores by statement and factor

However, Q methodology permits more precise navigation through the interconnections that groups (Factors) make regarding different aspects, in this case, of the climate discussion. One aspect that stands out concerns the results regarding who would be responsible for the climate crisis. In this sense, Statement 32 is revealing. Here, all factors agree, but on this occasion to deny that agriculture is one of the major causes of climate change.

IPCC reports demonstrate that agriculture and livestock together contribute between 22% and 24% of global greenhouse gas emissions³³². That is, the statement represents a fact.

³³⁰ Latifundio owners, from spanish traslation.

³³¹ Interview with Big Landowner A (Maule Region, Chile 2022) (conducted in Spanish, translated by author).

³³² Intergovernmental Panel On Climate Change, *Climate Change and Land: IPCC Special Report on Climate Change, Desertification, Land Degradation, Sustainable Land Management, Food Security, and Greenhouse Gas Fluxes in Terrestrial Ecosystems* (1st edn, Cambridge University Press 2022)

<<https://www.cambridge.org/core/product/identifier/9781009157988/type/book>> accessed 13 June 2024.

Therefore, there exists a clear dissociation between the proprietary consciousness of the four factors versus reality. This phenomenon is not new and climate psychology scholars have extensively documented it³³³. Thus, agreement on effects does not imply in this case agreement on causation, which results in a third question about who and under what mechanisms the effects are addressed.

It is at this point where the agreement begins to show its first fissures. The apparent consensus reveals its superficiality, and tensions emerge at the same time as the state-property relationship appears in the midst. When confronted with statement 33, 'That the state should intervene and affect my lifestyle to stop climate change, which I have not generated, seems unjust to me', the consensus disappears.

Firstly, the peasant neoliberalism of Factor 1 appears not to have a clear position, leaving its response in an ambivalence represented by 0.08. The pragmatic sectors (Factor 3) reject this more clearly, for whom rejection is anchored in the perception that the public sphere represented by the State is the worst strategy.

For the redistributive group congregated in Factor 2, the matter is clearer, as with a -0.72, what they do is validate state participation in modifying living conditions. With somewhat less intensity (-0.53), Factor 4, characterised by entrepreneurial traditionalism, shares the possibility of state intervention. These alliances merit careful consideration.

In the post-Q methodology interviews, the interviewees shed light that allows us to understand these types of configurations with even greater depth. For Factor 2, the role of the state plays a central role insofar as it represents a space of opportunity and defence for those most affected by climate change. That is, it represents advancing towards the survival of small producers, but also the opportunity to question power relations that are reinforced by climate effects.

In contrast, for the hegemonic sectors congregated in Factor 4, the State can intervene only insofar as 'it is done by a technical body and not a political one'³³⁴. In this regard, one interviewee specified: 'I have no problem with the State getting involved in my property, as long as it ensures me some degree of access to cheap credit or profitability'³³⁵. In this way, climate change has the capacity to construct epistemologically discordant agreements. Whilst some see it as the possibility of ensuring profitability, others aspire for it to be another organ in the struggle for survival and redistribution.

³³³ S Veland and others, 'Narrative Matters for Sustainability: The Transformative Role of Storytelling in Realizing 1.5°C Futures' (2018) 31 *Current Opinion in Environmental Sustainability* 41; Henri C Santos, Michael EW Varnum and Igor Grossmann, 'Global Increases in Individualism'; Jana-Axinja Paschen and Ray Ison, 'Narrative Research in Climate Change Adaptation—Exploring a Complementary Paradigm for Research and Governance' (2014) 43 *Research Policy* 1083; Kari Marie Norgaard, *Cognitive And Behavioral Challenges In Responding To Climate Change* (The World Bank 2009) <<https://hdl.handle.net/10986/4134>> accessed 6 February 2025; Cameron Brick, Anna Bosshard and Lorraine Whitmarsh, 'Motivation and Climate Change: A Review' (2021) 42 *Current Opinion in Psychology* 82; Rusi Jaspal, Brigitte Nerlich and Marco Cinnirella, 'Human Responses to Climate Change: Social Representation, Identity and Socio-Psychological Action' (2014) 8 *Environmental Communication* 110; Rodolfo Sapiains and others, 'Climate Change Perceptions in Latin America: From Regional Consensus to Sociodemographic Differences' (2024) 46 *Population and Environment* 23.

³³⁴ Interview with Big Landowners A (Maule Region, Chile 2022) (conducted in Spanish, translated by author).

³³⁵ Interview with Big Landowners B (Maule Region, Chile 2022) (conducted in Spanish, translated by author).

Statement 33 provides insights into certain fissures in the climate consensus. I now conduct a detailed analysis of the set of statements that specifically address the question of property from a perspective of limitations on its exercise by the State or efficiency in its individual and collective management. With this, I seek to delve into those aspects that represent the nerve of tension between history, class, and now climate.

It appears that climate change serves to moderate extreme positions linked to property. This is because when it leaves the main stage in the statements, responses become more definitive. For example, Factor 1 (Peasant Neoliberalism) is the only one that with total clarity rejects State interference in their decisions about land; the individual represents efficiency and they completely deny that anyone can be sanctioned for not producing on their lands. However, in parallel, they are the only Factor that believes the State should ensure them a minimum price to produce certain products.

This represents neither incoherence nor contradiction. In Chapter 2, I explained the role of the State in the historical configuration of rural property in Chile. In Bengoa's words, for peasants the State has played various roles and the last, and therefore often the most remembered, implied on one hand violence and on the other dispossession³³⁶.

With this, the sense of property is reinforced as a meaning of security. What is mine is mine through my own effort, a matter that the proprietary consciousness of neoliberal peasantry assumes as a central axis in the functioning of the socio-legal infrastructure. Property then functions as a synonym for certainty and security, whilst the State, the same one that expropriated from the rich and then returned the land and persecuted the rebels to death, results in a threat, even more dangerous than the market.

In contrast, faced with these types of statements, Factor 2 exposes all the redistributive potential with coherence. The State must interfere, land for those who work it, it must also ensure prices, they advocate for associative work, the right not to produce lands does not exist and if you do so you must be sanctioned. Let us recall that Factor 2 mainly brings together actors of different types but with one shared issue: they do not have land.

This narrative coherence strains the Chilean property infrastructure. Security or certainty do not play a central role; everything seems to revolve around the collective and redistributive. Their problem, simply put, would be resolved with access to land. Despite its critical importance, this issue remains consistently overlooked (see Chapter 2). Land is a market good; therefore its access is mediated by the market, which as we have seen privileges and incentivises concentration on one hand and fragmentation with tourist destination on the other. In effect, the problem is not that there are no voices of resistance against the infrastructure, but that these lack the material component to implement their narrative.

Factors 3 and 4 represent a space of complexity that Q methodology reveals. In them, theoretical coherence yields to strategic practices. The pragmatic group, whilst generally found close to positions presented by peasant neoliberalism (Factor 1), one element stands out. They most strongly affirm the right not to produce and with the same intensity reject that anyone be sanctioned for it.

³³⁶ Bengoa, *Reforma agraria y revuelta campesina* (n 129).

Land as an element of post-rurality appears to emerge with force. Therefore, its use for food production, and consequently food security, should not be disregarded. In this way emerges an expression even more radical than the neoliberal peasantry, who despite their rejection of collective or redistributive matters, continue to consider rural land as an irreplaceable means in food production. For Factor 3, that narrative makes no sense. Land use does not depend on a food matter, but on individual, autonomous decision or as Babie would say, simply on the owner's ego³³⁷.

Regarding Factor 4, their results on one hand demonstrate ambivalence in those statements most central regarding the question of property. It is surprising how 'Land for those who work it' does not produce per se a visceral reaction. This considering that said phrase was a central discursive element of the 1967 Agrarian Reform, it was in it that the struggle for redistribution was consolidated. The peasants proclaimed: 'Those who work the land are not its owners'. That, with the data obtained, for the large landowners congregated in Factor 4 makes no sense, nor does it represent a threat.

Associative work in the Chilean countryside evokes the memory of the Agrarian Reform. Production cooperatives as well as settlements were the central axes of this policy at the productive level. If Table 7 is analysed, statement 27 mentions a cultural question in the behaviour of the Chilean subject. Regarding this, with the exception of the redistributive sectors congregated in Factor 2, all share this perception. The Chilean is good at working alone. Then, Statement 28 addresses the question of the results of the collective and individual, where only the group of neoliberal peasants remains defending said premise. The rest reject it.

No.	Statement	Z-score F1	Z-score Factor 2	Z-score Factor 3	Z-score Factor 4
4	The state should not interfere in what I decide to do with my land.	1.20	-1.17	-0.65	-0.31
18	Depending on others to work the land limits the projects one wishes to implement.	0.09	0.75	0.91	0.01
19	Land for those who work it.	-0.32	0.71	-1.24	0.09
24	The state should guarantee a minimum price for certain agricultural products, such as milk, meat and wheat.	1.68	0.66	0.99	-0.29
27	Chileans are not good at working collaboratively.	0.52	-0.22	0.73	1.15
28	Associative work has major failures; individual work yields better results.	0.98	-1.30	-0.94	-0.82
35	Anyone who has land and does not put it into production should be sanctioned or fined.	-0.97	0.77	-1.69	-1.05
36	I have the right not to put my plot into production.	0.23	-1.46	0.77	-0.18

Table 7 Z-scores by statement and factor

Therefore, the majority believe that the collective is an opportunity that does not necessarily

³³⁷ PT Babie, *Shadow Property and the Hidden Empire of Ego: Reflections on the Past, Present, and Future of Liberal Property* (Springer Nature Singapore 2024) <<https://link.springer.com/10.1007/978-981-97-4014-7>> accessed 26 May 2025.

lead to failure. However, most also think that Chileans—that is, individuals shaped by their social and spatial experiences—do not function well within such a framework. Extrapolating to property reveals that the factors mostly share that collective management or to a lesser extent coordinated management of land can bear good fruit, but they also share that the proprietary consciousness of Chilean rural actors is private.

The climate consensus then emerges as an empty signifier, where the factors complete it according to their configurations and interests. It represents a significant space of convergence, but one that articulates differentiated responses in the radicality of what constitutes proprietary consciousness for each of the factors. It is not easily resolved, because the fissures could indicate, they are more than fissures and, in some aspects, become chasms. Before reaching that conclusion, I examine those grey spaces. These correspond to the themes (statements) where the factors have decided to manifest an ambivalence.

To be clear. When participants had to order the statements, they did so between +5 with those they had the greatest agreement with and -5 with those they disagreed with. The particular aspect is that they allocated specific slots for each position. That is, in the +5 they could place only one statement, in the +4 and so on successively until passing through 0 where they had to place 8 cards. Therefore, everything close to 0 were those statements where participants did not have complete clarity regarding whether to agree or disagree. The following analysis explores what these spaces of ambivalence reveal.

3.1. The Grey Zones of Legal Consciousness: Analysis of Productive Ambivalence

The analysis of statements that obtained scores close to neutrality (z-scores between -0.3 and 0.3) reveals a dimension frequently ignored in legal consciousness studies but theoretically crucial for understanding transformation possibilities of the rural property regime. These 'grey zones' do not simply represent absence of opinion or indifference, but spaces of ambivalence where ideological certainties are suspended and complexities emerge that extreme positioning conceals. In the Chilean context, marked by decades of polarisation about rural property from the Agrarian Reform to the present, these neutral zones acquire particular significance as potential spaces for negotiation and reconfiguration.

In this regard, Factor 1 resolves the tensions of history and identity through ambivalence. Consequently, this factor avoids strong identity alignment with the value of land (Statements 5, 6, and 8), power relations in rural areas (Statement 12), or violence during the dictatorship (Statement 26). Ambivalence is also evident in the productive aspect, where living off subsidies is not seen as a preordained fate for small farmers, nor is there absolute clarity regarding the role of the state at the regulatory level in the context of climate change (Statement 33).

Factor 2 similarly presents clear ambivalence regarding power relations in rural areas. This factor remains plainly unconvinced that those who own land always command in rural settings, that land access represents societal success, or that rural life is invariably harder for women (Statements 7, 11, 12, 13, and 21). Regarding fragmentation, this factor expresses doubts that its primary motivation is the low financial profitability of agricultural production (Statement 16). Factor 3 reinforces its pragmatic condition through demonstrable ambivalence towards the moral value that property plays in rural life, hierarchical relations, and the role of large entrepreneurs in rural development (Statements 5, 14, 15, 37, and 40). This consistency reveals the limited strategic value these elements hold in constructing this factor's narrative.

Inter-factor comparison reveals which ambivalent or grey spaces constitute potential 'non-positions' that might open reflection. Ambivalence regarding the State's role emerges in the recurrence of Statement 11 concerning governmental indifference to land distribution, present in Factors 2 and 4, suggesting fundamental indeterminacy about state responsibility in agrarian configuration.

Traditional power relations, manifested in Statement 12 about landowner dominance (Factors 1 and 2) and Statement 40 about entrepreneurial understanding of the peasant role (Factors 3 and 4), present crucial interpretative ambiguity: their presence in multiple grey zones indicates either that these hierarchies are so naturalised in the rural fabric as to be simultaneously omnipresent and invisible, or alternatively, that they have lost explanatory capacity as a structural problem in the face of more pressing transformations.

The factor constellation prioritises neither favourable nor negative responses to this set of statements because it either fails to visualise them as problematic or fundamentally does not believe they constitute part of any problem. This indeterminacy is reinforced by Statement

18 concerning productive dependency (Factors 1 and 4) and Statement 36 about the right not to produce (Factors 1 and 4), where territorial autonomy emerges as a concern without consensus regarding its relevance or resolution.

The implications for public policy construction are substantive. Ambivalence spaces signal where carefully designed interventions could generate movement without activating automatic resistances awakened by clearly redistributive or privatising proposals. Evidence suggests policies navigating these grey zones—for example, environmental regulations not directly questioning property but establishing use conditions, or state support conditional on sustainable practices—could find unexpected coalitions. Ambivalence, far from being an obstacle, emerges as the most fertile terrain for imagining incremental but accumulative transformations of Chile's rural property regime.

4. Where are the Property Functions?

The analysis of how different factors articulate productive, social, and environmental dimensions required developing a methodology capable of empirically capturing these relationships. I classified the 40 Q-methodology statements according to their predominant function. Five statements linked with the productive function (Statements 4, 15, 24, 2, 16), focusing on economic aspects and freedom of use. Thirteen statements addressed the social function (Statements 8, 11, 17, 18, 19, 20, 22, 26, 27, 28, 34, 36, 38), examining equity, distribution, and historical-political dimensions. Six centred on the environmental function (Statements 29, 31, 35, 30, 32, 33), addressing climate impacts and sustainability.

For each factor, I calculated average z-scores of statements within each function³³⁸. Values above 1.0 indicated strongly positive valuation, between 0.3 and 1.0 positive valuation, between -0.3 and 0.3 neutrality, and below -0.3 negative valuation. This scale allowed determining patterns of coupling (positive valuation of multiple functions), decoupling (positive valuation of one function with negative of another), or partial integration.

Function	Factor 1	Factor 2	Factor 3	Factor 4
Productive	++ (1.040)	Neutral (0.116)	+ (0.666)	– (–0.288)
Social	Neutral (–0.056)	Neutral (0.032)	Neutral (–0.202)	Neutral (–0.132)
Environmental	Neutral (0.202)	+ (0.510)	Neutral (0.245)	Neutral (0.145)

Table 8 Property Functions and Rural Consciousness The analysis reveals a striking finding that challenges traditional conceptions about rural property in Chile. Rather than a simple binary between productive efficiency and social redistribution, new coupling types emerge that integrate environmental concerns in unexpected ways. No factor shows strong positive valuation of the social function—the highest value reaches only 0.032 (Factor 2), suggesting that traditional redistributive discourses have lost centrality in contemporary property

³³⁸ See Table 8

consciousness.

Factor 1 demonstrates productive prominence with strongly positive productive valuation (1.040) while maintaining neutrality toward social and environmental dimensions. This represents cautious adaptation of the neoliberal model that incorporates limited openness without contradicting economic freedom. Factor 2 shows environmental emphasis with positive environmental valuation (0.510) alongside productive and social neutrality, articulating concerns about climate sustainability without directly challenging existing structures.

Factor 3 exhibits productive-environmental tendencies with positive productive valuation (0.666) and neutrality across other dimensions, suggesting pragmatic adaptation that integrates productive concerns with environmental awareness. Factor 4 presents the most complex pattern—negative productive valuation (-0.288) with neutrality toward social and environmental functions, indicating rejection of purely economic conceptualisations while not fully embracing alternatives.

Factor	Pattern	Characteristics
Factor 1	Productive Prominence	Strong productive focus with neutral social and environmental positions
Factor 2	Environmental Emphasis	Positive environmental valuation with productive and social neutrality
Factor 3	Productive-Environmental	Positive productive with environmental awareness
Factor 4	Identity-Based	Negative productive with alternative value systems

Table 9 Property Function Patterns

These patterns, described in table 9, demonstrate that the property regime experiences not linear transition but pluralisation of legitimate conceptions coexisting in tension. The environmental dimension has acquired unexpected centrality—all factors show either

positive or neutral environmental valuations, never negative rejection. This signals that climate change has penetrated as unavoidable concern, though responses vary from pragmatic adaptation to deeper questioning of existing models.

4.1. Trajectories of Adaptation: Between Continuity and Transformation

The four coupling patterns reveal distinct trajectories for navigating the tension between property regime stability and climate pressures. Rather than uniform responses, the analysis exposes a spectrum of adaptive strategies that range from minimal accommodation to identity-based resistance, each reflecting different positions within the infrastructure and differential access to economic, social, and cultural capital.

The strongest defence of productive autonomy emerges paradoxically not from large landowners but from Factor 1's small peasants who have most thoroughly internalised neoliberal principles. Their productive valuation (1.040) surpasses all others, combining fierce defence of individual sovereignty (Statement 4: 1.195) with simultaneous demands for state price support (Statement 24: 1.680). This contradiction—rejecting intervention while demanding protection—reveals how the infrastructure produces subjects who defend the very system that marginalises them. In contrast, Factor 4, which includes large businessmen, shows negative productive valuation (-0.288), suggesting that those with secure positions can afford to question purely economic logics.

Climate change recognition cuts across all factors but generates radically different programmatic responses. Factor 2's environmental emphasis (0.510) translates into the highest climate concern (Statement 31: 2.060), yet this awareness emerges from positions of exclusion—landless workers and reform beneficiaries' descendants who lack material capacity to implement alternatives. Factor 3's pragmatic actors—brokers and technicians—show strong climate recognition (Statement 31: 1.809) alongside understanding that fragmentation stems from economic necessity (Statement 16: 1.758), positioning themselves as technical mediators who profit from crisis without challenging its structural causes.

The relationship between identity and property reveals unexpected inversions of traditional categories. Factor 4's extraordinary valuation of land as identity (Statement 5: 2.628) combines with acceptance that "if large businessmen prosper, small benefit" (Statement 9: 1.178), articulating a hierarchical complementarity where cultural rootedness coexists with pragmatic subordination. This contrasts sharply with Factor 1's rejection of land as identity (Statement 5: -0.12) despite their small peasant composition, suggesting that neoliberal subjectification has severed traditional connections between peasant identity and land.

Historical memory operates selectively across the trajectories. Only Factor 2 strongly recognises dictatorship's impact on peasant families (Statement 26: 1.160), maintaining alive the trauma that others have naturalised or forgotten. Factor 1's neutrality toward this history (-0.13) indicates how successful the infrastructure has been in eliminating even memory of alternatives. Factor 3 and 4 show moderate recognition (0.54 and -0.53 respectively), suggesting tactical acknowledgement without transformative implications.

The patterns reveal that adaptation strategies inversely correlate with structural position. Those most vulnerable (Factor 1) most vehemently defend the very system that causes their vulnerability. Those who are excluded (Factor 2) imagine alternatives but lack the means to implement them. Mediators (Factor 3) facilitate changes that they recognise as destructive. Those who are secure (Factor 4) can afford identity-based resistance, which ultimately reinforces existing hierarchies. These responses are not free choices but structured and conditioned by one's position within the infrastructure—where the interplay of legal certainty, juridical security, and land tenure security shapes not only what actors can do but also what they can imagine.

4.2. Implications for Regime Transformation

The coexistence of four distinctive trajectories demonstrates no consensual path toward new property paradigms. Each trajectory presents specific potentials and limits. Factor 1's productive prominence maintains legitimacy among economically powerful actors but cannot address structural inequities. Factor 2's environmental emphasis offers transformative vision but lacks connection to land control. Factor 3's pragmatic adaptation provides technical solutions that could scale rapidly but explicitly rejects redistributive dimensions. Factor 4's identity-based approach mobilises cultural resources but accepts existing hierarchies.

Elements of new property narratives emerge transversally. Universal climate recognition establishes legitimacy context where ignoring environmental dimensions becomes unsustainable. Land valuation beyond purely economic function appears across multiple configurations. Pragmatic understanding emerges that sector viability requires coordination transcending individual decisions. These shared elements provide foundations for reconfiguring property functions, though interpreted differently by each trajectory.

The emergent narrative neither completely rejects productivity nor embraces collectivism but seeks viable articulations between production and environmental sustainability. The notable weakness of social function across all factors—never exceeding neutral valuations—reveals how thoroughly the infrastructure has eliminated redistributive possibilities from legitimate discourse. This suggests that transformation, if it emerges, will likely articulate through environmental imperatives rather than traditional social justice frameworks, potentially recoupling productive and environmental functions while leaving social dimensions unaddressed.

The transversal elements identified across all four trajectories—universal climate recognition, land valuation beyond economics, and coordination necessity—might suggest grounds for convergence toward new property arrangements. When all factors acknowledge climate change's reality, they are not recognising the same phenomenon. Factor 1 sees a productive threat requiring state subsidies without regulatory intervention. Factor 2 perceives a civilisational crisis demanding structural transformation. Factor 3 processes it as a technical challenge for ecological modernisation. Factor 4 integrates it into narratives of traditional peasant resilience against external forces.

Similarly, the widespread recognition that land transcends purely economic value conceals ontological disagreements about what this means. Factor 1 values land as individual patrimony to be defended against redistribution. Factor 2 conceives it as common good requiring collective stewardship. Factor 3 treats it as asset requiring optimisation across multiple metrics. Factor 4 experiences it as ancestral identity inseparable from being. These are not variations on a shared understanding but fundamentally incompatible visions of what property is and should be.

The apparent consensus thus masks deeper fragmentation than would exist with explicit disagreement. The infrastructure's ideological conflating generates this illusion of shared ground precisely where the chasms are widest. Each factor can agree that "coordination is necessary" while imagining entirely different forms—Factor 1 envisions voluntary cooperation preserving individual sovereignty, Factor 2 demands state-led planning for redistribution, Factor 3 seeks market mechanisms for efficient resource allocation, Factor 4 accepts hierarchical complementarity maintaining traditional orders. The transversal elements, rather than providing foundation for synthesis, reveal the impossibility of reconciling these visions within the existing infrastructure. This paradox—where surface agreement conceals structural incompatibility—establishes the conditions requiring external mediation that no endogenous process can provide.

5. Conclusions

The empirical analysis through Q-methodology in the previous chapter revealed a profoundly fragmented legal consciousness about rural property that challenges conventional analytical categories. The unexpected composition of factors—where small peasants articulate neoliberal discourses, large businessmen defend traditional identities, and landless actors converge with agricultural technicians in transformative visions—demonstrates that property subjectivities don't organise mechanically according to structural position.

This compositional complexity has fundamental theoretical implications. It suggests that the rural property regime operates not only through legal norm imposition, but through subjectivation processes that reconfigure rural actors' identities and aspirations. The majority presence of small peasants in Factor 1 defending neoliberal principles, or the alliance between large businessmen and peasant leaders in Factor 4, reveal how the property regime's hegemony sustains itself precisely in its capacity to generate cross-cutting identifications that transcend expected class determinations.

The apparent solidity of climate consensus emerges as one of the study's most paradoxical findings. Whilst all factors recognise climate change reality with high positive valuations, this agreement operates as an 'empty signifier' that each perspective fills with radically different contents. For Factor 1, climate change represents a technical-productive challenge demanding state support without altering property regime foundations; for Factor 2, it constitutes a civilisational crisis requiring redistribution and systemic transformation; Factor

3 processes it as ecological modernisation imperative compatible with existing hierarchies; whilst Factor 4 integrates it into traditional narratives about peasant resilience.

This climate consensus polysemy reveals its operative fragility: agreement about the problem's existence conceals irreconcilable divergences about causes, responsibilities and, crucially, about the role private property must play in adaptive responses. The evidence suggests that any climate policy assuming homogeneity in this consensus is destined for failure or capture by the most powerful interests.

The identified fissures—where the regime reveals its deepest contradictions—constitute critical spaces where rural property's future plays out in climate crisis context. Extreme polarisation around property's social function, agricultural business's role and land's identity dimensions don't represent simple opinion differences, but ontological fractures about what the relationship between society, nature and property is and should be.

These fissures are analytically productive because they reveal neoliberal consensus limits: whilst the regime has achieved hegemony in certain aspects, resistances and alternative visions persist that climate change is reactivating. The systematic 2-2 division between factors in the most polarised statements suggests a disputed field where no perspective has achieved definitive supremacy. Moreover, these fissures deepen precisely when abstract climate concerns translate into concrete implications about property rights, limits and responsibilities.

The emergence of hybrid couplings between productive, social and environmental functions represents the most significant innovation in conceiving rural property. Factor 2's socio-environmental coupling, Factor 3's productive-environmental, and Factor 4's identity-pragmatic demonstrate that the monofunctional neoliberal model is ceding space to more complex configurations. However, these emergent couplings do not float freely but are profoundly conditioned by the structural positions and available capitals of those articulating them.

Factor 2 can imagine transformative integrations precisely because its actors—landless, committed technicians, agrarian reform heirs—have no material investments in the existing order. Inversely, Factor 3 articulates a coupling that carefully maintains social hierarchies whilst incorporating environmental considerations, reflecting the position of actors needing adaptation without losing privileges. These new couplings constitute differentiated responses to climate pressure, but their transformative potential remains limited by power structures conditioning their emergence and reach.

The presented empirical evidence establishes a complex scenario for understanding private rural property's role within climate change framework. Legal consciousness fragmentation, consensus fragility, fissure depth and conditioned emergence of new couplings suggest the property regime finds itself in a moment of uncertain reconfiguration. No linear transition towards a new paradigm exists, but multiple tensioned trajectories coexisting and competing without any achieving hegemony.

This fragmentation and experimentation context establishes conditions for examining, in the next chapter, the crucial role the State must assume as mediator between these divergent perspectives. The forcefully emerging question is whether state institutions can catalyse identified transformative potentialities whilst managing structural resistances, or whether current fragmentation will paralyse collective response capacity precisely when most needed.

The state mediation imperative does not arise from ideological preference but from empirical evidence. Without active intervention articulating these fragmented trajectories, Chile's rural property regime lacks endogenous mechanisms to generate the adaptive transformations climate crisis demands.

Chapter 5.

The Socio-Legal Infrastructure of Property: How Time, Space, and Persons Shape Property Regimes

Introduction

The previous chapters have systematically examined each dimension of what this thesis conceptualises as the socio-legal infrastructure of property. Chapter 2 traced the temporal dimension through competing narratives that organise collective memory and foreclose transformation possibilities. Chapter 3 mapped the spatial dimension revealing how concentration and fragmentation operate as complementary expressions of the same organising principle. Chapter 4 identified the subjective dimension through legal consciousness configurations that transcend expected class categories. Each empirical investigation has progressively revealed how these dimensions do not operate in isolation but constitute an integrated system whose specific articulation determines the regime's capacity to respond to climate change.

This chapter synthesises these findings to crystallise the theoretical framework that has emerged from the empirical evidence. The socio-legal infrastructure—comprising time, space, and subjectivities—exists in any property regime, but what defines its ideological character is the specific mechanism through which these dimensions articulate. In the Chilean case, this mechanism is the conflating of legal certainty, juridical security, and land tenure security that the military dictatorship consolidated into an apparent technical unity. While previous chapters have demonstrated how this operates in each dimension separately, this chapter reveals how it functions as an integrated system that generates self-contradictions the regime cannot resolve through its own mechanisms. The analysis demonstrates that what appeared as isolated phenomena—narrative freezing, territorial fragmentation, consciousness splitting—are manifestations of the same infrastructure whose neoliberal configuration now precludes the collective responses climate change demands.

The analytical disaggregation reveals that each concept operates at distinct levels. Legal certainty functions in the technical-formal register, ensuring the identification of titleholders through the Chilean registry system. Juridical security operates as an ideological-temporal apparatus that manipulates temporalities to fix the status quo as an insurmountable horizon. Land tenure security constitutes the material dimension where juridical abstractions confront the physical and ecological conditions of the territory.

This conflating produces specific effects in each component of the socio-legal infrastructure. In the spatial dimension, it simultaneously legitimises extreme concentration (1% of proprietors control 34% of agricultural land) and rapid fragmentation (37,150 hectares of productive land subdivided). In the temporal dimension, it forecloses alternative futures through the traumatic imperative of 'Never again' regarding any redistribution. In the

subjective dimension, it generates legal consciousness configurations that defend the system even when it systematically excludes them.

Climate change exposes the fundamental inadequacy of this coupling. Structural drought, extreme events, and ecological transformations neither recognise property boundaries nor respect titles of ownership. However, the property regime based on absolute individual sovereignty³³⁹ lacks mechanisms to process collective and systemic phenomena. Formal legal certainty and ideological juridical security cannot guarantee material land tenure security when ecological conditions transform radically.

This chapter comprises six sections. Section 1 explores the foundational myth of absolute property. Section 2 establishes the theoretical framework of socio-legal infrastructure, examining how time, space, and subjectivities operate as interdependent dimensions. Section 3 analyses the ideological coupling of legal certainty, juridical security, and land tenure security, tracing its origins to the military dictatorship. Section 4 documents how this coupling precludes adaptive responses to climate change. Section 5 examines the state's structural limitations in mediating uncertain futures. Section 6 concludes by exploring the implications for property regime transformation that requires permanent institutional flexibility in the face of climate crisis.

1. The Foundational Myth of Absolute Property

The Chilean rural property regime has acquired the solidity of the unquestionable. This juridical-conceptual construction, which Singer characterises as the 'ownership model'³⁴⁰, articulates through the consolidation of rights in a single identifiable owner, absolute control legitimised by formal title, and exclusion as fundamental power³⁴¹. Nevertheless, the apparent simplicity of this formulation conceals a complex web of ideological operations that naturalise what is essentially a historically contingent configuration of power relations.

The conceptual structure of this foundational myth operates through what Graham terms *dephysicalisation*, a gradual process through which property becomes abstracted from its constitutive materiality, transforming land into a mere object of the proprietary relation³⁴². This epistemological disconnection generates profound consequences, establishing a structural disconnect between juridical decisions and their ecological effects. As Graham observes, 'the abstract 'thing' (such as land), became excluded from the conventional Anglo-American property relation', thus configuring a purely interpersonal relation that systematically evacuates the material dimension of territory³⁴³.

The hegemonic effectiveness of this construction resides precisely in its capacity to appear as natural order rather than political artefact. Ewick and Silbey illuminate this process by noting that 'law's ability to inscribe arbitrary cultural forms with the aura of the natural' constitutes the fundamental mechanism through which property relations acquire their

³³⁹ Babie, 'Idea, Sovereignty, Eco-Colonialism and the Future' (n 4).

³⁴⁰ Joseph William Singer, 'Property as the Law of Democracy' [2014] SSRN Electronic Journal <<http://www.ssrn.com/abstract=2407966>> accessed 16 March 2023.

³⁴¹ Blomley, 'Performing Property' (n 68).

³⁴² Graham, 'Dephysicalisation and Entitlement' (n 8); Graham, 'Dephysicalisation and Entitlement' (n 8); Graham, 'Dephysicalised Property and Shadow Lands' (n 64).

³⁴³ Graham, 'Dephysicalisation and Entitlement' (n 8).

apparent inevitability³⁴⁴. To scrutinise these relations requires assuming that law is a constitutive attribute of our social consciousness. Law constitutes a particular mode of organising meaning and force, expressions that translate into both legal texts and daily life³⁴⁵.

This daily life, now with more than 40 years of practice, at least for the regions fundamental to Chilean agro-productive development, is marked by the absence of conflicts over land. The peasant movement declined significantly and there were no more land occupations, strikes, or marches. This form of property became hegemonic by transforming into a power dispersed throughout the social structure and where meanings are so entrenched that representational and institutional struggles are no longer visible³⁴⁶.

These arbitrary forms with the aura of the inevitable³⁴⁷ materialise according to Blomley in frameworks where property privileges a determined form of life: the proprietor³⁴⁸. In this scheme, the call is to live (being proprietors) as if one were the only person who matters, living in isolation, whilst knowing this is not so. An expression of this appears in the words of a large entrepreneur, who, confronted with the arrival of people who have bought the newly subdivided parcels, indicated:

'If I am a farmer, I live here, the neighbour arrives to these parcels, the urban newcomers arrive who want to live in nature. They begin to impose norms about noise, odours, dust, flies, that the irrigation motor at night makes noise and we cannot sleep. No—I have the right.'³⁴⁹

Babie has called this phenomenon owner sovereignty³⁵⁰. In the socio-legal infrastructure of rural property this phenomenon is accentuated. The individual, absolute, and exclusive condition of property has facilitated hierarchical power relations, which, as I have demonstrated, translate into land concentration. In this context, owner sovereignty translates not only into their power of command within the limits of their properties but extends well beyond. They act or seek to act as guardians of the territory, their territory. This way of living as a proprietor perceives the new or foreign as a threat to their way of life.

This mode of living property would be part of the individualist mythology to which Underkuffler refers, which seeks to conceal the iterative character of property by prioritising the normative vision of how society, politics, and government should be structured³⁵¹ or, in the words of Nedelsky, obscuring property's relational nature³⁵². In this sense, the interviewed entrepreneur would express the consolidation of the ownership model, which permits exercising an absolute power of exclusion that protects the proprietor from the non-proprietor.

However, the Chilean situation is even more radical. In the scenario described by the

³⁴⁴ Ewick and Silbey, 'Looking for Hegemony in All the Wrong Places: Critique, Context and Collectivities in Studies of Legal Consciousness' (n 81).

³⁴⁵ Silbey (n 77).

³⁴⁶ Silbey (n 77).

³⁴⁷ Ewick and Silbey, 'Looking for Hegemony in All the Wrong Places: Critique, Context and Collectivities in Studies of Legal Consciousness' (n 81).

³⁴⁸ Blomley, 'Performing Property' (n 68).

³⁴⁹ Interview with anonymous big landowner, Maule-Ñuble Region (Chile, March 2024) (in Spanish, translated by author).

³⁵⁰ Babie, 'Idea, Sovereignty, Eco-Colonialism and the Future' (n 4).

³⁵¹ Laura S Underkuffler, 'Property as Constitutional Myth: Utilities and Dangers' (2007) 92 Cornell Law Faculty Publications <<https://scholarship.law.cornell.edu/facpub/914>>.

³⁵² Jennifer Nedelsky, *Law's Relations: A Relational Theory of Self, Autonomy, and Law* (Oxford University Press 2012) <<http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780195147964.001.0001/acprof-9780195147964>> accessed 29 April 2023.

entrepreneur, the threats to his way of life do not come from 'non-proprietors' but proprietors in exactly the same legal condition as him. That is, they possess a legally obtained title. The difference resides in the material factor. The outsiders own 0.5 hectares whilst the entrepreneur owns more than 800 hectares. These types of relations in the Chilean case are marked by hierarchical differences that, at least, the socio-legal infrastructure has been consolidating.

2. Conceptualising the Framework: Theoretical Foundations and Analytical Components

The concept of socio-legal infrastructure emerges from recent developments in socio-juridical theory that reconceptualise law beyond its formal normative dimension. Byrne, Gammeltoft-Hansen, and Stappert propose understanding law as a socio-material assemblage, a variety of material elements (texts, buildings, technologies) and intertwined legal norms that enable and condition social life³⁵³.

These legal infrastructures operate as formations that generate social effects through law embedded in objects, practices, and spaces that structure society. Kingsbury and Maisley deepen this perspective by defining infrastructures as techno-social assemblages imbued with power relations, where the intersection between infrastructures, law, and public sphere reveals fundamental dimensions of social order³⁵⁴. For their part, Hadfield characterises the legal order as a fundamental infrastructure for modern economic activity, where the set of laws, rules, contracts, judicial processes, and legal actors constitutes a legal infrastructure socially available for agents to coordinate their relations³⁵⁵.

However, rural property has not occupied a central place in this analytical perspective, despite constituting precisely an arrangement where normative, institutional, spatial, and subjective elements articulate to produce and reproduce specific power relations. In the Chilean context, this proprietary infrastructure operates so fundamentally that its mechanisms of exclusion, concentration, and fragmentation appear as natural conditions of the rural world rather than as effects of political decisions.

I therefore argue that the socio-legal infrastructure of property serves as an analytical framework for viewing and understanding various property regimes. This infrastructure is shaped by the interconnected functions of time, space, and persons. By understanding how these elements operate in daily life, we can uncover the ideological characterisation of property, which in turn allows for critical evaluations of its sustainability or lack thereof.

The three components of this analytical infrastructure operate as interdependent but distinguishable dimensions. Time comprises the temporalities that the property regime constructs through the organisation of the past (sanctioned and suppressed memories), the administration of the present (possible horizons of action), and the projection of the future (imaginaries of transformation or continuity). This temporal dimension structures what can

³⁵³ William Hamilton Byrne, Thomas Gammeltoft-Hansen and Nora Stappert, 'Editors' Introduction to Special Issue on Legal Infrastructures' (2024) 25 German Law Journal 1221.

³⁵⁴ Benedict Kingsbury and Nahuel Maisley, 'Infrastructures and Laws: Publics and Publicness' (2021) 17 Annual Review of Law and Social Science 353.

³⁵⁵ Gillian K Hadfield, *Rules for a Flat World: Why Humans Invented Law and How to Reinvent It for a Complex Global Economy* (Oxford University Press 2017).

be remembered, what must be forgotten, and what is possible to imagine about property.

Space refers to the territorial configurations that the regime produces and that simultaneously sustain it, including distribution patterns, mechanisms of access and exclusion, forms of demarcation and control, and the ecological context that conditions the exercise of property. Persons encompass the subjectivities that the regime produces and requires for its functioning, the processes through which different actors internalise, resist, or negotiate what it means to be a landowner, and the configurations of legal consciousness that emerge from these interactions.

This analytical framework enables examination of any property regime through systematic analysis of how these three components interact within specific configurations. A socialist regime, for example, would reveal a temporal dimension oriented toward the revolutionary future, a spatiality based on collective management, and subjectivities organised around class identity. An indigenous communitarian regime reveals cyclical temporalities linked to ancestry, a spatiality integrating sacred and productive dimensions, and subjectivities defined by territorial belonging rather than individual title.

The ideological characterisation of the regime emerges precisely from empirical analysis of these particular configurations, not from prior categories imposed on the analysis. In the Chilean case, as demonstrated below, this specific configuration reveals a neoliberal character that materialises through the ideological conflating between legal certainty, juridical security, and land tenure security.

2.1. The Chilean Case: Spectres, Inequalities, and Consciousness

2.1.1. Time: The Weight of the Past

The Chilean property regime is not sustained solely through the force of its legal apparatus or the materiality of its territorial distributions, but fundamentally through a sophisticated temporal articulation that organises the past, administers the present and forecloses the future. This articulation does not emerge spontaneously from property relations but is actively produced and reproduced through what I term the ideological operation of legal certainty. This is a discursive-institutional apparatus that manipulates temporalities to fix the status quo as an insurmountable horizon.

The temporal dimension of property rights has been substantially underestimated in conventional legal analyses. As Greenhouse argues, legal time is not neutral but constitutes a fundamental political resource through which certain distributions of power are naturalised whilst other possibilities are excluded³⁵⁶. In the Chilean case, the three narratives analysed in Chapter 2 reveal precisely this battle for control over proprietary time. The business narrative freezes the foundational moment of the dictatorship as the mythical origin of modern agricultural development. The socio-community narrative recovers the memory of the Agrarian Reform as a truncated yet latent horizon of possibility. The technocratic narrative transforms history into technical data, presenting the present as the only processable reality.

³⁵⁶ Carol J Greenhouse, 'Fieldwork on Law' (2006) 2 Annual Review of Law and Social Science 187.

This temporal multiplicity does not coexist peacefully but is hierarchically organised through specific juridical-institutional mechanisms. Decree 208, analysed in Chapter 2, paradigmatically exemplifies this temporal operation by establishing a retroactive prohibition that not only excluded those who participated in the Agrarian Reform from access to land, but inscribed a permanent punitive temporality into the legal order³⁵⁷. As interviewees testified, 'we shall never rise up again' became the temporal mandate structuring rural consciousness, where the redistributive past appears simultaneously as trauma to be avoided and as a legally sealed impossibility³⁵⁸.

The efficacy of this temporal infrastructure lies in its capacity to operate simultaneously across multiple registers. At the juridical-formal level, it establishes non-retroactivity as a sacred principle when protecting rights acquired during the dictatorship, whilst permitting the complete reversal of the Agrarian Reform's transformations. At the symbolic-cultural level, it transforms redistributive memory into collective trauma that justifies permanent vigilance against any questioning of the property regime. At the practical-everyday level, it structures the expectations and horizons of action of rural actors, who internalise the impossibility of change as a natural condition of the rural world.

2.1.2. Space: The Legal Geography of Exclusion

The Chilean property regime does not operate upon an abstract territory but actively produces specific spatial configurations through what Blomley terms 'splices' that simultaneously connect and disconnect, creating assemblages where property unites certain elements (owner-title-land) whilst separating and excluding others (non-owners, collective uses, social functions)³⁵⁹. These juridical-spatial splices establish selective connections that determine which relations are legitimate and which remain invisibilised or prohibited.

As Bennett and Layard argue, investigating legal geography involves examining the co-constitutive relationship between people, place and law, where law functions as 'a presence, a resource or material force that not only makes things happen, but makes them happen in a particular way'³⁶⁰. This juridical production of space manifests in the patterns documented in Chapter 3, where territorial concentration (1% of landowners control 34% of agricultural land) and accelerated fragmentation (37,150 hectares of productive soil subdivided) constitute spatial expressions of the same organising principle based on absolute individual landowner sovereignty.

The performative dimension of this legal geography proves fundamental for understanding its efficacy. Following Blomley 'statements about the world, such as the ownership model, are not outside that world; they also make that world', such that property emerges when diverse elements—titles, fences, maps, registers, everyday practices—stabilise and work together forming an assemblage that naturalises territorial divisions³⁶¹.

Thus, the spatial infrastructure of the property regime reveals its exclusionary character

³⁵⁷ Decree Law No. 208 of 1973, issued by the military dictatorship in Chile, modified the Agrarian Reform Law (Law No. 16,640)

³⁵⁸ Interview with anonymous small peasant, Maule Region (Chile, April 2024) (in Spanish, translated by author).

³⁵⁹ Blomley, 'Performing Property' (n 68).

³⁶⁰ Luke Bennett and Antonia Layard, 'Legal Geography: Becoming Spatial Detectives: Legal Geography: Becoming Spatial Detectives' (2015) 9 *Geography Compass* 406.

³⁶¹ Blomley, 'Performing Property' (n 68).

through the material distribution of territory. Butler notes that economic property theory, by privileging the productive function over management and distribution functions, allows capitalism to reproduce practically without restrictions, generating extreme wealth concentration and extreme environmental damage³⁶².

This observation proves particularly pertinent to the Chilean case where Decree Law 3,516 of 1980 liberalised land subdivision without considering its aggregate effects on territorial coherence, whilst the absence of rural planning facilitates dynamics of accumulation and fragmentation that escape any collective rationality. Each fragmented plot, each concentrated hectare, constitutes a territorial materialisation of power relations that determine access, use and control over territory. However, this legal geography of exclusion does not emerge naturally but results from what Carol Rose characterises as a continuous active 'doing'³⁶³ of property, where law not only regulates space but participates in 'the construction of meanings and social identity' through 'force, violence and bodily power'³⁶⁴.

The testimonies from Chapter 2 regarding Decree 208 illustrate this foundational spatial violence, where those who participated in the Agrarian Reform were systematically expelled from the territory, creating a geography of fear that persists today³⁶⁵. As Blomley and Bakan note, these legal geographies serve a constitutive function, 'both shaping and constraining the social, imaginary, and popular readings of the spatiality of social life', thus configuring a territory where aggregated individual decisions produce systemically dysfunctional results precisely when climate change demands unprecedented territorial coordination³⁶⁶.

2.1.3. Subjectivities: The Subjects of the Regime

The third pillar of the socio-legal infrastructure consists of the specific subjectivities that the regime produces and requires for its functioning. As Ewick and Silbey (1998) argue, legal consciousness is not a set of opinions about law but a process through which, via words and actions, one participates in the construction of legal meanings, practices and institutions. This consciousness is not merely an effect of structure but an integral part of it, where 'consciousness is participation in the production of structures'³⁶⁷.

In the Chilean context, this subjective production generates a differential distribution not only of material resources but of cognitive and affective capacities to imagine and practise alternative relationships with land. The Q methodology analysis developed in Chapter 4 identified four configurations of legal consciousness that transcend expected structural determinations, revealing how different rural actors internalise, resist or navigate the property regime.

The four factors emerging from the empirical analysis represent ideal types of landowner subjectivation. Factor 1 (Internalised Peasant Neoliberalism) paradoxically groups small farmers who articulate more vehement defences of the system than large entrepreneurs themselves, even rejecting the notion that family farming constitutes a way of life. Factor 2

³⁶² Butler, 'Property, Climate Change, and Accountability' (n 5).

³⁶³ Rose (n 215).

³⁶⁴ Blomley, 'Performing Property' (n 68).

³⁶⁵ Decreto Ley 3.516 sobre División de Predios Rústicos [Decree Law 3,516 on the Division of Rural Properties] (Chile, 29 November 1980) *Diario Oficial* No 30.829, 1 December 1980.

³⁶⁶ Blomley and Bakan (n 75).

³⁶⁷ Ewick and Silbey, 'The Common Place of Law: Stories from Everyday Life' (n 9).

(Redistributive Ecologism with Historical Memory) articulates a critical consciousness from positions of systematic exclusion, composed of landless workers, grandchildren of Agrarian Reform beneficiaries and committed technicians who perceive the system's contradictions from its margins. Factor 3 (Adaptive Pragmatism) represents subjectivities that navigate the system without illusions but also without fundamental questioning, developing adaptive strategies that ultimately reproduce the conditions they seek to circumvent. Factor 4 (Entrepreneurial Traditionalism) materialises an alliance between large landowners and sectors of the middle peasantry united by a hierarchical vision that naturalises asymmetries as necessary complementarities.

This differentiated production of subjectivities reveals that the property regime does not operate through unilateral imposition but through what Silbey terms 'invisible constraint, suffusing and saturating our everyday life', where 'the institutionalisation of power produces habitual transactions in which both the sources of power and the forms of subordination are buried'³⁶⁸. In these everyday transactions, no one appears to demand obedience and subordinated parties appear to be normally socialised rather than obedient. Factor 1 exemplifies this successful hegemony where marginalised peasants defend principles that objectively exclude them, whilst Factor 2 demonstrates that distance from effective property can paradoxically facilitate a more lucid understanding of systemic contradictions.

The articulation between consciousness and structure through these factors reveals what Ewick and Silbey define as ideology, understood as 'the processes that produce a specific pattern in social structure'³⁶⁹. This perspective proves fundamental for understanding how legal certainty operates as an ideological apparatus that I shall examine in the following section. The four factors do not merely represent divergent opinions about property but differentiated participations in the production and reproduction of the property structure itself.

Each factor processes and reproduces the coupling between legal certainty, juridical security and land tenure security in specific ways, naturalising or questioning the equivalence between these concepts according to their position in the socio-legal infrastructure. This multiplicity of landowner subjectivations, far from weakening the regime, constitutes precisely its strength by allowing actors in diverse structural positions to find ways of inhabiting and reproducing the system, even when it marginalises or excludes them.

In the Chilean case, time, space and persons are operated through a specific mechanism that is the ideological conflating between legal certainty, juridical security and land tenure security, giving rise to what I term the neoliberal infrastructure of Chilean rural property. This coupling, naturalised during the military dictatorship and consolidated in democracy, fuses concepts that function in distinct ontological registers, presenting as technical unity what constitutes a political operation of power stabilisation. The following section unpacks this coupling to demonstrate how it articulates the three infrastructure components into a system that appears technically neutral while operating as a political apparatus.

3. Looking inside the Edifice: The Neoliberal Infrastructure of Rural Property in Chile.

³⁶⁸ Silbey (n 77).

³⁶⁹ Ewick and Silbey, 'The Common Place of Law: Stories from Everyday Life' (n 9).

The logical, theoretical and material unity that the dictatorship imprinted upon individual property in rural areas requires a disaggregation of its components. This will permit distinguishing the type of functioning, the privileged actors and the spaces of crisis that remain unobservable without this differentiation.

The granting of land in individual ownership was a central aspect of the dictatorship's rural policy. A large entrepreneur interviewed for this research stated: 'Pinochet was the one who granted individual land titles individually'³⁷⁰. He was right, and he also did so by eliminating the safeguards that the Agrarian Reform had established over individual tenure, such as the prohibition on private sale of expropriated estates.

Thus, a political narrative emerged that involved two central elements. On one hand, the individual title as a response to the collective idea promoted by the Agrarian Reform, an issue I have explored in Chapters 1 and 2 through the development of the business and technocratic narrative. Secondly, juridical security and/or legal certainty as the central concept of the dictatorship's juridical framework. Evidence of the latter includes references to this concept during the Ortúzar Commission discussions.

Time and economy are two aspects that stand out in the Commission's discussion regarding juridical security. The members and guests of the commission shared the idea that juridical security should be an antidote to the previous political period (1964-1973). In this regard, in session 88 of 19 November 1974, Professor Cea Egaña's presentation states: 'It is obvious that criminal non-retroactivity must be maintained and in unrestricted terms. But what about civil non-retroactivity? He notes that what follows is clearly influenced by the experiences lived in our country in recent years. He believes that Chile cannot again experience a climate of juridical insecurity like that of recent years'³⁷¹.

In turn, in session 149 of 2 September 1975, the president of the Commission, Ortúzar, stated that retroactivity is an aspect that relates to what has been termed 'juridical security'³⁷². Meanwhile, Commissioner Ovalle noted 'the expression 'juridical security' pursues the purpose of guaranteeing citizens that there will be stability in economic regulatory norms and that what happened in the previous regime will not occur'³⁷³. Additionally, in session 9 of 23 October 1973, that is, only 43 days after the coup d'état, Sergio Diez believed it indispensable 'also, to establish in the Political Constitution the norms on interpretation and application of laws, to achieve effective juridical security, thus avoiding the practice of legal loopholes in the economic and constitutional field'³⁷⁴.

Another element of the narrative coupling of certainty and security is the economic one. The function of juridical security was to offer the conditions of stability necessary to carry forward investments in different spheres. In the same session of 9 October, the commission set its fundamental goals, amongst which stands out the affirmation 'that Juridical Security is an essential condition for the country's economic development, that its juridical system gives confidence to creation, work and investment'; as well as 'it is fundamental to enact a statute

³⁷⁰ Interview with anonymous large landowner, Maule Region (Chile, April 2024) (in Spanish, translated by author).

³⁷¹ Ortúzar Commission, *Actas Oficiales*, Session 88 (19 November 1974) 143, intervention by Professor José Luis Cea Egaña [author's translation].

³⁷² Ortúzar Commission, *Actas Oficiales*, Session 149 (2 September 1975), intervention by Enrique Ortúzar Escobar (Commission President) [author's translation].

³⁷³ *Ibid*, intervention by Commissioner Jorge Ovalle Quiroz [author's translation].

³⁷⁴ Ortúzar Commission, *Actas Oficiales*, Session 9 (23 October 1973), intervention by Commissioner Sergio Diez Urzúa [author's translation].

of juridical security to guarantee that investments made in this field will be respected'.

The starting point of this analysis is the dictatorship because it is there that the concept of certainty/security is used with greatest force and linkage to time and economy. The result is a conceptual unity regarding the function this concept should play in Chilean society. Specifically in property matters, its projection was simple and clear. The individual title represented the legal guarantee of security, where no one, under almost any circumstance, could dispose of the land except for the landowner. State involvement was limited to providing the institutional framework necessary for the free circulation of rural property.

Therefore, juridical security seeks on one hand not to repeat the process of social transformations experienced between 1964-1973; to serve as a pillar of the agro-export process and ultimately to locate its discussion exclusively in the legal realm. This last point proves especially interesting, as it illustrates how legal research and the normative construction by the dictator's civilians deprived legal concepts of their empirical base. Thus, it is possible to understand how on one hand the dictatorship maintained secret services that persecuted, tortured and disappeared Chileans, excluded from access to land through the application of Decree 208³⁷⁵, returned lands that had been expropriated within the framework of the agrarian reform; but simultaneously, its academics sought to consolidate juridical security³⁷⁶. It is clear that when they thought about security, they did so exclusively in economic terms.

To undertake the unpacking of Chilean juridical security, I draw on the concept of dephysicalisation of property proposed by Graham³⁷⁷. She defines it as the process through which law separates property from its physical materiality, transforming land into a mere abstract 'object' of the proprietary relation. This dephysicalisation facilitated in Chile forgetting the importance of the material conditions of property. With no 'object' in juridical analysis, territorial concentration, land fragmentation and climate change disappear as elements of academic debate or research on property.

The artificial coupling of certainty, juridical security and land tenure security operates precisely to maintain this dephysicalisation. If the individual title functions as an expression of security, there is no need to examine the real material conditions. The analytical distinction I propose reveals the irreducible materiality of rural property and, with it, the systemic problems that the ideological coupling concealed.

3.1. Legal Certainty as Technical Fortress

The legal certainty of Chilean rural property is provided by the institutional conditions that sustain it. That is, this is principally an institutional production that permits ordering the organisms and persons that constitute the property ecosystem. In the Chilean case, the courts of justice, the Land Registry, the Internal Revenue Service and the Agricultural and Livestock Service principally fulfil this role.

All of these institutions guarantee that the history of each property is reliable, such that whoever buys or sells has certainty and security that what they are buying is in accordance

³⁷⁵ Decree 208 (n 20).

³⁷⁶ Ibid (n 39)

³⁷⁷ Graham, 'Dephysicalisation and Entitlement' (n 8); Graham, *Lawscape* (n 8).

with the juridical framework. In turn, that the property pays the corresponding taxes and that finally its boundaries are specifically clear. This is an evident strength of the Chilean regime, insofar as beyond the need to modernise some of these institutions, the risk of uncertainty resulting from informality in tenure is very low.

In this sense, legal certainty operates in the strictly technical-formal register of titular identification and procedural predictability. Paunio provides the most precise definition by distinguishing between formal and substantive certainty, where the former—which is what effectively exists in Chile—means that 'laws and, in particular, adjudication must be predictable: laws must satisfy requirements of clarity, stability, and intelligibility so that those concerned can with relative accuracy calculate the legal consequences of their actions'³⁷⁸. This formal certainty concerns exclusively the capacity of the juridical system to identify without ambiguity who possesses what set of rights over what specific portion of territory, operating at the level of what we might term the juridical cartography of dominion.

The Chilean registry system fulfils this function efficiently, where each transaction is inscribed, each subdivision is registered, and each transfer documented. This has permitted identifying in Chapter 3 each of the 37,150 hectares fragmented, each portion of the 34% of territory controlled by 1% of landowners, since properties in general are perfectly delimited, registered and assigned to a specific titleholder.

Chilean legal certainty guarantees the identification of the landowner but remains silent regarding the social or environmental obligations that should accompany dominion. It certifies who can exclude but does not establish limits to that exclusion. It determines who decides but does not condition the content of those decisions. The technical strength of legal certainty thus generates a fundamental paradox.

3.2. Juridical Security as Ideological-Temporal Apparatus

I argue that Chilean juridical security, particularly concerning rural property matters, is part of the performative nature of property rights³⁷⁹. It is therefore a discursive action that acquires this characteristic under the shelter of the dictatorship (1973-1989) but consolidates and expands it in that same sense during democratic governments (1989-present). It is, therefore, a tool whose use serves to foster fear of what the Agrarian Reform and redistributive policies were, an issue that is not past but principally fear of the future.

Kennedy proposes that juridical security, especially through formally realisable rules, has historically been a strategy to consolidate and maintain power structures, particularly in the property sphere³⁸⁰. The author proposes that juridical security effectively allows private actors to know the character of state or private intervention, as well as the potential results of action. On the other hand, for the state it increases the probability that a determined action will follow a specific course. In this sense, the two elements reinforce the notion of non-state intervention beyond the protection of rights, which for Kennedy is an expression of individualist philosophy, as opposed to altruistic character.

Security in transactions, which in the case of the dictatorship was called dynamisation of the

³⁷⁸ Elina Paunio, 'Beyond Predictability – Reflections on Legal Certainty and the Discourse Theory of Law in the EU Legal Order' (2009) 10 German Law Journal 1469, 1470.

³⁷⁹ Blomley, 'Performing Property' (n 68).

³⁸⁰ Kennedy, 'Form and Substance in Private Law Adjudication' (1976) 89 Harvard Law Review 1685.

land market³⁸¹, implied freeing this market from any state safeguard originating from the Agrarian Reform. In turn, more explicit was Decree Law No. 724 of 1974 which in its recitals states 'That to bring investments to agriculture it is necessary that the land tenure regime provides security to landowners of agricultural properties'³⁸². In simple words, the objective was to create landowners and that these could freely transact their lands. This impulse or 'liberation of energy' of the actor is achieved through a type of subsidy based on a long-term judgement that society gains from the actions of the aggressive and competent, even when those actions are directly at the expense of the weak³⁸³.

In Chapter 2 we studied how the business narrative promoted and justified that the Chilean agro-export process be led by capable people. Or as a leader of large agricultural entrepreneurs expressed, 'people who spoke languages and knew about foreign trade'³⁸⁴. The weak in this case, in their majority had to sell at very low cost the estates they had acquired within the framework of the agrarian reform, others were excluded and those who received land from the dictatorship achieved it because the selection system privileged professionals and people with economic capital.

Did Chilean society gain in the long term? This is a question that arises from reading Kennedy in the context of the Chilean dictatorship's agrarian policy. If we analyse the economic effects in terms of growth, we might respond in the affirmative based on reports³⁸⁵, whilst at the social level the contribution of these policies to poverty reduction is less clear³⁸⁶. However, the effect of the 'aggressive and competent' is evident in the conformation of the Chilean property distribution structure today, marked by extreme concentration and fragmentation. Two phenomena that, as I have analysed in Chapter 3, put at risk the agro-export policy and the country's food security.

This implies that a regime of juridical security can benefit those who already have power or resources to understand and navigate the legal system, intensifying the disparity of bargaining power. Kennedy links this premise with the social Darwinism of thinkers like Holmes, who believed that the result of negotiations under individualist rules would place control of productive resources in the hands of those who would best use them for the long-term good of the community, rejecting regulatory, paternalistic or community objectives³⁸⁷.

The Ortúzar Commission proceedings expose the obsessive concern with retroactively shielding the regressive transformations of the military regime. The discussion about retroactivity reveals an asymmetric conception of juridical time where progressive transformations like the Agrarian Reform can and should be reversed, whilst regressive ones acquire a character of irreversibility. This temporal manipulation does not constitute a secondary effect but the central mechanism through which juridical security operates as an apparatus of power.

³⁸¹ Edwards (n 171).

³⁸² Decree Law 724 (Chile, 11 December 1974) *Diario Oficial* No 29.034, 16 December 1974.

³⁸³ Kennedy (n 380).

³⁸⁴ Interview with anonymous big landowner, Maule Region (Chile, April 2024) (in Spanish, translated by author).

³⁸⁵ Foster and Valdés (n 229); Alberto Valdés and others, 'Desafíos de la agricultura y desarrollo rural en Chile' [2022] Oficina de Estudios y Políticas Agrarias del Ministerio de Agricultura, Gobierno de Chile.

³⁸⁶ Julio A Berdegué and others, 'Rural Nonfarm Employment and Incomes in Chile' (2001) 29 *World Development* 411; Ramón López, 'Determinants of Rural Poverty in Chile: Evaluating the Role of Public Extension/Credit Programs and Other Factors' in Ramón López and Alberto Valdés (eds), *Rural Poverty in Latin America* (Palgrave Macmillan UK 2000) <http://link.springer.com/10.1057/9780333977798_9> accessed 6 December 2022.

³⁸⁷ Kennedy (n 380).

Critical rural sociology has not been absent from this debate. Whilst they use the concept of 'land tenure security', their direct interpretation refers to what has been juridical security. In this regard, they consider it a deeply contested concept that cannot be separated from class analysis and power relations. They criticise depoliticised interpretations that ignore 'whose tenure and whose security'³⁸⁸. In contexts of pre-existing land-based inequities, as in the case of land concentration and fragmentation in Chile, juridical security through individual formalisation without prior or simultaneous redistribution functions as a mechanism that ratifies and legitimates existing inequalities, becoming 'an exercise in ratifying what already exists'³⁸⁹.

The ideological nature can be observed in the tension between juridical security and social-distributive advance. Each reform proposal, however modest, immediately faces the accusation of threatening 'juridical security', as if this constituted an absolute and untouchable value rather than a contingent political construction. This rhetorical operation becomes more evident if we compare the level of regulatory intervention of property rights in rural versus urban zones. The latter, unlike the former, is subject to multiple levels of regulation³⁹⁰—regulatory plans, construction norms, use restrictions—without anyone seriously arguing that such limitations destroy urban juridical security. The selectivity with which this principle is invoked, as well as its history, exemplify its ideological rather than technical function.

The critique of juridical security as an apparatus of power deepens when considering that its emphasis on absolute predictability and the immutability of rules is, as Jerome Frank suggests, often a 'myth' that responds to a psychological need for certainty and security. This fetishisation of rules, which Frank terms 'absolutism' or 'rule fetishism', conceals the inherent indeterminacy of norms³⁹¹.

In this sense, juridical security and certainty as we have defined them share the maxim that law at the regulatory level is capable of offering certainties and securities from the application of said norms. Neither interpretative flexibility, the unstable political economy behind legal constructs, the consolidation of unequal structures, nor territorial conditions can mediate this systemic objective.

3.3. Land Tenure Security: Material Conditions for the Exercise of Property

Land tenure security constitutes for this research the material dimension of the property regime. It is the element that influences and is influenced by legal dispositions, accounting for a spatial configuration of property that emerges from this bidirectional relationship between law and space, as critical legal geography has termed it. It is, in other words, the reversal of dephysicalisation. Thus juridical abstractions inevitably confront the physical, ecological and productive conditions that determine whether property can effectively be exercised beyond its formal existence in registries.

This perspective offers the opportunity to complexify the notion of stability, security or

³⁸⁸ Saturnino M Borrás Jr and Jennifer C Franco, 'Global Land Grabbing and Trajectories of Agrarian Change: A Preliminary Analysis: Global Land Grabbing and Trajectories of Agrarian Change' (2012) 12 *Journal of Agrarian Change* 34.

³⁸⁹ Borrás Jr and Franco (n 388).

³⁹⁰ Arturo Orellana Ossandón, Federico Arenas Vásquez and Daniel Moreno Alba, 'Ordenamiento territorial en Chile: Nuevo escenario para la gobernanza regional.' [2020] *Revista de geografía Norte Grande* 31; Arturo Orellana-Ossandón and others, 'Análisis de la perspectiva de integración de la política nacional de desarrollo rural. Planes de desarrollo comunal en Chile' (2020) 23 *Revista Urbano* 66.

³⁹¹ Julius Paul, 'Jerome Frank's Attack on the 'Myth' of Legal Certainty' (1957) 547 *Nebraska Law Review*.

certainty defended by the traditional and unitary notion of these concepts, helping to problematise the legal geography of rural property in Chile. This is because it adds two components that are key for this research: distribution and climate.

The distribution of property from the perspective of land tenure security emerges at least as a component of analysis. Thus, news such as 'Juan Bilbao owns 15% of the San Rafael commune'³⁹² merits attention not for the entrepreneur's capacity, but for the fact that such a level of land concentration is an input for debating the functioning of the socio-legal infrastructure of rural property³⁹³. Or, in turn, that more than 34,000 hectares of agricultural land have been subdivided represents not only a business opportunity but is an effect of the socio-legal infrastructure of rural property that merits analysis.

Climate change introduces deep uncertainty into the material conditions underpinning property exercise, exposing the fundamental inadequacy of the ideological coupling. Droughts that persist for unpredictable durations, shifting agricultural zones that render previously productive land unviable, extreme weather events that destroy infrastructure without warning—these phenomena generate profound uncertainty about whether land can maintain its productive capacity regardless of legal guarantees. The infrastructure's promise that legal certainty and juridical security automatically ensure land tenure security becomes untenable when the material base itself becomes radically uncertain. A title deed cannot guarantee water availability, stable rules cannot prevent soil degradation, and individual sovereignty cannot manage watershed dynamics that shape productive viability.

This material uncertainty does not merely challenge the property regime externally but reveals its constitutive inadequacy. The ideological conflating assumed stable ecological conditions where registering ownership and maintaining juridical continuity would suffice to ensure tenure security. Climate change shatters this assumption by introducing variability, unpredictability, and systemic risks that transcend property boundaries. The deep uncertainty—characterised by unknown variables, shifting baselines, and cascading effects—cannot be processed through an infrastructure predicated on individual certainty and fixed territorial sovereignty. The regime lacks both epistemological frameworks to comprehend collective phenomena and institutional mechanisms to coordinate responses across fragmented properties. What the dictatorship consolidated as technical unity—fusing legal, juridical, and material security—climate change reveals as dangerous fiction that prevents recognition of how profoundly uncertain the material conditions of property exercise have become.

The accumulated evidence demonstrates that material security in tenure constitutes, contrary to what the ideological coupling suggests, a fundamental and irreplaceable condition for sustainable rural development. Without material conditions that guarantee productive viability—access to water, climatic stability, non-degraded soils, coherent territorial scales—the entire juridical-formal framework becomes an exercise in empty abstraction. The Chilean regime, by betting on legal certainty and juridical security whilst remaining blind to material

³⁹² The Successful Agricultural Reconversion of Juan Bilbao, 10 Years After the Sanction He Still Seeks to Reverse' *La Tercera* (Santiago, 13 July 2025) <https://www.latercera.com/pulso/noticia/la-exitosa-reconversion-agricola-de-juan-bilbao-10-anos-despues-de-la-sancion-que-aun-busca-revertir/> accessed 3 September 2025

³⁹³ 'The successful agricultural reconversion of Juan Bilbao, 10 years after the sanction he still seeks to reverse' *La Tercera* (Santiago, 15 March 2024) [https://www.latercera.com/negocios/noticia/juan-bilbao-reconversion-agricola/\[...\]](https://www.latercera.com/negocios/noticia/juan-bilbao-reconversion-agricola/[...]) accessed 22 September 2025 [author's translation].

security, has constructed an impeccable conceptual edifice upon foundations that climate change rapidly erodes.

Even the most perfect titles from the juridical-formal point of view prove empty when the material conditions for production collapse. An impeccable title over eroded land, without water, or without access to markets is juridically perfect but materially useless³⁹⁴. In the Chilean context, this material dimension acquires importance. Small landowners in the coastal dryland may have absolute certainty over their titles and constitutional protection against expropriation (juridical security), but when structural drought makes any cultivation impossible, when degraded soils no longer retain moisture, when production costs exceed any possible income, land tenure security simply does not exist.

4. The Emergence of Deep Uncertainty

The recently published advisory opinions of the International Court of Justice and the Inter-American Court of Human Rights³⁹⁵ converge in their diagnosis. Climate change is produced by people and represents a threat to the existence of humanity³⁹⁶. This phenomenon is characterised by the generation of a 'deep uncertainty' that surpasses traditional decision-making paradigms³⁹⁷.

This uncertainty refers not only to the intrinsic complexity of dynamic socio-ecological systems, but also to the multiplicity of actors with vested interests, the differential impacts of climate change and the vastness of plausible future scenarios. In turn, these types of processes conceal the fundamentally social and interconnected nature of cognition, as well as the interdependence between the wellbeing of humanity and that of the biosphere³⁹⁸.

This initially challenges the property regime, which as I have noted, is based on the idea of legal certainty or juridical security granted by individual, absolute and exclusive property. Secondly, it challenges human cognition by situating decision-making in a context of uncertainty where determining appropriate property-related actions becomes profoundly complex.

That is, at the heart of the climate-property tension lies the potential for coordination and planning that landowners, non-landowners and state organisations possess. All this leads to a 'fragmentation of agency' and responsibility, hindering collective action and effective planning³⁹⁹. Thus, whilst proprietary individualism remains strong, it becomes more complex to demand or promote cooperative behaviours or implement territorial planning models.

In this scenario of climate crisis and uncertainty, I have noted that land concentration and fragmentation affect the country's agro-export capacity and food security (Chapter 3). Meanwhile, in Chapter 4 I have explored how this phenomenon is internalised by people and how, together with other elements, it ultimately configures four proprietary consciousnesses. These consciousnesses, grouped into factors, arrive at an agreement regarding the importance

³⁹⁴ Espen Sjaastad and Ben Cousins, 'Formalisation of Land Rights in the South: An Overview' (2009) 26 Land Use Policy 1.

³⁹⁵ *Obligations of States in respect of Climate Change* (Advisory Opinion) [2025] ICJ Rep [página] (23 July).

³⁹⁶ *Advisory Opinion OC-32/25* (Inter-American Court of Human Rights, 29 May 2025).

³⁹⁷ Constantino and Weber (n 11).

³⁹⁸ Constantino and Weber (n 11).

³⁹⁹ Constantino and Weber (n 11).

of the threat that climate change represents for agriculture. However, this agreement vanishes when discussing limits or restrictions on property rights.

What remains now, is to understand how this deep uncertainty or insecurity in tenure influences people's behaviour in relation to property. In particular, I shall analyse their openness to tempering the absolute nature of property rights that strengthen the sovereign power of the landowner over their land. This will permit studying the space that exists between proprietary consciousnesses and the potential flexibility of the property regime within the socio-legal infrastructure to facilitate or hinder climate planning, adaptation or coordination policies.

4.1. Four Proprietary Consciousnesses Facing Climate Change

The Q methodology analysis identified four factors representing distinct configurations of proprietary consciousness, where participants grouped together based on how they prioritised 40 statements about land ownership, revealing patterns that transcend traditional socioeconomic categories. Factor 1 ('Internalised Rural Neoliberalism'), dominated by small peasants, paradoxically defends neoliberal principles more vehemently than large entrepreneurs themselves, revealing the hegemonic victory of individual property among those occupying subordinate positions. Factor 2 ('Redistributive Ecologism with Historical Memory') articulates a counter-hegemonic vision from the margins, composed primarily of landless actors and those excluded from property access who can imagine alternatives to the dominant model.

Factor 3 ('Adaptive Pragmatism') brings together diverse structural positions through an instrumental approach that recognises historical critiques and environmental problems but confines them to past or future without questioning the present. Factor 4 ('Business Traditionalism with Identity Anchoring') configures an alliance between entrepreneurs and middle peasantry through a hierarchical-traditional vision where each actor occupies their supposedly natural place, valuing land as identity (z-score: 2.63) whilst accepting that 'in the countryside those who have land rule' (0.82). These factors reveal how proprietary consciousness configures not randomly but through systematic patterns of thought that organise how different actors understand, justify, or question the property regime.

The present analysis examines how these consciousnesses respond dynamically to deep uncertainty. The focus lies not in what rural actors think, but in how their thinking adapts or rigidifies under climate pressure. Q methodology analysis permits capturing this dynamic dimension through three mechanisms: first, how each factor processes the contradictions between recognising the crisis and maintaining the status quo; second, how they relate past, present and future under uncertainty; and third, how they negotiate changes without collapsing their proprietary identity.

To operationalise this analysis, averages of thematically grouped z-scores were calculated. The z-scores represent the standardised position of each statement in the forced distribution that each participant performed. A positive z-score indicates agreement with the statement, whilst a negative one indicates rejection. The magnitude reflects the intensity of that position. Averaging z-scores of related statements yields aggregate indicators for each analytical dimension.

4.2. The Climate Consensus Trap

Figure 9 reveals how all factors have high recognition of the climate crisis (average z-scores between 1.20 and 1.86) but minimal willingness to accept state interventions that address it (average z-scores between -0.71 and -0.09) by promoting territorial planning systems. This systematic gap between recognition and action constitutes what I term the porous climate consensus.

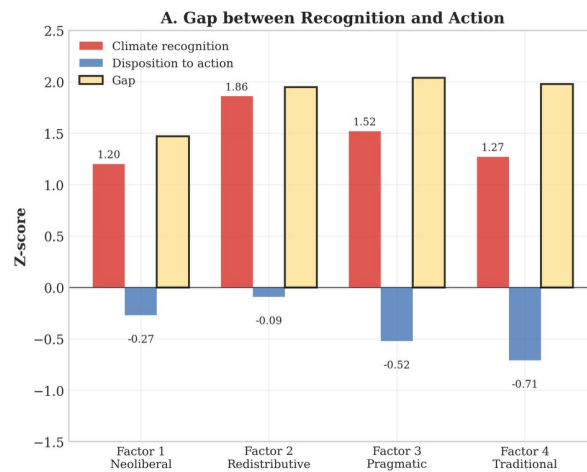


Figure 9 Gap between Recognition and Action

Statement 29 ('It is increasingly difficult to produce food due to droughts') obtains high positive z-scores across all factors: Factor 1 (1.87), Factor 2 (1.67), Factor 3 (1.22) and Factor 4 (1.89). However, this apparent consensus conceals radically different interpretations. For a small peasant from the dryland region of Maule who positively values this statement, drought threatens family subsistence and a way of life. For a fruit entrepreneur from the central valley who assigns the same valuation, it represents a technical-financial challenge requiring investment in irrigation technology. The consensus operates as an empty signifier that each perspective fills with irreconcilable contents.

Factor 1 exemplifies this contradiction. It recognises the productive crisis with the second highest z-score for S29⁴⁰⁰ (1.87) but simultaneously rejects productive obligations (S35⁴⁰¹: -0.97). More revealing still, it is the factor that most strongly demands state support through minimum prices (S24⁴⁰²: 1.68) whilst being the factor that most forcefully rejects any state intervention in decisions about land or sanctions for non-production (S4⁴⁰³: 1.20; S35⁴⁰⁴: -0.97), whilst also defending individual work. This contradiction does not generate flexibility but rigidification, insofar as the State must support without regulating, subsidise without conditioning. This pattern reflects the historical relationship between the state and small peasants which since 1990 has been mediated by a model of technical assistance and subsidies.

Additionally, historically the relationship that small peasants maintain with land, and therefore with their property, is of a cultural order: a relationship that exceeds the legal. However, the results indicate something different. Factor 1, composed mostly of small peasants, rejects the concept that land is part of who we are (S5⁴⁰⁵: -0.12), being the only one of the 4 factors to do so. In turn, and in perfect coherence with the above, it is the only one that rejects that 'Family peasant agriculture is a way of life, more than a business' (S14⁴⁰⁶: -0.35).

The hegemony of the technocratic narrative has privileged state treatment based on subsidies and credits to family peasant agriculture, whilst issues linked to land distribution were never again discussed. Therefore, this peasant group has developed within a financing scheme that depends on their condition as small producers. This is paradoxical, as those who receive this type of state support, amongst other variables, must have less than 12 hectares. That is, the state prioritises a group with little land, but this prioritisation serves as an element for the delivery of subsidies and not for a reformulation of the tenure model that facilitates land concentration and produces this type of holdings.

Factor 1 demonstrates how climate uncertainty ultimately consolidates private property as a juridically unassailable refuge. Given the majority composition of this group by small peasants, property results in the crystallisation of the effort and work of decades. Therefore, they are unwilling to relinquish any control. That is, there is no intermediate point between two types of decisions about property. Either its current condition is strictly maintained,

⁴⁰⁰ Statement 29. It's increasingly difficult to produce food due to droughts and seasonal changes.

⁴⁰¹ Statement 35. Those having land who don't produce it should be sanctioned or fined.

⁴⁰² Statement 24. The state should ensure a minimum price for certain agricultural products, like milk, meat and wheat.

⁴⁰³ Statement 4. The state shouldn't meddle in what I decide with my land.

⁴⁰⁴ Statement 35. Those having land who don't produce it should be sanctioned or fined.

⁴⁰⁵ Statement 5. Land is not just something we use, but part of who we are.

⁴⁰⁶ Statement 14. Family peasant agriculture is a way of life, more than a business.

where what is required is more subsidies without coordination, or they proceed to subdivide the land and sell it due to the low profitability of the agricultural sector and the high value of the properties.

In this regard, a technical advisor to small peasants explained that 'some resist selling as much as they can'⁴⁰⁷, whilst small peasants have noted the role that family and economic environment plays in the decision to parcel. A small peasant woman explains this duality: 'I believe both, both things (are causes of fragmentation). Because imagine if my own father did not have people here to work his land, he might have already sold [...] the land is now extremely expensive'⁴⁰⁸.

Factor 2 demonstrates maximum climate consciousness and openness to redistribution. However, since it is mostly composed of actors without land or with only marginal landholdings, this transformative flexibility results in structural irrelevance. Clarity about the crisis and the necessary solutions does not translate into the power to implement them. In this sense, access to property is also access to power; thus, the form of distribution has a political dimension. The performativity of property shapes identities, social relations, and geographies, each engaging differently within a context of increasingly uncertain land tenure.

It is possible to suggest that redistributive openness, as well as the degree of flexibility regarding others' participation in land management, is mediated by the type of access to land. Factor 2 lacks material access to land, however, it has the greatest redistributive expectation. Conversely, those who already have land adopt a consolidated proprietary consciousness that validates the neoliberal promise that property is individual, absolute and exclusive. This attitude simplifies to 'this is my land and here I rule'.

The internalisation of uncertainty by this Factor is also influenced by the non-existence of negative impacts on their proceedings. That is, distributive changes and flexibility in land use would happen to others (landowners) and not to them (non-landowners). Insofar as the model tends towards the status quo⁴⁰⁹ and its systematic reproduction, the problem of the capacity to build a common narrative or coalition of interests arises. This is because redistributive voices regarding property are located in those who have no property. This hinders the horizon of change, as the alteration of the regime would be exclusively external and would attack the interests of current landowners.

Factor 3 articulates the most sophisticated form of processing climate uncertainty, transforming it into a mechanism for consensual dissolution of the agricultural property regime. Its high valuation of climate urgency⁴¹⁰, recognition of productive difficulties due to droughts⁴¹¹ and consciousness that the problem is not distant⁴¹² establish an undeniable crisis. Yet this crisis mobilises not defence of the productive system but rather its orderly abandonment.

⁴⁰⁷ Interview with anonymous Technical Advisor, Maule Region (Chile, April 2024) (in Spanish, translated by author).

⁴⁰⁸ Interview with anonymous small peasant, Maule Region (Chile, April 2024) (in Spanish, translated by author).

⁴⁰⁹ Fox O'Mahony and Roark, 'Resilient Property Theory' (n 63).

⁴¹⁰ Statement 31. Ignoring climate change is like closing one's eyes to an approaching storm.

⁴¹¹ Statement 29. It's increasingly difficult to produce food due to droughts and seasonal changes.

⁴¹² Statement 30. Concern about climate and food seems distant until something's missing from our table.

The maximum acceptance that parcels emerge from economic non-viability⁴¹³—the highest value of all factors—combined with recognition that they affect rural life⁴¹⁴ but rejection of seeing them as opportunity⁴¹⁵ reveals a rationality that accepts productive collapse as inevitable whilst rhetorically lamenting it. The categorical rejection that agriculture is responsible for climate change frees the sector from moral guilt, psychologically facilitating the transition towards non-agricultural uses. This cognitive configuration operates as a solvent of the agricultural property regime, legitimising its conversion into a rural real estate regime.

Factor 3's relationship with the proprietary trilogy—individual, absolute, exclusive—reveals a strategy of selective flexibilisation that maintains benefits whilst eliminating obligations. It moderately rejects absolute sovereignty but considers state climate intervention unjust; it strongly demands guaranteed prices but shows the most extreme rejection of productive sanctions. This apparently contradictory configuration achieves internal coherence once one understands that Factor 3 does not defend agricultural property but post-agricultural property.

Strong support for the right not to produce whilst rejecting that land is for those who work it and sharing it establishes a new proprietary doctrine where land maintains its exclusive character but loses its productive imperative. The perception that depending on others limits projects combined with acceptance that Chileans are not associative but rejection of individualism as superior exposes the perfect paralysis that justifies individual exit.

The rejection that those with little land should sell whilst fully accepting that they parcel due to economic non-viability constructs a crucial distinction between forced sale (illegitimate) and voluntary fragmentation (legitimate), allowing de-agrarianisation to be experienced as free choice, not as dispossession. Factor 3 does not attack the property regime, it empties it of productive content whilst maintaining its juridical form, facilitating the most radical transition possible, from agricultural land to real estate asset, without ever questioning private property itself.

Factor 4 reveals how climate uncertainty can paradoxically strengthen the regime of individual, absolute and exclusive property through its absorption into traditional hierarchical structures. Its maximum recognition of droughts but moderate climate urgency establishes an extended temporality that normalises the crisis. The perception that the climate problem is somewhat close but not immediate reinforces this gradual normalisation. This temporality operates through three interconnected mechanisms that protect the proprietary core. First, selective socialisation of responsibility where it rejects that agriculture is guilty, accepts state climate intervention, but rejects both guaranteed prices and productive sanctions. The State can intervene for climate in the abstract but cannot touch concrete productive autonomy.

Second, the sacralisation of productive territory that shows the most absolute rejection of parcels as opportunity, rejects that they emerge from economic non-viability and minimises their negative impact, whilst accepting that those with little land will inevitably sell. Concentration is a natural process, fragmentation an unnatural aberration. Third, hierarchical collectivisation with maximum valuation of associative work and rejection of individualism, but perfect neutrality about dependence and rejection of sharing land. The desired

⁴¹³ Statement 16. People parcel their lands because it's no longer profitable to make them productive.

⁴¹⁴ Statement 2. Parcellations affect rural life because they consume water and soil is destined for house construction not food production.

⁴¹⁵ Statement 1. Parcellations are an opportunity to revive the countryside.

associativity is vertical, not horizontal.

This configuration exposes how Factor 4 processes deep uncertainty not as a threat to the property regime but as an opportunity for its consolidation under updated traditional forms. The moderate acceptance of state intervention combined with rejection that parcels emerge from non-viability and near neutrality about the right not to produce constructs a vision where the crisis justifies neither productive abandonment nor territorial fragmentation. The acceptance that those with little land will sell whilst absolutely rejecting fragmentation reveals a vision where the climate crisis will accelerate the 'natural' concentration of land in capable hands.

Near neutrality about 'land for those who work it' is not ambivalence but confidence that, under climate pressure, land will end up in the hands of those who can keep it productive—who unsurprisingly are those who already possess it. Factor 4 does not need to explicitly defend absolute property because its traditional-hierarchical cognitive framework guarantees that any climate adaptation will reinforce existing structures. Deep uncertainty, far from making the regime flexible, becomes the definitive mechanism of proprietary natural selection where only large landowners survive, absorbing the lands of those who 'inevitably' must sell whilst maintaining the fiction of a countryside united by shared traditional values.

4.3. The Thresholds of Transformation

Figure 2 illustrates the temporal trajectories of each factor through four historical-prospective moments, calculated by averaging the z-scores of thematically grouped statements. For 'Past (Agrarian Reform)', statements S20⁴¹⁶ and S26⁴¹⁷ were averaged; for 'Present (Concentration)', statements S21⁴¹⁸, S22⁴¹⁹ and S34⁴²⁰; for 'Crisis (Climate Change)', statements S29⁴²¹, S30⁴²² and S31⁴²³; and for 'Future (State Intervention)', averaging statements S4⁴²⁴, S24⁴²⁵ and S33⁴²⁶.

⁴¹⁶ Statement 20. The Agrarian Reform had good results.

⁴¹⁷ Statement 26. The dictatorship's and landowners' persecution and revenge for what happened during the Agrarian Reform strongly impacted peasant families.

⁴¹⁸ Statement 21. Large businessmen have bought most agricultural land.

⁴¹⁹ Statement 22. Land concentration is a matter of the past, it no longer matters.

⁴²⁰ Statement 34. Large farmers are buying land and displacing small producers.

⁴²¹ Statement 29. It's increasingly difficult to produce food due to droughts and seasonal changes.

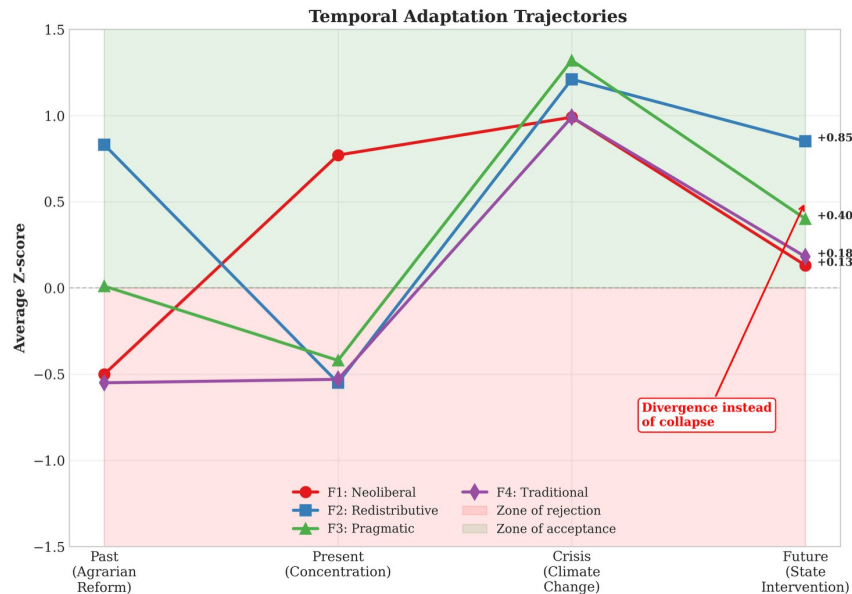
⁴²² Statement 30. Concern about climate and food seems distant until something's missing from our table.

⁴²³ Statement 31. Ignoring climate change is like closing one's eyes to an approaching storm.

⁴²⁴ Statement 4. The state shouldn't meddle in what I decide with my land.

⁴²⁵ Statement 24. The state should ensure a minimum price for certain agricultural products, like milk, meat and wheat.

⁴²⁶ Statement 33. That the state intervenes and affects my lifestyle to halt climate change, which I haven't generated, seems unjust.



The graph reveals these adaptive patterns. All factors converge in a revealing pattern, where the maximum peak in 'Crisis (Climate Change)' precedes a collapse in 'Future (State Intervention)'. This temporal configuration indicates that deep uncertainty receives recognition whilst necessary institutional responses meet divergent reactions.

In this regard, Figure 2 reveals how climate uncertainty affects visions about the State. On one hand, all factors show positive values in 'Future (State Intervention)', but with intensities that expose an irreconcilable fragmentation of conditions. Factor 2 remains entirely consistent, supporting state intervention in all its forms. In contrast, Factor 3 reveals a more calculated pragmatism: it accepts regulation and subsidies but opposes changes to established practices. Factors 1 and 4 converge on minimal values, but this apparent similarity conceals opposite logics.

Factor 1 demands maximum economic support whilst rejecting any regulation, articulating a vision of a welfare State without a regulatory State. Factor 4 conversely accepts state authority for the common good but rejects economic dependence, projecting a State with a certain degree of responsibility but without redistributive function.

This divergence regarding state function exposes why deep uncertainty, far from catalysing consensus, hinders coherent collective action in relation to the exercise of property. The temporal trajectory from unanimous recognition of the climate crisis towards fragmented visions of state intervention reveals that the problem is neither denial of the crisis nor absolute rejection of the State, but the fundamental incompatibility between the interventions that each factor is willing to accept. Factor 1 will accept subsidies but not obligations, Factor 3 will accept regulations that do not affect its mercantile pragmatism, Factor 4 will accept authority that does not imply redistribution, whilst Factor 2 alone—without material power—articulates an integral vision.

5. The State as Mediator of Uncertain Futures

The fundamental incompatibility between the interventions each factor is willing to accept—subsidies without obligations, regulations without lifestyle changes, authority without redistribution, or comprehensive transformation without material power—confronts the Chilean State with an unprecedented challenge. These are not merely policy preferences but structurally determined positions that emerge from how each group inhabits the socio-legal infrastructure of property.

To understand why the State appears paralysed before these irreconcilable demands, and why it consistently defaults to maintaining the status quo despite recognising climate urgency, requires examining how the neoliberal state evolved in Chilean rurality and how this evolution structurally limits its capacity to mediate between incompatible proprietary futures.

The multiplicity of factor positions regarding the state's role within the framework of the climate crisis, which range from openly distributive to pragmatic or utilitarian ones, requires firstly an understanding of the modern evolution of the neoliberal state in Chilean rurality, to then reflect on its potential to address climate tensions over property.

The 1973 military coup marked the start of a policy cycle that changed Chile's state structure, and agriculture was not exempt from these reforms⁴²⁷. The most significant aspect of the new regime was the rise of a subsidiary State, which justified state intervention only in areas where private actors were inefficient. As a result, the State withdrew from sectors such as health, pensions, education, and agriculture⁴²⁸.

According to Villela, between 1973 and 1989, citing policy documents from the nascent dictatorship, the objective was to eliminate all state intrusion in the productive process⁴²⁹, for which private, absolute and exclusive property was substantial. At the same time, the regime reduced funding for state organisms linked to rural development such as the Ministry of Agriculture, INDAP and CORA. However, for Crispi all these actions are evidence of State intervention through its absence, which is directed and coordinated⁴³⁰.

The State withdraws from the policies it promoted and protected agriculture, but actively intervenes to privatise, liberalise and discipline labour and organisations. This process was not linear. As Lovera⁴³¹ and Portilla⁴³² demonstrate, between 1973 and 1989, the Chilean State transits from pure monetarism to pragmatic liberalism, arriving at a subsidiary-corrective role where the role of guilds such as the National Agricultural Society was key.

A large entrepreneur interviewed considers that the Agrarian Reform was 'good insofar as it permitted subdividing lands, but bad from the commercial and social point of view, because it lacked education'⁴³³. For this person, the establishment of a free, dynamic land market

⁴²⁷ Patricio Silva, *Estado, Neoliberalismo y Política Agraria En Chile, 1973-1981* (CEDLA ; Distribuido por Foris Publications 1987).

⁴²⁸ Edwards (n 171).

⁴²⁹ Villela (n 179).

⁴³⁰ Jaime Crispi, 'El Agro Chileno Después de 1973: Expansión Capitalista y Campesinización Pauperizante' (1982)

44 *Revista Mexicana de Sociología* 481; Crispi, Jaime (n 213).

⁴³¹ Lovera (n 179).

⁴³² Portilla R. (n 243).

⁴³³ Interview with anonymous big landowner, Maule Region (Chile, April 2024) (in Spanish, translated by author).

without restrictions was the base. However, they emphasise the importance of complementary policies designed and implemented by the State during the dictatorship. These included the Drawback policy⁴³⁴ and the institutions of PROCHILE⁴³⁵ and *Corporación de Fomento* CORFO (Development Corporation)⁴³⁶, which facilitated access to international markets, as well as low-cost state financing.

For the majority of large entrepreneurs interviewed, this period was marked by the arrival of new private actors to the forestry-agricultural sector. One entrepreneur indicated 'people from banking arrived, lawyers, mining entrepreneurs, even doctors'⁴³⁷. This is confirmed by Villela, who argues that the juridical mechanisms that the dictatorship used particularly facilitated this process to distribute land through individual titling⁴³⁸. The regime expressly prioritised people with university studies.

State non-intervention in the design and implementation of the dictatorship's rural development policy is a myth. And like all myths, its dissemination formed part of a dictatorship narrative seeking to give coherence to its neoliberal political economy. In reality, the state promulgated Decree 208 in 1973 to prohibit access to land for former peasant leaders of the Agrarian Reform⁴³⁹, then created Decree 701 of 1974 granting subsidies to forest lands in the hands of large companies⁴⁴⁰.

Through Decree 165 of 1975 the state facilitated land access to the new proprietary-entrepreneurial class⁴⁴¹, in turn using Decree 3262 of 1980 to eliminate prohibitions on alienating agrarian reform estates⁴⁴². Decree 3516 of 1980 permitted the subdivision of rural estates into half-hectare parcels⁴⁴³, and in 1981 the regime promulgated the Water Code whose central objective was to separate use rights from land ownership, creating a true speculative water market⁴⁴⁴. Added to this, Law 18.450 was enacted which also offered subsidies to large rural estates to include irrigation technology⁴⁴⁵. All these were norms of exclusive state promulgation, in other words, without Parliament inputs.

⁴³⁴ A Chilean export incentive mechanism that refunds customs duties paid on imported inputs used in exported products, established during the military regime to boost non-traditional exports.

⁴³⁵ Chile's export promotion agency created in 1974 during the dictatorship to support Chilean companies' internationalization and diversify the country's export base beyond copper.

⁴³⁶ The Production Development Corporation (*Corporación de Fomento de la Producción*), Chile's economic development agency founded in 1939, repurposed during the dictatorship to provide subsidized credit and technical assistance for export-oriented agricultural modernization.

⁴³⁷ Interview with Large Landowner E (Maule Region, Chile, 15 April 2024) (conducted in Spanish, translated by author).

⁴³⁸ Villela (n 179).

⁴³⁹ Decree Law No. 208, establishing norms for granting free land titles, December 17, 1973, Ministry of Agriculture, Chile.

⁴⁴⁰ Decree Law No. 701, on forestry development, October 28, 1974, Ministry of Agriculture, Chile.

⁴⁴¹ Decree Law No. 165, modifying Decree Law No. 208 on regularization of land titles, February 6, 1975, Ministry of Agriculture, Chile.

⁴⁴² Decree Law No. 3,262, establishing norms for granting property titles over state-owned rural lands, April 30, 1980, Ministry of National Assets, Chile.

⁴⁴³ Decree Law No. 3,516, establishing norms on the subdivision of rural lands, November 29, 1980, Ministry of Agriculture, Chile.

⁴⁴⁴ Water Code, Decree with Force of Law No 1,222 (29 October 1981).

⁴⁴⁵ Law No. 18,450, approving norms for the promotion of private investment in irrigation and drainage works, October 30, 1985, Ministry of Agriculture, Chile.

In Chapter 2, I identified the emergence and development of the business narrative. This narrative emphasised the importance of modernisation, which resulted in neither the old *latifundistas* nor peasant families having sufficient capacity to lead the transformation of agriculture in Chile. The testimonies collected and the set of norms account for the effectiveness of this narrative.

For these large landowners, the Agrarian Reform was not problematic insofar as it permitted subdividing estates. The central problem for right-wing sectors congregated in the business narrative was the prioritisation that the Agrarian Reform made for peasant families to actively participate in the process of rural development and production.

Given these priorities, the State during the dictatorship facilitated land access to this new proprietary-entrepreneurial class, and the promulgation of a framework of norms and policies whose support was key to the take-off of the Chilean agro-export boom, but which also resulted in the expulsion from rural development of small peasants⁴⁴⁶, this time under the shelter of Pinochetist legality.

The transition to democracy in 1990 marked a new phase, yet the state's relationship with rural development combined continuity with selective reforms⁴⁴⁷. This combination takes three forms. Firstly, the structural order fixed by the dictatorship has not represented any type of substantive change in respect of the property regime. Secondly, the consolidation of a dualistic agriculture, where dynamism and sustainability exist only for large entrepreneurs who know how to take advantage of agro-export policies, whilst others experience displacement and exclusion, in what we have termed subordinated inclusion. And thirdly, a sustained growth of assistance and subsidy mechanisms for small farmers through INDAP⁴⁴⁸.

5.1. The Chilean State Facing Planning and Coordination of Rural Territories

The meeting point between the State, Climate Change and the Property Regime is territorial planning. In other words, this refers to the State's capacity to mediate individual and collective interests within the framework of a global threat, to facilitate or demand determined behaviour from private landowners. Thus, the State stands at a crossroads. On one hand, it must defend the legitimacy of property whilst, on the other, it must process climate pressures in the form of proprietary flexibility. Simply put, the Chilean State must navigate the historical balance between the individual 'this is my land and I do what I want on it' in a context where climate change is an existential threat to human wellbeing and planetary health⁴⁴⁹.

The literature on land planning within the framework of climate change is extensive and varied⁴⁵⁰. However, in the case of our research the central axis is the role of the property

⁴⁴⁶ Villela (n 179); Murray, 'Neo-Feudalism in Latin America?' (n 13); Murray, 'From Dependency to Reform and Back Again' (n 107); Warwick E Murray, 'The Neoliberal Inheritance: Agrarian Policy and Rural Differentiation in Democratic Chile' (2002) 21 Bulletin of Latin American Research 425.

⁴⁴⁷ Kay, 'Chile's Neoliberal Agrarian Transformation and the Peasantry' (n 240); Murray, 'From Dependency to Reform and Back Again' (n 107).

⁴⁴⁸ Portilla R. (n 243).

⁴⁴⁹ Intergovernmental Panel On Climate Change (n 260).

⁴⁵⁰ Sprankling JG, 'Property Law for the Anthropocene Era' (2017) 59 Arizona Law Review 737 'Necessity Takings in the Era of Climate Change' (2023) 136 Harvard Law Review 930 Siders AR, Hino M and Mach KJ, 'The Case for

regime in that context and, at issue, is the effective capacity of the state to demand a determined type of behaviour from private landowners. The central discussion directly challenges the individual, absolute and exclusive notion of rural property in Chile.

Whilst urban zones—which represent less than 3% of the national territory—have had binding normative instruments, exhaustively regulated procedures and specific policies since 1975, the rural territory—which covers 97% of the national surface and houses 2.2 million inhabitants—operates under a regime of exceptionality characterised by the absence of its own normative instruments, the subsidiarity of its treatment with respect to the urban, and a sectoral fragmentation that makes integrated territorial management impossible.

Communal	Regulatory Plan (PRC)	LGUC Art. 41-46	Does not apply outside urban limit
		Continuous	
		100%	
		of	c o m m u n e s > 5 0 k i n h a b .h a v e

Binding normative urban vs without rural coverage

70% of territory
without regulation
Intercommunal
Regulatory
Plan

LGUC Art. 34

Can include
intercommunal rural
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Greater coverage but urban focus

Subsidiary rural
application
PLADECO

Indicative for entire
commune

No formal
difference but lower
rural implementation
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Non-binding nature limits effectiveness

PROT	Law (2018)	21.074	-	Cannot regulate consolidated urban areas	Regional zoning	macro-	Urban exclusion vs rural coverage	<20% of regions with PROT
Water Code	1981		2022	Management by water utility companies	Individual owner management		Integrated urban service vs rural fragmentation	Disconnection with territorial planning
Indigenous Law/ADI	1993		Variable	Minimal application	2.3 million ha in 12 ADI		Irrelevant urban vs structuring in indigenous territories	Overlap with other instruments
Coastal Zone	1994		-	Coordination with PRC	Isolated regulation	sectoral	Urban integration vs rural fragmentation	Weak link with rural planning
Native Forest Law	2008		-	Marginal application	14.73 million ha (19.46% territory)		Irrelevant urban vs conditioning rural	Operates without territorial coordination
ZOIT	2010		-	Few urban ZOIT	Majority in rural territories		Investment prioritisation without territorial regulation	4-year validity period without permanent regulation

Table 10 Comparative Analysis of Territorial Planning Instruments in Chile

Source: Author's elaboration based on current Chilean legislation (2024).

Chilean territorial planning reveals a fundamental urban-rural asymmetry. Urban areas possess binding Communal Regulatory Plans (PRC) that detail land uses, zoning, facilities, and construction densities⁴⁵¹. Intercommunal Plans (PRI) and Metropolitan Plans (PRM) regulate physical development across multiple communes⁴⁵². In contrast, rural territories—which make up 97% of the nation's surface—operate under only indicative instruments without normative force. This regulatory gap allows inorganic growth through land fragmentation, which evades planning requirements and leads to incompatible social housing developments on agricultural land.

The disparity is qualitative: urban areas have binding plans, detailed procedures, and integrated service management through utilities; rural zones face procedural voids and must individually resolve basic needs. This configuration institutionalises spatial inequality, with 70% of national territory lacking effective regulation. The problem is not norm absence but the discriminatory normative infrastructure that conceives the rural as urban residue rather than recognising it requires specific planning instruments.

Behind territorial planning lies the objective of achieving sustainable development that links ecological, economic and social aspects for the common good. In turn, its purpose is the rationalisation of land use and the creation of a spatial order that harmonises the interests of different socioeconomic actors, as well as the protection of public goods. In essence, planning is a strategic technical and political tool designed to configure an organisation of territorial use and occupation in the long term, according to its potentialities, the population's aspirations and development objectives. Hence, the State and its planning structure have been seen by the dominant classes as the enemy to defeat and banish from the Chilean countryside. Thus, the spectre of the Agrarian Reform haunts and drives away any presence that is not that of the individual landowner to this day.

5.2. The Chilean State, Property and Climate Change Policies

The Chilean State has mobilised in response to the climate crisis in agriculture through two strategic policies: the National Climate Change Adaptation Plan for the Forestry-Agricultural Sector 2024-2028 (PANCC SAP)⁴⁵³ and the National Strategy for Sovereignty and Food Security⁴⁵⁴. Both recognise land distribution as central to climate vulnerability, noting that Family Peasant Agriculture represents 90% of exploitations but controls only 44% of productive surface, with an average of 17 hectares per exploitation—one of Latin America's most unequal distributions (index 0.91)⁴⁵⁵.

While these policies rhetorically emphasise the State's duty to 'manage, plan and administer territory harmoniously and equitably,' and propose using Regional Territorial Planning Plans

⁴⁵¹ Claudia Espinoza Lizama, 'LOS INSTRUMENTOS DE PLANIFICACIÓN TERRITORIAL (IPT) Y SU APOORTE AL ORDENAMIENTO SOSTENIBLE DEL TERRITORIO' (2018) 41 *Tiempo y Espacio*; Arturo Orellana, Magdalena Vicuña and Roberto Moris, 'PLANIFICACIÓN URBANA Y CALIDAD DE VIDA: APROXIMACIÓN AL ESTADO DE LA PLANIFICACIÓN LOCAL EN CHILE' (2017) 10 *Cuadernos de Vivienda y Urbanismo* 88.

⁴⁵² E Rajevic, 'Limitaciones, Reserva Legal y Contenido Esencial de La Propiedad Privada' (1996) 23 *Revista Chilena de Derecho* 23.

⁴⁵³ Saa, Constanza (n 17).

⁴⁵⁴ Gobierno de Chile, 'Estrategia Nacional de Soberanía Para La Seguridad Alimentaria'.

⁴⁵⁵ Saa, Constanza (n 17).

(PROT) to define preferential areas for food production, the actual measures reveal a fundamental contradiction⁴⁵⁶. The PANCC SAP identifies 'property-level planning' as an essential cross-cutting enabling condition for comprehensive support to small farmers, yet examination of the proposed adaptation measures reveals that none actually link to planning initiatives—the enabling condition enables nothing.

This disconnect proves symptomatic of the State's structural incapacity for territorial coordination. Despite recognising that climate adaptation requires local and regional planning considering geographical and socio-economic particularities, the policies propose no mechanisms that would actually enable such planning in rural areas, maintaining the regulatory vacuum where 97% of national territory lacks effective planning instruments.

Perhaps the spectre of the Agrarian Reform resurfaces here. I lack evidence to confirm this; however, the policies represent an advance insofar as they manage to construct a coherent narrative about the climate urgencies of forestry-agriculture. On the other hand, whether intentional or not, they reinforce the persistence of Chile's neoliberal rural property infrastructure by maintaining the same structural limitations in territorial planning that have characterised the sector since the dictatorship.

5.3. Coalition of Interests or Opportunity for a New Coupling?

The ideological coupling between legal certainty, juridical security and land tenure security, which represents the operation of the neoliberal property infrastructure, proves at least insufficient given the gravity of the climate scenario. As Babie notes, 'climate change is a private property problem', whose externalities are not constrained by legal or physical borders and are uncontrollable in time⁴⁵⁷. The current legal geography—with extreme concentration and fragmentation—empirically hinders any territorial coordination, converting the climate challenge into what Fox O'Mahony and Roark term a 'wicked problem', a problem without possible technical solution because each definition implies incompatible distributions of costs and benefits⁴⁵⁸.

This problem arises because the Chilean regime deprives property of its intrinsic relationality. Whilst authors like Blomley speak of assemblage⁴⁵⁹, Graham of dephysicalisation⁴⁶⁰, Ireland of the person-object relationship⁴⁶¹ and Nedelsky defends its relational nature⁴⁶², in Chile property's presumed self-sufficiency reduces its adaptive capacity. As Blomley notes, one of property's crucial performative effects is to produce 'the appearance of resolution, simplicity, order, certainty and security' which, despite its manifest exclusions and violences, 'appears equitable and benign'⁴⁶³.

This fiction of neutrality faces its historical limit in the Chilean context, where the State must

⁴⁵⁶ Saa, Constanza (n 17); Gobierno de Chile (n 454).

⁴⁵⁷ Babie, 'Private Property and Climate Change' (n 4).

⁴⁵⁸ Fox O'Mahony and Roark, 'Resilient Property Theory' (n 63).

⁴⁵⁹ Blomley, 'Performing Property' (n 68).

⁴⁶⁰ Graham, 'Dephysicalisation and Entitlement' (n 8).

⁴⁶¹ Paddy Ireland, *Property in Contemporary Capitalism* (Bristol University Press 2024).

⁴⁶² Nedelsky (n 352).

⁴⁶³ Blomley, 'Performing Property' (n 68).

exercise what Fox O'Mahony and Roark term its 'other-regarding' responsibility, mediating between actors with irreconcilable visions about the state role itself⁴⁶⁴. Figure 9 reveals that although all factors show positive values towards future state intervention, the fragmentation is irresolvable. Factor 2 accepts comprehensive state intervention but lacks material power to implement it. Factor 3 reveals calculating pragmatism, accepting regulation and subsidies whilst rejecting transformations in lifestyles, thus naturalising agricultural dissolution as inevitable mercantile adaptation.

Factors 1 and 4 converge on minimal values but from opposite logics: Factor 1 demands maximum economic support whilst rejecting any regulation, articulating a vision of a welfare State without a regulatory State; Factor 4 accepts state authority for the common good but rejects economic dependence, projecting a State with environmental responsibility but without redistributive function.

As Santos observes, 'the more severe the climate, the more strongly socioeconomic development associates with individualistic practices'⁴⁶⁵, deepening fragmentation precisely when maximum coordination is required. This configuration exposes why deep uncertainty, far from catalysing consensus, makes coherent collective action impossible, as each factor demands a different vision or intervention from the State incompatible with the others.

Paradoxically, this impossibility of coalition opens space for 'normative hybridity', the capacity to operate simultaneously through multiple overlapping scales and normative domains⁴⁶⁶. As Bennett and Layard argue, everyday spaces are not 'neutral empty spaces upon which law is exercised' but 'places of active and localised creation of meaning'⁴⁶⁷. This perspective suggests that the new coupling would not require harmonic synthesis but explicit recognition of multiplicity.

Fox O'Mahony and Roark warn that the distinctive characteristics of liberal property theory are ill-adapted for moments of transition⁴⁶⁸, but Ewick and Silbey offer a complementary perspective. The contradictions and internal oppositions are not weaknesses but sources of ideological 'vitality and potency'⁴⁶⁹. A new institutional coupling could emerge not from resolving contradictions but from productively institutionalising them, recognising different normative regimes for different scales and purposes.

This would require the Chilean State to abandon the fiction of technical neutrality and explicitly assume its mediating function between concrete material insecurities. As Butler argues, it is time for property systems to incorporate greater responsibility for the climate damage that individual owners contribute to the global system⁴⁷⁰.

In practical terms, this would mean the State could maintain formal legal certainty for transactions whilst making productive obligations flexible according to ecological zones; preserve individual sovereignty in certain areas whilst imposing collective coordination in others; guarantee land tenure security for small peasants whilst conditioning that of large owners to environmental criteria. The resulting model could prove resilient, capable of processing permanent tensions between abstract juridical security and concrete material

⁴⁶⁴ Fox O'Mahony and Roark, 'State, Narratives and Norms' (n 95).

⁴⁶⁵ Santos, Varnum and Grossmann (n 334).

⁴⁶⁶ Fox O'Mahony and Roark, 'State, Narratives and Norms' (n 95).

⁴⁶⁷ Bennett and Layard (n 360).

⁴⁶⁸ Fox O'Mahony and Roark, 'State, Narratives and Norms' (n 95).

⁴⁶⁹ Ewick and Silbey, 'Looking for Hegemony in All the Wrong Places: Critique, Context and Collectivities in Studies of Legal Consciousness' (n 81).

⁴⁷⁰ Butler, 'Property, Climate Change, and Accountability' (n 5).

insecurity, recognising that, in the era of climate change, the only certainty is the need for permanent institutional flexibility.

6. Conclusion

This chapter has established that the neoliberal infrastructure of Chilean rural property operates through the ideological coupling of legal certainty, juridical security, and land tenure security—concepts the military dictatorship fused into an apparent technical unity. Analytical disaggregation reveals their distinct ontological registers: legal certainty functions at the technical-formal level of title identification; juridical security operates as an ideological-temporal apparatus fixing the status quo as insurmountable horizon; land tenure security exposes the material dimension where juridical abstractions confront ecological realities. This coupling emerged from foundational violence—Decree Law 208 prohibiting Agrarian Reform participants from land access—yet appears naturalised as neutral market dynamics, consolidating a hegemony where the concentration of 34% of agricultural land in 1% of hands seems inevitable rather than political.

The Q methodology analysis exposed how deeply this hegemony penetrates proprietary subjectivities. Most revealing is Factor 1, where small peasants defend neoliberal principles more vehemently than entrepreneurs themselves, rejecting even the notion that family agriculture constitutes a way of life. This paradox—subaltern subjects internalising principles that marginalise them—demonstrates the regime's success in producing subjects who defend the very system that excludes them. Each factor processes the climate crisis through this ideological coupling, recognising ecological threats whilst rejecting institutional responses that might challenge property's absolute character, revealing how the infrastructure generates contradictions it cannot resolve.

Each factor processes temporalities differently. Factor 1 naturalises the present as the only possible horizon, Factor 2 mobilises the memory of Agrarian Reform to imagine transformative futures from positions of exclusion, Factor 3 compartmentalises temporalities facilitating the transition towards non-agricultural uses, whilst Factor 4 employs nostalgia for pre-modern hierarchies to legitimise contemporary inequalities. The temporal trajectories converge in a pattern where recognition of the climate crisis collapses before any proposal for transformative state intervention.

In this scenario, climate change introduces a deep uncertainty, exposing the inadequacy of the property regime based on individual, absolute and exclusive property to process collective and systemic phenomena. The structural drought that recognises no property boundaries demonstrates that formal legal certainty and ideological juridical security prove incapable of guaranteeing material security in tenure.

The four factors develop incompatible responses to this crisis. Factor 1 demands subsidies whilst rejecting productive obligations, Factor 2 promotes a redistributive agenda without having access to land, Factor 3 legitimises the dissolution of the agricultural regime by accepting that fragmentation emerges from economic non-viability, and Factor 4 processes uncertainty as an opportunity to consolidate hierarchical structures where the crisis will accelerate land concentration. This fragmentation reveals that the problem does not lie in denial of the crisis but in the incompatibility between the interventions that each group accepts.

The analysis of territorial planning instruments exposes an asymmetry where 97% of the national territory lacks effective regulation, configuring a normative void that constitutes the active presence of the spectre of the Agrarian Reform that prevents state interventions in rurality. Urban zones—which represent less than 3% of the national territory—have binding Communal Regulatory Plans and regulated procedures, whilst rural territory operates under a regime of exceptionality characterised by subsidiarity and sectoral fragmentation. Recent climate policies discursively link climate change, territorial planning and food security, but without proposing concrete planning measures, evidencing that property-level planning does not constitute an enabling condition for any adaptation measure.

Thus, the State faces a crossroads where it must abandon technical neutrality and mediate between irreconcilable visions. Factor 1 demands a welfare State without a regulatory State, Factor 3 accepts regulations that do not affect its mercantile pragmatism, Factor 4 projects state authority without redistribution, whilst Factor 2, structurally marginalised, articulates an integral vision of transformation.

The convergence between climate crisis and fragmentation of proprietary consciousnesses opens a space for what I term normative hybridity, understood as the capacity to operate through overlapping scales and normative domains without requiring harmonic synthesis⁴⁷¹. The recent advisory opinions of the International Court of Justice and the Inter-American Court of Human Rights recognise climate change as an existential threat to human wellbeing and provide an international juridical framework that could legitimise structural transformations of the property regime.

The analysis of these converging crises and fragmented responses offers a double contribution. On one hand, it provides an exportable and comparable analytical framework for studying property regimes in diverse contexts, transcending previous ideological categories to empirically examine how temporal, spatial and subjective dimensions articulate in each case. On the other hand, it demonstrates that in the Chilean case this articulation produces a specifically neoliberal configuration through the ideological coupling between legal certainty, juridical security and land tenure security. This finding also reveals a fundamental paradox where the socio-legal infrastructure itself generates contradictions that it cannot resolve. The Chilean property regime has thus reached the structural limits of its adaptive capacity facing climate change.

The following chapter will examine how this self-generated contradiction opens spaces to imagine transformations that transcend the historical binary between absolute individual property and the redistributive trauma of the Agrarian Reform. Emerging state obligations regarding climate mitigation and adaptation could ground what could constitute a Climate Agrarian Reform. This would not imply dismantling the property regime but productively institutionalising its contradictions through differentiated juridical architectures.

⁴⁷¹ Fox O'Mahony and Roark, 'State, Narratives and Norms' (n 95).

Chapter 6.

Chile at a Crossroads: Conclusions for an Uncertain Future

Introduction

The analysis developed in the previous five chapters reveals a fundamental paradox of Chilean rural development. Between 1976 and 2023, the agricultural sector experienced unprecedented growth that established Chile as a regional leader in productivity and exports, whilst rural poverty declined from 40% to 6%⁴⁷². This property regime facilitated agricultural modernisation through legal certainty, free transferability, and minimal state intervention. Yet it now constitutes the principal obstacle to climate adaptation. The evidence demonstrates that the neoliberal model's successful characteristics—legal certainty, transferability, and minimal intervention—now prevent coordinated responses to climate challenges. These systemic droughts, extreme weather events, and ecosystem transformations transcend property boundaries and disregard ownership titles.

Policymakers consistently present land rights as the answer to various crises affecting rural areas⁴⁷³. Strengthening them emerges as the key response to these challenges. This thesis demonstrates, using the Chilean case, that this strategy proves insufficient. Whilst the infrastructure underpinning land rights seems to function, the real problem lies in the content of these rights. It is here that neoliberal operations, through the coupling of legal certainty, judicial security, and land tenure security, hinder the coordination and planning processes that the state should lead.

This final chapter comprises six sections. Following this introduction, Section 1 synthesises the empirical findings across the temporal, spatial, and subjective dimensions of the socio-legal infrastructure. Section 2 identifies the self-generated contradictions where the neoliberal system's success produces conditions for its crisis. Section 3 examines tensions and points of transformation, demonstrating the impossibility of self-transformation within the current regime. Section 4 conceptualises Climate Agrarian Reform, presenting three competing models while analysing the risk of neoliberal capture. Section 5 discusses the theoretical contributions to socio-legal studies, methodological innovations, and research limitations. Section 6 concludes by situating Chile at a historical crossroads, exploring the inevitable transformation from property as frontier to property as bridge.

The climate crisis now reinforces traditional arguments for social justice and land democratisation through survival imperatives, reconfiguring the debate whilst maintaining its political dimension. This chapter examines these contributions and analyses their implications for public policy and socio-legal theory. I also identify the study's limitations and conclude with an evaluation of possibilities for transforming Chile's rural property regime in the context of global climate crisis.

⁴⁷² Valdes and Foster, 'Agricultural and Rural Policies in Chile' (n 228); Alberto Valdés and others, 'Desafíos de la agricultura y desarrollo rural en Chile' (Oficina de Estudios y Políticas Agrarias 2022).

⁴⁷³ Klaus W Deininger, *Land Policies for Growth and Poverty Reduction* (World Bank ; Oxford University Press 2003); Borras Jr and Franco (n 388).

1. Synthesis of Empirical Findings

The socio-legal infrastructure of property constitutes a system that operates through three interdependent dimensions. The temporal dimension organises collective memory about land, administers present property relations, and projects the potential and foreclosed futures of the regime. The spatial dimension configures territorial distributions, establishes patterns of concentration and fragmentation, and determines mechanisms of inclusion and exclusion from land access. The subjective dimension produces specific forms of legal consciousness, generates processes of internalisation of property norms, and shapes resistance or adherence to the established regime. These three dimensions operate interdependently, creating a system of reciprocal reinforcement between time, space, and property subjectivities.

This conceptualisation surpasses the doctrinal approaches that dominate property studies in Chile⁴⁷⁴. Whilst doctrinal analysis examines property as a set of legal norms susceptible to systematic interpretation, the socio-legal infrastructure perspective demonstrates how property produces material and symbolic realities.

Property does not merely regulate abstract interpersonal relations but fundamentally governs relations to things⁴⁷⁵. That is, the materiality of property as a relation is an irreplaceable element. This perspective reveals how property actively produces the temporalities we inhabit, the spaces we occupy, and the subjectivities that constitute us as landowners or the dispossessed. It also explains why formal normative changes frequently fail to transform property relations, since this infrastructure operates at deeper levels than formal legal regulation.

Chilean socio-legal infrastructure operates through an ideological coupling of three concepts. The military dictatorship fused these through systematic legal instruments and territorial policies. Decree Law 208 (1973) prohibited land access to participants in Agrarian Reform occupations or strikes. This created blacklists permanently excluding peasant leaders. Decrees 240 (1974) and 133 (1976) facilitated reassignment of over three million hectares. Restitutions to former owners and public auctions privileged agricultural technicians over peasants lacking formal education. Decree Law 3,516 (1980) permitted unlimited subdivision of rural estates, fragmenting peasant holdings whilst large landowners consolidated their domains.

The 1980 Constitution elevated private property to a fundamental guarantee with untouchable essential attributes⁴⁷⁶, constitutionally foreclosing any possibility of redistributive reform. These policies constituted comprehensive restructuring rather than technical adjustments of the rural property regime that fused legal certainty, juridical security, and land tenure security

⁴⁷⁴ Brahm, 'Algunos Aspectos Del Proceso de Socialización Del Derecho de Propiedad En Chile Durante El Gobierno Del General Carlos Ibañez Del Campo (1927–1931)' (n 21); Cordero Quinzacara (n 37); Henríquez, Miriam and Rajevic, Enrique (eds), *Derecho de Propiedad. Enfoques de Derecho Público*. (DER EDICIONES 2018); Ferrada (n 44); Enrique Brahm, 'En la estela de Cuba: la ilusión revolucionaria en la revista Mensaje' [2020] *Revista de estudios histórico-jurídicos* 737; Ivan Obando, 'La Función Social de la propiedad: Un análisis de sus antecedentes doctrinales, históricos y jurisprudenciales.', *El derecho de Propiedad: estudios públicos y privados* (Tirant lo Blanch 2019); Pablo Ruiz-Tagle, 'La propiedad en Chile y sus dilemas' [2018] *Revista de derecho* (Valparaíso) 0; Ernesto Vargas Weil, 'La propiedad frente a la hoja en blanco: tradición constitucional y derecho comparado' [2021] *Estudios Públicos* 43; Ernesto Vargas Weil, 'Las bases privatistas de la propiedad constitucional: una aproximación comparada', *Derecho civil y Constitución* ([1ª edición], Tirant lo Blanch 2021).

⁴⁷⁵ N Graham, 'This Is Not a Thing: Land, Sustainability and Legal Education' (2014) 26 *Journal of Environmental Law* 395.

⁴⁷⁶ Cordero Quinzacara (n 37); Cordero Quinzacara (n 49).

into an apparently technical but profoundly ideological unity. Physical exclusions and symbolic legal violence operated simultaneously, naturalising deliberate political construction as inevitable. The 'never again' to Agrarian Reform became the new regime's organising principle.

Each concept of the coupling operates in a distinct ontological register, a difference that the ideological coupling systematically conceals. Legal certainty functions in the technical-formal register. It guarantees unequivocal identification of titleholders through Chile's land registry system, determining territorial exclusion rights. Juridical security operates in the ideological-temporal register, freezing transformation horizons through promises of unaltered rules. This forms a foundational principle of the property legal order.

Land tenure security operates in the material-ecological register, guaranteeing that those who work the land can maintain their productive relationship with it. Yet the coupling reduces tenure security to an automatic consequence of legal certainty and juridical security. This ignores how registry certainty and normative stability cannot guarantee material continuity when droughts, floods, or soil degradation destroy the productive base.

This fusion of distinct concepts into an ideological unity constitutes the specifically neoliberal form of Chilean socio-legal infrastructure. Whilst other Latin American countries maintain productive tensions between these concepts, allowing social function to limit legal certainty or land tenure security for small producers to prevail over juridical security for large landowners, Chile eliminated these tensions through their total fusion.

The result is a regime treating any questioning of one element as a threat to the complete system. Proposing productive obligations becomes an attack on legal certainty. Suggesting accumulation limits equals destroying juridical security. Protecting peasant tenure means returning to Agrarian Reform trauma. This ideological fusion explains both the regime's stability over four decades and its current incapacity to process the transformations that the climate crisis demands.

1.1. The Temporal Dimension: Narratives and Violence

The analysis in Chapter 2 reveals how the temporal dimension of socio-legal infrastructure operates through three narratives that compete to define the coupling or decoupling between productive and social functions of rural property. The entrepreneurial narrative, articulated since 1960 by figures such as Senator Pedro Ibáñez, systematically resists any coupling between these functions. It argues that property must serve exclusively productive efficiency without social obligations. This resistance to coupling represents both economic preference and political strategy to maintain territorial control in the hands of a new entrepreneurial class defined by technical capacity and access to capital.

The socio-communitarian narrative (1964-1973) proposes integral coupling of productive and social functions. Land simultaneously fulfils economic and civic integration roles through the principle: 'the land belongs to those who work it'. The 1967 Agrarian Reform thus represents the first moment in Chilean history when property redesign achieves both discursive and legal coupling of social and productive functions.

The military dictatorship violently imposes definitive decoupling between 1973 and 1989, permanently separating productive functions from any social obligation, thereby facilitating

the consolidation of the business narrative which, within the framework of the dictatorship, was able to assert its hegemony at various levels—most notably in the Ortúzar Commission and the Council of State. The post-1990 technocratic narrative consolidates this decoupling through a different mechanism. It transforms property from political terrain where coupling/decoupling is disputed into a technical matter where decoupling appears natural for efficient market functioning.

The concept of coupling/decoupling structures the forms of violence that each narrative deploys to impose its temporal vision. The entrepreneurial narrative initially failed to prevent the democratic coupling established by the 1967 Agrarian Reform. It returned through the 1973 military coup to violently impose decoupling. This arrangement definitively evaded complex social questions about property. Within the new decoupled paradigm, land concentration among few owners became an economic rather than social justice question.

Decree Law 208 (1973) materialises the violence through which the entrepreneurial narrative operates, by permanently prohibiting land access to those who participated in the coupling process during Agrarian Reform. The documented testimonies reveal how this violence operates simultaneously in physical and symbolic registers.

A peasant recounts: 'they applied Decree 208 to my uncle, and he could not claim anything'⁴⁷⁷, evidencing physical exclusion. Another testimony reveals the symbolic dimension: 'it was a punishment; they returned the land to the former landowner'. This foundational violence transforms rural collective memory. The urban 'never again' against state violence becomes inverted to signify 'never again shall we rise', establishing fear as the temporal guarantee of permanent decoupling.

The technocratic narrative perfects decoupling through symbolic violence that renders physical coercion unnecessary. The silencing documented at the beginning of Chapter 2, where a ministerial adviser declares the topic resolved and closed, exemplifies how decoupling becomes naturalised to the point of indisputability. The silencing of the 'Shelved Reports' investigated by Salem also exemplifies this technocratic procedure⁴⁷⁸. These reports detailed peasant purges during the dictatorship and possible forms of reparation. Far from being depoliticised, it represented a political form of denying the political rationality of property.

Another example occurs during 1988. During transition negotiations, sectors of the Socialist and Christian Democratic parties raised the agrarian question. The right, led by Jaime Guzmán, immediately invoked the spectre of Agrarian Reform to prevent any discussion. It was a direct and clear warning. Transition yes, but debates about property no.

By 2010, when I enquired about land distribution, the technical closure response reveals that decoupling has been successful. The separation of technique from politics triumphs throughout Chile, particularly regarding social demands. Thus, advances occur only when meeting criteria of scientific efficiency. Politics for politicians, policy for technocrats.

The current exhaustion of technocratic control over time manifests in the impossibility of maintaining decoupling in the face of climate crisis. Subsequent chapters document critical phenomena: loss of 37,150 hectares of productive soil and extreme concentration where 5% of estates control over 50% of land. These reveal how decoupling productive and social

⁴⁷⁷ Interview with Small Peasant A (Maule Region, Chile, 15 April 2024) (conducted in Spanish, translated by author).

⁴⁷⁸ Salém Vasconcelos (n 257).

functions generates contradictions threatening the system's viability.

Climate change forces the return of the coupling/decoupling debate to political terrain, as droughts, floods, and soil degradation do not respect the artificial separation between the productive and the social. The temporal dimension thus reaches its limit: the future foreclosed by neoliberal decoupling now collides with urgent needs to re-couple functions for production and survival. This forced return of coupling/decoupling as first a political and then a technical question marks the exhaustion of existing narratives' capacity to administer time and project viable futures in the context of climate crisis.

1.2. The Spatial Dimension: Concentration and Fragmentation

The territorial analysis in Chapter 3 reveals that the spatial dimension of socio-legal infrastructure operates through two apparently contradictory but structurally complementary processes. Extreme land concentration shows Gini coefficients exceeding 0.70 across all studied regions. This coexists with accelerated fragmentation consuming 37,150 hectares of productive agricultural soil.

In Ñuble, 63% of fragmented parcels occupy land designated for agricultural use. The Maule and O'Higgins regions show similar patterns at 55% and 48% respectively, totalling over 37,150 hectares lost to production. Concentration remains extreme: the top 5% of landowners control over half the agricultural territory. The disparity is stark—the top decile averages 51.7 hectares while the bottom decile holds just 0.13 hectares, a 400:1 ratio.

This spatial configuration results from specific juridical decisions rather than natural market forces. Regarding concentration, the absence of any norm limiting land purchases is key, whilst for fragmentation, Decree Law 3,516 (1980) permitted unlimited subdivision without territorial planning.

The loss of these 37,150 hectares of agricultural land constitutes the most significant finding of the spatial analysis. This fragmentation maintains formal agricultural designation. In practice, however, these half-hectare parcels enter the real estate market for housing rather than agricultural production. Municipal analysis reveals that fragmentation affects both traditional cereal zones and export fruit areas.

In cereal municipalities such as San Carlos, Chillán, and San Nicolás, more than half the fragmented soil corresponds to cereals and fodder. In fruit-growing zones such as Curicó and Talca, where fruit trees and vineyards dominate production, subdivision consumes lands oriented almost exclusively towards export. This territorial erosion threatens both internal food security and export competitiveness. It compromises the fruit sector's territorial base, which has sustained Chile's trade balance for three decades.

Concentration and fragmentation emerge from the same organising principle of Chilean socio-legal infrastructure: absolute individual sovereignty over land. This principle allows large landowners to accumulate without restrictions whilst small and medium landowners subdivide without control. Geospatial analysis documents that properties between 10 and 50 hectares generated 76,142 new parcels, operating as the principal engine of fragmentation whilst seeking to capture real estate rents given the economic unviability of small-scale agricultural production. Analysis of irrigated lands reveals an even more extreme concentration—the top 10% control 65% of total irrigated hectares. This resource remains fundamental for export agriculture and climate adaptation.

The resulting spatial configuration makes structurally impossible the territorial coordination necessary to confront climate change. Without trans-proprietary mechanisms that enable collective action, each landowner makes individual decisions that in aggregate produce collective disasters. The result is a territory where climate adaptation becomes impossible not due to technical or financial limitations but due to the juridical architecture that organises Chilean rural space. This structural impossibility of coordination constitutes the clearest spatial manifestation of how the neoliberal infrastructure of property, by prioritising individual sovereignty over collective functions, generates territorial conditions incompatible with the systemic challenges that climate change imposes.

1.3. The Subjective Dimension: Fragmented Consciousnesses

The analysis in Chapter 4 employs Q methodology to examine legal consciousness. It reveals how the subjective dimension of socio-legal infrastructure produces four distinct property consciousness configurations. Twenty-nine rural actors, ranging from landless workers to large entrepreneurs, sorted 40 statements about property, land, and climate change. This revealed systematic thought patterns organising how different actors understand, justify, or question the property regime.

Factor 1 ('Internalised Rural Neoliberalism') groups nine participants: six small peasants converge with a large businesswoman in defending neoliberal principles. Factor 2 ('Redistributive Ecologism with Historical Memory') articulates a counter-hegemonic vision from marginalised positions. It comprises landless workers, grandchildren of Agrarian Reform beneficiaries, and committed technicians.

Factor 3 ('Adaptive Pragmatism') unites diverse structural positions through an instrumental approach. It recognises historical and environmental problems but confines them to past or future, never questioning the present. Factor 4 ('Entrepreneurial Traditionalism with Identity

Anchoring') configures an alliance between entrepreneurs and medium-scale farmers through hierarchical-traditional vision. Each actor occupies their supposedly natural place.

The most revealing finding emerges from Factor 1, dominated by small peasants who articulate the most vehement defence of the neoliberal system. They surpass even entrepreneurs in rejecting state intervention or social function of property. Six of the nine participants are small-scale peasant women who defend principles that marginalise them, rejecting even the notion that family farming constitutes a differentiated way of life.

The factor's heterogeneous composition—including a landless person, a large businesswoman, and small peasants—demonstrates how rural neoliberal consciousness permeates across social and gender positions. It forms coalitions where subordinate producers share perspectives with large capital actors. This deep internalisation partially explains the absence of redistributive mobilisation from peasant grassroots, despite the extreme concentration documented in Chapter 3.

The fragmentation of legal consciousnesses constitutes a structural impediment to the collective action necessary in the face of climate change. Each factor demands a different state model, incompatible with the others. Factor 1 demands subsidies without accepting productive obligations. This reproduces the contradiction of demanding state support whilst rejecting regulation. Factor 2 promotes a transformative redistributive agenda but lacks access to land or political power for implementation.

Factor 3 pragmatically facilitates agricultural regime dissolution by accepting fragmentation as economically inevitable. It operates as technical mediator of the rural real estate market. Factor 4 defends traditional hierarchies. It processes the crisis as an opportunity to consolidate existing power structures. This irreducible diversity makes coalition-building difficult. No minimal consensus exists about legitimate or necessary interventions. All factors show apparent consensus about climate change reality with high positive valuations. Yet this operates as an 'empty signifier' that each perspective fills with radically different content.

The analysis identified three dimensions of fissure where the regime reveals its deepest contradictions. First, extreme polarisation over property's social function exposes ontologically irreconcilable visions of the relationship between society, nature, and property. Second, divisions over productive and entrepreneurial roles reveal absent consensus about desirable agrarian development models. Alliances shift according to specific issues. Third, identity fractures determine who is recognised as a legitimate agrarian subject and what forms of relationship with land deserve institutional protection.

2. The Self-generated Contradiction

2.1. The Structural Paradox

The socio-legal infrastructure of Chilean rural property exhibits a fundamental contradiction that constitutes its defining feature, not an implementation failure. The regime systematically

generates problems its own architecture cannot resolve. This paradox emerges from the very nature of the ideological coupling between legal certainty, juridical security, and land tenure security analysed in previous sections. The registry system guarantees unequivocal identification of titleholders and the constitutional framework promises perpetual normative stability. Yet climatic phenomena threatening production's material base recognise neither property boundaries nor ownership titles.

The documented systemic drought, the 37,150 hectares lost through fragmentation, and extreme concentration where 5% control over half the territory—all manifest contradictions the regime produces but cannot process. The system lacks internal mechanisms to coordinate trans-proprietary responses precisely because it was designed to guarantee absolute individual sovereignty over each portion of territory. This incapacity is not a correctable technical defect but the inevitable manifestation of a regime whose coherence depends on maintaining the fiction that aggregated individual decisions will produce optimal collective results.

The ideological coupling that guaranteed the historical success of the neoliberal model now constitutes its principal impediment to processing systemic phenomena such as climate change. Between 1976 and 2023, the fusion of legal certainty with juridical security provided ideal conditions for agro-export modernisation. It guaranteed stability for investment, certainty for accumulation, and constitutional protection against redistribution. This same coupling now operates as a structural barrier to necessary adaptation.

Climate change introduces what Chapter 5 characterises as a 'wicked problem'⁴⁷⁹. This situation lacks technical solutions because each definition implies incompatible distributions of costs and benefits. The Chilean regime deprives property of its intrinsic relationality, reducing it to self-sufficient individual ownership. This eliminates precisely the coordination mechanisms the climate crisis demands. Perfect legal certainty about who possesses which parcel becomes irrelevant when drought affects entire watersheds. Juridical security freezes transformation horizons, preventing the institutional flexibility required by dynamic phenomena. The promise of land tenure security based on individual titles collapses when ecosystem degradation destroys the productive base regardless of registral perfection.

This contradiction is self-generated because it emerges from the system's own successful logic, not from external interferences or defective implementation. The neoliberal infrastructure of Chilean rural property reached its purest form by eliminating all frictions between productive, social, and environmental functions—frictions other systems deliberately maintain. Other Latin American countries preserve productive tensions between these elements. Chile, through foundational violence and technocratic consolidation, achieved total decoupling appearing as technical achievement⁴⁸⁰.

However, this success in creating a purely individual, absolute, and exclusive property system generates the conditions for its own crisis. The extreme concentration that the system permits undermines the social base necessary for its legitimacy. The unlimited fragmentation it authorises destroys the territorial coherence required for production. The absence of coordination mechanisms it guarantees makes collective responses impossible in the face of phenomena that do not respect individual sovereignties.

⁴⁷⁹ Fox O'Mahony and Roark, 'State, Narratives and Norms' (n 95).

⁴⁸⁰ Bernardo Mançano Fernandes, 'La experiencia brasileña de lucha por la tierra y reforma agraria', *La actualidad de la reforma agraria en América Latina y El Caribe* (CLACSO 2018).

The regime becomes victim of its own success. It eliminated social and environmental functions so effectively that it now lacks instruments to process them when survival makes them inescapable. This explains why technical solutions within the existing framework systematically fail. The issue is not adjusting defective mechanisms but recognising that the problem resides in the infrastructure at both elemental and operational levels.

2.2. Manifestations of the Contradiction

The self-generated contradiction manifests specifically in each dimension of socio-legal infrastructure, revealing how the regime systematically undermines its own conditions of reproduction. In the temporal dimension, the juridical security that promised stability now operates as a mechanism of institutional paralysis.

The 'never again' to Agrarian Reform has organised the regime since 1973. It freezes transformation horizons precisely when climate change demands maximum adaptive flexibility. The technocratic narrative consolidated this temporal freezing by transforming property from a political question into a resolved and closed technical matter.

However, as Chapter 2 documents, the unsustainability of technocratic silence becomes evident when droughts, floods, and soil degradation force the return of the coupling/decoupling debate to political terrain. The regime thus faces an irresolvable temporal contradiction. Maintaining the juridical security defining its ideological identity prevents the institutional transformations required for the productive system's survival. The promise that current rules will remain unaltered, foundation of investment and accumulation for four decades, becomes a verdict of obsolescence when material conditions change faster than the institutional capacity to process them.

In the spatial dimension, absolute individual sovereignty over each territorial portion fragments rural space. Meanwhile, the climate crisis demands ecosystem coordination at watershed, biological corridor, and integrated system scales. The data from Chapter 3 evidence this spatial contradiction in its starkest expression. Whilst the top 5% of landowners control more than half the agricultural territory, 76,142 new parcels fragment the productive landscape without planning or consideration of aggregate effects.

Each landowner exercises absolute sovereignty over their property, making decisions that affect the complete system but without trans-proprietary coordination mechanisms. Concentration monopolises decisional capacity over extensions that require collective management whilst fragmentation atomises responses where coordinated action is needed. The result is a geography of impossibility: large landowners cannot individually escape the systemic crisis, and small ones cannot coordinate collectively to confront it.

In the subjective dimension, the consciousnesses produced by the regime are so deeply captured that they cannot imagine solutions outside the framework that constitutes them. Factor 1 identified in Chapter 4, where small peasants defend neoliberal principles more vehemently than the entrepreneurs themselves, exemplifies this subjective capture. Six small

producer peasant women articulate defence of the system that objectively marginalises them, rejecting even recognition that family farming constitutes a differentiated way of life.

Each factor demands state intervention incompatible with the others. Yet none can imagine transformations transcending the paradigm of individual, absolute, and exclusive property. Even Factor 2, which articulates the most transformative vision, remains marginalised without access to land or political power. The fragmentation of consciousnesses is not accident but systematic product of a regime that produces subjectivities as atomised as the territory they inhabit.

Chapter 5 synthesises how these manifestations converge in the paralysis of the Chilean State, imprisoned by its foundational neoliberal character. The State discursively recognises the urgent need for territorial planning and coordination to confront climate change. Yet it maintains a regulatory vacuum in rural zones—97% of national territory. The climate policies analysed rhetorically propose that the State must "administer the territory harmoniously and equitably" whilst its concrete instruments reproduce the fragmentation they purport to overcome.

Property-level planning is identified as indispensable for the strategy's programmes, yet in the absence of programmes, it vanishes. This decoupling between discourse and practice reflects not technical incompetence but the active presence of the spectre of Agrarian Reform that paralyses any state intervention in rural territory. The State must mediate between irreconcilable visions. Factor 1 demands subsidies without regulation; Factor 2 demands redistribution without power; Factor 3 facilitates market dissolution; Factor 4 defends traditional hierarchies.

This impossibility of synthesis is structural, not contingent. It manifests institutionally through socio-legal infrastructure generating mutually exclusive demands without processing mechanisms. The Chilean State thus embodies the self-generated contradiction of the regime, obliged to maintain an order it recognises as unsustainable, yet without instruments to transform it without violating the constitutive principles that define it.

3. Tensions and Points of Transformation

3.1. The Identified Tensions

Twenty latent negotiation spaces emerge where statements generate 2-2 divisions between factors. These do not resolve the irreconcilability of imagined futures but reveal tactical openings for incremental adjustments. Factor 1 shows neutrality on state climate intervention (0.08) and unexpected openness to property limits (0.13). Factors 1 and 3 partially converge on economic parcelling (0.43 and 1.76). These constitute moments of suspended judgement, not ideological convergences.

These grey areas permit imagining specific reforms that do not threaten fundamental identities of each factor but cannot generate the structural transformation that the climate crisis demands. Factor 1 will continue demanding subsidies without regulation, Factor 2 redistribution without power to implement it, Factor 3 facilitating market transactions, and

Factor 4 defending traditional hierarchies. These spaces of ambivalence thus reinforce—rather than contradict—the impossibility of the regime's self-transformation. They permit marginal adjustments whilst structural contradictions remain irresolvable.

The second tension manifests in the irresolvable territorial contradictions between extreme concentration and accelerated fragmentation. The data from Chapter 3 document a geography of impossibility where the top 5% of landowners control more than half the territory whilst 76,142 new parcels atomise the productive landscape. This spatial configuration generates dysfunctions that no actor can resolve individually.

Large landowners, despite their control over vast extensions, cannot escape droughts that affect entire watersheds nor create biodiversity corridors when surrounded by fragmented parcels. Small landowners occupy atomised units averaging 0.13 hectares. They lack the minimum scale to implement adaptive technologies or negotiate collectively.

Factor 3, comprising property brokers and agricultural technicians, recognises this contradiction. It shows the highest acceptance that fragmentation emerges from economic unviability (1.76) whilst acknowledging its negative territorial effects (1.34). This spatial fissure reveals how the regime's organising principle—absolute individual sovereignty—generates territorial configurations undermining its own material reproduction. Neither concentration nor fragmentation can be processed as adjustable technical problems when both emerge from the same constitutive principle of the system.

The third tension reveals the fundamental limits of neoliberal infrastructure when perfect legal certainty cannot guarantee material land tenure security. Chapter 5 analyses how the ideological coupling between legal certainty, juridical security, and land tenure security now faces structural inadequacy. This same coupling guaranteed the model's success for four decades. The Chilean registry system functions impeccably in identifying who possesses each parcel, the constitutional framework promises perpetual normative stability, but these technical-juridical achievements become irrelevant when ecosystem degradation destroys the productive base.

A perfect title over land without water lacks material value. Juridical security freezes transformation horizons, preventing the institutional flexibility required by dynamic phenomena. The four factors of legal consciousness process this contradiction differentially but none can resolve it within the existing framework. This third fissure exposes that the regime has reached a critical point: its technical perfection becomes its principal vulnerability. Success in creating a purely individual property system now prevents the collective responses survival requires.

3.2. The Impossibility of Self-Transformation

The three identified tensions do not generate endogenous transformation of the Chilean rural property regime, despite their depth and extension. This inability to self-transform is permanent, not temporary. It constitutes a structural characteristic of the system. The regime lacks internal mechanisms to process its own contradictions precisely because it was designed to eliminate all friction between productive, social, and environmental functions.

The neoliberal purity achieved through foundational violence and technocratic consolidation eliminated the dialectical elements that in other systems permit gradual transformations. This elimination of internal contradictory elements constituted the model's historical success. It now operates as the principal impediment to evolution. The system cannot reform itself because it lacks the necessary concepts, juridical instruments, and actors with sufficient power to imagine and implement transformations that transcend the paradigm of individual, absolute, and exclusive property.

The fragmentation of legal consciousnesses documented in Chapter 4 constitutes the most effective mechanism blocking self-transformation. This configuration of mutually exclusive consciousnesses makes it impossible to generate coalitions for change. Each factor demands intervention incompatible with the others. None possesses sufficient economic, social, or cultural capital to impose its vision. The regime's hegemony does not require active consensus but precisely this fragmentation that prevents articulation of coherent alternatives.

The Chilean State cannot catalyse transformations. Instead, it embodies the impossibility of the regime's self-transformation. Chapter 5's analysis reveals an institution paralysed by its own constitutive contradiction. The State remains obliged to maintain an order it recognises as unsustainable, lacking instruments for transformation. Rural zones—97% of national territory—operate under a regulatory vacuum. This represents not absence but the active presence of Agrarian Reform's spectre.

The systemic nature of the blockage to self-transformation manifests in how each reform attempt within the existing framework deepens the contradictions it purports to resolve. Climate adaptation subsidies, when channelled through individual landowners, reinforce the fragmentation that prevents ecosystem coordination.

Productive development instruments, by respecting the landowner's absolute sovereignty, perpetuate individual decisions that in aggregate generate collective disasters. Soil conservation policies, lacking binding mechanisms, depend on individual wills when the problem is systemic. Even the spaces of indeterminacy identified as grey areas where no perspective completely dominates remain inactive without forces to mobilise them.

Rural actors take no definitive positions on property limits or climate intervention. This neutrality produces decisional paralysis rather than openness to change. Nobody wants to be first to cede sovereignty without guarantees that others will do likewise. The regime has reached a stable dysfunctional equilibrium where contradictions are evident to all actors, but none can alter them unilaterally.

This dysfunctional stability is not contingent but necessary. The socio-legal infrastructure eliminated internal frictions so successfully that it now lacks transformative dynamism. The impossibility of self-transformation is therefore not a problem to resolve but the precise diagnosis of a regime that has reached the structural limits of its adaptive capacity precisely at the historical moment when survival demands maximum institutional flexibility.

4. Climate Agrarian Reform: Between Necessity and Dispute

4.1. International Legal Foundations

Recent advisory opinions from the International Court of Justice and the Inter-American Court of Human Rights converge in their diagnosis that climate change constitutes an existential threat to human wellbeing and demands structural transformations in national legal orders. The ICJ's advisory opinion of 23 July 2025 establishes that human activities produce climate change. This phenomenon represents a threat to humanity's very existence. The Inter-American Court, in its opinion OC-32/25 of 29 May 2025, deepens this analysis by explicitly linking climate obligations to the inter-American human rights system.

Both courts recognise that this phenomenon generates what specialised literature calls 'deep uncertainty'⁴⁸¹. This condition surpasses traditional decision-making paradigms. It involves the intrinsic complexity of dynamic socio-ecological systems, multiplicity of actors with opposing interests, differential climate impacts, and vast plausible future scenarios. This international jurisprudential recognition configures a new normative framework that could legitimise transformations of the rural property regime that would be unthinkable under previous legal paradigms.

Emerging international law on climate change establishes state obligations transcending traditional boundaries. These blur distinctions between individual and collective rights, national sovereignty and global responsibility. The ICJ articulates a principle of common but differentiated responsibilities that recognises historical asymmetries in contribution to the climate problem whilst establishing universal obligations for mitigation and adaptation.

For the Chilean context, this implies that the State cannot hide behind constitutional protection of individual property to evade its international obligations to guarantee food security, protect vulnerable ecosystems, and facilitate adaptation of vulnerable rural populations. The Inter-American Court goes further by establishing that States must adopt preventive measures even in the face of scientific uncertainty, applying the precautionary principle expansively.

This obligation of active prevention collides directly with a property regime that guarantees absolute individual sovereignty over decisions with systemic ecosystem effects. The international framework does not suggest but demands that States reconsider legal regimes that prevent coordinated responses to phenomena that respect neither property boundaries nor ownership titles.

The convergence between climate crisis and climate social (in)justices generates a legal imperative for what we might call a "Climate Agrarian Reform". This reform emerges from the existential necessity of adapting rural territories to climate conditions without historical precedent, but this survival imperative reinforces rather than replaces the foundational commitment to social justice. The climate crisis does not erase the inequities documented throughout this thesis—the 1% controlling 34% of agricultural land, the systematic exclusion of peasant families since the dictatorship, the fragmented consciousness that prevents collective action.

⁴⁸¹ Constantino and Weber (n 11).

Instead, climate change makes these redistributive imperatives more urgent because the same structural inequalities that concentrate land also concentrate adaptive capacity. Those with vast estates control water access, possess capital for technological adaptation, and influence policy decisions, while small peasants and landless workers face drought, degradation, and displacement without resources to respond. The Climate Agrarian Reform thus integrates survival necessity with social justice, recognising that effective adaptation requires not merely technical adjustments but fundamental redistribution of land, resources, and decision-making power. International legal foundations provide legitimacy for state interventions that would have been considered expropriatory under previous paradigms. The obligation to guarantee food rights during climate crisis authorises state conditioning of property rights.

The responsibility to protect vulnerable populations permits prioritising small peasants' land tenure security over large landowners' absolute contractual freedom. The duty to preserve critical ecosystems justifies land use limitations that transcend traditional economic compensation. These principles do not imply abolition of private property but its reconfiguration under parameters that recognise the fundamental interdependence between individual rights and collective survival.

The international legal framework also provides conceptual tools to overcome the historical dichotomy between absolute individual property and forced collectivisation. This dichotomy has paralysed Chilean debate since the Agrarian Reform. The concept of normative hybridity enables coordinated state responses at multiple levels⁴⁸².

This enables maintaining formal legal certainty for transactions whilst flexibilising productive obligations by ecological zones. It preserves individual sovereignty in certain areas whilst imposing collective coordination in others. It guarantees land tenure security for small peasants whilst conditioning large landowners' rights to environmental criteria.

In the Anthropocene era, legal systems must incorporate greater responsibility for the climate damage that individual landowners contribute to the global system. This differentiated responsibility does emerge from empirical recognition that different scales of property generate disproportionate ecosystem impacts. A 10,000-hectare estate dedicated to intensive monoculture contributes more to the climate crisis than 1,000 small family farming parcels. Yet it also possesses greater adaptive capacity. International law authorises and even demands that States recognise these material differences when designing regulatory frameworks for climate adaptation, transcending the fiction of formal equality before the law that has characterised liberal constitutionalism.

4.2. Three Reform Models in Dispute

The international legal foundations for a Climate Agrarian Reform do not entail a single form of implementation. The empirical evidence reveals three models in dispute emerging from the identified legal consciousness configurations. Each proposes radically different institutional frameworks to confront the climate crisis. These models constitute expressions of the social forces documented in previous chapters, not abstract proposals, reflecting the irresolvable contradictions between different visions of property, State, and nature.

The first model, 'subsidised neoliberal adaptation', emerges principally from Factor 1. Here small peasants paradoxically defend market principles whilst demanding state support. The

⁴⁸² Fox O'Mahony and Roark, 'State, Narratives and Norms' (n 95).

second, "redistributive transformation", is articulated from Factor 2 that groups marginalised actors with counter-hegemonic visions. The third, "elite conservationism", combines elements from Factors 3 and 4 in a synthesis that preserves existing power structures whilst incorporating environmental considerations.

The subsidised neoliberal adaptation model maintains the fundamental architecture of individual, absolute, and exclusive property. It channels massive public resources to facilitate private technological adaptation. This model accepts the premise that climate change constitutes fundamentally a technical-productive challenge surmountable through technological innovation and focused state support.

The privileged instruments include subsidies for efficient irrigation technology, climate-indexed agricultural insurance, soft loans for productive reconversion, and competitive funds for adaptive innovation. Agrarian reform under this model redistributes technological capacities, not land. It maintains the property structure intact whilst modernising productive practices.

The State operates as financial facilitator but not as territorial planner, respecting each landowner's decision-making autonomy over their land use. This model proves particularly attractive for Factor 1, which simultaneously demands proprietary autonomy and state protection, and partially for Factor 3, which seeks pragmatic adaptation without questioning hierarchies.

However, evidence from Chapter 3 demonstrates that this model deepens territorial contradictions by subsidising individual decisions that in aggregate generate systemic failures. The 37,150 hectares lost through fragmentation and the documented extreme concentration emerge precisely from a regime that absolutely respects individual decisions whilst socialising their collective costs.

The redistributive transformation model proposes a fundamental reconfiguration of the property regime through mandatory re-coupling of productive, social, and environmental functions. This model recognises climate change as a civilisational crisis. It demands systemic transformation of relations between society, nature, and property—not mere technical adjustments. The instruments include: expropriation of underutilised lands to create climate land banks; establishment of maximum property limits by ecological zone; binding productive obligations with sanctions; and creation of collective territorial management at watershed scale.

Agrarian reform under this model implies redistribution of both land and decisional power, transferring planning capacity from individual landowners to democratic collective institutions. The State assumes a protagonist role as territorial planner and guarantor of ecosystem rights, subordinating individual property rights to imperatives of collective survival. This model articulates the aspirations of Factor 2, which from positions of structural exclusion imagines radical alternatives, but faces frontal opposition from all other factors.

Multiple psychosocial barriers block this model, such as the traumatic memory of the 1964-1973 Agrarian Reform, Decree 208 prohibiting beneficiaries from accessing land again, and the technocratic silence documented in Chapter 2. Moreover, the actors proposing it lack the economic, social, and political capital necessary to impose it against the resistance of established landowners.

The elite conservationism model proposes differentiated reform. It preserves privileges of 'responsible' large landowners whilst imposing severe restrictions on 'inefficient' small ones. It also facilitates transitioning agricultural lands to non-productive uses when ecologically necessary. This model selectively accepts environmental principles but subordinates them to preserving existing social hierarchies, processing the climate crisis as an opportunity to consolidate territorial control in the hands of actors with sufficient capital to implement climate-smart agriculture.

The instruments include environmental certifications that operate as barriers to entry, payments for ecosystem services that favour large extensions, zoning that permits land use change in strategic areas, and carbon market mechanisms that transform conservation into a commodity. Agrarian reform under this model accelerates concentration through apparently neutral mechanisms that systematically favour economies of scale⁴⁸³.

The State operates as certifier and transaction facilitator but not as redistributor, legitimating land transfers from small to large landowners under rhetoric of environmental efficiency. This model emerges from pragmatic convergence between Factors 3 and 4. Property brokers, agricultural technicians, and traditional entrepreneurs find mutual benefit in this transition. It appears as ecological modernisation but operates as disguised reconcentration. The evidence suggests this model already operates informally through documented processes where medium properties drive fragmentation whilst large properties monopolise irrigated lands, configuring a silent agrarian reform that uses the climate crisis as a catalyst for green accumulation by dispossession.

4.3. The Risk of Neoliberal Capture

The empirical evidence suggests that elite conservationism represents the most probable scenario given the existing balance of power, not simply one option among three. This model represents the neoliberal capture of the necessary climate agrarian reform, transforming imperatives of collective survival into opportunities for private accumulation.

The Chilean rural property regime has historically demonstrated exceptional capacity to absorb and neutralise transformative challenges, from the reversal of Agrarian Reform through Decree 208 to the technocratic silencing documented in Chapter 2. This capture capacity operates through selective incorporation rather than frontal rejection. It reconfigures critical elements to strengthen the very structures they supposedly question.

Climate change in Chile exposes the fragility of the country's infrastructure in dealing with the deep uncertainty, while also presenting a new context for neoliberal capture, now facilitated through environmental legitimisation. Capture mechanisms already operate

⁴⁸³ Saturnino M Borras and others, 'Land Grabbing and Global Capitalist Accumulation: Key Features in Latin America' (2012) 33 *Canadian Journal of Development Studies/Revue canadienne d'études du développement* 402; Borras Jr and Franco (n 388); Saturnino M Borras Jr. and others, 'Climate Change and Agrarian Struggles: An Invitation to Contribute to a JPS Forum' (2022) 49 *The Journal of Peasant Studies* 1.

informally through processes that appear as necessary adaptation but function as accelerated reconcentration, strategic fragmentation, and green exclusion of actors without sufficient capital to meet increasingly demanding environmental standards.

The first capture mechanism operates through the financialisation of nature that transforms conservation imperatives into tradeable assets. Carbon markets, payments for ecosystem services, and green bonds introduce speculative logics into rural territories, creating new forms of accumulation that do not require agricultural production. An unproductive estate previously faced social pressure for its underutilisation. Now it can legitimise itself as a 'carbon sink' generating credits marketable globally.

Unproductive land becomes valuable as environmental virtue without changing who owns it⁴⁸⁴. The data from Chapter 3 on concentration in zones of high ecological value anticipate this trend where large landowners monopolise territories with greater potential for carbon capture or water services.

Factor 4, which combines traditional entrepreneurs with hierarchical nostalgia, finds in this green financialisation the perfect synthesis between preservation of privileges and environmental legitimisation. Meanwhile, small peasants from Factor 1 lack capital for certifications and scale for market participation. They face growing pressure to sell lands now valued for ecosystem potential rather than productive capacity.

The second capture mechanism functions through the imposition of technical-environmental standards that operate as disguised barriers to entry. Certifications for sustainable agriculture, traceability of productive chains, and compliance with environmental regulations could demand investments that only actors with significant capital can make.

This process, apparently oriented towards improving environmental practices, systematically excludes small and medium producers who, despite frequently more sustainable practices, cannot afford formal certification processes. Factor 3, comprising technicians and property brokers, actively facilitates this transition. They act as intermediaries between small landowners forced to sell and large buyers meeting standards.

The technical neutrality of these actors conceals their structural function as facilitators of reconcentration. The 76,142 documented fragmented parcels represent properties vulnerable to this mechanism. The impossibility of meeting environmental standards becomes technical justification for property transfers. These appear as voluntary market decisions but result from systemic exclusion.

The third capture mechanism uses environmental justice language to preserve power structures. The neoliberal regime demonstrates notable flexibility to incorporate critiques superficially whilst neutralising their transformative potential. "Climate-smart agriculture", "sustainable intensification", and "circular bioeconomy" exemplify concepts that appear to respond to ecological critiques but subordinate environmental considerations to imperatives of competitiveness and growth⁴⁸⁵.

This discursive capture proves particularly effective with Factor 1. Small peasants who completely internalised neoliberal logic enthusiastically embrace these narratives, unaware they deepen their own marginalisation. The technocratic silence analysed in Chapter 2 facilitated this co-optation by emptying public debate of vocabulary necessary to articulate

⁴⁸⁴ Borras Jr and Franco (n 388).

⁴⁸⁵ Peter Newell and Olivia Taylor, 'Contested Landscapes: The Global Political Economy of Climate-Smart Agriculture' (2018) 45 *The Journal of Peasant Studies* 108; Newell and Taylor.

genuine alternatives. All factors recognise climate change reality but interpret it through pre-existing frameworks. This apparent consensus legitimises solutions reproducing the very structures causing the problem.

The Chilean State, paralysed by the spectre of Agrarian Reform and captured by corporate interests, lacks autonomy to pursue genuine alternatives. The climate policies analysed in Chapter 5 exemplify this capture. They propose territorial planning without binding instruments, combining rhetorical crisis recognition with practical reproduction of the regime generating it. The risk lies not in blocking necessary climate agrarian reform but in its implementation.

It threatens to deepen existing inequalities, accelerate exclusion of vulnerable actors, and consolidate territorial control among those with capital for green transition. This neoliberal capture would transform the climate crisis from existential threat into accumulation opportunity, completing the total commodification of Chilean rural territory under the paradoxical banner of environmental sustainability.

4.4. Reform as Field of Struggle

Despite the evident risk of neoliberal capture, climate agrarian reform does not constitute a predetermined process but a field of struggle where different social forces contest the meaning and direction of necessary transformations. The empirical evidence documents that no actor or coalition has achieved complete hegemony over the climate adaptation process. Multiple elements configure unstable terrains, divisions between factors, spaces of indeterminacy without dominant perspectives, and unresolved contradictions between autonomy and state protection demands. Alternative outcomes remain possible.

The struggle transcends simple pro-reform versus anti-reform divisions. It involves multiple actors with unequal power using different resources to shape emerging institutions. The very fragmentation of legal consciousnesses that prevents the regime's self-transformation also obstructs consolidation of any single reform model. This structural indeterminacy transforms the climate crisis into a moment of opening where historically blocked trajectories could be activated through unforeseen configurations of alliances and pressures.

Subaltern actors, despite their structural marginalisation, retain capacities for resistance and proposition that neoliberal hegemony has not completely eliminated. Factor 2, though primarily grouping landless workers and committed technicians without direct economic power, articulates the most coherent vision of transformation linking redistributive justice with environmental sustainability.

Their exclusion from land access paradoxically liberates them from commitments to the existing order, allowing them to imagine radical alternatives that other factors cannot conceive. The historical memory of the 1964-1973 Agrarian Reform, traumatic for established landowners, operates as a mobilising resource for these actors who claim continuity with interrupted peasant struggles.

Moreover, the climate crisis grants new legitimacy to redistributive demands previously dismissed as ideological, reframing them as imperatives of collective survival. The convergence between young technicians with agroecological training and rural workers with traditional knowledge generates technical proposal capacities that challenge Factor 3's monopoly over environmental expertise.

Internal contradictions of the dominant model generate fissures that subaltern actors can strategically exploit. Factor 1 wants both state subsidies and property autonomy—this contradiction opens space for conditions that could gradually transform property rights. If the State must finance climate adaptation, it can legitimately demand counterparts in territorial planning and property-level coordination.

Large landowners' inability to individually escape ecosystem crises affecting entire watersheds forces them to consider collective management mechanisms they previously rejected categorically. The generalised recognition that fragmentation destroys the productive base, shared even by Factor 4 which considers it an unnatural aberration, opens space for regulations limiting property subdivision.

Environmental certifications operating as barriers also pressure large landowners to demonstrate real, not merely formal, sustainability. This creates criticism points when intensive monoculture practices contradict green rhetoric. These contradictions do not automatically resolve in favour of transformative alternatives, but they do configure vulnerability points in the hegemonic model where organised pressure could generate shifts.

The field of struggle for climate agrarian reform is fundamentally defined by actors' differential capacity to articulate cross-sectoral coalitions that transcend the fragmentation of legal consciousnesses. Evidence suggests no isolated factor can impose its preferred model. This makes alliance-building indispensable—alliances that find operational convergences without eliminating differences.

The spaces of shared neutrality about climate intervention between Factors 1 and 3 could evolve towards agreement on environmental regulations that do not question property but condition its exercise. The common valuation of territorial identity between Factors 2 and 4, though from antagonistic positions, could ground protection of family farming as cultural heritage.

Transversal recognition of water crisis could catalyse integrated watershed management that subordinates individual water rights to ecosystem sustainability. However, these potential alliances face the fundamental obstacle of extreme asymmetries in economic, political, and cultural capital. Actors with transformative visions lack resources to sustain prolonged struggles whilst those controlling resources benefit from the status quo even in crisis.

The State, the only institution with formal capacity to mediate between these forces, remains paralysed by documented contradictions. The field of struggle exists but is structurally biased towards reproduction of the existing order under new legitimations. Climate agrarian reform will inevitably be contested. Current conditions favour its capture by forces transforming existential necessity into accumulation opportunity. Only extraordinary pressures, internal or external, could alter the documented balance of power.

5. Theoretical and Methodological Implications

5.1. Contribution to Socio-Legal Studies

This research contributes an original analytical framework to socio-legal studies for examining property regimes in climate crisis contexts through the concept of socio-legal infrastructure. This framework transcends doctrinal approaches that analyse property as abstract juridical institution and purely materialist approaches that reduce property relations to resource distribution.

Socio-legal infrastructure integrates three interdependent dimensions—time, space, and subjectivities. Their operational form ultimately reveals their ideological content. The Chilean case demonstrates that property lacks technical or doctrinal neutrality. Its reproduction operates through artificial coupling of legal certainty, juridical security, and land tenure security. This operation reproduces specific power relations.

Three elements constitute the neoliberal rural property regime: the foundational violence of Decree 208, the exclusionary geography concentrating land whilst fragmenting territory, and property consciousnesses defending the system marginalising them. These are not secondary effects but constitutive components. This conceptualisation overcomes the structure-agency binary by showing how subjectivities actively construct the structures constituting them. This contributes theoretical complexity to the socio-legal field.

The research develops a theory of self-generated contradiction that explains how apparently successful property regimes generate conditions for their own crisis. The Chilean case exemplifies this dynamic where success in creating a system of individual, absolute, and exclusive property eliminated precisely the coordination mechanisms that collective survival requires. This theorisation transcends narratives of external crisis or implementation failure. It identifies how the regime's technical perfection becomes its fundamental vulnerability.

The ideological coupling between legal certainty, juridical security, and land tenure security guaranteed four decades of agricultural growth. It now faces structural inadequacy when climatic phenomena respect neither property boundaries nor ownership titles. This theoretical contribution has implications for comparative socio-legal studies by providing analytical tools to examine how other property regimes process similar contradictions.

Evidence suggests that legal systems eliminating internal frictions to maximise economic efficiency sacrifice adaptive capacity. This generates a paradox: economic success prepares ecological collapse. This theorisation offers an alternative to functionalist approaches

assuming equilibrium tendency and conflictivist approaches expecting revolutionary rupture. It proposes instead analysis of stable dysfunctional equilibria.

Analysing legal consciousness through Q methodology represents methodological innovation for socio-legal studies. It empirically operationalises concepts traditionally addressed through semi-structured interviews. The identification of four factors that transcend expected structural categories—neoliberal small peasants, ecosocialist landless workers, adaptive pragmatists, hierarchical traditionalists—demonstrates that juridical subjectivities do not organise mechanically according to class position.

The methodology reveals how the property regime shapes people who then actively reproduce the very structures that dominate them. The finding that small peasant women defend neoliberal principles more vehemently than entrepreneurs provides empirical evidence of hegemonic mechanisms. Moreover, identifying spaces of productive ambivalence without dominant perspectives suggests incomplete hegemony. These spaces maintain fissures where transformations might emerge. This methodological contribution offers replicable tools for investigating legal consciousness in other contexts.

The research contributes to debates about transforming legal regimes during environmental crisis. It empirically documents the impossibility of self-transformation and necessity of active state intervention. Neoliberal narratives expect adaptation through market mechanisms whilst revolutionary visions anticipate rupture from below. Against both, evidence shows a regime trapped in dysfunctional equilibrium, incapable of endogenous transformation.

The fragmentation of legal consciousnesses prevents coalitions for change whilst the State remains paralysed by the spectre of past agrarian reform. This contribution has implications for legal change theory by suggesting that significant transformations require not only external pressure or internal mobilisation but reconfiguration of the complete socio-legal infrastructure.

Evidence of neoliberal capture of climate imperatives warns against optimism about automatic transformations. Yet identifying fissures and fields of struggle rejects pessimistic determinism. This contribution positions socio-legal studies as a privileged space for analysing the complex mediations between environmental crisis, juridical structure, and social transformation in the Anthropocene.

5.2. Methodological Innovation

The research develops a mixed-methods framework integrating historical narrative analysis, geographic information systems, and legal consciousness study through Q methodology. This configures a multidimensional approach to Latin American rural property studies. This triangulation integrates narrative, spatial, and consciousness analyses, illuminating different dimensions of socio-legal infrastructure whilst maintaining theoretical coherence.

Chapter 2's narrative analysis reveals how different property stories—entrepreneurial, communitarian, technocratic—shape what legal futures become possible. Chapter 3's legal geography maps territorial distribution whilst demonstrating how concentration and fragmentation constitute complementary processes of the same neoliberal spatial logic.

Chapter 4's legal consciousness study identifies perspectives and empirically operationalises how juridical subjectivities structure themselves through systematic property consciousness patterns. This methodological integration captures the property regime's complexity as simultaneously discursive, material, and subjective phenomenon. It overcomes limitations of unidimensional approaches.

The pioneering use of Q methodology to investigate legal consciousness about rural property constitutes methodological innovation with substantive implications for socio-legal studies. Previous research employs semi-structured interviews⁴⁸⁶ capturing individual narratives or quantitative surveys measuring aggregate attitudes. Q methodology, by contrast, reveals underlying thought structures shared by actors who do not necessarily recognise themselves as a group⁴⁸⁷.

Unlike open-ended interviews, the forced ranking technique exposes what people truly prioritise. Small peasants, landless workers, and a businesswoman converge in Factor 1 defending neoliberal principles. This finding was only possible through methodology identifying thought patterns independently of sociodemographic categories. Z-scores let us compare how strongly different factors value things—for instance, Factor 1 defends property autonomy (1.20) far more strongly than Factor 4 (-0.31). This methodological precision transforms legal consciousness study from interpretive exercise into systematic empirical analysis. It combines interpretive richness with quantitative rigour.

The research innovates methodologically by developing spatial analysis techniques integrating historical census data, property subdivision records, and geographical information systems. These reveal territorial dynamics invisible through conventional methods. Processing six decades of agricultural censuses identifies magnitudes of concentration and fragmentation. It also reveals fragmentation speed and spatial patterns.

Cross-referencing 76,142 parcelling records with soil suitability and water availability layers reveals non-random fragmentation patterns. Fragmentation concentrates in lands of greater agricultural value, suggesting speculative rather than productive logic. Construction of concentration indices demonstrates that the national Gini coefficient of 0.85 conceals regional variations where some territories exceed it.

This spatial methodology visualises how law produces geography. It shows law actively configuring territory through normative presences and absences, not merely regulating it. The regulatory vacuum over rural territorial planning is not absence but a specific form of regulation that produces documentable territorial effects through these techniques.

The methodology connects different time periods through analytical themes rather than linear history. It spans from 1973's foundational violence to 2050 climate projections. Rather than linear historical narrative, the research identifies crystallisation moments where different temporalities converge. Decree 208 freezes the past, technocratic silence administers the present, climate crisis collapses the future.

This temporal methodology shows how the property regime controls different aspects of time, where juridical security freezes the horizon of possible transformations whilst climate

⁴⁸⁶ Ewick and Silbey, 'The Common Place of Law: Stories from Everyday Life' (n 9).

⁴⁸⁷ Isadore Newman and Susan Ramlo, 'Using Q Methodology and Q Factor Analysis in Mixed Methods Research' in Abbas Tashakkori and Charles Teddlie, *SAGE Handbook of Mixed Methods in Social & Behavioral Research* (SAGE Publications, Inc 2010) <<https://methods.sagepub.com/book/sage-handbook-of-mixed-methods-social-behavioral-research-2e/n20.xml>> accessed 11 August 2024.

uncertainty accelerates institutional frameworks' obsolescence.

This methodological approach demonstrates that legal regimes not only exist in time but produce specific temporalities, controlling which pasts are remembered, which presents are naturalised, and which futures are imagined. The methodological innovation thus temporalises law, showing how juridical infrastructures operate as time machines organising collective temporal experience. This has fundamental implications for understanding regime persistence despite evident dysfunctionality.

5.3. Limitations and Future Research

This research faces inherent methodological limitations to its design and scope that must be explicitly acknowledged. The analysis concentrates on two specific regions—Maule and Ñuble. Though representative of central Chilean rural dynamics, they do not capture the complete diversity of national territory. This study does not address distinct territorial logics, arid northern zones with desert agriculture and southern Indigenous territories with collective tenure systems.

The Q methodology sample of 29 participants suffices to identify legal consciousness structures according to established criteria. However, it limits statistical generalisation of findings. Certain large landowners refused to participate, creating access impossibility. This introduces potential bias, over-representing perspectives of actors willing to reflect on regime contradictions.

The temporal analysis spans 1964 to 2025 but privileges the post-dictatorial period. This limits understanding of colonial and republican continuities in property regime configuration. Dependence on census data with changing categories between periods hinders precise comparisons. Property subdivision records do not capture informal transactions potentially representing significant portions of the land market. These limitations do not invalidate the findings but do circumscribe their interpretative scope.

Empirical and contextual limitations derive from investigating an ongoing process where climate crisis and its institutional responses continue evolving. The analysed advisory opinions from the ICJ and Inter-American Court are so recent (2025) that their effects on national legal orders remain undetermined. The Chilean climate policies examined correspond to instruments under implementation whose effectiveness cannot be fully evaluated. The COVID-19 pandemic altered rural dynamics in ways not yet fully understood. It accelerated certain fragmentation processes whilst decelerating concentration trends.

Fieldwork conducted between 2023-2024 captures a specific moment potentially unrepresentative of long-term trends. The impossibility of accessing updated property data due to Land Registry restrictions limits analysis of recent changes in tenure structure. The research could not systematically incorporate perspectives of transnational actors—investment funds and agro-industrial corporations. Their influence on Chilean rural property regime grows but remains opaque.

The concept of socio-legal infrastructure demonstrated its analytical power in the Chilean case. It invites comparative explorations revealing variations and constants in different national contexts. The theory of self-generated contradiction offers testable hypotheses about crisis dynamics in other regimes privileging efficiency over resilience. The research deliberately focuses on the juridical dimension as analytical entry point, recognising that future studies could deepen articulations with global political economy and political ecology.

The analytical distinction between time, space, and subjectivities proves its methodological utility. Future research could explore their intersections and mutual constitution. The analysis identifies gender differences—peasant women paradoxically defending principles that marginalise them—and generational differences between Agrarian Reform survivors and subsequent generations. It does not fully develop how these dimensions modulate documented property consciousnesses. This suggests a research agenda on intersectionality in rural property regimes.

The research examines state law but recognises Indigenous relationships with land that transcend property, suggesting future work on legal pluralism in climate contexts. These theoretical openings do not constitute gaps but invitations to build upon established foundations.

The identified limitations open multiple lines of future research that could deepen and expand the presented findings. Comparative studies applying the socio-legal infrastructure framework to other Latin American countries could identify regional patterns versus national specificities in neoliberal property regimes.

Longitudinal research following the same communities over the next decade would reveal how legal consciousnesses evolve under growing climate pressure. Social network analysis could map how different legal consciousness factors connect or isolate in practice, identifying potential coalitions not evident in factorial analysis. Deep ethnographic studies in specific communities would complement macro analysis with micro understanding of how rural families navigate regime contradictions daily.

Transdisciplinary studies integrating soil sciences, hydrology, and ecology with socio-legal analysis would permit better understanding of couplings between juridical and ecological systems. These future lines would not only extend this research but contribute to consolidating Anthropocene socio-legal studies as a crucial emerging field for understanding and confronting the climate crisis.

6. Conclusions

6.1. The Inevitable Transformation

The Chilean rural property regime faces inevitable transformation. Physical realities force this change through converging system contradictions and irreversible climate pressures. The empirical evidence documents a system that has reached the structural limits of its adaptive capacity precisely when collective survival demands maximum institutional flexibility.

The ideological coupling between legal certainty, juridical security, and land tenure security that sustained agricultural growth cannot process phenomena that respect neither ownership titles nor property boundaries. Transformation emerges from the collapse of material conditions that made possible the fiction of individual, absolute, and exclusive property. Perfect titles do not guarantee water. Individual sovereignty does not protect from ecosystem crises. Aggregated private decisions generate collective catastrophes. The regime thus faces not reform but inevitable change, forced by material conditions transcending the juridical.

The inevitability of transformation does not determine its direction. Three trajectories compete in this disputed field, none achieving hegemony. Evidence suggests the most probable scenario is neoliberal capture through elite conservationism, where climate crisis transmutes into opportunity for green accumulation by dispossession.

The mechanisms of this capture already operate—financialisation of nature converting conservation into commodity, environmental standards excluding small producers, and discursive co-optation that adopts ecological language while deepening concentration. However, this dominant trajectory faces resistances and contradictions preventing its definitive consolidation.

Factor 2, though marginalised, articulates a coherent ecosocial vision that climate crisis renders increasingly legitimate. Spaces of indeterminacy where no perspective dominates remain as fissures through which alternatives might emerge. Internal contradictions generate vulnerabilities that extraordinary pressures could activate. The dominant model simultaneously demands subsidies and autonomy, cannot individually escape systemic crises, and recognises fragmentation destroying the productive base. Transformation is inevitable but its final form will depend on power correlations that remain fluid in this moment of historical opening.

Emerging international law on climate change introduces an external variable that could alter apparently immovable internal equilibria. The advisory opinions from the ICJ and Inter-American Court are not symbolic declarations but binding legal frameworks that States cannot ignore indefinitely.

The obligation to guarantee human rights in climate crisis contexts legitimises state interventions that Chilean neoliberal constitutionalism had blocked. The principle of common but differentiated responsibilities authorises asymmetric treatment of landowners according to scale and environmental impact, transcending the fiction of formal equality before the law.

These principles do not eliminate private property but do open up discussion more forcefully about its limits and conditions of exercise. The concept of normative hybridity offers an institutional architecture where different regimes coexist without harmonic synthesis. It maintains legal certainty for transactions whilst flexibilising productive obligations. It preserves sovereignty in certain areas whilst imposing coordination in others. It guarantees land tenure security for small peasants whilst conditioning rights of large landowners. This international juridical pressure, combined with intensification of extreme weather events, could catalyse transformations that internal forces cannot generate.

The historical crossroads facing Chile transcends technical options about policy instruments to confront a fundamental question about what type of rural society is possible and desirable in the Anthropocene. The research demonstrates that the current regime of individual,

absolute, and exclusive property is incompatible with imperatives of territorial coordination, social justice, and ecological sustainability that collective survival demands.

But it also reveals that alternatives are neither predetermined nor guaranteed. The fragmentation of legal consciousnesses, state paralysis, and neoliberal capture of climate imperatives configure a scenario where necessary transformation could result in deepening inequalities under new environmental legitimations.

However, the identified fissures, mobilised subaltern actors, and growing international pressures maintain open the possibility of more just and sustainable trajectories. The transformation of the rural property regime is not a question of whether it will occur but how and for whose benefit. At this crossroads, where the past cannot continue and the future remains undetermined, what is at stake is not only the fate of the Chilean countryside but the very possibility of inhabiting increasingly hostile territories.

The evidence presented offers not comforting certainties but clear analysis about the challenge's magnitude and response urgency. These responses must transcend both market fundamentalism and backward-looking redistribution. They must imagine property forms capable of processing the irreducible complexity of permanently crisis-bound socio-ecological systems.

6.2. From Property as Frontier to Property as Bridge

Rural property has historically operated as the frontier of Chilean democracy⁴⁸⁸. In this regard, citizen rights find their limit and the landowner's absolute sovereignty begins. Climate Agrarian Reform necessarily implies transforming property from an exclusionary frontier into a bridge between individual needs and collective survival.

This transformation does not mean eliminating property rights but reconfiguring their content and institutional architecture to process the interconnections climate change forces upon us. The empirical findings suggest specific mechanisms for this transformation. The identified spaces of productive ambivalence, where no factor achieves complete hegemony over critical statements, constitute points where new articulations could emerge without activating automatic resistances.

The shared crisis that drought imposes on large and small landowners, documented in the studied regions, generates common need for water management that transcends property scales. The transversal recognition of climate change as threat, present in all factors with positive valuations, provides common ground though each perspective interprets it differently.

Emerging international law, particularly ICJ and Inter-American Court advisory opinions, offers a normative framework. This legitimises subordinating individual sovereignty to collective survival imperatives without eliminating private property. Property as bridge requires institutional instruments permitting parallel systems. These maintain legal certainty for transactions whilst establishing binding productive obligations. They preserve decisional autonomy in certain spheres whilst imposing obligatory coordination in others. They guarantee land tenure security for small producers whilst conditioning large landowners' rights by ecosystem impacts.

⁴⁸⁸ Gómez Leyton (n 26).

This reconfiguration requires abandoning the core illusion of the Chilean neoliberal regime that conceives property as exclusively private matter when its effects determine public consequences. The State, paralysed between irreconcilable demands of the four factors, embodies the impossibility of maintaining this fiction when it must simultaneously respect individual sovereignty and coordinate territorial responses.

The climate crisis does not permit sustaining the artificial separation between private and public that the ideological coupling between legal certainty, juridical security, and land tenure security seeks to naturalise. Transforming property from frontier to bridge does constitute a recognition of material interdependencies that survival in the Anthropocene makes undeniable.

6.3. Chile and the Planetary Challenge

Chile faces an unprecedented historical opportunity. It has taken the neoliberal infrastructure of rural property to its purest expression, exposing with absolute clarity both achievements and structural contradictions. The evidence presented demonstrates that between 1973 and 1989 the country implemented the most coherent individual, absolute, and exclusive property in Latin America, systematically eliminating frictions that other countries maintained between productive, social, and environmental functions.

This purity of the Chilean model, achieved through foundational violence and subsequent technocratic consolidation, now generates its global significance. The self-generated contradictions documented in this research are not Chilean anomalies but concentrated expressions of problems that all neoliberal property regimes face but which in Chile manifest without mediations.

Chile can lead the necessary overcoming of the model not through Chilean exceptionalism but because it experienced its extreme consequences first. The transformation the country must undertake is not a return to past models but construction of institutional architectures capable of processing complexities that no property regime has faced before.

The truncated 1967-1973 Agrarian Reform remains as foundational trauma of the current regime. It also persists as collective memory that climate crisis reactivates with new legitimacy. The analysis in Chapter 2 documents how the 'never again' to Agrarian Reform operates as organising principle that freezes the horizon of possible transformations, but also reveals fissures where that memory resurfaces transformed.

The 131,000 hectares of Cochamó announced for sale in New York that opened this research in Chapter 2 transcend their condition as a real estate transaction to reveal the profound nature of the Chilean dilemma before climate crisis. When the mayor responded that "it is not public property, it is private property", he articulated more than juridical description. He expressed a socio-legal infrastructure with three defining features. Territory's future is negotiated in global markets without participation of inhabitants. Decisions with irreversible ecosystem consequences follow individual profitability criteria. National sovereignty over strategic resources dissolves into fragmented proprietary sovereignties.

Those hectares equivalent to a third of communal territory are not a juridical abstraction but forests that capture carbon, watersheds that regulate water cycles, soils that could feed populations or speculate with recreational parcels. The research demonstrates that whilst Chile maintains the current property regime, its rural future will continue being auctioned to the highest bidder without consideration of local consequences.

The fundamental question is not whether the country can afford to transform its property regime but whether it can survive without doing so. The evidence presented suggests that building institutions capable of guaranteeing that land serves simultaneously those who work it and the planet we inhabit constitutes not an ideological goal but a material condition of survival. Chile must decide whether it will continue being a global laboratory of agrarian neoliberalism until its final collapse, or whether it will lead in the construction of an alternative socio-legal infrastructure.

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