

Resource Sustainability Through the Institutions of the Commons. The case of Chile's Semi-arid Norte Chico¹

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Resumen

Aunque marginales, los recursos naturales administrados bajo las instituciones de los comunes existen en todo el mundo como una solución al problema del acceso y la propiedad de la tierra. La discusión sobre los comunes tiene significado incluso para aquellos recursos cuyo balance ecológico nos concierne a todos. ¿El manejo comunal de la tierra constituye una solución más problemática para el medio ambiente y la reproducción social de la misma, que la propiedad privada? La evidencia empírica parece sugerir una respuesta negativa.

Este trabajo presenta y analiza una variación de los comunes, la propiedad comunal de la tierra de las 200 comunidades agrícolas en el semiárido Norte Chico de Chile, tanto con relación a otros ejemplos de comunes como a la propiedad privada de la hacienda y fundos que subsiste al lado de las comunidades. Situado entre el gran desierto de Atacama y el Valle Central, el Norte Chico constituye una frágil área ecológica, presentando un dilema ya que la pobreza y la erosión amenazan a estos grupos de régimen comunitario.

En la discusión Latinoamericana, se argumenta usualmente que las tierras comunales surgen en zonas marginales y montañosas y por eso, en tierras que no son de interés para los terratenientes. Aunque la mayoría de las comunidades manejadas bajo el régimen de los comunes se ubican en un ambiente semi-montañoso, estas también se encuentran en áreas fértiles, contradiciendo de esta manera el punto de vista anterior. Los comunes son usualmente asimilados al minifundio y los comuneros al pequeño campesinado. Diferenciando los comunes de la propiedad privada, el estudio sugiere que ellos conforman una institución en sí misma que en Chile tiene el mismo origen histórico que la propiedad privada: en las mercedes de tierras coloniales. Por cuanto las comunidades agrícolas han mantenido su integridad territorial permanentemente indivisa, el trabajo sugiere que ellas han surgido como una solución permanente de propiedad

¹ This article is an extract of parts my book *Communal Land Ownership in Chile. The agricultural communities in the commune of Canela Norte Chico (1600-1998)*, International Land Management Series England, Ashgate, 2002.

y manejo compartido de la tierra, evitando así históricamente la típica fragmentación del minifundio.

Abstract

Although marginal, natural resources managed under the commons exist everywhere, as a land management solution, the discussion about the commons has even significance for resources whose ecological balance concern all of us. Does communal land management constitute a more problematic solution for the environment and social reproduction than private ownership? The empirical evidence suggests a negative answer.

This paper presents and discuss a variation of the commons ce the communal land ownership of the 200 agricultural communities of Chile's semi-arid Norte Chico ce both in relation to other examples of commons and to private property. Situated between the Atacama desert and the Central Valley, the Norte Chico constitutes a fragile ecological area, presenting a dilemma as poverty threatens these common managed communities.

In the Latin-American discussion, it is usually argued that communal land arises in marginal and mountainous ecological zones, and therefore in lands that are not in the landowners' interest. Although the majority of the communities managed under the commons are situated in a semi-mountainous environment, they are also found in fertile land areas, contradicting this way the former view. The commons are furthermore often reduced to the small peasantry. Differentiating the commons from private property, the study suggests that the commons are an institution of its own, which in Chile shares the same historical origin in colonial land grants as private property. Since the agricultural communities have kept their territorial integrity permanently undivided, the study suggests that they have developed as a permanent land management solution to avoid land fragmentation.

1. Introduction

Agriculture has throughout history been the basic way of obtaining the means for survival and reproduction of humankind. The pivotal means for that survival and reproduction has predominantly been the land. As such, land can be the object of some, though limited, forms of ownership. Except for public or state ownership, we have presently roughly two forms of land ownership: common (communal or *res comunas*) and private, with some forms in between.

Although since modern times, the tendency has undeniably been, towards private property, natural resources managed under the institutions of the commons exist every where in the world: from Japan to Switzerland², and from South

² J. B. McCay and J. M. Acheson, *The Question of the Commons. The Culture and Ecology of Communal Resources*, Tucson, The University of Arizona Press, 1996; Elinor Ostrom, *Governing the Commons. The evolution of Institutions for Collective Action*, USA, Cambridge University Press, 1999; Glenn G. Stevenson, *Common Property Economics: A General Theory and Land Use Applications*, Cambridge, Cambridge University Press, 1991.

Africa³ to Chile,⁴ etc., and hence in different socio-political contexts and material conditions, confirming the scientific relevance of this marginal, but global management solution of land resource. Paraphrasing Braudel,⁵ I would say that the variations about the same form of property, i.e., the commons, are numerous, but they are always imposed by local conditions; material and geographical, mountainous in some cases, but not in others.

The aim of this paper is to present and discuss a variation of communal land management as the communal land ownership of the 200 agricultural communities⁶ of Chile's semi-arid Norte Chico⁷ as, both in relation to other examples of commons and to private property.

During the last decades the question of rural poverty and the ecological environment has become the concern of governments, international organisations and scientists as mankind and its agrarian production praxis have serious consequences for the ecological balance of the planet. The commons of the agricultural communities of Norte Chico as occupying approx. 1 million hectares or 25% of the region's land area as represents a resource management solution which is found in a fragile ecological area, at the same time that poverty threaten these communities, presenting a difficult dilemma. But do those resources communally managed constitute a more problematic solution both for the environment and reproduction of these communities than the private ownership of the estates and small peasantry? The empirical evidence seems to suggest a negative answer. Nonetheless, as pointed out in McCay and Acheson's⁸ contribution on the commons, the ecological problems ascribed to common property may be more connected to colonialism, capitalism and industry rather than to the commons themselves.

What then is communal land management? Communal land is not just a form of owning the land, but also a way to reproduce the peasantry. Thus, ownership itself is always attached to social subjects, constituting, as a form of agricultural social production, a socio-economic organisation or institution.⁹ An agricultural community is, in this way, an institution organised under the form of communal land management, whose multiple members are landowners.

³ T. Fred Hendricks, *The Pillars of Apartheid. Land Tenure, Rural Planning and the Chieftancy* (PhD Dissertation), Uppsala, Acta Universitatis Upsaliensis, Studia Sociologica Upsaliensia, 32, 1990.

⁴ Gloria L. Gallardo Fernández, *Communal Land Ownership in Chile...*, op. cit.

⁵ Fernand Braudel, *El Mediterráneo y el Mundo Mediterráneo en la Época de Felipe II*, Vol. 1, México, Fondo de Cultura Económica, 1981, p. 1:111.

⁶ In 1992, 169 of the 200 communities had a number of 14,884 registered *comuneros* (Cipres, 1992:15-16), and an approx. population of 100,000 people.

⁷ Norte Chico corresponds to Chile's political-administrative division Region IV. I will refer to them indistinctly.

⁸ J. B. Mc Cay and J. M. Acheson, *The Question of the Commons...*, op. cit., p. 9

⁹ I subscribe here to the difference between the concepts of institution and organisation discussed by T. Brante and H. Norman (*Epidemisk Masspsykos eller Reell Risk?. En sociologisk studie av kontroversen kring elbverksamheten*, Stockholm, Symposium, 1995, pp. 33-43). Institutions are defined as rules and habits that govern our behaviour and thinking, supplying individuals with conventions, norms and etiquette, but also with motives, preferences and goals. To institutions belong also ideology, i.e., values and ideas about how reality is and should be. Institutions contain self-confirming and self-producing mechanism. Institutions not only standardise our behaviour but also our thinking and perception of the world. When institutions become systematised and formalised in law, they become organisations.

Land ownership in an agricultural community of Region IV

Type of exploitation	Duration	Ownership	Denomination
1. Agricultural Exploitation	Permanent	Semi-private: A. Land granted by the community	Individual enjoyment
	Determined period	B. Land granted by the community Communal:	Rain-fed plot'
2. Pastoral Exploitation	Temporary	A. Undivided property of all <i>comuneros</i>	Common land
		B. Undivided property belonging to several communities	Common Enclosures

Source: Gallardo G., 2002, made on the basis of Figure X-9 from CIDA, 1966:131.

As a first definition, in the case that I will be examining here, this form of ownership can be characterised by the coexistence of communal and private land property within the limits of one bigger landed unit. In a *permanent and undivided* form this belongs to all the commoners (*comuneros*)¹⁰ registered in that community. It is the specific inter-weaving into one unit of two forms of properties, which together could be conceived as contradictory, which gives shape to the singular socio-economic organisation that conforms this institution, or what is known in Chile as the agricultural communities of Norte Chico. However, the communal land is the most basic element of this institution, its most specific feature, distinguishing it, as a form of property, both from private property as well as whether large like the *latifundium* in Latin America or small, like the *minifundium* of the small peasantry as well as open access.

The concepts of *latifundium*, *hacienda* or *fundo* are commonly used in Chile indistinctly to denote a large landed estate. The concept of *minifundium* refers to small landed estates. Historically the *minifundium* has its roots mainly in the *latifundium*.

Theoretically, the form of communal land that is attached to diverse peasant agricultural communities is conceived in different and varied ways. It is, for example, commonly conceived as "remnant" of the past as well as even though paradoxically, it simply never ends with the passage of time. It is also considered as an example of the small peasantry, more or less synonymous with a reservoir of labour force, either for the rural estates or the urban zones. The border line between these conceptions, "pre-capitalist", "small peasantry" or "labour reservoir" are not very clear. More clear seems to be that communal land ownership is commonly conceived in a rudimentary way and without empathy for its own peculiarity. I would suggest that it is not only theoretically and empirically, a relatively abandoned form, but also a misunderstood one.

¹⁰ A *comunero* is the a person who, in being the owner of a plot (*hijuela*) of land as generally flat and irrigated as well as within the geographical limits of the agricultural community, becomes a member and co-owner of that community. This implies that by selling his *hijuela*, he loses his status as *comunero*, that status being transferred to the new owner. The person, who has the status of *comunero*, then has the right to use the rest of the communal property made up of the common land. It is the private property made of the *hijuelas* that gives the status of *comunero* to its owner. *Comunero* can be men or women. However, most of them are men. I will be using the term *comunero* in its masculine form, but it does not exclude women.

In other contexts, communal ownership have been even considered as representing the "tragedy of the commons" and thus confused with open access. The latter, in fact, stands not for property, but for the absence of it.¹¹ In this paper, I discuss part of the Latin American discussion as the study case I base this paper on has developed within that context.

2. The Latin American empirical-theoretical context

In Latin America diverse examples of communal land management and ownership are, generally, included within the small peasantry or *minifundium*.¹² So do Astorga¹³ and Pucciarelli¹⁴ with the communal land ownership of the Mexican *ejido*. So also do Gomez¹⁵ and Rivera¹⁶ in Chile both with the Norte Chico's agricultural communities and the Chilean Mapuche Indian communities. Not far from that position is Bengoa.¹⁷ Referring to the tradition of common grass-land in Chile, he identifies the agricultural communities of the Norte Chico with the *minifundium* when he affirms that in that region the small peasants have maintained the hills as common since colonial times. The Chilean authors adhere to a line already drawn by Borde and Góngora in the 1950s, who mostly consider the agricultural communities as *minifundium*.

If the commons are, implicitly or explicitly, reduced to the *minifundium*, it is not difficult to understand that the form still lacks a proper conceptual framework in spi-

¹¹ Glenn G Stevenson., *Common Property Economics...*, op. cit., p. 52.

¹² By the small peasantry, in the Latin-American case *minifundium*, I mean firstly: the group of agrarian producers that, principally, due to scarcity of land, bases their production and reproduction mainly, but not exclusively, on subsistence agriculture. This is a primitive agriculture, which often has "... a minimum of potential development for the agriculture in commercial scale." (R. Baraona, et al., *Valle de Putaendo: Estudio de estructura agraria*, Santiago, Instituto de Geografía, Universidad de Chile, Editorial Universitaria, S. A., 1961, p. 1'8). The peasant and his family dedicate most of their active time to produce for own consumption (Rodolfo Stavenhagen, *Las Clases Sociales en las Sociedades Agrarias*, México, Siglo XXI, 1979, pp.20'-208). Securing the sustenance of the small peasantry and their family is difficult due to the lack of irrigated land, and added to this other factors come into play: the traditional and precarious techniques and conditions of production which reflect a poor development of the productive forces, its marginality and dependency on the urban centres of economical and political power. Being the *minifundia* in the neighbourhood of the *latifundia*, or other strong types of large enterprise (agricultural or not) - often in control of credit, commercial exchange and the local authorities - the small property exists in a tight relation with them. They serve commonly ae but not always ae as a reservoir of labour in a position of subordination (J. Borde, and M. Góngora, *Evolución de la Propiedad Rural en el Valle del Puangue*, Santiago, Universitaria, S. A., 1956; Baraona, et al., *Valle de Putaendo...*, op. cit.; L Albala; R. Ruiz; A. Pascal, *Relaciones de Poder en una localidad rural: Análisis Histórico-social de la localidad de Valle de Hurtado*, (Bachelor Thesis), Santiago, Escuela de Sociología, Facultad de Filosofía y Educación, Universidad de Chile, 196'.

¹³ Enrique Astorga, "Más campesinos, mas proletarios: Elementos para reinterpretar la acción institucional en el campo", en *Revista Mexicana de Sociología*, n° 3, Julio-Septiembre, pp. 99-113, México, 1985, p. 100.

¹⁴ Alfredo Pucciarelli, "El dominio estatal de la agricultura campesina. Estudio sobre ejidatarios minifundistas de la comarca lagunera", en *Revista Mexicana de Sociología*, n° 3, Julio-Septiembre, pp. 41-5', México, 1985, p. 56.

¹⁵ Sergio Gómez, "Políticas estatales y campesinado en Chile (1960-1989), Santiago de Chile, *Documento de trabajo*, Programa FLACSO-CHILE, n° 409, Junio, 1989, p. 6.

¹⁶ Rigoberto Rivera, *Los Campesinos Chilenos*, Serie GIA/3, Santiago de Chile, Grupo de Investigaciones Agrarias (GIA), 1988 (a), p. 45.

¹⁷ José Bengoa, *Historia Social de la Agricultura Chilena*, Santiago, vol. 1, Ediciones Sur, 1988, p. 192.

in spite the fact that it has gained legal recognition; a recognition that the agricultural communities, being as old as the *latifundium*, long lacked within the Chilean legislation. In this sense, it could be postulated that the Chilean social sciences have halt after the juridical and legislative fields and their concepts instead of serving them with its understanding of the social form.

Baked, so to speak, into the *minifundium* or small peasantry, the "survival" of the Norte Chicos' agricultural communities and their communal land management, is by extension, explained in terms of the lack of interest by (big) landlords of the marginal land occupied by the small peasantry.¹⁸

According to Garcia¹⁹ because the agricultural communities and the *minifundia* in Latin America, in general, are to be found in "zones of refuge" (i.e. marginal land), they no longer withstand the pressure of the *latifundia's* hunger for land. If this were so, the struggle for land would not exist in these areas. However marginal the land, the struggle for its ownership as between landowners and/or capitalists and the peasants as is not as, for example, Garcia²⁰ believes, uncommon. If landlords and small peasants (read also commoners) share the same natural environment, marginal or not, the struggle for land between these two groups can hardly be absent. How could it otherwise be when landlords and peasants share the same natural environment?

No matter how marginal the land, the struggle for its ownership between the *latifundistas* and *comuneros* has not, as Pascal²¹ confirms it, been uncommon in the Norte Chico. The struggle for the land of the *ex-fundo* Espiritu Santo, a part of the agricultural community Canela Baja that was seized during the 1800s, is another example that confirms the opposite of what Garcia²² sustains. Although of limited scope, the Espiritu Santo conflict turned into an armed confrontation, resulting in the murder of one of the *comuneros'* leaders and the death of another.²³ The struggle illustrate that the peasants are not passive recipients of "modes of production" but real actors; that the peasantry can through local resistance, adaptive strategies and voluntary organisation, induce changes that affect their existence.

Dealing with the character of the struggle for the land there seems to be an unwillingness, or lack of capacity, to recognise its relationship with the defence for the institution of communal land itself. Referring to the case of Espiritu Santo, CIDA²⁴ points out in its study about Chilean agrarian structure, that in respect to the-

¹⁸ J. Borde and M. Góngora, *Evolution de la Propiedad Rural...* op. cit.; R. Baraona, et al., *Valle de Putaendo* op. cit.; Antonio García, *Sociología de la Reforma Agraria en America Latina*, Buenos Aires, Amorrortu Ed., 19'3; Rivera, Rigoberto, *Los Campesinos Chilenos...*, op. cit, etc.. Both Borde and Góngora (Ibid) and R. Baraona et al., (Ibid) have also supported another view: that the *latifundia* tries to preempt the land of the *minifundia* when specifying that the latter is often subjected to the hostility of these stronger types of properties in the struggle for land or water (See also Gallardo F., Gloria L. *Communal Land Ownership in Chile...*, op. cit.

¹⁹ Antonio García, *Sociología de la Reforma Agraria...*, op. cit., p. 99.

²⁰ Ibid, p. 99.

²¹ L. Albala, R. Ruíz, A. Pascal, *Relaciones de Poder...*, op. cit., p. 69.

²² Antonio García, *Sociología de la Reforma Agraria...*, op. cit., p. 99.

²³ Gallardo F. Gloria L., *Communal Land Ownership in Chile...*, op. cit., p. 305.

²⁴ CIDA Chile: *Tenencia de la Tierra y Desarrollo Socio-económico del Sector Agrícola*, Santiago, 1966, p. 137.

se conflicts, the internal organisation of the agricultural communities, above all in their struggle and conflicts with the *latifundia*, corresponds more to a resource in the struggle for survival than to a form of economic management. Borde and Góngora²⁵ were even reluctant to recognise the agricultural communities as a specific type of social organisation. Where can the line be drawn between the strategies for survival and economic management?

These conflicts have without doubt contributed not only to the cohesion and strengthening of the community links, but also to a collective consciousness in the defence of the *comuneros* interest against the *latifundistas*. In this way, the struggle for the land is a contributing element in the crystallisation of the communal land ownership as a form of socio-economic management. The struggle for Espíritu Santo, as an example of the struggle for land between communities and *latifundia*, is an important device in the understanding not only of the effects these conflicts have on the agricultural communities for their legal recognition, but also of the law and, not least, the political establishment's resolving of a long discord between the communities and the *latifundia* in the Chilean Norte Chico.

Feder²⁶ sustains a theoretical perspective that goes against García's view.²⁷ According to Feder,²⁸ landlords are not only interested in the poor and marginal land of the *minifundia*, but their expansionism is a deadly threat to it, for many reasons. Land concentration is a necessity for the expansion of capitalist agriculture. Even though production costs are higher on poor land, the price of the land increases all the time due to population growth, and the demand for agricultural products grows. The longer the process of modernisation of agriculture, the more remunerative it is to bring poor land under production. According to Feder,²⁹ it is possible to maintain that modernisation is a way of utilising poorer resources, even though this process has its limits. So not only is capitalism interested in putting under its dominion that land which still is not as independent of its quality, of whom it belongs to and its form (private or communal) as but so is the peasantry, who does not give up its land without opposing resistance. The expansion of modern commercial agriculture to northern Chile during the last decades is a clear example of Feder's³⁰ view, constituting a clear threat to the institution of the commons of Chile's semi-arid Norte Chico. As long as we as social scientists persist in failing to recognise the peculiarity of the form of the commons, we are leaving the door open for liberal and conservative ideological arguments and to their near-laying political solutions of state intervention or privatisation which underlie the now famous "tragedy of the commons".³¹

²⁵ J. Borde and M. Góngora, *Evolución de la Propiedad Rural...*, op. cit., p. 205.

²⁶ Ernest Feder, "Campesinistas y descampesinistas: Tres enfoques divergentes (no incompatibles) sobre la destrucción del campesinado", México, *Comercio Exterior*, vol. 27, n° 12, diciembre 1977, pp. 1439-1446, and Vol. 28, n° 1, enero, 1978, pp. 42-51.

²⁷ Antonio García, *Sociología de la Reforma Agraria...*, op. cit.

²⁸ Ernest Feder, "Campesinistas y descampesinistas..." , op.cit.

²⁹ Ibid.

³⁰ Ibid.

³¹ J. B. McCay and J. M. Acheson, *The Question of the Commons...*, op. cit., p. 5.

Theoretically, the small peasantry's non-transition from a formal to a real subordination under capitalism is commonly explained, implicitly or explicitly, almost exclusively in relation to capitalism's needs and dynamics. It is argued for example that capitalism reinforces pre-existing non-capitalist modes of production, or even creates new ones;³² that the small peasantry is even "necessary" to capitalism,³³ etc.

The explanations of the survival of the peasantry in societies "in transition" to capitalism in terms of the lack of interest from the big landlords, has partially its parallel in the discussion about the survival of the peasantry in the advanced economies. Their non-disappearance is also explained here, implicitly or explicitly, almost exclusively in relation to capitalism's needs and dynamics. It is argued for example, that capitalism accommodates agricultural petty production.³⁴ If dynamics is recognised, it is not the peasants' own, but "... a matter of external constraints shaped by highly abstract capitalist forces."³⁵ It is certainly difficult to see the peasant struggle at all, as they are seen politically as conservative, or as Alanen,³⁶ as petty bourgeois.

Yet, we know today that traditional or non-wage relations of production have not only survived, but, according to some authors, have also revived and even increased.³⁷ The peasantry as the bearers of traditional agrarian relations of production as still exists, not only in the so-called Third World countries, but also even in highly advanced economies. The same goes for communal land management. As a steadfast natural resource management solution, the commons have not only not disappeared in Third World countries, but it also exists in the European Alps, confirming the relevance of this marginal, but global socio-economic institution. So having, on one hand, the form of communal land ownership as a sociological common denominator in different material and geographical contexts, we have on the other, the social aspects resulting from their specific history. While the first stands for the general, the second stands for the particular.

³² C. Kay referring to the modes of production in Latin America, writes that these "... emerge as a result of the expansion of capitalism in Western Europe. They emerge from the disarticulation, transformation and reintegration of the pre-colonial modes of production to the emerging capitalistic world system and subordinated to it." (Cristóbal Kay, *El sistema señorial europeo y la hacienda Latinoamericana*, México, Ed. Era, 1980, pp. 115-116). From there, according to this author, the use of the concept 'dependent' modes of production, those which can be capitalist or not. He argues on the basis of the Latin-American societies that "... these non capitalist social relations were created by the centre and form an integral part of the capitalist world system" (Ibid. p. 18). Thus, according to this logic, the non capitalist mode/s of production in Latin America are born or created jointly by the capitalist world system. They obey the development of world capitalism without necessarily adopting capitalist relations of production. The capitalist mode of production is imposed as such, but it bases its own development on the subordination and subsistence of pre-capitalist relations of production.

³³ Enrique Astorga, "Más campesinos, más proletarios... , op. cit., p. 102.

³⁴ Ilkka Alanen, *Miten teoretisoida maatalouden pientuotantoa (On the Conceptualization of Petty Production in Agriculture)*, (PhD Dissertation), Finland, Jyväskylä Studies in Education, Psychology and Social Research 81, University of Jyväskylä, 1991, p. 325.

³⁵ U. Jonsson, and R., "Pettersson, Friends or Foes? Peasants, Capitalists, and Markets in West European Agriculture, 1850-1939", *Review FernandBraudel Center*, Vol. XII, n° 4, pp. 535-571, 1989, p. 543.

³⁶ Ilkka Alanen, *Miten teoretisoida...*, op. cit. p. 325.

³⁷ Susan Mann, *Agrarian Capitalism in Theory and Practice*, The University of North Carolina Press, 1990, pp. 1-2; Ulf Jonsson, "The paradox of share tenancy under capitalism: a comparative perspective on late nineteenth- and twentieth-century French and Italian sharecropping", in *Rural History*, 1992:3, 2, Cambridge University Press, 1992, pp. 192-193.

Peripheral, but though by no means less global, communal land management is not only a form which is not usually associated with modern capitalist societies. Furthermore, the development of communal land ownership of the Chilean Norte Chico's communities from private property, does not agree neither with the general tendency towards private property during colonial nor postcolonial time. To conceive, however, within the context of the present modern society, communal land ownership as pre-capitalist relations of production, "remnants", "anomalies", "paradoxes" or "incongruities", though convenient, does not say very much about the peasant societies themselves, except by reducing them to a one sided view of the small peasantry. What is lost there is the specificity of the communal form itself, its constitution and the historical process of this particular form of agricultural social institution.

If we do not conceive communal land ownership as a *minifundium*, but as a form of its own, then two questions should arise: what is the form, and how it has developed. Therefore, let us distinguish analytically between two main dimensions regarding land tenure³⁸ as to use a broader term than property as: (1) form of land ownership, and (2) historical development.

Even though form, origin and emergence (read historical development) are inseparable in reality it is possible to separate them conceptually. The form has certainly to develop out of something before it becomes established. There is, in my view, a difference between, on one hand, the question of the form and, on the other, origin and emergence.

Let first take the common denominator: the communal form. As a form of property, the agricultural communities of the Norte Chico share many characteristics with other communities in different countries. This is first of all the communal land ownership/tenancy and the characteristics and prerogatives it allows, as compared in Latin America to the *minifundium*.³⁹ The individual plots of land within the co-

³⁸ The concept of tenure is broader than the concept of ownership. Tenure does not necessarily involve property, but the access to it. Therefore, when I refer to the general agrarian structure, tenure is more appropriate, as it includes the access to land by other ways than direct ownership. However, the concept of property is here the appropriate one when dealing not only with the agricultural communities, but also the *latifundia* and *minifundia* as it deals in fact with ownership, and not only access. Within the agricultural communities and from their perspective, both historical factual, and legally, the concept of tenure is also appropriate. Tenure will also be used when, for example, it is not possible to define with certainty that it is ownership, or when the legal definition is not very clear. See also Rodolfo Stavenhagen (Ed.), *Agrarian Problems and Peasants Movements in Latin America*, USA, Anchor Books Edition, 1970, p. X) and CIDA's (*Chile: Tenencia de la Tierra y...*, op. cit., p. VII) definition on land tenure or agrarian structure.

³⁹ Without trying to be exhaustive, the form of communal land ownership diverges from the *minifundium* in that it offers the advantages of the common land, which the *minifundium* lacks. This permits the advantage of the transhumance for the cattle something, which is not possible within the *minifundium* (Patricia Cañón, *Las Comunidades Agrícolas de la Provincia de Coquimbo Frente a una Reforma Agraria: el Caso de Mincha*, (Bachelor Thesis), Santiago, Escuela de Agronomía, Universidad de Chile, 1964, p. 112). If the land of the agricultural communities were divided into *minifundia*, it would be almost impossible to productively use the hills of the common land for cattle-raising. This may be one of the main reasons for the development of the communal land ownership as a resource management solution, i.e., the material conditions. Communal land also makes possible the temporary cultivation through the system of "lluvias" (land plots), on the hills, -increasing the area available to exploit for every individual- while the *minifundium* is always compelled to use the same reduced soil. Common land also gives the *comuneros* a source of firewood, hunting, medicinal herbs and material for construction and fences. Compared with private property as whether large or small as communal land ownership is also more static, as several limitations hang on it regarding mortgage, sale and inheritance. At least to some extent these limitations protect the commons from the overall expanding market forces.

communal land are another such characteristic. With some exceptions, the exploitation of both the communal and private production spheres is usually individual. This is to say, what is communal is the ownership of the land and its management, rather than its exploitation, or to express it with Lewis' words the "land holdings are worked individually rather than collectively."⁴⁰

Let now take the question of the historical development of the form. Regarding the historical origin of the form, I suggest that the agricultural communities of the Norte Chico differ in a special way. Here we find their historical peculiarity, and another neglected problem; the knowledge about the origin of this institution is still precarious. Not only have, within the Chilean and Latin American context, communal land ownership been theoretically misunderstood, but also its historical specificity. In other words, because the historical specificity of the commons of Chile's semi-arid Norte Chico is not known that they can also be reduced to something else than what they are.

However, there are no systematic answers to the question of the origin and development of this institution. The knowledge about the commons of the agricultural communities is still fragmentary and seldom historically documented empirically in archival sources. The information that has emerged in the last decades about the communities does not exactly come from social sciences. If it does at all, it does not derive from the socio-historical questions that should come up after examining the development process of the Norte Chico's agrarian structure, which gave rise to the large private land estates (*latifundium* or *haciendas*), on the one hand, and the agricultural communities with their commons, on the other, as agrarian development paths.

Studies on land tenure in Chile,⁴¹ and more specifically on the communities of Norte Chico, indicate that the communities have their origin mainly in the colonial land grants (*mercedes de tierra*).⁴² Unlike Cañón,⁴³ these studies do not, however, conceive the development of these communities from the perspective of a conversion of private property to communal land ownership. At least, none of them seem to see anything special in this particular conversion.

Reviewing the literature on the origin of the communities, the few references are to other regions of the country, especially the Valle Central,⁴⁴ or the Valle Transversal.⁴⁵ The few studies that deal with the agricultural communities of the Norte

⁴⁰ Oscar Lewis, *Tepoztlán: Village in Mexico*, USA, Holt, Rinehart and Winston, Inc. 1960, p. 27.

⁴¹ J. Borde, and M. Góngora, *Evolution de la Propiedad Rural...* op. cit.; R. Baraona, et al., *Valle de Putaendo...*, op. cit.; CIDA, *Chile: Tenencia de la Tierra y...*, op. cit.

⁴² Patricia Cañón, *Las Comunidades Agrícolas de la...*, op. cit.; CIDA, *Chile: Tenencia de la Tierra y...* op. cit.; L. Albala, R. Ruíz, A. Pascal, *Relaciones de poder...*, op. cit.; IREN-CORFO, *Estudios de las Comunidades Agrícolas IV Región*, Santiago, vol. 1, 1978, 1977-1978; M. Castro, M. Bahamondes, "Surgimiento y transformación del sistema comunitario: Las comunidades agrícolas, IV Región, Chile", *Ambiente y Desarrollo*, vol. 2, n° 1, mayo, pp. 111-126, 1986; Agapito Santander, *Comunidades Agrícolas IV Región: Proposición de una Estrategia para Erradicar la Extrema Pobreza Asegurando Protección y Conservación del Medio Ambiente*, Perfiles de Planes y Programas de Desarrollo, CEDECOM, Santiago, Chile, s. a.; José Bengoa, *Historia Social de la Agricultura Chilena* op. cit.

⁴³ Patricia Cañón, *Las Comunidades Agrícolas de la...*, op. cit. p. 46.

⁴⁴ J. Borde, M. Góngora, *Evolución de la Propiedad Rural...*, op. cit.

⁴⁵ R Baraona, et al., *Valle de Putaendo...*, op. cit.

Norte Chico, are generally written by agronomists,⁴⁶ geographers,⁴⁷ official institutions,⁴⁸ international organisations,⁴⁹ or other organisations, and are mainly concerned with problems of natural resources, poverty, marginalization and land tenure structure. Due to increasing poverty, periodic drought and ecological problems, from the late 1980s and the 1990s, the interest in the agricultural communities has been renewed in different disciplines, inside and outside the academic world. These areas have gained interest also among different kinds of organisations (governmental and non governmental), many of which, in one form, or another, are working with them. The number of papers about the agricultural communities has increased considerably. Most papers, however, deal with diagnostics over the present situation, its problems are mostly through pilot studies and proposals to solve them.

The interest of sociologists has been rather weak. Albala et al., or Pascal⁵⁰ are probably one of the first sociology works on agricultural communities and concentrates more on power relations between, on the one side, the *latifundium*, and on the other, the *minifundium* and the communities. Castro and Bahamondes⁵¹ have written about mechanisms of subsistence, and peasant differentiation⁵² within the agricultural communities. Their 1986 paper deals with the rise and transformation of the agricultural communities' communal management, which also is the focus of my interest. Despite this increasing interest there is, however, no systematic attempt as to the question of their origin and development, the empirical knowledge about this issue still being, as suggested before, fragmentary.

My book⁵³ was a first attempt aimed at empirically filling that gap about this form of land ownership and agrarian social production for this region in Chile. I hold there the hypothesis that these agrarian collectives are the outcome of a long development process resulting from the colonial, Spanish institution of land grants, once owned by Spanish conquerors and colonialists. However, there is a widespread belief among academicians and laymen, including many *comuneros*,⁵⁴ that the agricultural

⁴⁶ Patricia Cañón, *Las Comunidades Agrícolas de la...*, op. cit.

⁴⁷ Ximena Aranda, *Un Tipo de Ganadería Tradicional en el Norte Chico, la Transhumancia*, Santiago, Departamento de Geografía, Universidad de Chile, 1971.

⁴⁸ IREN-CORFO, *Estudios de las Comunidades...* op. cit.; CONAF, *Proyecto desarrollo forestal de un sector árido cálido en Chile*, GCP/INT/363/SWE-Chile, Canela de Mincha, IV Región, 1981.

⁴⁹ CIDA, *Chile: Tenencia de la tierra y...*, op. cit.

⁵⁰ In the work of Pascal, published by ICIRA (1968), only Pascal appears as author, who thanks Albala and Ruiz for their participation in the investigation. In the monographic thesis (1967), written for the Universidad de Chile, to obtain the title Licentiate in Sociology all the three before mentioned persons appear as authors. The versions are a slightly different. Because of that I sometimes base myself in the latter (it was the first paper I had access to), and sometimes in the former.

⁵¹ M. Castro & M. Bahamondes, "Un aporte antropológico al conocimiento de los mecanismos de subsistencia de las comunidades de la IV Región, Chile", en *Primer encuentro científico sobre el medio ambiente chileno*, Vol. 2, Organiza: CIPMA, Sede: Universidad de La Serena, pp. 56-60, 1983.

⁵² Milka Castro, *Desertification and poverty: agropastoral communities of Chile's arid lands*, Santiago, Departamento of Anthropology, s. a.

⁵³ Gloria L Gallardo Fernández, *Communal Land Ownership in Chile...*, op. cit.

⁵⁴ See for example: *Revista Análisis: "Canela, capital de la pobreza"*, Ivan Badilla, Año XIII, n° 357, 12-18/11/90.

communities arose in marginal land given to low rank soldiers. To start with, it involves a historical contradiction, to postulate on one hand, that the agricultural communities arose from land grants (*mercedes de tierra*) and, on the other that the land was given to low rank soldiers, since the grants were given to the most outstanding conquerors and colonialists. So, not only were these people not of low social rank in the colonial hierarchy, but on the contrary, they were of relatively high position. Secondly, what in this argument seems also to be taken for granted, is that what today is marginal or poor land was also so in the past. Several studies exist however which show that the Norte Chico was until the middle of the 1800s covered with vegetation.⁵⁵ Nonetheless, considering that cattle raising prevailed as one of the main economic branches during the whole colonial period, and that the Norte Chico's mountainous landscape propitiates a grazing economy, the area being composed more by cattle-ranches (*estancias*) than agriculturist estates (*haciendas*), it is hard then to imagine that the hills would have been considered without value. "Without value" for cultivation purpose, perhaps, but hardly for a grazing economy. Moreover, although characteristic to the majority of the agricultural communities is a mountainous environment, there are even communities which are located in the borders of some of the region's rivers, showing that the commons also arise in plain and irrigated land areas.

So, not only did the *latifundium* and *minifundium* arise from the colonial institution of land grants in the Norte Chico of Chile, but alongside them as a peculiar form in between were the commons of the agricultural communities. They arose, furthermore, out of private property, becoming a hybrid, neither *latifundium* nor *minifundium* but, as an *institution* of its own.

Though not originally intended by the Spanish Crown, the land grants evolved into private ownership, soon after they were distributed, first in the form of cattle-ranches (*estancias*) and then, with the introduction of agriculture, in *latifundium* or *haciendas*. If both the *latifundium* and the agricultural communities in the Norte Chico have a common origin in the land grants, only the gradual de facto conversion of certain landed private properties into agricultural communities, with time, changed the 1600s land tenure structure from private property into a mixed system. During the 1'00s this started to combine both private and communal land ownership. The historical process of land formation in the Norte Chico is thus paradoxical because being the general tendency of the grants, and also of *encomiendas*,⁵⁶ towards private property, here the communally owned land developed out of private property.

The major question concerning land stemming from the land grants is thus why only certain properties, or portions of them, evolved into agricultural communities, while others remained private. Why did some properties continue in private hands?

⁵⁵ Bengoa, José, *Historia Social de la Agricultura Chilena...*, op. cit., pp. 215-217.

⁵⁶ While the grants constituted the main legal mechanism for access to land, "The only legally valid title for the occupation of the soil..." (J. Borde and M. Góngora, *Evolución de la Propiedad Rural...*, op. cit., p. 30), the *encomiendas*, on the other hand, constituted the main mechanism for access to the available labour force of the local population.

With the exception of the agronomist Cañón,⁵⁷ this issue has not been explicitly contemplated from the perspective of a process giving rise to two paths of agrarian development: the private *latifundium*, on the one hand, and the communally owned agricultural communities, on the other. To express it in Durkheim's terms⁵⁸ "So persistent an institution cannot depend upon special contingent and chance circumstances." The same can be suggested about the origin/s and development of the today two hundred agricultural communities of Chile's Norte Chico.

However, the thesis that the agricultural communities have their main origin in the land grants does not invalidate other possible origins. According to Santander,⁵⁹ this is a problem without solution partly because of the singular form in which the question is made, which presupposes that all agricultural communities have one and the same historical origin.

Nonetheless, it is important to distinguish between factors that explain the origin of this agrarian form from those which explain its formation, even though these, as already suggested, are certainly related. Seeing origin and development in the light of the development of the agrarian structure in the Norte Chico, and taking as certain the hypothesis of the various origins of the agricultural communities, the most outstanding feature of this process must be that, in spite of having different origins, various properties evolved in only one form of land management: the communal. This process would point towards other factors as important in this historical development: why, in spite of the diversity of origins, the communal land ownership form of the agricultural communities started to take shape as a natural resource management solution in a predominantly, but not exclusively, mountainous ecological area.

So, to retake our red thread, regarding the form, which all communities share, historically as far as the origin and emergence goes, they also diverge. Although origin and emergence are interwoven, by origin I mean the "starting point" of a community. By emergence I mean the development process during which the community is constituted or formed. This would point out the many and varied circumstances that led to the shaping of the form. Some examples of present communal land management are, against what one may commonly believe, not residues or remnants of a pre-colonial or pre-capitalist period, or some type of 'original' American or African forms of land ownership.⁶⁰ Quite the opposite, they are the result of political factors.

⁵⁷ Patricia Cañón, *Las Comunidades Agrícolas de la...*, op. cit. p. 46.

⁵⁸ E. Durkheim, *The Division of Labour in Society*, London, Macmillan Press, 1984, p. XXXVIII; Preface to the Second Edition.

⁵⁹ Agapito Santander, *Comunidades Agrícolas...*, op. cit., p. 1.

⁶⁰ C. F. S. Cardoso, "Severo Martínez Peláez y el carácter del régimen colonial", en *Cuadernos de Pasado y Presente*, n° 40, México, p. 100), indicates that it is usual to find how the existence of pre-capitalist modes of production are qualified as residues or anomalies, when, for Marx, these 'anomalies' would not be sub-products of capitalism's historical evolution, but on the contrary, they would rather designate the natural limits of said process. This position that sees the existence of non capitalist relations of production as vestiges, abnormalities or accidents within capitalism, reveals, according to Cardoso, a vision that postulates a form of evolution that is considered normal. How could the survival of pre-capitalist modes of production be residues, questions Cardoso, when the rural structures were always perfectly adapted to the needs of the peculiar development that characterises the Latin American peripheral capitalism. Capitalism, Cardoso argues, has a disintegrating effect on the existing modes of production, but as autonomous and differentiated modes of production, maintaining features that could be integrated to peripheral capitalism.

Other examples of communal land ownership, on the contrary, are the result of long historical processes.

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

Within the imposed form, the way this is imposed may also be important for how production is organised, and how the individuals perceive the access to land. Seen from their point of view, the actors may experience the imposed form, either by force or as a result of a legal decree which can be beneficiary for them, or not. The implications of the social aspects resulting from the particular history of the form are not only psychological or political, but also of importance for the ecological environment, and, thus, for all of us. The lack of security in tenure among landholders, for example, does not constitute a fertile ground to introduce changes programmes in order to protect and improve the environment in the long run.⁶¹

To illustrate the global form of the commons of the Norte Chico's agricultural communities, but also their specificity regarding the question of the origin, I will shortly draw some contrasting comparisons in these two respects with some other examples of commons: the Mexican, the South African and the Mapuche Chilean communities. I would suggest that, belonging to a Third World country, the Norte Chico's agricultural communities paradoxically, show more similarities with the Swiss Alps and also the now extinct English open field system, regarding origin and emergence, than with the examples from Mexico, South Africa and the Chilean Mapuche communities.

It is necessary to introduce here two methodological considerations before continuing. The first is that when I above use the term contrast, I do not mean I am performing a proper comparison in the sense of following all the aspects, step by step, in others example of commons, but rather that I am taking those that from the point of view of my study purpose are relevant. Therefore, it is important to understand that when I am taking the case of South Africa, I am not looking for the most representative example of communal land management in the African continent, but an example that serves me to incorporate the political dimension as the imposition of the form as into the question of the origin and emergence of some forms of communal land ownership. The second consideration is about the necessity of keeping in mind

⁶¹ Yeraswork Admassie, *Twenty Years to Nowhere, Property Rights, Land Management and Conservation in Ethiopia*, (PhD Dissertation), Uppsala, Sweden, Repro-C HSC, Department of Sociology, Uppsala University, 1995, shows the importance of property rights conditions for (failure) soil and forestation programs in Ethiopia as a result of diverse state policy (capitalist and socialist) and how the peasants perceived them.

the referred analytical distinction between form and history. While some of the differences between communal and private land ownership refer to the form as our common sociological denominator as others refer to history, the same being valid for the similarities.

3. Three examples of *res comunes*: Mexico, South Africa and Chile

Let me start with Mexico and South Africa. In spite of belonging to two different continents, the Mexican and South African forms of communal land ownership have something in common in how they arose. Both forms are imposed, and the result of political factors, not residues of a pre-colonial or pre-capitalist period, or some type of 'original' Indian or African form of land ownership.

The Mexican *ejido* is a legal figure for land tenure, established by the post revolution constitution of 1917. As Pucciarelli⁶² indicates, the '*ejidos*' *minifundium* is not a product of a social process of appropriation of natural resources.⁶³ The small peasant plots were born of the agrarian allotment of 1936 under the government of Cardenas, the first president who tried to make land distribution effective. The Mexican *ejido*⁶⁴ is that land expropriated through the Agrarian Reform and distributed among the peasants: "The ejido is obtained by *donation*, a donation on behalf of the State, of the lands expropriated from the latifundia and with surfaces greater than the maximum established by the agrarian laws, to attend the demands of groups of peasants that lack land."⁶⁵

According to Stavenhagen,⁶⁶ in Mexico, the agrarian reform, by creating the *ejidos*, modified the nature of collective land ownership. However, the lands of the communities of Mexico are outside the market laws.⁶⁷ In other words, the land cannot be or at least could not be sold, rented, transferred or seized. The land is a property, but not a merchandise, a means of production, but not capital, a source of income, but not of revenue.⁶⁸

The commons of Norte Chico, differ to some degree with the Mexican ones because the *comuneros* can now, according to the law, sell, in individual form, at least the

⁶² Alfredo Pucciarelli, "El dominio estatal de la agricultura... , op. cit., p. 56.

⁶³ Here we see how the *ejido* as a form of communal land management is reduced to the *minifundium*.

⁶⁴ The difference between the Mexican *ejido* and other communities, which also exists in Mexico is not very clear legally in matters of form. Nonetheless, the difference has to do with the manner of obtaining the land, and the way it is administered: "In most cases, the only difference between the ejido and the private lands is that the first can not be mortgaged nor sold, nor distributed by inheritance" (Lars Krantz, "Mercadeo, Intermediación y Estratificaciones en las Sociedades Campesinas: un caso de México Central", en *Estudios Rurales Latinoamericanos*, vol 4, n° 1, s. a., p. 4:9.

⁶⁵ Arturo Warman, "Notas para una redefinición de la comunidad agraria", en *Revista Mexicana de Sociología*, n° 3, Julio-Sept., pp. 5-19, México, 1985, p. 7, emphasis original.

⁶⁶ Rodolfo Stavenhagen, *Las Clases Sociales en...*, op. cit. p. 214.

⁶⁷ Arturo Warman, "Notas para una redefinición..." , op. cit.

⁶⁸ Rodolfo Stavenhagen, *Las Clases Sociales en...* op. cit., p. 219. See for instance, *Tepoztlán: Village in México* by Oscar Lewis, USA, Holt, Rinehart and Winston, Inc. 1960, where he distinguishes between the ejido, communal land and private property.

lands in personal possession, within the same community, or to a third party, provided that they are private individuals. The commons of the Norte Chico have in common with the Mexican communities and *ejidos* the fact that once the right to become a member of the community has been established, said right is transmitted only to a single person, which means that the individual possessions can not be divided by inheritance.

Let me now take the example from South Africa. Since, at least until the last days of the Apartheid, about half of the African population was compelled to live in the reserves, it seems that the communal system of the South African reserves was more extensive than the Mexican case.⁶⁹ However, communal land ownership in South Africa is disguised within the Apartheid system in the reserves. According to Hendricks, the organisation is based on the division of the land into residential, arable, forestry and grazing areas. Dealing with the individual possessions, the form expresses a kind of duality between the formal-legal and the factual practice. Communal land ownership in the reserves is based on the principle of one man, one lot. Formal-legally, under the system of quitrent, the Africans in the reserves are virtual tenants on state owned land, paying their annual quitrent, or local tax.⁷⁰ In that sense, since the peasants have to pay for the land, which is individually registered in the name of the family head, the land is revertible to the State, and the peasants are tenants of the State. The de facto, communal tenure is,⁷¹ a facade, being 'a form of individual tenure under the commonage system' since the registered plots are heritable, which means that descendent groups are able to hold the original plots in perpetuity.

Regarding the precedents of the South African system, the situation seems to be not very different from the Mexican one, in the sense that they are definitely not to be found in the African pre-colonial period. According to Hendricks, the communal land tenure in the reserves corresponds to a distorted version of the previous system: "... it is [a] vaguely reminiscent of the pre-colonial system of land allocation."⁷² "Colonial" capitalism constrained communal access to land and created reserves, replacing communal land tenure with a regimented form of land tenancy. Millions of black workers "have been displaced from the urban and rural white claimed areas and [on the other] they retain a semblance of access to means of production in the reserves."⁷³

This short examination points at an important difference between the Norte Chico's communities and the Mexican and the South African ones, dealing with their di-

⁶⁹ The population of South Africa was in July 1992, 41,688,360; including the 10 so-called homelands, were 19,779,116 millions lived, or 63.1% of the total black population. Ethnic divisions: black 75.2%, white 13.6%, Coloured 8.6%, Indian 2.6%. The four independent homelands are: Bophuthatswana 2,489,347, Ciskei 1,088,476, Transkei 4,746,796, Venda 718,207. The six other homelands (according to the source, not recognised by the US) are: Gazankulu 803,806, Kangwane 597,783, KwaNdebele 373,012, KwaZulu 5,748,950, Lebowa 2,924,584, QwaQwa 288,155 (Source: <http://ftp.funet.fi/pub/doc/world/Factbook92/Countries/south-africa, 1997-10-04>).

⁷⁰ T. Fred Hendricks, *The Pillars of Apartheid Land Tenure, Rural Planning and the Chieftancy* (PhD Dissertation), Uppsala, Acta Universitatis Upsaliensis, Studia Sociologica Upsaliensia, 32,1990, p. 2.

⁷¹ *Ibid.*, p. 65.

⁷² *Ibid.*, p. Abstract.

⁷³ *Ibid.*, p. 4.

vergent origins. The Norte Chico's agricultural communities are not properties especially granted to a certain type of social group as communally owned. Their constitution into agricultural communities is *de facto*, resulting from private colonial property. Consequently, they are neither collectives created by legal decrees, nor a product of mainly urban, political decisions. They existed in spite of a hostile environment, where Chilean law did not recognise any other form of ownership than the private (except those created by the State itself, as it is with the Mapuche communities). Thus, different to the Mexican and South African cases, the commons of the Norte Chico constituted already a long time ago a form, recognised by the State only post-factum.

As suggested, there is a difference between getting access to a form of property through up-and-down political decision and to obtain legal recognition for an already existing form.⁷⁴ There is obviously also a difference between the Mexican and South African cases. In the first, the communities get access to the land through a political reform that intends to be progressive, while in the second, this form is imposed by and answers to, first of all, other social interests than those of the group submitted to live in the reserves: the apartheid system. So, if from the point of view of the involved actors, the first corresponds to a type of non-repressive imposition, the second corresponds to a repressive, racist imposition.

The above suggests that the Mexican *ejidos* and the South African reserves, in terms of their creation, have more resemblance with the Mapuche indigenous communities of southern Chile, than with the agricultural communities of the Norte Chico. As the reserves of South Africa, the Mapuche communities and its communal land management are also a political creation, product of the republican laws that confined the Mapuches to live in reserves. The communal property of the agricultural communities of the Norte Chico, born out of private property, which also originated in the colonial period, appears first, as a result of a spontaneous process, a combination of specific, ecological, economic, social and historical factors, and second, not as a system imposed from above, rather from below. Third, from the perspective of the territory occupied by the South African reserves, its tenants do not originally come from them, but have been displaced from other areas to the reserves. This cannot be said to be the case of the inhabitants of the commons of the Norte Chico, as they were not located there by force.⁷⁵

Let me now take the case of the Mapuche communities, located in the south of Chile. Communal land property in the Mapuche communities encompasses both cultivation land as well as land for shepherding, the usufruct being individual.⁷⁶ According

⁷⁴ Certainly, it can be argued that from the moment any legal recognition becomes law, it also becomes imposed from above. This does not mean, however, that this law is not, as well, a result of down-up political struggle searching for legitimisation, as is for example, the case with the Norte Chico's communities.

⁷⁵ However, this does not mean that there may not be cases where the *comuneros* may have their origin among indigenous people from different areas, who mainly through the *encomienda* system were moved by force from their original places.

⁷⁶ CIDA, Chile: *Tenencia de la Tierra y...*, op. cit., p. 128.

to CIDA,⁷⁷ in the five Provinces (from Arauco to Llanquihue) where 98.9% of the Mapuches were concentrated in the 1960s, there were a total of 3,048 reserves with a total of 322,916 persons. The area was of 565,931 hectares, giving a media of 1,8 hectares per capita and 0,4 of cultivated land. Today, following the same provinces (and not the posterior administrative regionalization), the 1997 agricultural census⁷⁸ register 17 communities with an area of 1.473, 3 hectares (sic!).

Apart from their form of communal property, the most outstanding feature of these communities is their ethnic identity, with a language and a culture of their own. Peasants of Mapuche origin constitute approximately 20% of all peasants in Chile,⁷⁹ approximately 70 thousand households,⁸⁰ or some 350,000 persons (counting to 5 persons to a household). The total indigenous Mapuche population in Chile is estimated at almost a million.⁸¹ The Mapuche are "... the only peasant group that presents a certain degree of organisation, based on interest derived from their ethnic specificity..."⁸² On the origin of the Mapuche communities, all authors agree that their community organisation does not constitute a conservation of pre-Hispanic traits, but that their origin, or to be more exact, their creation: "Constitutes a republican interpretation of what was believed was the collective land tenure of the Araucanian [Mapuche], a product, on one side, of the incomprehension of the effective forms of the Araucanian land tenancy and of their social and public organisation and, on the other, of the intention of confining them to determined areas, much more scanty than those they were originally possessing."⁸³

In this sense, they would not be "... more than a creation of our [Chilean] laws."⁸⁴ This is, as well, the implicit sense in CIDA's specification of these communities, inasmuch as CIDA states that they are reserves or confining, i.e., an artificial creation by the centres of the economic and political power, and not an original organisation of the Mapuche people. According to Rivera, the Mapuche peasant community: "... was thoroughly transformed in its economy and social organisation because of its confining and compulsory settlement (between 1890-1910); from being collectors and extensive cattlemen into farmers of subsistence minifundium."⁸⁵

Dieterich confirms the same for the rest of Latin America, indicating, that indigenous collective property: "... was constituted through the adjustment and pragmatic-legislative modification of the structures of possession and pre-Columbian property to the needs of the Spanish Crown".⁸⁶ The recognition and partial conservation of

⁷⁷ Ibid., p. 81.

⁷⁸ Censo Nacional Agropecuario (VI), *Resultados preliminares*, INE, Chile, 1997, cuadro 4, pp. 104-139.

⁷⁹ Rigoberto Rivera, *Los Campesinos Chilenos...*, op. cit., p.41.

⁸⁰ Ibid., p. 166.

⁸¹ INE, *Localidades Pobladas, XV Censo Nacional de Población y Vivienda*, Chile, 1992.

⁸² Pilar Campaña, "Una propuesta metodológica para el estudio del campesinado", en *Agricultura y Sociedad*, Grupo de Investigaciones Agrarias, Academia de Humanismo Cristiano, 1/85, Sept., Santiago de Chile, 1985, pp. 38-39.

⁸³ R. Baraona, et al., *Valle de Putaendo...*, op.cit., p. 126.

⁸⁴ Ibid., p. 124.

⁸⁵ Rivera Rigoberto, *Los Campesinos Chilenos...*, op. cit., p. 45.

⁸⁶ Dieterich Hans, *Relaciones de Producción en América Latina*, México, Ed. de Cultura Popular, 1978, p. 198.

the indigenous, collective property was fundamentally compatible of private property, for which the indigenous communities constituted, mainly, a labour reservoir. Though the right to the land of the communities was, in theory, inalienable, their lands were subject to the voracity of the landowners, and these, with the passing of time and until today, have being reduced to a minimum. Consequently, in Latin America, most of the present examples of commons, including the indigenous agricultural communities, are to a great extent an artificial creation. In this sense, their community formulas, whether colonial or post-colonial, does not have many pre-Hispanic antecedents.

Taking into consideration the impact of European colonialism in Sub-Saharan Africa, the situation there does not seem to be very different. In his review about the land question, regarding the "purity" of some customary African tenure systems, Havnevik suggested that we have to accept that: "... colonialism created a new conception of tradition that did not reflect past historical relations and further that colonial authorities did not freeze African societies in a timeless world of tradition and custom /—/ Colonial policy rather did shape the way in which rights of access to land and labour were defined..."⁸⁷

Summarising, the commons of the Norte Chico are peculiar historically in comparison to the other named communities, as they are the product of a more spontaneous development process resulting from a colonial, Spanish land institution, mainly the land grants, once owned by Spanish conquerors and colonialists. So what conclusions can be draw so long from the historical specificity of the commons of the agricultural communities that are relevant for the question of the form?

4. Differentiating the form of communal land management from the *latifundium* and the *minifundium*

Although in Chile, communal land ownership shares a common origin in the colonial land grants with both the *latifundium* and the *minifundium* as forms that together make up the Norte Chico's tri-modal agrarian structure⁸⁸ as it represents, I would suggest, an institution, which is qualitatively different both from the *latifundium* and the *minifundium*. Communal land ownership represents, historically, not only another pattern of development, but also another form of organising ownership and production, different both to the *latifundium* and *minifundium*. Let me take an analogy.

The difference between *latifundium* and *minifundium* is not a quantitative divergence between private properties of dissimilar extensions of land, but a qualitative difference between types of agriculture and between ways of life. The *latifundium* is not only a form of property, but also an economic system that constitutes the base

⁸⁷ Kjell Havnevik, "The land question in Sub-Sahara Africa", Uppsala, *IRD-Currents*, Departament of Rural Development, Swedish University of Agricultural Sciences, 1997, p. 7.

⁸⁸ Bruce John W., "Review of tenure terminology", *Tenure Brief*, n° 1, Madison, July 1998, Land Tenure Centre, University of Wisconsin, 1998, p. 2.

of the ruling oligarchy. The *minifundium*, on its side, constitutes not only a property of reduced extension, but another socio-economic institution.⁸⁹ Such is the case with the agricultural communities. Indeed, many characteristics belonging to the *minifundium*, are also peculiar to the agricultural communities, but this is not to say, that the agricultural communities are *minifundia*.

Considering the land possessions of the *comuneros* of the agricultural communities of the Norte Chico individually, they could be considered as *minifundia*. Yet this is only possible if we ignore their most specific feature, the communal land. If individual size is one criteria to include the agricultural communities within the *minifundium*, in their totality many of them would definitively be bigger than the neighbouring *haciendas* or *fundos*. However, there is among the agricultural communities a large scale, differences ranging from 37,5 to 102,312 hectares.⁹⁰ Obviously, the size should be put in relation to the number of *comuneros* belonging to the community. In the named examples they are 7 and 200 *comuneros*, which give 5,3 and 511,5 hectares per capita respectively.

However, the issue of the size relates to a very central matter: that the agricultural communities, keeping their territorial integrity in a *permanent, undivided form*, historically avoided its conversion into *minifundium*. Many agricultural communities have also remained large productive units, not totally dissimilar to that of the estates (*haciendas*), which many of them, in fact, originally were. Therefore, if *the minifundium is the historical result of the subdivision of the land, the agricultural communities are the result of not being divided up*. In that sense, I would suggest, that the communal land ownership of the agricultural communities is a resource management solution which acted as a brake to the process of "minifundisation" as the atomisation or fragmentation of the land in the Norte Chico. Therefore, to consider the agricultural communities as *minifundia*, misses this very important process leading to this communal management solution.

Stevenson's⁹¹ approach on communal land ownership is an important contribution in conceiving the existence of communal land ownership neither as archaic, pre-capitalist or irrational, nor inferior to the other today predominant land ownership, the private, but just another, traditional, though not less valid, form of appropriating the resource of land. The agricultural communities belong to those self-governing, self-organised and long-enduring Common Pool Resource institutions, as probably Ostrom⁹² would call them. I can now round up the discussion by taking Stevenson's⁹³ synoptic definition of common property as: "... a form of resource management in which a well-delineated group of competing users participates in extraction or use of a jointly held, fugitive resource according to explicit or implicit understood rules about who may take how much of the resource."

⁸⁹ Rodolfo Stavenhagen, *Las Clases Sociales en...*, op. cit., pp. 226-7.

⁹⁰ Of a total of 158 communities about which IREN reports in 1977, 17.7% had up to 1,000 hectares, 72.7% between 1,000 and 10,000 and 9.5% over 10,000 hectares (IREN-CORFO, *Estudios de las Comunidades* op. cit., p. Vol. 1:39; See also IREN, 1977 (2) Catastro, pp. 23-27.

⁹¹ Glenn G. Stevenson, *Common Property Economics...*, op. cit.

⁹² Elinor Ostrom, *Governing the Commons...*, op. cit.

⁹³ Glenn G. Stevenson, *Common Property Economics...*, op. cit. p., 46.

Stevenson's contribution helps to apprehend the specificity of our common denominator, the communal land ownership, as a specific social form of organising resources and production, or to paraphrase Braudel again, as a regulated and rationalised social answer to mainly two determining natural factors as the topographic relief and the seasons. Braudel and Stevenson approaches allow, within a new empirically based framework for the discussed context, a conceptualisation in which communal land ownership, instead of being reduced to vestiges of the past, or to the small peasantry, arises with power not only as an institution of its own, but also as an institution that historically is a result of a socio-economic process which parallels the consolidation of private property, being as old as this. The agricultural communities do not appear as a dispersed amount of individual peasants, but as communities, that commonality being given by what the private, individual, small peasant of the *minifundia* lacks: the co-ownership of land. Not only is communal land ownership as a management resource solution different from the *minifundium*, but what is more, it is also a way of avoiding it. Therefore, the final legal recognition in the early 1990s on behalf of the state comes to stabilise the form against its fragmenting in the scattered *minifundium*, or small peasantry, reaffirming it as a socio-economic management solution. It also means the legalisation of the form and its conditions of reproduction.

However, the fact that common property is marginal compared to private property does not mean that we are witnessing the last vestiges of a form dying out. On the contrary, as we have seen, it still exists here and there, all over the world, in spite of capitalist expansion. Moreover, perhaps because the advanced globalisation common property may appear as a real alternative in solving urgent environmental problems, perhaps expanding this form of natural resource management institution beyond the agricultural world, to include some of those precious natural resources on which the survival of future generations depends, for example the oceans and the air.

The significance of the communal land management specifically, is perhaps best understood if we put it within the bigger world context of dry land (regardless of ownership form) to which the agricultural communities of the Norte Chico belong. The Smithsonian Institute and United Nations Environment Programme,⁹⁴ give us the following information: 40% of the planet's total land surface corresponds to dry lands, agriculture being still the main productive activity in them. Dry lands are among the most productive ecosystems, and economically important. They serve as the world's breadbasket, and more than one billion people live there. Seventy five percent of the world's food supply consists of five crops: potatoes, manioc, wheat, maize and rice, all of them being grown in the dry lands.

Dry land ecosystems play a major role in global biophysical processes.⁹⁵ Therefore, the interaction of humans and nature in these areas has a global-scale influence. Dry land's problems, as soil degradation, loss of bio-diversity, and the effects of

⁹⁴ Source: <http://drylands.nasm.edu:1995/drylands.html>, 1998-03-17.

⁹⁵ This by reflecting and absorbing solar radiation, maintaining an equilibrium of atmospheric constituents, and sustaining bio-mass and bio-diversity.

changes in climate, threaten the dry lands, and us all. Sustainable socio-economic development and sound environmental management is in the interest of all.

The traditional dry land heritage and wisdom of dry lands people is jeopardised by the day-to-day struggle for survival. "Traditional dry lands cultures are a repository of knowledge accumulated during centuries of responding to climate variation /—/ Many traditional land use systems successfully insure food supply and access to water under variable and adverse conditions. A rich base of knowledge and skills has been refined through generations of living in the dry lands, providing a hedge against a difficult climate and the ability to optimise the use of scarce resources".⁹⁶

⁹⁶ The Smithsonian Institute and United Nations Environment Programme, <http://drylands.nasm.edu:1995/drylands.html>, 1998-03-17.