

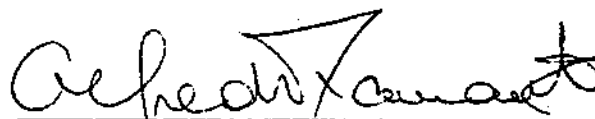
PROPERTY, POLITICS AND RURAL LABOR:
AGRARIAN REFORM IN CHILE, 1919-1972

Brian Loveman

Submitted to the Faculty of the Graduate School
in partial fulfillment of the requirements for
the degree Doctor of Philosophy in the
Department of Political Science
Indiana University
April 1973

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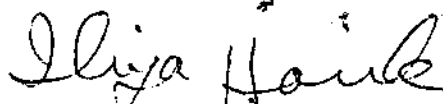
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Alfred Diamant, Co-Chairman



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ABSTRACT

Property, Politics and Rural Labor:

Agrarian Reform in Chile, 1919-1972

by

Brian Loveman

This study focuses on the political processes and forces that transformed the traditional system of property in rural land in Chile from 1919 to 1972. It examines the redefinition and redistribution of property in rural land, and the expanding participation of rural labor in rural proprietorships. Starting from an initial analysis of the political meaning of property in rural land in the period from 1919 to 1931, the study traces the forces which led to the alteration of the existing system of property in the countryside and seeks to evaluate the new meaning of property in rural land which has emerged in the agrarian reform programs of the last decade. The central thesis of the study is that the transformation of rural Chile from 1919 to 1972 cannot be understood without reference to the long struggle of Chilean campesinos, aided by urban political parties, labor organizations, and the "urbanization of the countryside," to wrest control of the countryside from the Chilean hacendados.

The study is divided into three sections and a concluding chapter. Section I includes Chapters One and Two. Chapter I develops a framework for the analysis of the political meaning of property in rural land. Chapter Two introduces the reader to the Chilean political milieu in the Post-World War I period and applies the framework developed in Chapter I to describe the changing political meaning of property in rural land in the period from 1919 to 1931.

Section II includes Chapters Three through Seven and focuses on the forces which disrupted the traditional system of property in rural land in Chile from 1919-1964. Chapter Three deals with the role of labor legislation in redefining the authority of rural proprietors vis a vis rural labor and government officials. Chapters Four and Five treat rural unionization efforts as challenges to the political meaning of property in rural land. Chapter Six deals with the role of political parties and elections in the countryside and Chapter Seven with the penetration of urban institutions and ideology into the countryside as these forces affect rural proprietorship.

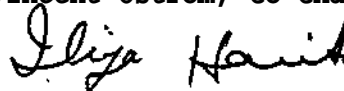
Section III looks at the agrarian reform movement in Chile after 1960, including the legislative redefinition of rural proprietorships and the expanding rural labor movement. Chapter Eight treats the Alessandri land reform. In Chapter Nine, the impact on the countryside of the Christian Democratic government's "Revolution in Liberty" is examined and in Chapter Ten the rural program carried out in the first two years of the Popular Unity government is analyzed. Finally, Chapter Eleven examines the political meaning of property in rural land in the Chile of 1972.



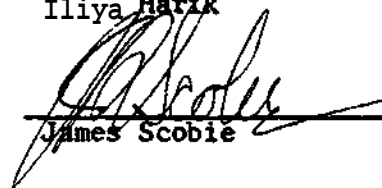
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While in Chile I benefitted from the stimulation and institutional support of a group of Chilean scholars at ICIRA. Special thanks must go to the national director of ICIRA while I did my research, Enrique Astorga. Enrique supported my efforts to do what many would consider "politically sensitive" research at a most difficult political moment in Chile. Juan Carlos Collarte eased me into an ongoing research project when I arrived in Chile and taught me a great deal about ICIRA and Chilean politics. To him I am especially grateful. I also benefitted from discussing my research with Hugo Zemelman, Sergio Gómez, Rafael Baraona, and Cristóbal Kay.

In addition to these Chilean scholars, the senior author of the most important study on the rural labor movement in Chile, Almino Affonso, patiently watched my study develop, made suggestions when they were asked for, answered the numerous questions I posed and generously allowed me access to the raw data from his own study. His cooperation and encouragement made my stay in Chile that much more productive and enjoyable.

Two American scholars in Chile also provided valuable assistance. Marion Brown of the University of Wisconsin Land Tenure Center not only

contributed intellectual stimulation but also made available to me institutional support for much of the field work I did in Chile. This support was even more impressive because it allowed me to do interviewing in fundos and asentamientos where Marion's own research team planned to visit--before his team carried out their project. This sort of assistance is understandably uncommon. I only hope that someday I can partially repay Marion's generosity.

Without the support of Solon Barraclough this study could not have been carried out. Professor Barraclough is perhaps the foremost expert on Chilean agriculture. As international director of ICIRA he welcomed me upon my arrival in Santiago and from that time on supported my research personally and with the institutional resources at his command. Never once was he "too busy" to answer my questions, talk to me about my research or to help me gain access to materials I considered important for the study. Professor Barraclough has also read and commented on most of the chapters of the dissertation.

As I wrote this study, Professors Alfred Diamant, Iliya Harik, Vincent Ostrom and James Scobie critically reviewed the manuscript and made suggestions for revisions. As co-chairmen of my doctoral research committee, Professors Diamant and Ostrom persistently challenged me to rethink my ideas and improve my writing. Philip Sabetti, William Siffin and Dennis Smith also read and commented on individual chapters of the dissertation. John Hamilton assisted with the preparation of the graphs in Chapter VI. Mary Zielinski has done a greatly appreciated job of typing a lengthy manuscript.

Finally, thanks to Sharon who edited my prose and put up with my 16 hour a day love affair with documents in the Chilean Labor Archive.

While I have had much help in carrying out this study, those who provided assistance bear no responsibility for the remaining errors of omission or commission that may still exist in the study.

Brian Loveman
April, 1973

A PREFATORY NOTE ON CHILEAN GEOGRAPHY, AGRICULTURE
AND ADMINISTRATIVE SUBDIVISIONS

A common anecdote in Chile has it that as God neared completion of the creation He found that He had a little bit of almost every ingredient left over--so He created Chile. Located on the western coast of South America, continental Chile is a long narrow strip of land extending from the arid northern deserts of Tarapacá province (18° S) to the cold windy patagonian plains of Magallanes (56° S). Chile also claims extensive portions of the Antarctic territory (50° W-90° W).¹ With this 2630 mile stretch that averages 100 miles in width and nowhere exceeds 250 miles from its western boundary at the Pacific Ocean to the eastern frontier of the Andes range, Chile indeed includes a "little bit of everything"--with the exception of tropics.

Northern Chile is one of the driest places in the world and boasts one of the few weather stations at which no rain has ever been recorded.

Southern Chile is one of the rainiest parts of South America, "where glaciers descend from snow-covered mountains to a deeply fiorded coast."³ Between these two extremes is middle Chile, the center of population concentration, economic activity and national politics. Middle Chile contains the Chilean central valley, a narrow fertile depression between the Andes on the east and the coastal mountain range and the sea on the west.

The variety of Chilean landscapes, topography and climate may be illustrated by comparing it with the inverted strip of land running from the desert of Baja California to the Yukon and Alaska. The Chilean "Great North" or Norte Grande which includes the provinces of

Tarapacá and Antofogasta encompasses a desert more barren than the Sahara but rich in copper and nitrates. First the nitrate fields and then the copper mines have been the principal earners of foreign exchange for Chile from the late nineteenth century until the present. The mineral wealth of the northern deserts allowed a relatively small proportion of Chile's population to produce a relatively large share of the nation's income in a sparsely settled territory (see Map 1).

South of the Norte Grande the provinces of Arica, Coquimbo and part of Aconcagua form the "Little North" or Norte Chico, a gradual transition from the desert to steppes and the fertile central valley. The central region, or middle Chile, includes part of Aconcagua province and extends south to Nuble province and the Bio Bio River (see Map 2). Only along the Bio Bio River at the southernmost part of the valley region does "a broad flat-floored valley extend all the way to the Pacific."⁴ The streams and rivers that flow from the Andes across the valley run almost at right angles to the sea. These rivers flow over land that slopes westward from the base of the Andes so gently that in many areas ordinary gravity canals can be used for irrigation.⁵

The valley has a mediterranean climate with rainfall increasing gradually from the northern transitional desert regions in Coquimbo to the southern boundary of the region at the Bio Bio River. The mediterranean climate combined with the fertility of the valley's soil provides ideal conditions for the production of grapes and vineyards in addition to production of grain crops and livestock. With the advantage of a harvest season when Europe and North America enter the winter months, the central valley offers Chile a potential source of foreign exchange through export of high quality fruits,

vegetables, wines, dairy products and other speciality crops. Despite this potential for the development of highly specialized intensive agriculture, throughout Chilean history the central valley has been dominated by a relatively small number of large estates [haciendas or fundos] engaged in extensive wheat production and animal husbandry along with vine cultivation. Into the 1960's only a minority of the haciendas had moved from traditional patterns of cultivation to more modern agricultural practices and labor relations.

South of the River Bío Bío, the industrial center of Concepción and its port, Talcahuano, serve as the doorway to the "Frontier" provinces of Arauco, Bio Bio, Malleco and Cautin (see Map 3). This region takes its name from the historical role it played in the struggle between the Spanish invaders and the indigenous Indian population. The Bio Bio River marked the limits of Spanish and then Chilean control well into the nineteenth century. In this region "instead of irrigated fields on sloping alluvial fans . . . are lands cleared of the forest, bristling with stumps and littered with the wreckage that accompanies forest clearing the world over."⁶ From Arauco to Cautin the overgrazed, over-utilized lands of the Mapuche and "Chilean" smallholders present a vivid red-brown image of eroded soil on the increasingly denuded coastal mountains and on the valley floor. To the east the Andes continue to dominate but they are not so high as north of the Bio Bio River.

Agriculture in the frontier region depends much less on irrigation than is the case in the central valley of middle Chile. Indeed, while irrigation is a key to agriculture north of the Bio Bio, drainage becomes of critical concern in the farms in the frontier region and further south.

Cattle, dairy farms and cereal production predominate in the agriculture of this region while a backward timber industry provides seasonal employment for numerous rural workers.

South of the frontier region the provinces of Valdivia, Osorno and Llanquihue constitute what is commonly called the Lake Region (see Map 4). This is a rainy area of hardwood forests. An extension of the frontier region, these provinces experience increasingly heavy rainfall. Valdivia receives about three times as much annual rainfall as does Tacoma, Washington (Valdivia 104.8 in., Tacoma, 40.4). Stonniness increases toward the higher latitudes and is greater, latitude for latitude, in Chile than in North America.⁷

Extreme southern continental Chile, from the island of Chiloé to Magallanes is called the Canal Region (see Map 5). This area is sparsely inhabited. In Aysén and Magallanes sheep ranching on vast estates is the principal "agricultural" activity. Chiloé is an island of smallholders engaged in potato cultivation, some lumbering and diversified "subsistence" agriculture.

AGRICULTURE AND THE DISTRIBUTION OF AGRICULTURAL PROPERTY

With some exceptions, notably in the frontier region and Chiloé, agricultural land in Chile prior to 1964 was highly concentrated in a relatively small number of large estates. In 1962 Marvin Sternberg wrote that "The concentration of land ownership in Chile is among the highest in the world."⁸ In 1955, 4.4 percent of landholders owned approximately 80.9 percent of the total farm land, 77.7 percent of the agricultural land, 51.5 percent of the arable land and 43.8 percent of the irrigated land.⁹ According to the agricultural census of

1964-65, less than 7,000 farms (out of a total of 253,532) contained approximately 73 percent of all the agricultural land in Chile.¹⁰

The large estates typically under utilized good farm land and left large amounts of irrigated land in natural pastures (see Map 6). From 1945 onward Chilean agricultural production failed to keep pace with domestic population growth thus becoming a drag on the national economy.

At the other end of the spectrum, some 150,000 farms with less than ten hectares each (more than half the farms in the country) contained only 2 percent of Chile's agricultural land.¹¹ This division of the country's farms into a small number of large estates and a large number of subsistence or less than subsistence plots is often characterized as the "latifundia-minifundia complex." This pattern dominated the Chilean countryside throughout the nineteenth and twentieth centuries. The political implications of this type of land tenure pattern is a principal theme in the study that follows.

ADMINISTRATIVE DIVISIONS

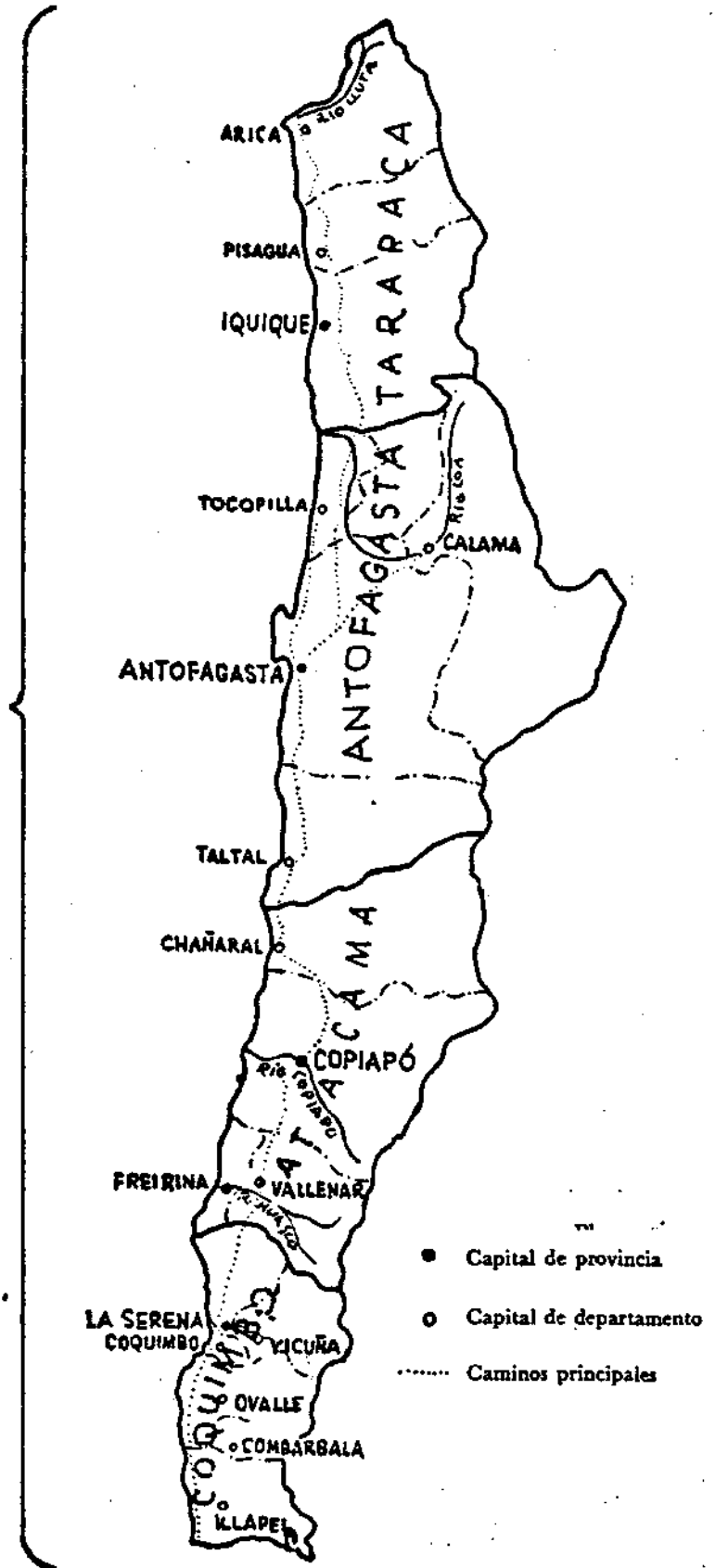
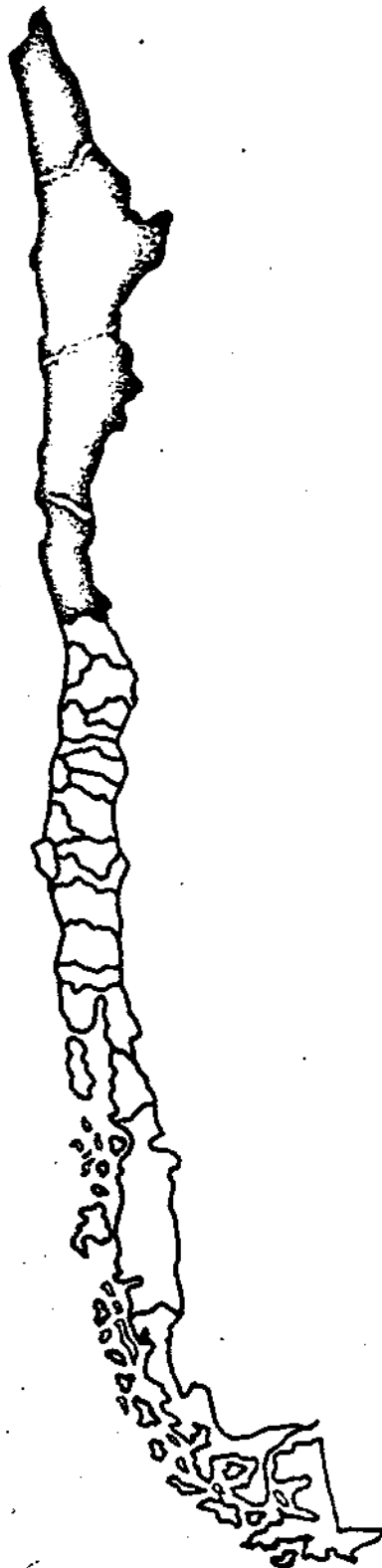
For purposes of internal administration Chile is divided into twenty-five provinces. Each province is headed by an Intendente who is appointed directly by the President of the Republic. The 1925 constitution also provides for provincial assemblies but these have never been constituted. The Intendente is the direct representative of the President in each province and, as such, is the supervisor of all public works and services of the national government.

Each province is in turn divided into departments, the departments into subdelegations and the subdelegations into districts. The department

is headed by a Gobernador named by the President of the Republic on the recommendation of the Intendente of the province. The Gobernador may be removed by the Intendente with the approval of the President. The Gobernador of each department appoints a Subdelegado as his agent in the subdelegation. These, in turn, name inspectors for each district and can remove them upon prior report to the Gobernador justifying such action.

Each subdelegation theoretically corresponds to still another subdivision—the commune. The local administration of each commune is vested in a municipal council elected by the constituents. The council elects a mayor from among its members except in cities of over 100,000 where the mayor can be appointed by the President of the Republic and remunerated for his services. These "local governments" have extremely meager revenues and depend heavily on subsidies from the central government.

Maps 1-5 below locate the provincial subdivisions and the capital of each province along with some other important regional centers. These maps may prove useful from time to time to the reader in order to find the approximate location of the historical cases described in this study, especially in Chapters II-VII.



Source: CIDA, 1966

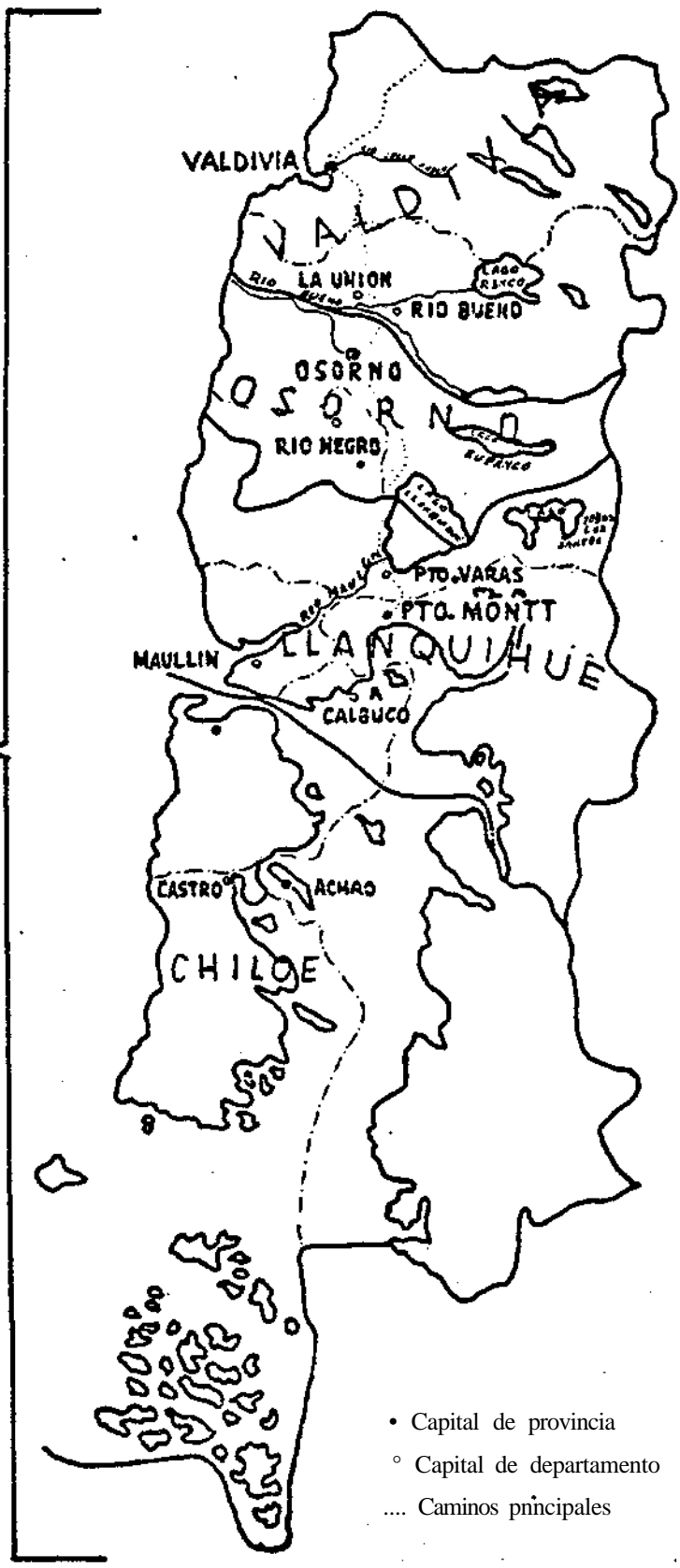
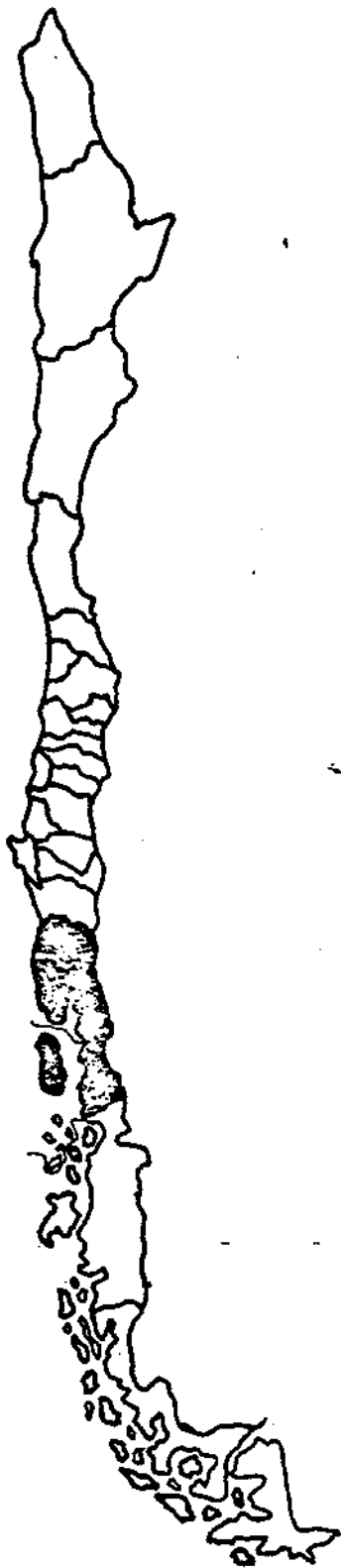


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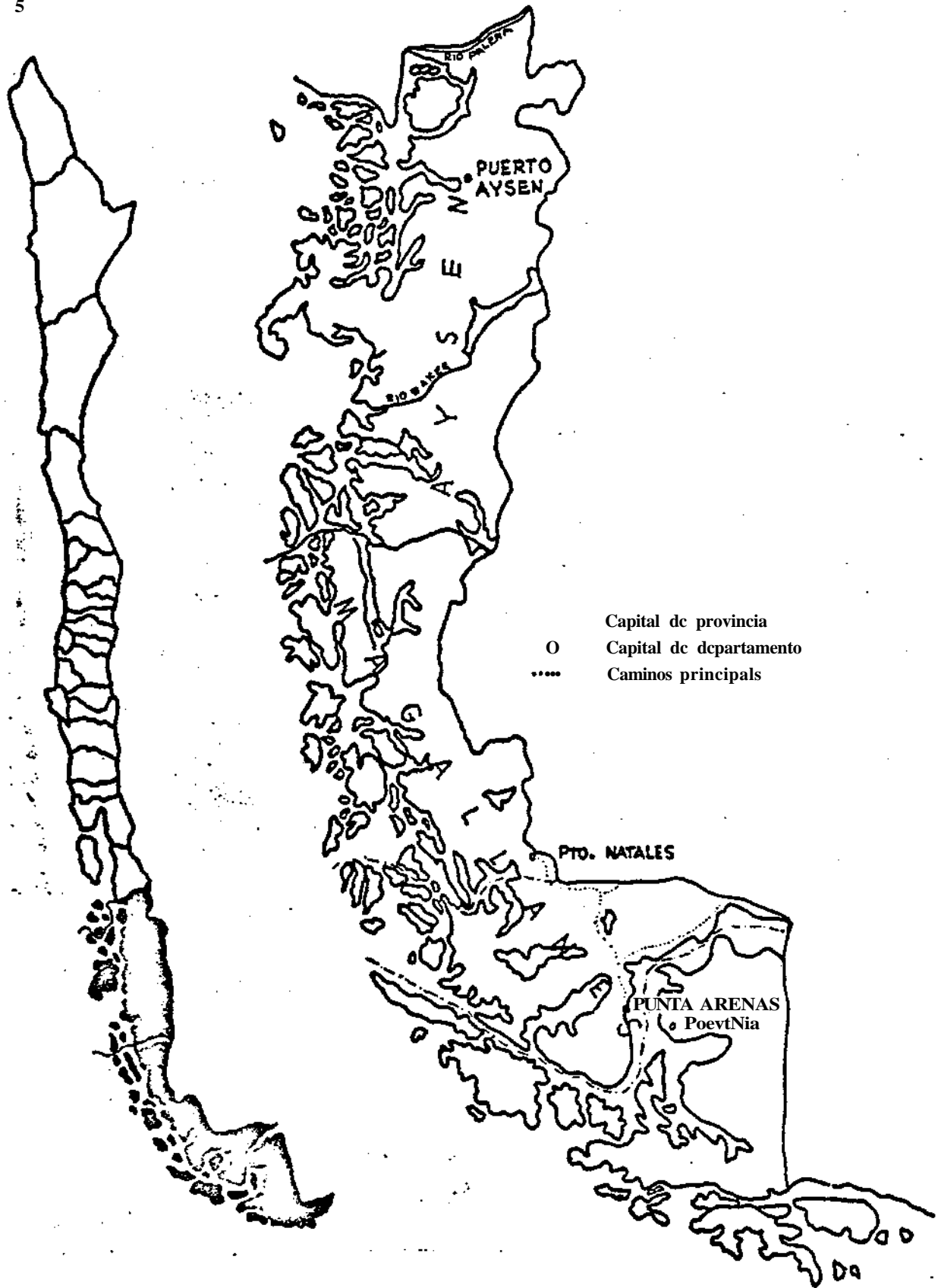


- * Capital de provincia
- * Capital de departamento
- Caminos principales

Source: CIDA, 1966










Source: CIDA, 1966

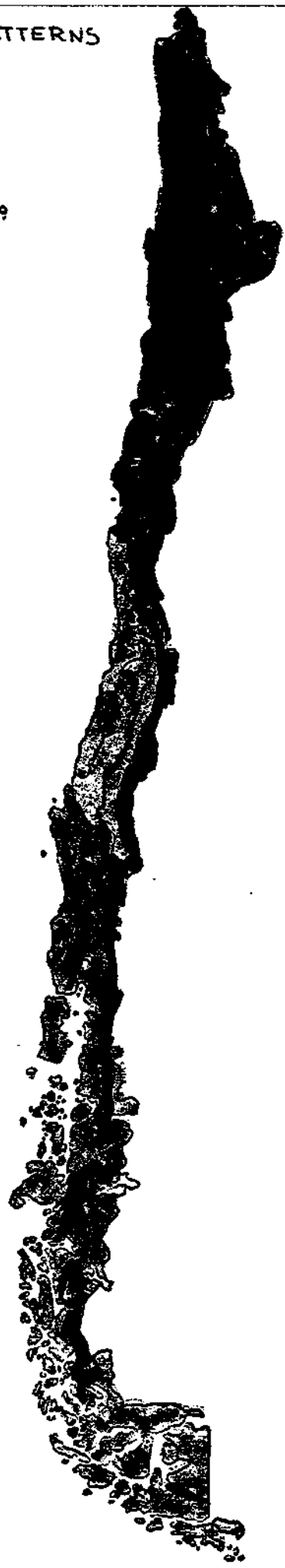


Source: CIDA, 1966

CATTLE
MAJOR LAND USE PATTERNS

-  Cereals, Livestock
-  Mediterranean Agriculture
-  Pasture Livestock
-  Extensive Livestock Ranching
-  Limited Seasonal Grazing
-  Forest
-  Nonagricultural Land

MAP 6



Source:
Hammond *World Atlas*
1969, p. 140.

FOOTNOTES

1. Preston E. James, Latin America (New York: Odyssey Press, 1959), p. 234.
2. Ibid.
3. Ibid.
4. Ibid., p. 244.
5. Ibid., (1950 edition), p. 220.
6. Ibid., p. 262.
7. Ibid., p. 264.
8. Marvin Sternberg, Chilean Land Tenure and Land Reform, Ph.D. dissertation, (Berkeley: University of California, 1962).
9. Ibid.
10. Direccion de Estadistica y censos IV Censo Nacional Agropecuario, Ano Agricola 1964-1965, I, Diciembre, 1969.
11. Ibid.

TRANSLATIONS AND THE USE OF SPANISH TERMS IN THE TEXT

Unless otherwise indicated in a footnote, all translations from Spanish to English are by the author. Spanish words used in the text of the dissertation are underlined only when they first appear. In some cases English translations are followed in brackets by the original Spanish. This convention is used where I felt that the idiomatic Chilean Spanish could not be translated well enough to retain the "flavor" of the original. .

Throughout the study footnotes include the texts of documents or other original source materials. Apparent errors in spelling are due to retention of the original material in uncorrected form. -This-presents a problem because it is nearly impossible to correct all typographical errors despite careful proofreading. Nevertheless, the reader should generally assume that spelling errors in the reproduction of original source materials were in the original.

A glossary at the end of the study provides translations for Spanish terms frequently used throughout the study. It also includes a list of Chilean private and governmental organizations with the acronym by which they are commonly identified in Chile and in the text of the study.

A NOTE ON THE CHILEAN LABOR ARCHIVE

In this study all citations that refer to volumes of Oficios, Providencias or Telegramas and do not make reference to another government source, refer to the Labor Archive in Santiago, Chile. At the time I carried out research these materials were housed in a small musty room in the basement of the old Labor Department headquarters, Calle Borgoño, 1380.

Since 1906 the Chilean Labor Department systematically retained and bound materials related to its internal administration and to its role in the Chilean political system. After 1930 materials were typically bound in volumes labelled oficios, providencias or telegramas in addition to some more specialized volumes. The volumes labelled oficios usually contain documents that originated with the central headquarters of the Labor Department in Santiago. At times accompanying documents are copies of materials found also in the volumes called providencias. Providencias generally contain materials that originated outside of the Labor Department's Santiago offices. This includes telegrams, reports by labor inspectors, letters from private citizens or organizations, communications from other government agencies or from the national Congress. The volumes labelled telegramas usually contain a numbered series of telegrams sent by Santiago personnel to officials in the provinces.

The general description of the content of the principal types of volumes found in the Chilean Labor Archive should not obscure the great variety of materials within each of these types of bound volumes nor suggest that anything like a perfect ordering of materials exists. Over and over again, I was surprised by the type of materials I found in a particular volume and could find no reason--except the rush at the end of each year to get things bound--why materials appeared in one volume instead of another.

A relatively complex index system called a "Kardex" provides a patient investigator with a log of incoming and outgoing materials for each year, by province and by "category". The Labor Department indexes some materials in the Kardex according to whether it relates, for example, to "other Ministries", "Congress", "industrial unions", or various other sub-headings. It also indexes materials according to regional and provincial location of the incidents involved--for example, a labor inspector's report on a strike in a farm in the province of Aconcagua might be logged in the section of the Kardex labelled "Aconcagua" under the title "Labor inspector reports a conflict." Sometimes the abbreviated titles to the materials as listed in the Kardex can be of great assistance in searching out particular types of information. On other occasions they are so ambiguous that no substitute exists for physical location of a document and its perusal.

In my own use of the Labor Archive I initially used the Kardex (usually six volumes per year) to locate topical material. I sought out materials on rural labor and labor conflicts in the countryside. I soon discovered that the Kardex was so incomplete that by limiting myself to this search approach many materials of great interest for my study would be missed. I decided, therefore, to review systematically, page by page, each volume in the Labor Archive from 1906 to 1969--the last year available and bound at the time I carried out research for this study.

Fortunately, the personnel in the Labor Department and especially in the Labor Archive not only permitted me to do this sort of minute review of the materials in the Archive, but they also assisted me in every possible way, for which I will be forever grateful.

Special thanks must go to my friends Maria Saavedra, Clementina Gutierrez, Manuel Avalos and Eduardo Mardones. They not only assisted me in my research but also attempted to keep my body warm in the chilly "cueva" where the archival materials were housed. Thanks also must be given to Julian Gonzalorenna who taught me so much about the Chilean Labor Department and allowed me to sit in on the sessions of the Junta de Conciliación Agrícola during 1971. Finally, a word of praise for Luz who patiently cooked eggs for a "gringo" when las guatitas le hicieron mal.

TABLE OF CONTENTS

	Page
Acknowledgements.	i
A Prefatory Note on Chilean Geography, Agriculture and Administrative Subdivisions.	iv
Translations and the Use of Spanish Terms in the Text.	xvii
A Note on the Chilean Labor Archive.	xviii
PART I: THE POLITICAL MEANING OF PROPERTY IN RURAL LAND	
Chapter I: The Political Meaning of Property in Rural Land: A Framework for Analysis	
The Prerogatives of Individual Proprietors.	9
The Distribution of Property in Rural Land.	12
The Linkages Between Rural Proprietors.	16
The Linkages of Rural Proprietors to Urban Interests and National and Regional Governmental Institutions.	20
Linkages Between Rural Laborers (Campesinos).	22
Linkages Between Rural Labor, Urban Interests and Govern- mental Institutions.	24
Land Reform, Agrarian Reform and the Political Meaning of Property in Rural Land.	26
The Political Meaning of Property in Rural Land: Chile, 1919-1972.	29
Notes.	38
Chapter II: The Political Meaning of Property in Rural Land: Chile, 1919-1931.	
The Legal Authority of Rural Proprietors.	50
Legal and Customary Territorial Jurisdiction of Proprietors of Rural Land.	56
Legal and Customary Obligations of Landowners Toward Rural Labor.	78

	Page
Exclusive Legal and Customary Prerogatives of Rural Proprietors, 1919-1931.	91
Distribution of Proprietary Authority in the Countryside.	94
Linkages Between Rural Proprietors.	101
Linkages Between Rural Laborers.	106
Linkages of Rural Proprietors and Rural Laborers to Urban Interests and Governmental Institutions.	107
Conclusion.	109
Notes.	114
PART II: TOE POLITICAL TRANSFORMATION OF THE COUNTRYSIDE, 1931-1964	
Chapter III: Labor Legislation and Rural Proprietorship . . .	128
The Labor Code and Subsequent Labor Legislation.	132
Resistance, Evasion and Non-Enforcement	139
Labor Legislation and the Redefinition of Rural Proprietorship: An Overview, 1931-1964.	178
Notes.	196
Chapter IV: Rural Unions I: The Politico-Legal Struggle. . .	217
The Labor Code and Rural Unions.	219
Administrative Repression of Rural Labor.	220
Legislative Repression of Rural Labor: Law 8811.	235
The Consequences of Administrative and Legislative Repression.	243
Repression as Reaction.	245
Notes.	247
Chapter V: Rural Unions II: The Struggle in the Countryside. . .	263
The First Wave of Rural Unionization.	267
The First Legally Recognized Unions in the Countryside.	279

	Page
Stagnation of Legally Recognized Unions: Alternative Patterns of Labor Conflict and Resistance. . . . .	.283
Emilio Zapata and the Liga Nacional de Defensa de Campesinos Pobres. . . . .	.293
Competition Between the Liga Nacional de Defensa de Campesinos Pobres and the Communist Party. . . . .	.305
The Popular Front in the Countryside. . . . .	.311
The Rios Administration, 1942-1946. . . . .	.318
Massive Mobilization of Rural Labor and Renewed Repression.	321
ASICH and the Federacion Sindical Cristiana de la Tierra. . .	326
Parallel Catholic Rural Labor Organization . . . . .	.333
Resurgence of Marxist Organizations in the Countryside. . . .	336
Prelude to the Presidential Election of 1964. . . . .	.342
Notes. . . . .	.352
 Chapter VI: Party Politics, Rural Labor and Property in Rural	
Land.	384
The Basis of Stability. . . . .	.391
Patterns of Party Activity in the Countryside, 1932-1958. . .	399
Electoral Reform and Party Penetration into the Countryside:	
The Role of Carlos Ibanez in Chilean Democracy. . . . .	.420
Summary. . . . .	.427
Notes . . . . .	.432
 Chapter VII: Urbanization of the Countryside and the Declining	
Legitimacy of the Hacienda System . . . . .	.437
Expanded Governmental Penetration of the Countryside. . . .	444
The Multifront Attack on the Legitimacy of the Hacienda System . . . . .	.453
Conclusion . . . . .	.464
Notes. . . . .	.466

PART III: A DECADE OF LAND REFORM, 1962-1972

	Page
Chapter VIII: Land Reform as "Counterrevolution:" The Caja de Colonizacion Agricola, The Alessandri Land Reform and Rural Proprietorship in Transition	473
Historical Synopsis of Land Reform in Chile	474
The Political Context of the Alessandri Land Reform	478
Law 15.020: The Legal Framework	481
Organizational Infrastructure Created by Law 15.020	493
Implementation of Law 15.020: 1962-1964.	497
Notes.	506
Chapter IX: The Revolution in Liberty and Property in Rural Land.. . . .	511
Administrative and Legislative Reforms, 1964-1967.	519
Application of Law 15.020 and Further Modification of Property Law.	529
The Asentamiento.	532
Mobilization of Rural Labor.	543
Law 16.625: The Legal Framework.	549
Law 16.625: Implementation	554
Law 16.640: The Legal Framework.. . . .	559
Law 16.640: Implementation"	566
Asentamiento Proprietorship and the Agrarian Reform	
Cooperatives.	569
Campesino Cooperatives in the ^on-Reformed ¹ Sector. . . .	573
Rural Proprietorship in 1970: An Overview.	575
Notes.	581
Chapter X: The First Two Years "On the Road to Socialism":	
Uhidad Popular in the Countryside.	593
The Problem of Lawful Revolution in the Countryside. . . .	595
The Design of Production Units for "Socialist" Agriculture. .	601
Campesino Organizations and Government Agrarian Policy. . . .	603

	Page
The Consejos Comunales Canrpesinos. . . . .	.604
The Centros de Reforma Agraria. . . . .	.616
Two Years on the Road to Socialism in the Countryside: Preliminary Evaluation . . . . .	.630
Notes. . . . .	.637

CONCLUSION

Chapter XI: The Political Meaning of Property in Rural Land--1972	
"Socialism," Rural Proprietors and Rural Labor. . . . .	.642
The Legal Authority of Rural Proprietors: 1972. . . . .	.645
Legal and Customary Territorial Jurisdiction of Rural Proprietors. . . . .	.650
Exclusive Legal and Customary Perquisites of Proprietors of Rural Land. . . . .	.653
The Distribution of Property in Rural Land. . . . .	.657
Linkages Between Rural Proprietors. . . . .	.678
Rural Proprietors and Rural Labor: Linkages to Urban Interests, and to National and Regional Governmental Institutions . .	.683
Rural Proprietorship, Rural Labor and the "Road to Socialism"	.693
Appendix to Chapter III. . . . .	.702
Appendix to Chapter IV. . . . .	.759
Appendix to Chapter V. . . . .	.775
Appendix to Chapter IX. . . . .	.842
Bibliography. . . . .	.876
Glossary. . . . .	.914

PART I

THE POLITICAL MEANING OF PROPERTY IN RURAL LAND

'Tis a devilish plot-by Satan 'twas planned-
Of blood to make wine, for the lords of- the land-
That people be grape, in the wine press of rents,
An be crushed under taxes the Devil invents
• . . Ah, listen ye lords! By the fiend it is planned,
To let Folly and Ravin run wild o'er the land,
An the Furies ye fed, with taxation and rent,
Be drinking your blood, when too late to relent
Asher Geo. Beecher

There are but two titles to property of any kind:
Law or force.

W. A. Philips, Labor, Land and Law

"[T]he disposition of land is due to the system of Government that formulates the rules and places the authority for the possession and control over land. Hence to get at the evils that grow out of land exploitation, we must cross examine the Government, its agents, and the institutions that perpetuate the system of government and uphold the system of land tenure in vogue."

Land and Freedom, May-June, 1972

CHAPTER I

THE POLITICAL MEANING OF PROPERTY IN RURAL LAND:

A FRAMEWORK FOR ANALYSIS

The present study is an effort to trace the changing political meaning of property-in rural land in Chile from 1919 to 1972. The "land question" or "agrarian question" has been a persistent parameter of Chilean national politics since the end of World War I, taking on increased importance in periods of national political crisis. This was the case in Chile, as in many other political communities, because the existing system of rural property and rural proprietorship was an important element in the existing political order. Challenges to the system of rural property were also challenges to the foundations of the Chilean political system.

Property in rural land, of course, is but a part of the wider property system that exists in any political community. Property holders rely upon a commonly shared legal and customary order to support their proprietary claims. Institutional arrangements for enforcement of property rights are also generally available. In this sense property in rural land is no different than other types of property.

Historically, however, property in rural land has been a central issue in local, regional, and national politics. Calls for "agrarian reform" have accompanied every major twentieth century revolution, including those in the Soviet Union, Mexico, and China. Thus, before entering into discussion of the Chilean case, it is necessary to deal analytically with the political meaning of property in rural land.

Rural land tenure and property systems are interesting from the standpoint of politics¹ insofar as they influence or determine control by some human beings over the behavior of others. This is the meaning of politics in its most elemental sense. Political power is simply the capability to influence the behavior of other human beings in intended directions and intensities². Political power may derive from numerous sources. An important source of political power in rural societies is control over natural resources, especially land and water.³ The importance of land as a source of political power derives in part from its uniqueness as a basis for production and employment. Where there are few or no alternatives to land-based production and occupational opportunity, control over this resource essentially determines the work routine, daily diet, income and living conditions of the rural population.⁴

Where dependence for the satisfaction of basic human needs is linked to control over land and water resources, these resources become critical political variables. It is not surprising, therefore, that "agrarian reform"⁵ has become a central political issue in one form or another in almost all nation states.

But what do we mean by "property" in rural land, or property more generally for that matter?⁶ Property refers to the legal claims of individuals in relation to objects, resources and events, which governmental or quasi-governmental institutions will enforce. These claims may be defined by tradition or by civil, religious or customary law. Proprietorship allows the proprietor to control the behavior of other persons with respect to the object or events claimed as property. The scope and domain⁷ of this authority, or the authorization to control the behavior of other persons "privately" by virtue of "property rights" is the very core meaning of private property. Kenneth Parsons, citing John R. Commons, makes this point as follows:⁸

The term property cannot be defined except by defining all the activities which individuals and the community are at liberty or are required to do or not to do, with reference to the object claimed as property.

In the specific case of property in rural land, M. M. Kelso suggests that

From the standpoint of human behavior, insofar as the activities of the related parties in a land tenure nexus are concerned with control over one another through control over land, their activities are circumscribed by rights, duties, liberties and exposures which determine the tenure status of each—which are the tenure status of each. Each party possesses through his relationship to landed property certain things he can do to another if he so desires, and also certain duties to all other parties, certain things he cannot do because they, will infringe upon the rights of others.⁹

Property in rural land consists of a bundle of claims of varying scope and domain which are more or less enforceable by resort to the coercive

capability of the nation state, local governmental institutions, or "private" surrogates for police or the armed forces.¹⁰ The structure and content of these claims are simultaneously determinants of the human condition in the countryside and products of the struggle which has been waged at any given point in time between those favored by the distribution of property rights and those excluded or relatively disadvantaged.

Unless property rights in rural land are enforced, they may be of little concern to rural dwellers. Legal authorizations (rights) are no more than theoretical capabilities. If the coercive power of governmental or quasi-governmental institutions is not in fact available to insure enforcement, then property in rural land provides little political leverage to "proprietors." Just as "property" in land disappears if land invasions are not met with an authoritative response to defend propertied interest, so the legal obligations of landlords toward rural labor¹¹ are ephemeral unless effective mechanisms exist to insure enforcement. There are, thus, two different problems: creation of property rights and their enforcement.

In the case of property in rural land, with the exception of so-called customary arrangements or "traditional" patterns of land tenure, the source of property rights is statutory law which specifies a bundle of rights and obligations which comprise the legal definition of land ownership. The content of this bundle of rights and obligations is subject to great variation. It may include total jurisdictional authority over resident populations, limited jurisdiction, or none at all. Likewise, it may include authorizations for unlimited land use, Tor limited and specific sorts of land use, or restrict land-use to "non-use."¹²

In this sense it is important to conceptualize rural labor legislation as an integral formal aspect of any agrarian system which depends upon wage labor, tenants, sharecroppers, or other non-family labor to cultivate the land. In fact, labor legislation must be considered as part of the rural property system itself. Where such legislation exists (minimum wages, health codes, social security, tenancy law, rural unionization provisions), it imposes legal limits on proprietorship which must be considered, from the point of view of the landowner, as impositions on the scope or domain of the authority vested in him as proprietor of rural land. Despite the relative significance of labor legislation for the rural land-tenure system, it is completely ignored in most treatments of land or agrarian reform.¹³ As the present study seeks to demonstrate, labor legislation, and in particular the organization and activity of rural labor unions or syndicates, tends to restructure decision-making capability with respect to labor and land resources in a fashion that redefines the meaning of proprietorship. Land reform, except in the case of parcelization of existing properties or colonization of unsettled land, implies not only a redistribution of property rights but also the redefinition of property in rural land.¹⁴

The political meaning of "property" in rural land, then, varies greatly depending upon (1) the particular bundle of legal rights assigned to proprietors; (2) the legal limits on proprietorship as these relate to control over both physical resources and other human beings; (3) the disposition and capability of governmental or quasi-governmental institutions and officials to enforce both the prerogatives and limits of proprietorship; and (4) the effective capability of proprietors and rural laborers to force officials to respond to their claims.

Property in rural land does not entail a uniform and invariant bundle of legal and customary claims. Different proprietary arrangements assign proprietors varying substantive claims in regard to physical resources and other human beings. The distribution of effective decision-making capability with respect to natural resources and the rural labor force is the defining characteristic of any particular system of rural proprietorship. Using the term property in this fashion suggests a continuum of proprietary authority and mixes of such authority that range from that of a Hobbesian monarch over a territorial domain to that of a functionally limited short-term usufruct with little, if any, territorial jurisdiction over persons. Extensive proprietary authority in regard to natural resources may or may not be combined with extensive scope and domain of authority over the rural labor force. Very limited proprietary authority in regard to natural resources, as in the case of a contractual concession to exploit a mineral resource, may be combined with extensive scope and domain of authority in relation to the labor force. In short, the meaning of "property" is varied. As politico-cultural artifacts property rights may be redefined and redistributed.

To conceptualize property in this fashion is incompatible with Marxist or neo-Marxist propositions such as those formulated by Ernesto Laclau:

We understand by 'mode of production'¹ an integrated complex of social productive forces and relations linked to a determinate type of ownership of the means of production. From among the ensemble of relations of production, we consider those linked to the ownership of the means of production to be the essential relations, since they determine the forms in which the economic surplus is channeled and the effective degree of the division of labor, the basis in turn of the specific capability of the productive forces for expansion. Their own level and rhythm of growth depends in turn on the destination of the economic surplus. We, therefore, designate as a mode of production the

logical and mutually coordinated articulation of: 1. a determinate type of ownership of the means of production; 2. a determinate form of appropriation of the economic surplus; 3. a determinate degree of development of the division of labour; 4. a determinate level of development of the productive forces. This is not merely a descriptive enumeration of isolated 'factors,' but a totality defined by its mutual interconnections. Within this totality, property in the means of production constitutes the decisive element.¹⁵

Whether certain types of proprietary authority over the means of production may go together with specific forms of appropriation of the economic surplus, division of labor, and level of development of the productive forces is an empirical question. When property in the means of production is conceptualized in a less holistic fashion, it is not self-evident that "ownership" of the means of production determines either (1) the form in which the surplus is appropriated, (2) the division of labor, or (3) the "level of development of the productive forces." It is also not self-evident that "ownership" of the means of production determines how the economic surplus, once appropriated, is allocated or re-invested. Governmental regulation, taxation, and other legal restrictions on proprietary authority may effectively determine the way in which the surplus is appropriated, the direction and magnitude of investment and the share of the surplus accruing to rural labor. When the constraints of government regulation, taxation, subsidies or tariffs and the potential mobilization and organization of the labor force are introduced, then the relationships between particular property arrangements and the other variables in Laclau's "causal" model become matters for investigation rather than ideological assertion.

In the specific case of land ownership it is not clear that forms of appropriating the surplus are necessarily or logically linked to particular kinds of proprietorship, or that different kinds of property

rights might not lead to similar forms of appropriating the economic surplus. Corporate farms, individually-owned commercial farms, and state farms might all appropriate the economic surplus in very similar fashions. With respect to the division of labor, or to the manner of employing the factors of capital and labor on the land, there is simply no logical or necessary linkage between the distribution of proprietary rights in land, and the state of the agricultural art on any particular rural property. Some property systems may tend to elicit uniformly identifiable patterns of production, technology and labor organization. But, again, this is a question for empirical study—not doctrinal assertion.

Before this kind of relationship can be examined, however, it is necessary to examine what is meant by control over the means of production—to define the substantive content of proprietary authority. Notions like "private property" or "socialist property" provide no basis for examining the relationship between property rights and the other variables that Laclau suggests are linked to ownership of the means of production. Rather, within each land-based rural enterprise the content and internal distribution of proprietary authority must be examined.

The following section of this chapter seeks to set out an analytical framework based in part on the conceptualization of property suggested above. The framework centers on the concept "political meaning of property in rural land." This concept refers to (1) the prerogatives of individual proprietors; (2) the distribution of the prerogatives of proprietorship; (3) the linkages between rural proprietors; (4) the linkages between rural proprietors, urban interests and national or regional governmental institutions; (5) the linkages between rural laborers [campesinos] and (6) the linkages between rural laborers, urban interests and national or regional governmental institutions.

THE PREROGATIVES OF INDIVIDUAL PROPRIETORS

In analyzing any particular land system to determine the political meaning of property it is necessary to ask the following questions about the prerogatives of individual proprietors:

(1) What can the proprietor legally do with the physical resources over which he claims control or ownership? What legal discretion does the proprietor have in making decisions about land use, land management, farm management and the conditions of alienation and transfer of the prerogatives of proprietorship? What are the legal constraints that might exist with respect to appropriation of the economic surplus generated in the exploitation of rural land?

Land use may be subject to incentive systems such as taxation, credits, and subsidies. Externally-imposed land use policies may legally designate crop zones, minimum standards of productivity, conditions of forest exploitation and grazing limits.¹⁶ In other contexts, there may exist no external constraint at all. Likewise, land management decisions, including investment policy, modes of production, and labor-management relations, may be subject to few constraints, to relatively extensive regulation, or to no external constraint whatsoever. In the same fashion, alienation of property rights may be accomplished easily and completely, only in part, or almost not at all—at least legally.

(For example, the Mexican ejido.)

The range of possible proprietorships is, therefore, quite large. Whatever the forms of proprietorship—individual, familial, cooperative, corporate, collective, public, or other—the legal rights of proprietors in relation to physical resources they claim as "property" depend upon the existing system of property law and the complementary legislation

that directly or indirectly regulates use and disposition of those resources.

(²) Does there exist a legal or customary territorial jurisdiction of proprietors over persons residing within or in proximity to his property? What is the scope and domain of this jurisdiction? Or, what are the legal and customary obligations of rural labor with respect to rural landowners? An answer to this question must necessarily include reference to legal and customary relationships between "independent" small holders, laborers, tenants, sharecroppers, and the landowner. Of principal concern are the means available to the different interests at hand of enforcing or securing enforcement of these obligations.

(3) What legal and customary obligations does the landowner have toward the various strata of the rural labor force? If the proprietors have no legal or customary obligations toward rural labor, or if these are not enforced, the only limits on the terms of the wage-bargain or the tenancy agreement consist of the current state of the labor market and the minimum income necessary for workers to subsist. On the other hand, labor legislation effectively enforced by government regulations or the counterweight of militant rural unions can do much to alter the conditions of work for rural labor and to restrict the scope and domain of proprietary authority vis a vis the labor force. An answer to this question must, minimally, describe the customary and contractual obligations of rural proprietors toward rural labor, services provided by estate owners in exchange for labor or money payments, and the conditions of tenancy and sharecropping. Also of importance is the content and administration of labor legislation, as well as the legal and/or de facto status of rural unions and syndicates. All these potential obligations

of landed proprietors are limits on proprietary authority—and, thus, affect the political meaning of property in rural land.

(4) What legal and customary prerogatives are available to estate owners that are unavailable to non-owners or smallholders? In many historical situations, extensive landholdings have been the basis for a very limited electoral franchise. In these circumstances we can speak of extension of the franchise as a devaluation of property rights in rural land. Likewise, rural property may be the key to access to governmental and private goods and services unavailable to non-proprietors. Credit, technical assistance, marketing assistance, subsidies, export bounties, quality and location of public roads, bridges, and irrigation works—these and many other goods and services may be produced, distributed, and priced on terms favorable to proprietors of large rural estates. Can we, then, begin to conceptualize redistribution of credit opportunities, technical assistance, or other subsidies within the rural sector, as a devaluation of "property rights"? The answer to this question is yes—just as the answer would be positive in the more obvious case of extension of suffrage. In all these circumstances the political meaning of rural property changes. Even for those who define "political" in the narrowest sense of elections or political parties, it is evident that property qualifications for voting is a "political" matter. But the political capability ("political" in the broader sense introduced at the outset of this chapter), afforded by public subsidies to rural proprietors, or the authorization to rural proprietors to act in concert to provide police services in the countryside or form militias, is undeniable. Insofar as these prerogatives are correlatives of rural proprietorship they are a substantive element of the political meaning of property in rural land.

By focusing on the variety of prerogatives contained in any specific property system, it becomes easier to deal with the evolution of a particular set of property rights--their extension, deterioration, redistribution or redefinition. Whenever the proprietor's legal uses of the land have been restricted his property rights have been diminished. If customary or legal jurisdiction over persons derived from proprietorship of land is increased or decreased in scope or domain, then the political meaning of property has changed. Finally, if the legal or customary obligations proprietors have toward rural labor are increased, or if rural labor is vested with legal decision-making capability with respect to land and labor resources, then the lights of the original proprietor are constricted to the extent that those who in the past were "non-proprietors" acquire proprietary prerogatives.

THE DISTRIBUTION OF PROPERTY IN RURAL LAND

The political meaning of property in rural land derives not only from the bundle of rights and customary prerogatives of individual proprietors, but also from the distribution of proprietorship among individuals in a rural community. In addition to the substantive content of property rights, it is necessary to examine the relative concentration or dispersal of proprietorship, both with respect to quantity and quality of "property" controlled and the correlates of large proprietorship versus small proprietorship.

If land is relatively abundant and access rights to it are distributed more or less equally within a community, its usefulness as a means to control the behavior of other human beings is not very great. Under such

circumstances, ceteris paribus, the needs of rural labor may be met without submitting to the demands of other landed proprietors.

Conditions of employment will tend to be relatively more favorable. Further, any exclusive rights of proprietors (e.g., suffrage as suggested above) can be easily acquired by those who consider such rights significant.

In fact, however, land as a physical resource (and especially arable land) is generally quite limited, and property in rural land is not evenly distributed. As property in rural land becomes less evenly distributed, control over land becomes an increasingly important base of political power. It is important to note that this remains the case whether proprietorship resides in "private" owners (individuals, families, corporations) or in public (governmental) administrators. Transfer of extensive rights of proprietorship to nation states and their administration by public officials simply shifts political capabilities from private owners to governmental officials. Depending upon the bundle of property rights vested in the public officials, and those reserved to rural labor both as individuals and collectively in class organizations, the transfer from private to public proprietorship may or may not be favorable to the rural labor force. In any case, the question of the extent of concentration of the rights of proprietorship remains crucial: concentration of an extreme sort may place rural labor (as well as most of the rest of the national population) in a situation of great dependence on an oligopoly of private or public landowners.

The political significance of the degree of concentration of property in rural land depends on the substantive content of rights

entailed in proprietorship. The more extensive the definition of property, the more political power is concentrated when property in rural land is concentrated. But even if only the decision to sow or leave fallow remains in the hands of individual proprietors, a regional monopoly or oligopoly of land ownership may allow proprietors discretion to sabotage production, cause unemployment, and produce shortages in basic or industrial farm products. This in itself, divorced from all other "usual" prerogatives of ownership, is substantial political leverage. For this reason, the distribution of property in rural land is an essential variable in analyzing the political structure of the countryside.¹⁷¹⁷

It is also necessary to examine the distribution of proprietary authority within rural land-based enterprises. When landed estates change from single-owner status to extended family operations, corporate farms, cooperatives, collectives, state farms, or other types of production units, such changes may have important implications for relationships between rural labor and rural proprietors. Internal distribution of proprietary authority may also tend to affect the process and quality of management and investment decisions and the production performance of the rural enterprise. Historically, collective proprietorships face certain types of problems (e.g., allocation of labor, production incentives) and are forced to deal with issues (e.g., social justice, equity, fairness) that "private" enterprises deal with exclusively through the wage-bargain or the labor contract. Production units which are also territorial-governmental jurisdictions or which deal with the provision of a variety of public goods to the work force, must internalize a number of costs that private enterprise

generally ignores. This, in turn, has implications for the appropriate and most efficient distribution of proprietary authority within production units. Different distributions of such authority may produce radically different production and social welfare outcomes for participants within the concern and for those external to and dependent upon it.

It is important to clarify, however, that distribution of property in rural land does not refer simply to physical exploitation or legal title to land resources—whether this be by private proprietors or by some type of collective proprietorship. Proprietary authority is not necessarily holistic or coincident with formal definitions of ownership. Since the scope and domain of proprietorship itself may vary (that is, there may exist different types of rural proprietors with different proprietary authority), it is important not to confuse distribution of land among producers with the distribution of proprietary authority. While land ownership may be coterminous with all the rights of proprietorship and of sovereignty, it may also be the case that the scope and domain of proprietary authority varies among proprietors.¹⁸ If this be so, the distribution of proprietary authority in the rural sector does not coincide with the distribution or number of land "owners."

It is quite possible for territorial jurisdictions¹⁹ to exist alongside very extensive non-jurisdictional latifundia, small commercial farms, minifundia, communal holdings, and agricultural cooperatives. Different assignments of legal authority may be made to cooperatives or corporate farms than to individual or family production units. It is evident that even within the context of a relatively simple mix of

landholdings, proprietorship may have a variety of meanings, and the distribution of proprietary authority in the sector does not necessarily coincide with the amount of land "owned" by each type of proprietor—even assuming that proprietary authority within each category is uniform. While distribution of land as a physical resource among "owners" may be a convenient starting point in locating the distribution of proprietary authority in the countryside, its use as the only indicator of the distribution of this authority in the rural sector may be misleading.

THE LINKAGES BETWEEN RURAL PROPRIETORS

The third dimension of the political meaning of property in rural land refers to the linkages between rural proprietors. The countryside, divided into separate properties, may be poorly or extensively intra-linked through relationships between individual, familial, corporate and governmental proprietors. Proprietors may compete for inputs, labor and markets or they may deal collectively with these problems--the organizations formed for this purpose providing formal linkages among rural proprietors. Some proprietors may participate in these organizations while others remain outside of them. In some instances, groups of rural proprietors may form an elite, educated aristocracy socially linked by status and family ties. In other contexts, however, landowners have little in common but their proprietorship, thus lacking organizational and social ties which might be useful to them in defending their proprietary interests.

In general, the better linked the proprietors, the more able they are to defend or enlarge the prerogatives of proprietorship. If and

when social, economic, and technological differentiation occurs among the rural proprietors, it becomes more difficult to sustain unified class organizations—except perhaps to defend proprietorship itself. Even this becomes difficult if rural labor and its allies or governmental elites recognize the complexity of proprietorship and attack not property per se, but particular prerogatives of proprietorship and those landowners who use proprietary authority "unjustly," "inefficiently," or "unpatriotically."

Thus, while strong class organizations and horizontal linkages may well serve the interests of rural proprietors under conditions of homogeneous agricultural practices, laissez-faire political milieu, and a passive or "passified" rural labor force, the solidarity of such linkages is threatened by agricultural specialization, technological innovation, government regulation, and organized-mobilized rural labor. In general, ceteris paribus, the solidarity of landed proprietors varies inversely with the diversification of the cropping and animal husbandry patterns in the agricultural sector. Both agricultural specialization and technological innovation also tend to disrupt the homogeneity of the class interests of rural proprietors: under such conditions the sector can be effectively divided by counter-elites recognizing a diversity of interests among rural landowners and seeking still new sources of differentiation. The class interests of rural proprietors can be further broken up, and the class solidarity diminished, by governmental policies which discriminate between "efficient" and "inefficient" producers, by tax structures which differentiate by crop, type of land, size of holdings, and by subsidies, export bounties, and tax credits. Thus, the determined

application of piecemeal reformist measures can substantially alter the political meaning of property in rural land and substantially weaken, as well as divide, proprietors as a class--without the costs necessarily incurred by an explicit frontal attack on "property" itself. Contrarily, government policies that adversely affect landowners as a class will tend to induce collective solidarity. Low prices for all agricultural commodities, high tax rates or discrimination against agriculture tend to unite landowners in opposition to the existing regime.

Even in a diversified agricultural sector, landed proprietors will unify to combat an organized-mobilized rural labor force and particularly rural unionization. Seasonal peaks in the agricultural cycle--planting, harvest, vineyard maintenance, sheep shearing, etc.,--make the rural enterprise particularly vulnerable to organized labor. Strikes at peak work periods can threaten the loss of a whole year's production. For this reason, rural unionization, de jure or de facto, will tend to mobilize rural proprietors as a unified class to defend their prerogatives. In a rural sector dominated by traditional latifundia and a landed aristocracy or oligarchy, a mobilized rural labor force will generally be met with concerted class action on the part of the rural proprietors.²⁰

The political capability of rural landowners to extirpate rural labor movements without resort to the coercive capability of the nation state is a critical measure of the strength of proprietors as an autonomous class and of their ability to control collectively the countryside. When this capability does not exist, or has been eliminated, landowners can only control mobilized rural labor--or

prevent its mobilization—through the use of public police forces or the armed forces.

Also of critical importance is the landowners' capability to prevent government intervention where such intervention would be to their disadvantage. The dependence of landowners on governmental institutions in this situation is clear. Without control over the governmental apparatus, especially those institutions which might adversely affect the scope and domain of their proprietorship as individuals and as a class, the prerogatives of proprietorship cannot be successfully defended. At this point, the linkages of the various proprietors to non-rural interests and to the civil governmental apparatus is of particular concern.

Thus, when discussing the political meaning of property in rural land, the extent and quality of linkages among rural proprietors or groups of proprietors must be ascertained. Reference must be made to social and cultural ties, as well as to the existence of formal class organizations which attempt to defend proprietary interests. An important determinant of the solidarity of such class organizations will be the relative differentiation or homogeneity of the rural sector and the types of external threats impinging on the rural proprietors as _____ class.

The capability of rural proprietors to discipline collectively the rural labor force is also of concern. Once this capability disappears, landowners become a class dependent upon the authority of civil government in order to maintain the prerogatives of property in rural land.

THE LINKAGES OF RURAL PROPRIETORS TO URBAN INTERESTS
AND NATIONAL AND REGIONAL GOVERNMENTAL INSTITUTIONS

When landowners depend on urban-centered governments to uphold their proprietary authority, then their participation in national and regional legislatures, the judicial system, political parties, administrative agencies, the Church, the police, and the armed forces is a necessary strategy to protect the scope and domain of their proprietorship. Ties to urban-based interest groups and economic enterprise as well as control over the instruments of mass media may also serve to reinforce the power of landowners. It is also essential to determine, therefore, whether rural proprietors are themselves urbanites, and with what kinds of commercial and industrial interests. In the case of Latin America, Solari has correctly pointed out the urban-rural character of the upper classes.

This character tends to be more or less intense, depending upon the country, but it exists in all. By urban-rural character we understand herein that the rural upper class, although it obtains the fundamental part of its wealth from exploitation of the land, is composed by persons that live permanently or almost permanently in the city or as much in the city as the countryside.²¹

Proprietorship of rural land takes on a different meaning when the proprietors have permanent residential, social, family, economic, and political ties in urban centers.

Within any rural sector these urban linkages may vary among proprietors, and with this variation the political meaning of property in rural land changes. The greater the qualitative and/or quantitative variation existing with respect to these kinds of linkages among rural proprietors, the less likely it is that proprietorship of rural land per se will be the basis for class organization or membership in

class-oriented political parties. Since there are different types of proprietors, with different proprietary rights and different sorts of linkages to urban and governmental institutions, the political meaning of property in rural land is also quite varied.

The capability of landowners to control the extent and content of penetration by urban-centered institutions into the countryside is also of great potential importance. Religious and educational institutions, for example, may offer firm support for particular types of property systems through indoctrination or political socialization. If landowners fail to control the ideological-religious teachings of these institutions, it is possible that customary perceptions of the authority of rural proprietors as legitimate may be replaced by other perceptions which are less supportive or frankly subversive of the existing order. In this regard, the linkage of rural proprietors to religious and educational institutions through family relationships, monetary control, political parties, or government policy is crucial in the maintenance of the scope and domain of proprietary authority. If the perceived legitimacy of property rights is undermined or questioned where before it was not, only physical coercion may then suffice to prevent the loss of customary proprietary prerogatives.

In the same way, the introduction of mass media--magazines and newspapers, transistorized radios, television, mobile cinema--to the countryside makes control over the content of the media essential to the landowners. The dissemination of "subversive" ideas into the countryside can only serve to undermine the basis for unchallenged exercise of proprietary authority and to provoke overt challenges to the existing political order in the rural sector.

Finally, the commercial and technical dependence of rural proprietors on urban centers, especially after the appearance of commercial agriculture, makes the linkages of rural proprietors to sources of credit, agricultural inputs, technical services and markets a critical constraint on the political meaning of property in rural land. Where rural proprietors are well linked to urban enterprises and governmental purveyors of goods and services, or are themselves bankers and stockholders in agribusinesses, their political capabilities are quite different than in the case where such linkages are poorer or non-existent. When rural proprietors have little control over urban-centered determination of prices for agricultural inputs, the availability of and rates of credit, tax and production incentive policy, product pricing, and farm-labor legislation and administration, then rural proprietorship may be quite limited in political significance. Contrarily, where certain rural proprietors can dominate policy-making in areas of economic concern to agriculture, or to other sectors of the economy, rural proprietorship carries with it a great deal of political weight. Even in a highly industrial, complex economy, it may be possible for some rural proprietors to dominate national policy-making in a number of areas through rural-urban linkages in commerce, education, religious institutions, political parties, and governmental agencies. These linkages, in turn, may reinforce the political power of rural proprietors in the rural sector.

LINKAGES BETWEEN RURAL LABORERS (CAMPEÑINOS)

Another possible political constraint on rural proprietors is the rural labor force itself which, in times of labor scarcity, can

often require better working conditions and salaries. However, unless rural labor obtains some institutionalized leverage over (1) governmental institutions, (2) individual proprietors, and (3) the class of proprietors of rural land, its gain can only be temporary. Clearly, these three possibilities are interdependent, but in some cases local conditions may provide unique opportunities for rural labor to assert itself with respect to individual proprietors with little "spill over" to other proprietors. Similarly, organized rural labor may effectively deal with groups of proprietors in the absence of or in spite of governmental intervention. As a rule, the effective government regulation of proprietorship depends for its success on the organized efforts of rural labor and its allies.²²--

It is the landowners preoccupation that the limits placed on the authority of property and the obligations of proprietorship with respect to rural labor be kept to a minimum, and that the rural labor force be prevented from taking collective action in order to force a redefinition of these obligations. This is the basic structure of conflict in the countryside. Where the class of proprietors are horizontally linked and integrated into the national governmental apparatus, while rural labor is not even organized at the unit of production, i.e., the individual farm unit, there is little hope for dispersal of political power in the countryside.

Rural laborers may share family ties, bonds of fictive kinship [compadrazgo, for example] or other non-class-based associational linkages. Migrant workers usually lack even this amount of social ties in most of the places they work. On occasion, these primary social linkages or ad hoc committees provide an organizational basis

for collective action against estate owners, merchants, or other groups against whom rural labor harbors grievances. More commonly, however, the lack of rural syndicates or cooperatives deprives rural labor of effective means to challenge the owners of large estates or to deal on favorable terms in labor or commodity markets. Under such conditions the only linkages that rural labor has with the wider social network tend to be through the landowner or his agents (in the case of resident labor) or through migration. In these circumstances rural labor itself is a base for the landowner's power and subject to his whim in the routine of daily existence.

LINKAGES BETWEEN RURAL LABOR, URBAN INTERESTS AND GOVERNMENTAL INSTITUTIONS

Since the proprietors' favorable relationships with national and regional governmental institutions enable them to maintain or increase their hold over the means of production and their authority over the rural labor force, rural labor has incentives to form alliances with other groups and classes which seek to capture the national governmental institutions and to redistribute or redefine the authority of proprietorship. In order to alter the political meaning of property in rural land, rural labor must either benefit from reformist policies over whose content and extensiveness it has little control, or actively join in the political struggle to divest the current proprietors of some or all of their prerogatives. Only when organized rural labor participates actively in the political struggle in the countryside, is there the possibility of a comprehensive redefinition of property and an effective redistribution of property rights. The content and extensiveness of

the redefinition of property depends in great part on the alliances which rural labor forms with other groups and classes in the wider social network. In this context, the urban linkages of rural labor become important determinants of the nature of reforms intended to alter rural proprietorship.

Once the determination of property rights passes from local or regional institutions to the arena of national politics, rural proprietors can only maintain or extend their vested interest in property by controlling or at least exercising veto power over the actions of national governmental institutions—as they did in the past over local or village institutions. As the determination of the scope and domain of proprietorship is no longer a strictly local matter (and tends to be progressively less a strictly local matter), the struggle in the countryside is transferred in part to the national arena.²³ Both the motivation and autonomy of non-rural groups and classes challenging the position of rural proprietors become crucial for the political restructuring of the countryside and for the gains (or losses) to be afforded rural labor. Revolutionaries, Utopians, or other elements with sweeping visions of social transformation tend to employ different strategies and have a greater propensity to redefine basic property concepts themselves. Such supporters of rural causes may prove quite helpful to rural labor or they may seek to "transform" it if they see "peasant mentality" as an obstacle to be overcome. Rural labor, in the absence of "peasant militia" or other such self-defense forces, cannot usually defend its interests either from the visions of allies or from the reaction of the proprietors of large rural estates. Only under very special circumstances can the rural labor force itself become the arbiter of this struggle.

LAND REFORM, AGRARIAN REFORM AND THE POLITICAL MEANING OF
PROPERTY IN RURAL LAND

Land reforms and, more broadly, agrarian reforms, are usually thought of as measures to improve the conditions of small farmers and rural workers [campesinos]. Indeed,

Land reform is often an article of faith. Undeterred by documented evidence of its success or failure or by doctrinal heresies, it has appeared in nearly every catechism of social justice prepared for the Third World in the last quarter century.²⁴

Yet, there is no intrinsic guarantee that land reform or agrarian reform necessarily improves the living conditions of rural labor, increases their political power, or assures better long term prospects for the agricultural economy. Land reforms and agrarian reforms include a large range of legal, organizational and economic alternatives. Many of these alternatives may make rural labor worse off rather than better off, just as they may "cause" varied outcomes for the agricultural economy and the larger political community in which they are undertaken.

While writings and discussions of agrarian change often use the terms land reform and agrarian reform interchangeably, in the present study land reform refers to redefinition and redistribution of property in rural land. Agrarian reform, which usually includes land reform, refers to all governmental policies that alter the political meaning of property in rural land. The success of governmental agrarian reforms, when success is defined as improvement in the living and working conditions of the rural population and increases in agricultural production as well as productivity, depends heavily upon the extent and quality of mobilization, organization, and technical-managerial education of the rural labor force. Analytically, it is possible to distinguish between governmental land and agrarian reforms and non-governmental agrarian

changes. In practice, however, the implementation (or non-implementation) of government agrarian programs will depend upon the existing social and economic context, the balance of forces between contending classes and interest groups within the polity, and the role of rural labor in the agrarian reform process. For this reason, analysis of agrarian reform must take into account the non-governmental influences as well as the narrower governmental definition of agrarian reform policies and objectives.

An agrarian reform that includes land reform may radically alter the political meaning of property in rural land without benefiting rural labor. Depending upon the content and structure of redistribution of proprietary authority and the types of production units established in the countryside by land reform, agrarian reform may provide effective political power for rural labor—or it may increase its subjugation. The outcome in this respect depends upon the relationships established among the new proprietors, between them and urban interests, and upon governmental policy in the countryside.

When the traditional rural proprietor is replaced by or supplemented with new forms of proprietorship, the entrepreneurial function performed by traditional landowners must be carried out by the new proprietors. The linkages of existing proprietors to factor and product markets are not automatically transferred to new proprietary interests. Indeed, traditional sources of agricultural inputs, credit, and technical services, as well as customary marketing channels may not be available to workers enterprises or to recipients of smallholds. Hostility by private capitalists to innovations in proprietary arrangements, which may be seen as a direct threat to their own interests, can be an important

obstacle to the operation of new types of rural proprietorships. If favorable substitutes for traditional sources of agricultural inputs, credit, technical assistance, and marketing channels are not available—whether from governments or in the market—deterioration in production may make the new proprietors worse off rather than improve their situation. Similarly, if farm management and marketing skills are not a part of the existing campesino repertoire or are not provided through extension programs, economic ruin may accompany reforms that claimed to bring political liberation.

Again, the new proprietors' initial dependence on government agencies and government policy is evident. If this dependence is not matched by some degree of effective control by the new proprietors over government purveyors of goods and services, the dependency of traditional patrón-laborer relationships is merely shifted from the private to governmental sphere. In neither case is there a guarantee of benevolence. In order for new proprietary arrangements to compete with other types of enterprises in a mixed rural economy or to defend their interests vis a vis government agencies in a system that excludes capitalist enterprise, the development of politico-organizational strength, in addition to farm management and technical skills is essential. If campesinos or campesino organizations cannot effectively exercise proprietary authority, either government bureaus or capitalist entrepreneurs will impose their priorities and authority upon the new "proprietors." Where the capitalist alternative is precluded, substitution of bureaucratic oppressors for "private" oppressors leaves rural labor nonetheless exploited. Only an agrarian reform which includes a participatory, relatively autonomous role for rural labor may provide

the basis for the political liberation of the campesinos. This liberation cannot be bestowed. Only by developing an independent political capability, based in a reformed legal order and the requisite political determination and organizational strength, can rural labor and other new proprietors maintain the persistent vigilance and efficacy necessary to play an effective role in defending their interests.

Agrarian reform, like any reform, is a political artifact subject to the vicissitudes of the ongoing political process. It can be undone, corrupted, or detoured. Agrarian reform may be part of a rising middle class effort to displace aristocratic rule, of a revolutionary effort to establish a new Utopia, or of a pacification program to construct a social bulwark against "communism." The question for rural labor remains the same: what power does it have in determining the terms upon which its labor is sold and used and the manner in which the economic surplus produced in the countryside and the broader political community is distributed. Unless agrarian reform entails the development of relatively autonomous political capability by rural labor, no one will ask the campesino his preference in these fundamental political questions. For agrarian reform to benefit rural labor directly, the redefinition and redistribution of property in rural land must provide rural laborers with effective decision-making capability in the rural enterprise and in governmental policy making that affects the rural sector.

THE POLITICAL MEANING OF PROPERTY IN RURAL LAND:
CHILE 1919-1972

From the time of the Spanish conquest of the territory of Chile

rural proprietorship entailed extensive authority over the rural labor force. The encomienda [literally "trust"], the first institution established by the conquerors, legalized the exploitation of Indian labor in the mines and agricultural enterprises by "commending" the care and protection of the Indians in a designated territory to favored Spanish settlers. Usually the encomienda did not vest property rights in land with the conquerors although sometimes the Indians together with their land passed into the "trust" of favored Spaniards.²⁵ Legal title to the land generally remained with the Spanish Crown. But because the number of sedentary Indians in Chile was small (perhaps 70,000 natives between Aconcagua and the Maule River) the "commendation" of the native population in a region typically "degenerated" into de facto control of large tracts of rural property.²⁶--

Unlike the encomienda, the merced [grant] assigned property rights in rural land to designated conquistadores and later settlers. Introduced into the Spanish American colonies in 1495-1497, the merced played a less important role in Chile during the sixteenth century than did the encomienda.²⁷ Initially, local government officials [the cabildo] and the agents of the Crown (governors) conceded mercedes to settlers subject to Royal confirmation. But the Spanish Monarchy soon moved to attempt to protect the Indians from the conquerors' rapaciousness by restricting the authority of the cabildo to grant mercedes.

In Chile the cabildos as well as the governors were characterized by a tendency to hand out lands in a most liberal fashion Since Chile was a frontier region, at war [with the Indians] the needs of war asserted themselves. The government had to depend upon the settlers [vecinos], especially the encomenderos [holders of encomienda grants] to sustain the conquest during the sixteenth century.

When granting mercedes the conquerors in Chile did not take into account the needs of the indigenous population. In some cases the merced included Indian settlements themselves; the Indians were then relocated.²⁸

During the remainder of the Colonial period different types of rural properties were also introduced, including the repartimiento, mercedes de estancia, comunidad de pastos and composiciones. On various occasions the Crown also auctioned off land to raise revenues. These different property types involved varying assignments of authority in individuals to possess, use, and alienate real estate. For example, after a period of conflict and litigation, the estancia came to include the right to pasture animals and to build corrals that enclosed two cuadras of land.²⁹ The right of demasia allowed acquisition of property rights [propiedad] in vacant lands adjacent to an existing merced. Thus, the Spanish rural property system provided "proprietors" with varying legal discretion to possess, use, and alienate their "property."

Despite the variety of property types, the study by Borde and Gongora of the Valley of Puange and the study by Rafael Baraona, et. al., of the Valley of Putaendo³¹ conclude that the great majority of large estates [hacienda or fundo] that dominated the Chilean rural sector from the seventeenth century until the mid-twentieth century originated in the mercedes—although some mercedes themselves were made to original holders of encomienda grants. At the beginning of the seventeenth century large amounts of the best agricultural land had already been concentrated in relatively few rural estates.^{32 32}

These large estates served as huge "corrals" for extensive livestock husbandry oriented primarily, but not exclusively, to the domestic market.³³ Near the end of the seventeenth century some landowners

turned to wheat production partially as a response to the demands of the Peruvian market.³⁴ Because wheat production required more labor than had the extensive livestock operations, the estate owners moved to attract a resident labor force by offering rentals [prestamos de tierra]. Kay describes the development of the hacienda system in the eighteenth century as follows.

Due to new market opportunities, especially for wheat, it was profitable for the landlords to settle as much labor as possible on the estate particularly by attracting them with tenancies. As the distribution of tenancies did not generally entail any reduction in the land cultivated by the Hacienda Enterprise, it was profitable to settle as many tenants as possible so as to maximize rent income. Tenancies were introduced to such an extent that even former labourers of the Hacienda Enterprise [peones estables] were able to secure one, especially during the second half of the 18th century.

The Hacienda System which during the 17th century had more labourers [peones and slaves] than tenants [prestamos de tierra], due to the process of cerealization, increased the number of arrendatario tenants to such an extent that they generally outnumbered the labourers of the Hacienda Enterprise.³⁵

As population increased within the haciendas the bargaining position of the workers eroded. During the last part of the eighteenth century a commutation of money and kind rents for labor rents began.³⁶ Labor rents gradually replaced the peon. This process has been cited as the origin of the Chilean system of inquilinaje, an arrangement whereby resident workers exchange varying amounts of labor for access to productive land and other perquisites.³⁷ As population continued to increase the terms of the inquilinaje arrangement deteriorated to the disadvantage of the rural worker. Toward the end of the eighteenth century the estate owners began to demand a peón obligado ["compulsory worker"] as part of the tenant's rent. During the nineteenth century the inquilino was required to provide one or more workers to the hacienda for a specified

number of days, depending upon the amount of land leased and other perquisites enjoyed.³⁸ Some inquilinos paid workers to perform their labor services; poorer inquilinos sent members of their family or performed the labor obligation themselves.³⁹ In this fashion the hacendado came to occupy the peak position in the stratified rural "community" contained within his private rural estate.

By the beginning of the nineteenth century, when independence separated the Spanish colonies from the Spanish Crown, the small class of hacendados not only dominated the countryside, but constituted a social and political aristocracy with urban residence. Throughout the nineteenth century the ability of the Chilean landed aristocracy to absorb new elements preserved their integrity as a ruling class.⁴⁰ The pattern of economic development in Chile was such that the agrarian social structure and, therefore, the base of the terratenientes (landowners] as a class was left largely intact.⁴¹

"When one speaks of Chile up to the beginning of the twentieth century, of its government, its culture, and its importance in world affairs as a nation, one speaks of the aristocrats."⁴² Under Chile's constitution of 1833--in force until 1925--"the 'Five Hundred Families' completely dominated the country."⁴³⁴³

The hacendados dominated rural Chile and Chilean national politics well into the twentieth century. Property in rural land provided the foundation for national political power. National political power, in turn, allowed the owners of large estates to protect their rural properties and their political domination of the rural population. Increased urbanization,⁴⁵ industrialization, and political mobilization of an organized labor force in the mines and urban areas gave rise to economic interests, social movements and political parties that threatened the hegemony of the landed aristocracy.

The rural basis of the aristocracy's political power periodically made "land reform" a prominent national issue after World War I. Repeatedly, however, the hacendados made marginal concessions to middle class and Marxist political parties, urban interest groups, and labor unions in order to preserve their hold on the countryside. Between 1930 and 1964 competing interests and classes, represented by political parties, workers' organizations, and bureaucratic entrepreneurs, gnawed away at the perquisites and power of the hacendados. After 1964 the roots of the hacendados' power—the existing system of property in rural land—were destroyed.

The struggle by competing groups and classes to wrest control of the Chilean State and governmental institutions from the hacendado class is treated in the study which follows. Because the power of the hacendados depended upon the system of rural property, and this depended in turn upon the national regime—whose own performance and composition was heavily influenced by the hacendados—efforts to displace the landowners necessarily focused on the political meaning of property in rural land.

To great extent, the underlying "stability" of the Chilean political system from 1932 until 1964 stemmed from the ability of the hacendados to prevent fundamental transformations in the countryside. They accomplished this through concessions to urban interests in matters involving industrialization and economic policy in exchange for non-intervention of the State in the countryside—except to aid the hacendados, and particularly to assist them in the repression of rural labor.

But the terms of the "agreement" were rarely made explicit. Landowners, urban interests, political parties, and bureaucrats all

violated the conditions of the implicit bargain that shaped Chile's political "stability." Rural laborers, the campesinos, never a party to the "bargain," recurrently and persistently challenged the existing political order. After 1958 the basis for the "stable equilibrium" disappeared; by the end of 1972 the political power of the hacendados, indeed the hacienda system itself, had been destroyed and the situation of the rural labor force as well as the political meaning of property in rural land had been radically altered.

This study focuses on the political processes and forces that transformed the traditional system of property in rural land in Chile from 1919 to 1972. It also examines the redefinition and redistribution of property in rural land, and the expanding participation of rural labor in rural proprietorship. Starting from an initial analysis of the political meaning of property in rural land in the period from 1919 to 1931, the study traces the forces which led to the alteration of the existing system of property in the countryside and seeks to evaluate the new meaning of property in rural land which has emerged in the agrarian reform programs of the last decade. The central thesis of the study is that the transformation of rural Chile from 1919 to 1972 cannot be understood without reference to the long struggle of Chilean campesinos, aided by urban political parties, labor organizations, and the "urbanization of the countryside," to wrest control of the countryside from the Chilean hacendados.

The study is divided into three sections and a concluding chapter. Section I includes the present chapter and Chapter Two. Chapter Two introduces the reader to the Chilean political milieu in the Post World War I period and applies the framework presented above in order

to describe the changing political meaning of property in rural land in the period from 1919-1931.

Section II includes Chapters Three through Seven and focuses on the forces which disrupted the traditional system of property in rural land in Chile from 1919-1964. Chapter Three deals with the role of labor legislation in redefining the authority of rural proprietors vis a vis rural labor and government officials. Chapters Four and Five treat rural unionization efforts as challenges to the political meaning of property in rural land. Chapter Six deals with the role of political parties and elections in the countryside and Chapter Seven with the penetration of urban institutions and ideology into the countryside as these forces affect rural proprietorship.

Section III looks at the agrarian reform movement in Chile after 1960, including the legislative redefinition of rural proprietorship and the expanding rural labor movement. Chapter Eight treats the Alessandri land reform. In Chapter Nine, the impact on the countryside of the Christian Democratic government's "Revolution in Liberty" is examined and in Chapter Ten the rural program carried out in the first two years of the Popular Unity government is analyzed. Finally, Chapter Eleven examines the political meaning of property in rural land in the Chile of 1972.

FOOTNOTES TO CHAPTER I

1. By politics is to be understood any effort to manage human interdependence. Politics exists when (1) the behavior of one human being or group of human beings or the choices, opportunities or constraints available to them depend upon the behavior of other human beings and (2) any of the parties to this system of interdependence seeks to influence the behavior of the person(s) upon whom (t)he(y) depend(s) for specific outcomes or opportunities.

2. This is an adaptation of Tawney's,

Power may be defined as the capacity of an individual, or group of individuals, to modify the conduct of other individuals or groups in the manner which he desires

R. H. Tawney, Equality (New York: Harcourt, Brace and World, 1931), p. 230, as cited in Harold D. Lasswell and Abraham Kaplan, Power and Society (New Haven, Connecticut: Yale University Press, 1950), p. 75.

3. A similar approach to the problem of control over water resources can be found in Vincent and Elinor Ostrom, "The Legal and Political Conditions of Water Resource Development," Land Economics XLVIII, No. 1 (February, 1972): 1-14, and Vincent Ostrom, Institutional Arrangements for Water Resource Development, PB 207 314 (Springfield, Virginia: National Technical Information Service, 1971).

4. Where agriculture depends upon access to water as a scarce resource, perhaps including creation and maintenance of irrigation infrastructure, water rights may be even more important than property in land. In Chile, however, until 1951 the doctrine of riparian rights prevailed in accord with the Napoleonic Civil Code tradition. Riparian owners could "use all flowing waters for domestic, agricultural and even industrial purposes. Even though flowing water in natural channels was considered public, for all practical purposes streams belonged to the riparians who could sell the water they did not need to whomever they wished. The water code of 1951 changed this situation to the extent that it require[d] a concession for all new uses, whether riparian or not. Without concessions riparians [could] exercise only rights acquired under previous legislation which the Code recognize[d]." (Ludwik A. Teclaff, "What You've Always Wanted To Know About Riparian Rights, But Were Afraid To Ask," Natural Resources Journal 12 (January, 1972): 30-55.)

5. "Agrarian reform" as a concept has a variety of meanings in social science and journalistic literature. For an overview of different ways in which the concept is used see: Armand Mattelart, Carmen Castillo and Leonardo Castillo, La Ideología de la Dominación en una Sociedad Dependiente (Buenos Aires: Ediciones Signos, 1970), especially pp. 141-148, "Los Significados del Concepto 'Reforma Agraria,'" Thomas F. Carroll, "The Concept of Land Reform," in Documentation of the FAO Center on Land Problems in Asia and Far East (Bangkok, 1954); Kenneth Parsons,

"The Concept of Land Reform," in Documentation of the FAO Center on Land Problems in the Near East, n.d.; Doreen Warriner, Land Reform and Development in the Middle East (London: Royal Institute of International Affairs, 1957); Solon Barraclough, "Que es una Reforma Agraria," Oscar Delgado, ed., Reformas Agrarias en el América Latina (Mexico City: Fondo de Cultura Económica, 1965), pp. 124-145; A. G. Frank, "The Varieties of Land Reform," Whither Latin America? (New York: Monthly Review Press, 1963), pp. 57-63; and Elias H. Tumas, Twenty-Six Centuries of Agrarian Reform (Berkeley: University of California Press, 1965), especially Chapter II, "Land Tenure and Land Reform."

6. The discussion which follows deliberately avoids the question of the "origins" of property--an insoluble issue. Property as understood in the present study is continually being created, modified, and destroyed. Its substance and extensiveness are defined by political struggle.

Also neglected are "natural right" doctrines of property. Whatever natural rights exist, if any, the political question is, "by what right man has appropriated wealth which he did not create, and which nature gave to him gratuitously," P. J. Proudhon, What Is Property? An Inquiry into the Principle of Right and of Government, Benjamin R. Tucker, trans. (New York: Dover Publications, Inc., 1970), p. 89.

Proudhon adds: "Who is entitled to the rent of the land? The producer of the land, without doubt. Who made the land? God. Then, proprietor, retire!" Seeking to demonstrate the incompatibility of natural law, "the natural and true political order," and especially equality with property, Proudhon declares:

. . . it is permissible neither to draw water from a spring situated in another's grounds without the permission of the proprietor, because by the right of accession the spring belongs to the possessor of the soil, if there is no other claim; nor to pass a day on his premises without paying a tax; nor to look at a court, a garden, or an orchard, without the consent of the proprietor; nor to stroll in a park or an enclosure against the owner's will: everyone is allowed to shut himself up and to fence himself in. All these prohibitions are so many positive interdictions, not only of the land, but of the air and water. We who belong to the proletarian class: property excommunicates us! Terra, et aqua, et aere, et igne interdicti sumus." (p. 90)

Despite some confusions Proudhon's observation suggests, correctly, that private property depends upon the right of exclusion and power to enforce that right.

J. R. Commons in the sixth chapter of his Legal Foundations of Capitalism (Madison: University of Wisconsin Press, 1959) lists a variety of meanings which have been given to "property," including "the right to improve, use, hold, enjoy and dispose of a thing;"

"every valuable right or interest;" "everything to which a right of ownership can be attached, no matter how insignificant;" "everything that has exchange value whether 'corporeal or incorporeal,' 'tangible or intangible,' 'real or personal,' 'including labor and right to labor,' 'easements and franchises" etc.

7. These terms are used throughout this study as developed in Laswell and Kaplan, op. cit., p. 77. The scope of authority or power refers to "the values whose shaping and enjoyment are controlled;" the domain "consists of persons over whom power [or authority] is exercised."

8. See Kenneth Parsons, "John R. Commons Point of View," Journal of Land and Public Utility Economics XVIII, No. 3 (1942): 245-266.

?. M. M. Kelso, "A Critique of Land Tenure Research," Journal of Land and Public Utility Economics X (1934): 394.

10. This conceptualization follows that of J. R. Commons, op. cit.; see especially Chapter I, and Chapter IV, "Transactions," and Chapter VI, "The Rent Bargain-Feudalism and Use-Value." Briefly, Commons defines these claims of individuals in terms of "rights," "duties," "liberties," and "exposures" which make up the 'Working rules' of associations and governments. "Duties" are what an individual must or must not do; "liberties," what they may do without interference from other individuals; "rights" what they can do with the aid of the collective power; "exposures," what they cannot expect the collective power to do in their behalf.

As Commons notes, viewing "working rules" in this way has "a profound effect on the concept of property, changing that concept from a principle of exclusive holding of physical objects for the owner's private use, into a principle of control of limited resources needed by others for their use and thus into a concept of intangible and incorporeal property arising solely out of rules of law controlling transactions." (pp. 6-7)

Commons, by using the term "solely" has overstated the case, since property "rights" may derive from custom or coercion as well as law in the narrow sense. Nevertheless, the basic formulation remains of use.

Interestingly, the CIDA study, Comite InterAmericano de Desarrollo Agrícola, Chile, tenencia de la tierra y desarrollo socio-económico del sector agrfcola, adopts as its definition of "tenencia de la tierra" a quite similar conceptualization:

Las reglas legales y tradicionales que determinan la distribución de los derechos al uso de la tierra, la obligación de su administracion y el beneficio derivado de su producto. Desde este punto de vista la tenencia de la tierra es primordialmente una cuestión de relaciones de poder que regula el use de tal recurso. (p. vii)

11. It is necessary here to point out the potential complexity of stratification of the rural labor force. Independent proprietors, tenants, sharecroppers, de facto usufructors, wage laborers, commercial farmers, feudal proprietors, all these and many more (and in various combinations, i.e., a single rural laborer may be a small proprietor and wage laborer, tenant, etc.) may combine to make up the rural labor force. IN the present study the term "rural labor" is used as an equivalent for the Chilean use of "campesino"--a term which includes a variety of tenants, smallholders, croppers and wage laborers, as well as the various specialized workers within the hacienda system.

Given the great amount of discussion and disagreement over the use of the term "peasant" or "peasant class" in anthropological literature, the present study does not employ this term at all. "Campesino" includes the totality of non-managerial rural labor, including small owner-operators who do not employ hired labor on a permanent basis. It corresponds (in 1955) to the "244 mil familias que engloban a productores de explotaciones subfamiliares, inquilinos, medieros, comuneros, indigenas, y trabajadores sin tierra a ningun titulo." Because of the amount of differentiation within this rural labor force, analysis of particular strata must identify them specifically. The one thing all of these rural laborers have in common is their dependence--to various extents--on proprietors of rural land for employment and production opportunities as well as other goods and services.

12. The essential difference between feudalism as a political system and more "modern" political arrangements is the scope and domain of proprietorship in rural land. Perhaps the most important defining characteristic of feudalism, territorial jurisdiction as an attribute of proprietorship, is suggested by Morris R. Cohen, "Property and Sovereignty," Law and Social Order: Essays in Legal Philosophy (New York: Harcourt, Brace and World, 1933): 42-43, as follows:

The distinction between property and sovereignty is generally identified with the Roman discrimination between dominium, the rule over things by the individual, and imperium, the rule over all individuals by the prince. Like other Roman distinctions, this has been regarded as absolutely fixed in the nature of things. But early Teutonic law--the law of the Anglo-Saxons, Franks, Visigoths, Lombards, and other tribes--makes no such distinctions; and the state long continued to be the prince's estate, so that even in the eighteenth century the Prince of Hesse could sell his subjects as soldiers to the King of England. The essence of feudal law--a system not confined to medieval Europe-- is the inseparable connection between land tenure and personal homage involving often rather menial services on the part of the tenant and always genuine sovereignty over the tenant by the landlord.

The feudal baron had, for instance, the right to determine the marriage of the ward, as well as the right to nominate the priest; and the great importance of the former as a real property right is amply attested in Magna

Carta and in Statute Quia Emptores. Likewise was the administration of justice in the baron's court an incident of landownership; and if, unlike the French up to the Revolution, the English did not regard the office of judge as a revenue-producing incident of seigniorage to be sold in the open market (as army commissions were up to the time of Gladstone) the local squire did in fact continue to act as justice of the peace. Ownership of the land and local political sovereignty were inseparable. (emphasis added)

The separation of civil jurisdiction from land ownership is, thus, the focus of the struggle between feudal nobles and the emerging nation state. J. R. Commons, op. cit., p. 218, argues:

. . . the most important power of the King's justices—the power to take a tenant's suit against his landlord out of the private court of his landlord and to give justice to the tenant on findings of his neighbors.

These private feudal courts died hard. Powerful nobles intimidated the King's common-law courts. The King's Chancellor began to take cases out of their hands and to decide civil cases where the great men were too much for the local courts. Not until the wars of the barons of the fifteenth century ended in the destruction of the nobility and the triumph of Henry VII (1485) was it possible for the King to go to the root of their power by prohibiting the nobility from maintaining armed bands of retainers.

Marc Bloch also points out the centrality of the authority of national jurisdictions versus jurisdictions of landed proprietors in the break-up of feudalism. See "A Contribution Towards a Comparative History of European Societies," Land and Work in Medieval Europe, J. E. Anderson, trans. (London: Routledge and Kegan Paul, 1967): 44-81.

13. To such an extent is this true that Elias H. Tuma's Twenty-Six Centuries of Agrarian Reform, cited above, which includes a concluding chapter entitled, "Toward a General Theory of Agrarian Reform," does not even mention labor legislation, rural unions or syndicates.

14. This position differs from Terry McCoy's assertion that, "the heart of agrarian reform is the redistribution of land ownership," in "Politics of Structural Change in Latin America: The Case of Agrarian Reform in Chile," University of Wisconsin Land Tenure Research Papers (August, 1969): 3. Land redistribution is one aspect of agrarian reform, but the redefinition of "ownership" and the organization of rural labor is more critical for an extensive agrarian reform program than simple redistribution of land. Likewise, technological innovation tends to produce more radical change in the countryside--for better or for worse--than land redistribution unaccompanied by other innovations.

Interestingly, Doreen Warringer, Land Reform in Principle and in Practice (Clarendon Press of Oxford, 1969), p. xiv, one of the foremost

experts on the land reform issue, has defined land reform as "redistribution of property or rights in land for the benefit of small farmers and agricultural laborers," and argues that,

This is a narrow definition; it reduces land reform to its simplest element, common to all land reform policies in whatever conditions they are carried out. This is what land reform has meant in practice past and present.

Unfortunately, the redistribution of rights in property or the redefinition of property does not necessarily mean beneficial consequences for small farmers or agricultural laborers. Thus, we would be forced to label land "reforms" that produced negative results for some sectors of rural labor something other than land reform (land reaction?) following Warriner's scheme. Likewise, although Warriner contrasts her "narrow" definition of land reform to the "integral" definition of land reform (which includes credit, extension, taxation policy, etc.) and which she associates with "agricultural development policy," the redefinition of property has in fact been part of most land reform measures. The difference between collective farms and small holdings in the Soviet Union, became a bloody problem precisely because the question was not a "narrow" one, but rather a question of what the future society would look like and the distribution of redefined property rights in that society.

15. Ernesto Laclau, "Feudalism and Capitalism in Latin America," New Left Review 67 (May-June, 1971): 33.

16. See P. T. Ellsworth, Chile, An Economy in Transition (New York: Macmillan Co., 1945), pp. 81-82. For example, in the case of Chile, Decreto Ley 520 of 1932 gave the government authority to intervene, requisition, or expropriate rural land and other productive enterprises if proprietors sought to sabotage production or if there were labor conflicts. The 1967 Agrarian Reform Law (Article 171) included an important section on intervención which the Allende government has applied flexibly enough to essentially "dissolve" most property rights. Both of these laws are discussed more fully in Chapters IX and X.

Of the 1932 decree, Ellsworth says:

This law established a central price control office, the General Commissariat of Subsistence and Prices (Comisariato General de Subsistencia y Precios), with subordinate departmental commissariats and a technical advisory committee made up of producers. With the object of establishing control over the quality and prices of articles of "prime necessity" this organization was given the widest possible powers. On its recommendation, the government could expropriate for public use agricultural lands and industrial or commercial firms producing these articles, could declare a monopoly of any prime necessity and empower the commissariat to undertake its distribution, and on penalty of expropriation, force producers

to produce goods in determined quantities and qualities. The commissariat could also require declaration of stocks, requisition and sell hoarded articles, require preferred transportation, secure preferred attention for foreign exchange from the Exchange Control Commission, prohibit the re-export of prime necessities, establish stores of these commodities, and compel owners thereof to sell on consignment at a low price.

The Allende government has also reactivated this law—which was never repealed, simply ignored—much to the discomfort of opposition groups. See the debate in El Mercurio between August 9-15, of 1971. Headlines include, "Juristas y Abogados Objetan Decreto Ley N^o. 520 para Requisar Empresas," (August 14) and "Aplicación del Decreto Ley 520" (August 10, 11).

17. On the problem of distribution of proprietorship of rural land, John Adams suggested:

Property in the soil is in the natural foundation of power and authority. Three cases of soil ownership are supposable. First, if the prince owns the land he will be absolute. All who cultivate the soil, holding at his pleasure, must be subject to his will. Second, where the landed property is held by a few men the real power of the government will be in the hands of an aristocracy or nobility, whatever they are named. Third, if the lands are held and owned by the people and prevented from drifting into one or a few hands, the true power will rest with the people, and that government will, essentially, be a Democracy, whatever it may be called. Under such a constitution the people will constitute the state.

John Adams, Works, iii, p. 464, as cited in W. A. Philips, Labor, Land, and Law (New York: Charles Scribner and Sons, 1886), p. 331.

While the problem may not be quite so simple as Adams suggests, especially in societies with relatively small agrarian sectors, his concern for the distribution of proprietary rights in land remains relevant—both for the agricultural sector and the wider polity.

18. For Latin America, the continuum from very extensive proprietary jurisdiction to more restrictive scope and domain of authority—in the case of larger rural estates—["hacienda tradicional" . . . "empresa agrícola"] is well presented in Aldo E. Solari, Sociología Rural Latino-Americana (Buenos Aires: PAIDOS, second edition, 1968). See Chapter IV and especially pp. 61-65.

19. In Chile the legal vestiges of nobility linked to land [mayorazgos] were not eliminated until the middle of the 19th century. The issue seems to have turned on the alienability and divisibility of these estates, however, and not on their jurisdictional prerogatives. See Ricardo Donoso, Las Ideas Políticas en Chile (Mexico: Fondo de Cultura Económica, 1946), Chapter VI, "La Lucha Contra la Aristocracia."

In another context, Morris Cohen, OJK cit., p. 43, suggests the importance of this issue in England from 1910 to 1925.

What these great men did not see with sufficient clearness was that back of the complicated law of settlement, feetail, copy-hold estates, of the heir-at-law, of the postponement of women, and other feudal incidents, there was a great and well-founded fear that by simplifying and modernizing the real property law of England the land might become more marketable. Once land becomes fully marketable it can no longer be counted on to remain in the hands of the landed aristocratic families; and this means the passing of their political power and the end of their control over the destinies of the British Empire.

. . . That which was hidden from Maitland, Joshua Williams, and the other great ones, was revealed to a Welsh solicitor who in the budget of 1910 proposed to tax the land so as to force it on the market. The radically revolutionary character of this proposal was at once recognized in England. It was bitterly fought by all those who treasured what had remained of the old English aristocratic rule. When this budget finally passed, the basis of the old real property law and the effective power of the House of Lords was gone.

20. The relevance of this proposition to the Chilean case is a theme throughout the present study. The Chilean landowners' response to labor law and rural unionization is treated in Chapters III-V; the ability of a reformist regime to divide the landowners and offer specialized incentives to different commodity associations is suggested in Chapter IX; the newly emerging sectoral solidarity of landowners against the Allende government is discussed in Chapters X and XI.

21. A. Solari, *op. cit.*, pp. 83-84.

22. This point is further developed in the specific case of Chile in Chapters III, IV, and V which deal respectively with labor legislation in the Chilean context and rural unionization. The role of parties and politicians in requiring bureaucrats to enforce labor legislation is also discussed in Chapter VI.

23. Important in this respect is the complex relationship between proprietary prerogatives and the authority of the nation state. While the nation state guarantees property rights, these rights often provide proprietors with means of controlling, at least partially, the apparatus of the nation state itself. The relationship is reciprocal, and is intrinsic to any legal system which envisages governmental responsiveness to citizens as "rights." When such rights are distributed in a highly inequitable fashion, however, they act so as to define social classes and make "privilege" or "property" the obvious target of reformist or revolutionary elements.

24. John D. Montgomery, "Allocation of Authority in Land Reform Programs: A Comparative Study of Administrative Processes and Outputs," Administrative Science Quarterly 17 (March, 1972): 62-75. The vast quantity of literature on the need for land reform is not matched by an equivalent literature which seeks to evaluate the outcomes of land reform programs or even to define and measure the outcomes. Studies in the Latin American context which have at least moved in this direction include: Robert Alexander, "Nature and Progress of Agrarian Reform in Latin America," Journal of Economic History 23 (December, 1963): 559-573, and "Agrarian Reform in Latin America," Foreign Affairs 41 (October, 1962): 191-207; George Coutsoumaris, "Policy Objectives in Latin American Land Reform with Special References to Venezuela," Inter-American Economic Affairs 16 (August, 1962): 25-40; Ernest A. Duff, "Agrarian Reform in Colombia: Problems of Social Reforms," Journal of Inter-American Studies 8 (January, 1966): 75-88; Ernest Feder, "When is Land Reform a Land Reform?: The Colombian Case," The American Journal of Economics and Sociology 24 (April, 1965): 113-134; John Hildebrand, "Latin American Economic Development, Land Reform and U. S. Aid, With Special Reference to Guatemala," Journal of Inter-American Studies 4 (July, 1962): 351-361; Alvin Cohen, "Social Structure, Agrarian Reform and Economic Development in Peru," Inter-American Economic Affairs 18 (Summer, 1964): 45-59; Alfredo Saco, "Land Reform as an Instrument of Change With Special Reference to Latin America," FAQ Monthly Bulletin of Agricultural Economics and Statistics 13 (December, 1964): 1-19. See also James Petras and Robert LaPorte, Cultivating Revolution (New York: Random House, 1971), which reviews some of this literature and attempts to analyze the policy outcomes of agrarian reform in Chile, Peru and Cuba.

25. Roberto P. Echeverria, The Effect of Agricultural Price Policies on Intersectoral Income Transfers, Ph.D. dissertation (Cornell University, 1969), p. 59.

26. Ibid.

27. Jean Borde and Mario Gongora, Evolucion de la propiedad rural en el Valle de Puange, Tomo I (Santiago: Editorial Universitaria, 1965), p. 30.

28. Ibid., p. 32.

29. Ibid., p. 34-37.

30. Ibid.

31. Rafael Baraona, Ximena Aranda and Roberto Santana, Valle de Putaendo, Estudio de Estructura Agraria (Santiago: Editorial Universitaria, 1961).

32. R. Echeverria, op. cit., p. 61.

33. Cristóbal Kay, Comparative Development of the European Manorial System and the Latin American Hacienda System: An Approach to a Theory of Agrarian Change for Chile, Ph.D. dissertation (England: University of Sussex, 1971), p. 88.

34. C. Kay, op. cit., p. 89, citing S. Sepulveda, El trigo chileno en el mereado mundial: Ensayo de geografía histórica (Santiago: Editorial Universitaria, 1959), pp. 20-21, and C. Keller, Revolucirih en la agri-cultura (Santiago: Zig Zag), pp. 92-93.

35. Ibid., pp. 92-93.

36. Ibid., p. 94, citing Borde and Gongora, op. cit., pp. 75-76.

37. M. Gongora, Origen de los 'Inquilinos' de Chile Central (Santiago: Editorial Universitaria, 1960).

38. C. Kay, op. cit., p. 95.

39. Ibid., and M. Gongora, op. cit., p. 101.

40. See Frederick Pike "Aspects of Class Relations in Chile, 1850-1960," J. Petras and M. Zeitlin, eds., Latin America Reform or Revolution (Greenwich Connecticut: Fawcett, 1968): 202-219.

41. M. Zeitlin, "The Social Determinants of Political Democracy in Chile," Ibid., p. 229.

42. Earl Parker Hanson, Chile, Land of Progress (New York: Reynal and Hitchcock, 1941), p. 55.

43. Ibid., p. 66.

44. Frederick Pike, Chile and the United States, 1880-1962 (Notre Dame, Indiana: Notre Dame University Press, 1963), p. 118, estimates that between 1875 and 1907 the "urban" population increased from 27 percent to 43 percent. Pike reports that "The period from 1885 to 1907 witnessed the most dramatic population shift in Chile's history."

It is a country held in large estates, and seen in the broad it looks empty; for the landlord's house is far back from the road, and the wretched brown hut of the roto is hard to see. But it gives the essential picture of Chilean society, a society divided into two classes—an upper class that possesses and enjoys and a lower class that labors and obeys.

Mark Jefferson, 1921

CHAPTER II

THE POLITICAL MEANING OF PROPERTY IN RURAL LAND:

CHILE 1919-1931

In the period 1919-1931, Chile experienced a severe constitutional and institutional crisis. The constitution of 1333 no longer provided a satisfactory framework for an increasingly urban, modernizing, national polity. Monolithic control by an agro-industrial oligarchy over governmental institutions gave way to the challenge of an expanding middle class and a radical activist labor movement. The increased participation of previously excluded sectors exceeded the capacity of the existing institutional apparatus to provide positive resolutions. From 1924 to 1931 military caretakership and a quasi-legally elected military dictator replaced the lethargic Chilean Congress as the arbiter of national politics.¹ As Frederick Pike has commented concerning the initial stages of this period:

Chile may have been closer to civil war in 1920 than at any time since 1891. Economic dislocation following the end of the First World War had resulted in vast unemployment, in strikes, and in labor violence. In this troubled ambient, anarchists and communists were working to bring about genuine revolution and class warfare;. The government in 1919 had found it necessary to declare a state of siege in the depressed mining region. In the middle of the following year in far southern Magallanes a number of striking workers were shot down as they attempted to flee their union building, which had been set on fire. At about the same time, in the area just south of Concepción, an eighty-three day coal workers' strike ran its course. Even the most conservative

elements in Chile began to wonder how much longer the proverbial patience of the lower classes could be relied upon. There were unmistakable indications that unless the ruling sectors made at least a few conciliatory gestures to the masses a wave of violence might sweep the land that prided itself on stability and order,²

Closely contested presidential elections resulted in the victory of Arturo Alessandri in 1920. An experienced member of Chile's aristocratic "political class," Alessandri directed his populist campaign to the masses. Seemingly bent on a program of reform, he was forced out of the presidency in 1924 by a group of military leaders and a Congress that refused to act on his priority social legislation. He took a "leave of absence" to Europe. The military caretakers fared little better, and in 1925 Alessandri returned, pushed through a new national constitution and then lost a power struggle with Carlos Ibañez, a rising military officer. From 1927-1931 Ibañez ruled Chile as an "elected" president.³

The economic depression brought Ibañez's fall and into mid-1932 national politics took the form of a series of "experiments" including the first "Socialist Republic" under Marmaduke Grove and Carlos Dávila. Finally, Arturo Alessandri regained the presidency in national elections and the constitution which he had promulgated in 1925 went into effect. Since that time no Chilean president has failed to serve out his elected six year term unless he died in office. The 1919-1931 period, thus, represents the realignment of the Chilean polity in order to come to terms with the twentieth century, with urbanization and an expanding working class, and with a frontal attack on the existing political order.

Underlying this crisis of the existing political order was the so-called "social question."⁴ The social question turned on the prerogatives of property, the role of government in society, and the exploitation

of the working class. A small but militant working class movement, based in mining centers, among railroad and port workers, and to a lesser extent among urban factory workers and artisans, pressed the existing capitalist regime for reform. Working class periodicals, the organization of unions and societies of resistance, and strikes and protest were all met with frequent repression by police and the armed forces. Government agents destroyed printing presses and dealt with union leaders and strikers as criminal subversives. Conservative elements in Chile saw this insurgency as an imported Bolshevik conspiracy. But as Luis Recabarren⁵ pointed out to his colleagues in the Chilean Congress, the mobilization of the Chilean working class did not entail imitation of the Soviet or Mexican examples. Since the late nineteenth century the extensive power and authority of the propertied classes had been under attack in Chile. And Recabarren insisted that

since 1916 there have been those in Chile who preached the establishment of the social regime presently constituted by the Russian Soviet, a year before the system was established there in 1917.⁶

To support this view he cited an editorial in La Vanguardia (Buenos Aires) in 1916 to the effect that:

The unions will present the following resolutions to the present industrialists:

From a given date, the union will intervene in the administration of production in the industry, and also in the marketing of products.

The administration of each shop, office, place of work, factory or product outlet will be carried out by its respective personnel in accord with the [will] of the union assembly.⁷

The challenge of the social question went well beyond improved work conditions and higher wages. It entailed a fundamental challenge to the existing regime of property and to the political system constructed to maintain that regime.

While organized workers in urban and mining centers had engaged in sporadic conflict with their employers since the **last** half **of** the nineteenth century, the challenge to proprietorship in the rural areas by an organized working class began to be felt only after World War I. From the outset, the challenge of rural labor to the hacendado was an extension of the struggle of the national labor movement against the existing regime of property.⁸ In the period 1919-1931 rural proprietors experienced the first serious delimitations of their proprietary authority and political power in the countryside both through government regulation and the activism of groups of organized campesinos. In the present chapter an effort is made to describe the nature of the system of property in rural land which came under attack after 1919 and to suggest the political meaning of property in rural land in Chile at the beginning of the period (1931-1972) treated in the remainder of this study. Because certain aspects of the political meaning of property in rural land in this period have been well treated in other studies, for example, the exclusive customary prerogatives of rural proprietors, these issues are treated only briefly below. In contrast, other aspects, like the territorial jurisdiction of rural proprietors and their obligations toward rural labor, receive more detailed treatment in the present study.

THE LEGAL AUTHORITY OF RURAL PROPRIETORS

The foundation for the Chilean property system resided in the nation's political constitution. The constitution of 1833 guaranteed the inviolability of property of all kinds, whether belonging to individuals or communities. No one shall be deprived of

his property or any part thereof, however small, or of any right therein, except by virtue of a judicial decision, or when the interest of the State, declared by law, requires the use or condemnation thereof; but in this case proper indemnification to be determined either by agreement with the owner or by valuation made by a jury of competent men shall be previously made.⁹⁹

The Chilean Civil Code (1855) defined property as follows:

Dominion (also called property) is the positive real right in a corporeal entity, to use and dispose of it arbitrarily, so long as the law or the rights of third parties are not violated. (Article 582)

Over noncorporeal entities there also exists a sort of property. Thus, the usufruct has property in his right to usufruct. (Article 583)¹⁰

The civil code tradition of property created a proprietorship characterized by Andrade Geywitz as "the triumph of the Roman concept—usus, fructus y abusus—of private property."¹¹

Limits on proprietorship derived either from the rights of third parties or from specific constitutional or legislative prohibitions. In the specific case of property in rural land, the Civil Code restricted the rights of landowners in regard to subsoil minerals and other sorts of public property [bienes nacionales] like navigable streams, lakes and beaches (Articles 589-601). The rights of third parties mentioned by the Civil Code generally referred to the rights of other landed proprietors. These rights (in the form of servitudes [servidumbres] on landed estates), included all "limits placed on a property to the benefit of the proprietor of another property" (Article 821). These servitudes took two principal forms—positive servitudes entailing the obligation to allow specified actions, as for example, to allow a neighbor access to a public road through an adjoining piece of property, and negative servitudes which prohibited specific behaviors, such as building a fence above a determined height. Articles 833-888 of the

Civil Code detailed a variety of such servitudes which limited the proprietary authority of landowners.

Except to respect the rights of other landed proprietors, neither the Civil Code nor other national legislation before 1925 restricted the rural proprietor's discretion in land use, land management, farm management or alienation of rural landed property. The decision not to produce or not to invest in the agrarian enterprise in no way affected the right of a landowner to retain his rural property. No national or regional land use policy restricted the manner in which proprietors exploited or failed to exploit their properties. No penalties existed for non-use or inefficient use of agricultural land. Taxes on agricultural properties, a potential indirect regulation of non-use of land, failed to provide enough revenue to pay the salaries of the police charged with maintaining order in the countryside, let alone to act as an incentive to production. To 1925 rural proprietors remained practically unconstrained in their ability to "enjoy and dispose of [the land] arbitrarily."

The political and constitutional crisis facing Chile after World War I led, in 1925, to the adoption of a new constitution. Between April 18 and July 13, 1925, a sub-commission presided over by President Alessandri discussed and elaborated a new constitution for the Republic of Chile. The new constitution received approval in a plebiscite on August 30, 1925.

Sessions numbers eight through thirteen of the sub-commission hearings dealt explicitly with property rights, including the matter of property in rural land. As adopted, the new constitution revised the 1833 text in regard to property by declaring that

the exercise of the right of property is subject to the limitations or principles that the maintenance and advance of social order demand, and in this sense, the law may impose servitudes for public benefit in favor of the general interests of the State, of the health of the citizenry and of the public welfare. (Article 10)

Hailed as a considerable subordination of property rights to the general interest, the provisions added little, if anything, to the Civil Code's recognition that property could be restricted through legislative acts. A participant in the process of constitutional revision, José Guillenno Guerra, declared:

From the first moment a tendency could be noted favoring
 " the maintenance, in all its integrity, of the existing consecrated concept of property rights, with all the prerogatives that emanate from it, along with accentuating, slightly, its subordination to the collective interest. [Also noted] was an inclination to promote the subdivision of arable land.^{12 12}

Guerra proposed the following wording for Section 10 of the new Constitution:

The inviolability of the right of property with the limitations established by law.

In those cases required by the utility of the State or Social needs a law can authorize the expropriation of species or determined objects, previous payment agreed upon with the owner or determined by the tribunals of justice.

The Congress will enact laws that facilitate the subdivision of landed property and that subject uncultivated lands to special taxes.¹³

Landowners resisted this effort to limit their proprietary authority.

Guerra's proposal

gave rise to an extensive debate . . . during which strong resistance was manifested to two ideas: limiting property rights with general laws and authorizing actions that tended to the subdivision of land. . . . with respect to the limitation of property rights by law, no one denied that this was justified, but some were tormented by the fear that misguided legislators could enact laws that would spoliolate or even destroy individual property. To avoid that danger they wanted to limit the range of legal limitations,

an idea as easy to conceive as it is difficult to realize in a concrete and adequate formula.

With respect to subdivision of landed property, some esteemed that this should be left totally to the natural laws of economy and some even denied that the evil of latifundio existed in Chile.

It did not seem easy to arrive at an agreement within the sub-commission over the content of section 10. To obviate this difficulty it was agreed to delegate this task to the illustrious and patriotic criteria of the President of the Republic and that of Luis Barros Borgofo.¹⁴

As a compromise solution the new constitutional provisions on property essentially retained the landowners' extensive authority to enjoy and dispose arbitrarily of rural property, while article fourteen added the obligation of the State "to favor the suitable division of landed property and the creation of family holdings." The requirement that prior cash payment for expropriated properties precede transfer effectively precluded any large scale program of land distribution.

Following promulgation of the 1925 constitution, two further initiatives of significance affected the authority of rural proprietors over their rural properties. Law 4174, which amended Decree-Law 755 of 1925, established the principle of punitive taxation against poorly exploited or abandoned properties. In the case of poorly exploited farms, the law stipulated a tax penalty of approximately 30 percent, to be applied at the discretion of the President of the Republic. Commenting on this legislation, the authors of La Tributaci6n Agricola en Chile, 1940-1958 noted that,

With the exception of the practically unapplied Presidential authority in regard to underutilized farms, there did not exist in law 4174 a criterion of increased productivity. The defects of the system of periodic re-evaluation created a legalized evasion since while tax rates remained the same or increased slightly, land valuations were progressively undervaluated.¹⁵

Thus, the principle of restricting non-use of rural property through punitive taxation failed, in its application, to limit effectively the

capability of landowners to enjoy and dispose of the land as they desired. In practice, non-use or underutilization of farm land brought no meaningful sanction.

The second legal redefinition of rural proprietorship in the 1925-1931 period appeared in Chile's first land reform law—law 4496 of 1928.¹⁶ This law declared it to be of "public utility"* to establish agricultural colonies in order to subdivide rural property, intensify and organize production, support the establishment of family holdings, and increase the country's population. Under the terms of law 4496 the State could acquire uncultivated land or extensively cultivated land in order to establish agricultural colonies. The law exempted from expropriation all properties of less than 200 hectares north of the River Maule and those of less than 300 hectares south of this river. It also allowed expropriation of land contiguous to railroads (up to one-third of the land on each side of the track) and land benefited by government-constructed irrigation projects (one-third of land so irrigated).

Despite the moderate nature of the law, landowners resisted it as a threat to the existing system of property and social order.¹⁷ The provisions allowing expropriation of land not "intensively cultivated" brought particularly adverse reactions.

The law provided for discretionary, not mandatory, expropriation of poorly worked or abandoned farms. The agency charged with administering the program—Caja de Colonizaci6n Agricola—received a 100,000 peso

*The Chilean term "utilidad publica" is used to define legally the areas in which the State can exercise the right of eminent domain. Article 10 of the Chilean constitution provides that "No one can be deprived of property under his control, nor any part thereof, except by virtue a judicial order or through expropriation in accord with a law declaring it to be of 'utildad publica. '"

budget for a five-year period and instructions to create agricultural colonies. In practice, the Caja did not exercise the expropriation authority. Land was acquired at market prices and sold on credit to colonists [colonos]. Agricultural laborers and inquilinos rarely acquired land parcels.¹⁸ In effect the Caja became just another buyer in the land market.¹⁹ With the onset of the economic depression, some policy makers saw colonization as a way to absorb unemployed miners, and urban elements—both as colonists and bureaucrats.²⁰ Never in these years did the Caja threaten the existing system of land tenure **nor** the legal discretion of rural proprietors to enjoy and dispose of the land as they desired.²¹

Thus, to 1931, despite the emergence of a potential legal basis for altering the proprietary discretion of landowners over disposition and use of landed property, no effective delimitation took place. Yet the introduction of the principle of punitive taxation and selective expropriation of non-productive farms represented important legal precedents in regulating and redefining the authority of proprietors. The newly established constitutional obligation of the State to create family holdings and subdivide rural properties was also an important formal change in the system of rural property. But in 1931 landowners generally operated (or failed to operate) their rural properties free from the intervention of external authority. The Civil Code definition of property accurately described the authority proprietors exercised over their landed estates.

LEGAL AND CUSTOMARY TERRITORIAL JURISDICTION

OF PROPRIETORS OF RURAL LAND

In 1919 the Chilean countryside remained dominated by large,

extensively-exploited haciendas. In Chile the hacienda system included a pattern of resident labor supplemented by temporary wage hands in peak seasons of agricultural activity. The resident laborers consisted of various categories of inquilinos,²² voluntarios, specialized workers and administrative personnel. The inquilino, and inquilinaje as an institution, provided the foundation of the hacienda labor system. In the nineteenth century inquilinos rarely received money wages. The inquilino paid what amounted to a labor rent to the hacendado. In exchange for his labor and the labor of his family on a determined number of days, the landlord provided housing, land to work, pasture rights and food rations. Into the twentieth century the inquilino remained a small producer on allotted land, receiving in-kind and perquisite payments [regalias] in exchange for labor to the hacienda enterprise. By 1919 some inquilinos also obtained a small cash wage, well below the market rate, to supplement the regalias.

At no time in the history of the institution did inquilinaje entail permanent legal attachment of rural labor to particular farms or villages. Inquilinos were not bound to the land. Debt-peonage, common in Mexico and the Andean highlands during the same period, played little part in the Chilean hacienda system. Labor mobility in the late nineteenth and early twentieth century increased as mining and urban enterprises attracted workers from the countryside. Railroad construction gangs were also recruited in the countryside. In this sense, the Chilean hacienda system in 1919 could not be characterized as a "feudal" system except in a very specialized sense.²³ Any authority exercised by the landowner over the rural labor force derived from a national system of property law, national and local mechanisms for

enforcement of property rights, and the customary patterns "accepted" in particular haciendas or agricultural regions.

An additional intervening influence at any particular moment in time was the state of national and regional labor markets. With the expansion of the nitrate fields, other mining sectors and urban enterprise, sectoral conflicts for labor provided campesinos with temporary leverage in obtaining better conditions of work and higher wages. The Labor Department attempted to balance the demands of nitrate interests against those of the rural proprietors in regulating the labor recruiters [enganchadores] who roamed all over Chile to entice workers to go north to the nitrate fields.²⁴ Especially in the southern cereal producing areas, landowners made more and more use of recruited seasonal workers - [enganchados] for the harvest. These developments gradually increased the importance of wage labor in agriculture, at least on a seasonal basis,

To 1919, however, inquilinaje remained the foundation of the rural labor system. Landowners still sought to settle more inquilino families on their properties. Illustrative is a letter from the Sociedad Vinicola del Sur to the Labor Department requesting "three common inquilino families able to cultivate wheat and vegetables, and to do work in the vineyards. Two families containing men capable of producing charcoal [carbon de lena] . . . and a family with a barrelmaker/carpenter."²⁵

The letter goes on to list the conditions of work and pay offered to the workers. As an indication of the campesinos¹ work obligations and reciprocal perquisites it is worth reproducing at length:

Each family must provide the fundo one worker each day of the year at the rate of 50 centavos a day; the other individuals living in the house also have the obligation to work in the hacienda, earning whatever wage is paid to non-resident laborers [forasteros], currently

80 centavos, although prior to the current crisis this rate reached 1.50 pesos. The women and children in each house are also obligated to work when called upon, except for the housewife [duena de casa]. These will be paid 50 centavos and 40 centavos, respectively.

The fundo will give each head of family, without charge, one cuadra of hill land to plant wheat and in lowlands [vega] enough land to plant two almudes of beans. In addition, near the house, a small plot is provided for vegetables. Each family has a right to maintain four head of cattle and one horse in the hacienda. In the season of vineyard plowing they must work their oxen for the fundo and they must use their horse for work-related travel.

If an inquilino wants to sharecrop wheat, he can do so with his own implements and seed. At the harvest he replaces his seed and divides the remainder with the hacienda. The hacienda's share must be cleaned and delivered to the storehouse. Each sharecropper must also provide a cart of straw to the hacienda.

If, instead, he wishes to rent land, that is also possible, paying the hacienda three fanegas of wheat per cuadra. Chacras [beans, potatoes] can only be sharecropped under the same terms as wheat

The first task for these new workers will be constructing their houses. We will loan them carts and oxen and all the necessary elements available in the farm—wood, branches, straw for roofing, etc. While they are building their houses they can stay in warehouses [galpones] and we will give them food rations.

We understand that the government will provide free transportation for these people to the closest rail station, and we will pick them up from there.

. . . these conditions, at first sight not too advantageous, are superior to those generally enjoyed by the workers in this region²⁶

From 1919 to 1931 landowners continued to settle resident labor on the haciendas. In 1931 the hacienda-resident labor system still dominated the Chilean countryside though increasing quantities of temporary and seasonal wage hands presaged some alteration in this basic arrangement. Over this resident labor force, which in 1930, according to George McBride, represented 60 to 75 percent of the rural population in the central valley, the rural proprietor exercised no formal jurisdictional authority. Legal territorial jurisdiction of landowner had disappeared entirely except insofar as the rights of proprietorship

vested authority in the landowner to regulate entry and exit into his property.

In practice, however, property rights provided the hacendado extensive authority over the resident rural labor force through the labor "contract."¹¹ Prior to 1928 there existed no specific legislative prohibitions in regard to the nature of the rural labor contract. This meant the landowner could require whatever the market would bear, short of slavery, as a condition of employment and residence within the hacienda.²⁷ The only prohibition existing referred to the manner of payment, forbidding the use of scrip [vales];-- this provision was widely violated.²⁹--

Variation from hacienda to hacienda makes general description of concrete conditions within the haciendas difficult. It is possible, however, to construct a general image of the scope and domain of authority still exercised by landowners over the resident rural labor force in the 1919-1931 period, prior to the introduction of any regulatory labor legislation.

In dealing with the scope of authority of landowners over the rural work force, the central question is which values of concern to the worker were subject to the authoritative discretion of the rural proprietor. The possible answers to this question may be characterized on a continuum, ranging from a narrowly defined authority over specific work functions to a literally totalitarian "all aspects of the worker's life," as below:

work functions	_____	all aspects of
only		the worker's life

This scope of authority is further qualified by the (1) temporal limitations on the exercise of authority, (2) spatial limitations and

(3) functional limitations. Thus, a proprietor might have the authority to order workers to do only certain tasks or to do any work that needs to be done.³⁰ This authority may apply only at the work site, in any part of the hacienda, including the worker's home, or even outside the hacienda. The worker may be subject to the proprietor's authority during some specified work hours or twenty-four hours a day—every day. Each of these three parameters may vary independently so that, theoretically, authority limited to work functions might be exercisable twenty-four hours a day, anywhere, and entail ordering a worker to do whatever "work" task the proprietor desires performed.

The domain of the proprietor's authority refers to his jurisdiction, whatever its scope, over determined persons. This domain may include only the worker himself or it may include some or all family members. It might also extend to all residents of the hacienda and even, under some circumstances, to non-hacienda residents, e.g., labor obligations of indigenous communities to landowners in the Andean haciendas. The scope of authority may vary for different persons within the domain of proprietary authority. Very extensive scope of authority may apply only to limited numbers of workers, while less extensive authority is exercised over other hacienda residents. Over some persons subject to his authority a proprietor may only exercise the limited capability to prevent access to his property. In this sense all non-owners of a piece of real estate are within the domain of authority of a landowner. The scope of this authority is limited to restricting "trespassing" or "property damage."

In Chile the proprietary authority of landowners over the rural labor force was historically quite extensive. In fact, the origins of

the hacienda system can be found in grants of labor as well as in grants of land.³¹ Suggestive of the extent of this authority toward the end of the nineteenth century is the well known Manual del Hacendado Chileno published in 1875. The ICIRA publication in which part of this manual is reproduced affirms that it "is the equivalent of an administrative handbook of a fundo for this period. This permits us to see the organization of this enterprise at the end of the past century."³² Even if we assume that this affirmation is somewhat exaggerated and that the manual contained prescription rather than an entirely accurate description of existing conditions, it does allow us to estimate the scope and domain of authority which landowners believed they could reasonably claim over rural labor at the end of the nineteenth century.

The manual details the obligations of each type of hacienda resident, from administrator to non-specialized peon, indicating their responsibilities and their position in the hierarchical authority system of the hacienda. In the present context there is no need to outline the numerous duties and authority of each type of supervisory personnel nor to completely detail those of the inquilinos and peones. In Chapter III a more complete image of these obligations is presented for the post-1931 period by using sample labor contracts and internal regulations for selected haciendas. At this point, it is of interest to limit discussion to the authoritative jurisdiction of the hacendado with reference to the main element of the hacienda labor force--inquilinos and the various types of "specialized" workers, such as carreteros, potrerizos, vaqueros, who in reality were simply inquilinos or peones assigned to specific tasks--carting, caring for the pastures and animals, rodeo, and round-up.

The manual divides the inquilinos into three categories, according to their personal wealth, labor obligations to the hacienda and, correlatively, the land allotments., pasture rights, and other perquisites which they enjoyed. Whether "inquilino primero" or "inquilino tercero," however, all the inquilinos had obligations to provide, either directly, or indirectly through the "replacement" [reemplazante] paid by the inquilino, labor service to the hacienda in specified amounts, i.e., one per day, two per day, etc., and additional services during critical agricultural seasons, such as planting, harvesting, shearing and grape harvesting, depending upon the production pattern in the hacienda. In addition, all inquilinos, except those of first class [de a caballo], were required "when much work existed, to make available to the hacienda all those persons living in their house—at the same wage paid to a day laborer [forastero]." The third class inquilino, the poorest with the least access to land and pasture rights for animals, had to perform, in addition, "whatever occasional service is asked of him"

The manual considered the inquilino's wife and daughters,

equally useful in many labors, . . . and they should be obligated to make bread, prepare food, milk cows, make butter and cheese, shear wool, sew and mend sacks in the bagging of wheat . . . and other labors in which they not only can be substituted for men, but can be so with advantage. The salary or daily wage of each is arranged in relation to what the men earn

It is not possible to excuse women from work because in times of scarcity of peones the hacendado may see his work schedule delayed. Likewise, the advantages of forcing women to earn their way are well-known, since for an inquilino they are onerous due to their little income, and uniting the efforts of all . . . they will better their condition.³³

The obligation to provide family members and other residents of the inquilino's house as workers at the command of the hacendado was not only a significant political attribute of the proprietor but represented

an economic burden to the rural laborer, often forced to leave his own agricultural pursuits until nightfall or the early morning. The inquilino's harvest came at the same time as the hacendado's. His cows also had to be milked and his vegetable garden tended. For this reason there existed a persistent internal struggle within the hacienda between the hacendado economy and the campesino economy for the use of existing labor resources. As long as the hacendado's proprietary authority extended customarily to other family members and remained unregulated by external legal norms, the campesino enterprise depended entirely on the benevolence of the patrón. However, as long as some inquilinos retained the right to send reemplazantes they could maintain a relatively prosperous campesino enterprise, based especially on capitalization through livestock husbandry on allotted pasture land. This also meant that the hacienda's internal organization nurtured a differentiated rural labor force and that the peón or reemplazante—not the inquilino—was the most impoverished of rural workers. The hacendado's proprietary authority, while legally unlimited, did distinguish among the types of rural laborers and did recognize, customarily, some limits to its legitimate authority vis a vis certain privileged or specialized workers. But even this customary delimitation of proprietary authority alleviated only slightly the worker's subjection to the hacendado's extensive proprietary rule.

Thus, for example, the potrerizos, in charge of the pastures and animal herds, also had as their obligation "to work within or outside the hacienda whenever ordered, without exception as to day or hour." Like other hacienda residents they were "forbidden to engage in personal or other labors without permission of the patrón." In addition, these

workers had to insure that "the locks on the pasture gates are always locked, not permitting that any person enter without superior orders. They will also prevent non-hacienda residents from traveling through the hacienda, except on public roads, and prevent also that they spend the night within the hacienda."

Essentially, the hacienda regime obligated all members of the household of non-administrative personnel, including women and older children, to work at the orders of their hierarchical superiors, day or night, at whatever task assigned them. At the harvest, children as young as five or six were also called to work. The landowner's agents even controlled entry and exit into the rural property. In some rural communes this meant territorial sovereignty, de facto, over large proportions of the administrative jurisdiction. Administrators applied fines for misbehavior or unsatisfactory work performance. "Banishment" ["i_ aun arrojado de la hacienda"] supplied the ultimate sanction (short of very occasional murders) for disobedience or insurrection. Some haciendas also maintained their own "jails." This was the proprietary authority, exercised directly by the hacendado or by his administrator and his subordinates, of the hacendado at the turn of the century.

From the end of the nineteenth century to 1931 the overall hierarchical organization of the Chilean hacienda changed little. There did occur some homogenization of the inquilino's work obligations and a gradual decline, at least in some properties, of pasture rights and land allotments. Still, in 1931, the hacienda contained a diverse rural labor force, with a privileged minority of inquilinos having, in effect, substantial agricultural enterprises of their own. But even these privileged few remained subject to the legally unlimited authority

of the hacendado. With little or no notice they could be forced to leave their homes, or to move or sell their belongings--without compensation for improvements made on the plots of land where they were born, raised and lived for years and even generations. Proprietary authority remained diffuse, legally unlimited within the hacienda in matters of labor management and working conditions, and unregulated by government or an organized labor force. Likewise, the hacendado's authority extended throughout the hacienda into the worker's home and over the worker's family--twenty-four hours a day. Although less extensive than the authority of feudal lords over their vassals or Mexican hacendados over peones retained in debt peonage, the Chilean hacendado enjoyed a proprietary authority consistent with liberal capitalist conceptions of property as adopted by the Chilean Civil Code: "to enjoy and dispose of arbitrarily"

While the hacienda was organized hierarchically, it should not be mistaken for a bureaucratic organization or a bureaucratic system of authority. Relationships between members of this system were not defined by impersonal rules and routinization of task performance, but rather by the transfer of proprietary prerogatives--personally--to agents of this personal authority. Neither, however, should personalistic rule be confused with paternalism. Paternalism is often mentioned as an element which ameliorated the exploitation of rural labor in Chile--so it is argued that the patr6n "cared about" his workers and saw to it that they weren't too badly off. George McBride, who wrote the most often cited work on rural Chile, suggests as late as 1935 that

the traditional relationship that exists between the inquilino and the hacendado--between master and man--somewhat ameliorates the hardships of the inquilino's condition. The landowner is

not only employer, he is also patr6n. The system is quite patriarchal in its actual operation. The injquilino usually feels a sense of loyalty and even of devotion to the farm owner. The latter in turn looks upon the injquilinos as his wards, almost as his children. He regards them with solicitous care.⁵⁴

And Sergio Gomez writing in 1971 argued that the injquilinos generally distinguished between the "protective and rewarder" sphere of the patr6n and the repressive sphere of the administrator.³⁵

Whatever truth there was to this assertion in reference to the nineteenth century--no studies have been done on the attitudes of injquilinos toward landowners in this period, so these assertions remain undemonstrable--it seems clear that by the World War I era the personalistic, arbitrary and coercive nature of proprietary authority had become apparent through the veneer of paternalism. Indeed, daily or even monthly direct contact between landowner and rural labor had been eliminated.³⁶ Control over the labor market, monopoly of land resources, and support of the coercive capability of the nation state held together the hacienda system in Chile. Paternalism, traditional authority, and "loyalty of the work force" made the everyday operation of the hacienda community depend less upon naked force--but the system clearly rested on the poverty and powerlessness of labor and the coercion of landed proprietors. A citation from McBride makes clear that he also recognized this fact:

In spite of the benevolent patronal system, which has led the typical hacienda owner to regard with solicitous care his injquilino population, the common people have recognized that there was an iron hand beneath the velvet. If occasionally some of the more obstreperous spirits forget this fact, or concluded to disregard it, they have been reminded quickly and effectively that the government and governing class were committed to the task of maintaining the inviolability of property and preventing any movements that might disturb the social order.³⁷

The "typical" hacienda in Chile before 1931, thus, was a political community in which the landowner claimed authority over most aspects of the campesino's life. It recognized only slight demarcation between its authoritative jurisdiction and the "private" lives of the rural resident labor force, although in comparison with the feudal lord's scope of authority to restrict marriages, or the "right of the first night" the Chilean hacendado exercised a more limited rule. Authority was personalistic and arbitrary, despite structural organization that resembled, at least in the larger haciendas, a hierarchical bureaucratic organization. Members of the labor force were expected to deal individually with the landowner or his representatives. Severe sanctions or "banishment" met any effort to constitute associations of laborers, even on an ad hoc basis.

The customary linkage of the proprietor to rural police and judiciary, suggested by Balmaceda's recommendation that "any peon who acts suspiciously or has bad habits [malas costumbres] shall immediately be placed at the disposition of the police along with any information available about him," carried on into the twentieth century. Many of the rural police posts were located within the haciendas and even subsidized by rural proprietors. Police officers received food, lodging and other perquisites directly from the local hacendados. The police served, in effect, as agents of rural proprietors.⁷⁸

The rural labor force was well aware of the landowners' control over the local police contingents. Indicative is a report from a labor inspector detailing the development of a strike movement in the province of Colchagua in 1924:

The creation of a national police [Carabinero] post in Chimbarongo would permit, in our judgment, the more

effective guarantee of public tranquility, since the workers, on the one hand, have no faith in the police because they are municipal and depend upon the municipality, and the councilraen and mayor are at the same time the owners of the fundos; on the other hand the patrones have requested national police because they believe that the municipal police would be insufficient to repress a workers' movement which acquired more than modest proportions.³⁹

Landowner exercise of police and judicial power extended beyond the central valley and also to the non-hacienda resident population. South of fiuble in the region of expanding cereal production and employment of large numbers of seasonal workers for the harvest, landowners continued to dominate local police authority and to act as magistrates. From a labor inspector in Chilian in 1924, charged with attempting to regulate the enganches [contracting of contingents of agricultural labor for the harvest] we learn that

It would be a great accomplishment for this office to succeed as desired . . . avoiding in this way the need to continuously attend the numerous complaints formulated by workers when the patrones do not fulfill their agreements

Many of these complaints are resolved, others go to the courts, and more than a few remain unsolved due to the poverty or inability of the worker to defend his interest.

In addition, this office has received various denunciations concerning abuses, robberies, and crimes that remain unsanctioned

This inequity would be remedied, in part, by taking from some landowners the judicial power that they exercise—although the police, which they use to serve their ends, remain at their disposition.⁴⁰

After World War I the national regime made some efforts to intervene extra-legally in management-labor relations in order to deal with the demands of rural labor, especially in the localized districts where FOCH-organized rural unions [consejos federales de agricultores] promoted strikes.⁴¹ The landowners defended their customary and legal prerogatives against administrative intrusions. The rejection of government intervention by landowners, and the effort to protect their

customary authority over rural labor is illustrated in the case

A recorded below involving a rural labor dispute in "Aconcagua."⁴²

The governor of the department in which the conflict occurred offered to mediate the conflict in the following terms:

A committee of inquilinos from your fundo presented itself at this Gobernación and communicated the fact that difficulties have occurred between you and your inquilinos, concerning conditions of work. They requested assistance in convening a meeting to solve them.

The undersigned, in accord with the dispositions of the Decreto Supremo No. 4353 of 14 December, 1917, requests that you come to a meeting at this office tomorrow at 3:00 p.m., in order to solve the problem to which I allude.⁴³

On the same day, the landowner answered the governor in the following terms, making clear that he, the landowner, would handle problems within his private property as he saw fit:

In answer to your Oficio No. 397 of today, I must inform you that you have been poorly informed concerning the existence of difficulties with the inquilinos of this hacienda. Some of these have not complied with their labor obligations and I quickly replaced them, in order to conform with the desires recently manifested by the Government of intensifying agricultural production

. . . Until the Labor Code is passed as law, . . . I esteem that there is no other legal avenue open to private citizens [in such disputes] than to recur to the courts of law [Tribunales de Justicia]. The decrees that have been made or [in the future] are dictated concerning these types of problems, cannot have an obligatory character, if their dispositions are not accepted by both parties.

I recognize the spirit of conciliation which has moved you . . . but I believe, for the reasons given, the occasion does not call for leaving the solution of the difficulties that may present themselves to other authority than that which the law establishes.

The ignorance in which the major part of our agricultural workers live, induces them frequently to believe in the false images presented to them by individuals without conscience or merit, which also usually leads them to carry out acts which are punishable under the law. For this reason, I take this opportunity to request that you adopt the means you deem prudent, to avoid any violation of private property. 44 [emphasis added]

The next day the governor again wrote to the hacendado, acknowledging receipt of the answer and again urged him to consider conciliation. The governor wrote, in part:

the undersigned agrees with your analysis of the legal situation But, . . . the undersigned has the obligation to put into practice the cited decree. For this reason, and those of moral character, it will not surprise you that I again propose to you that you accept the terms of conciliation proposed by the undersigned.

If, for some reason of which the undersigned is not aware, you do not desire to come to this Gobernación . . . allow me to propose a Tribunal of Arbitration to resolve these difficulties, sending to me with the bearer, the name of the person you designate, in accord with the cited decree. . . ,⁴⁵

Lacking any binding legal authority to deal with the hacendado, the governor could only urge (plead?) that he accept the government's intervention in a matter involving the exercise of proprietary authority vis a vis rural labor. The landowner responded:

Making reference to reasons of moral character, which you do not enumerate, you again propose that I attend a meeting to study the labor petition that has been presented or that I accept, instead, constitution of a Tribunal of Arbitration

In answer, . . . I am sorry to say that I cannot accept your proposals, as well meant as they are, because I deem it more convenient to follow existing legal prescriptions, until they are modified⁴⁶

This case illustrates the landowner's concept of proprietorship and the existing legal limitations on governmental intervention to regulate the jurisdiction of proprietors over rural labor. The prerogatives of private proprietors--the definition of private property--made trespassers and criminals of laborers who challenged the existing wage bargain or collectively presented a labor petition. Government officials, in this case the governor, could only appeal to supposed moral concerns of the proprietor, essentially pleading with him to accept mediation. The landowner's answer was a demand that the governor "adopt those measures deemed prudent to avoid violations of the rights of private property." The labor "contract," generally a submission to the diffuse and extensive authority of the rural proprietor.

Only the existence of alternative employment opportunity, migration, or collective action on the part of rural labor to force landlords to redefine "voluntarily" their authority could--at least temporarily--reverse the directions of dependence. In such instances rural proprietors did not hesitate to complain to governmental authorities. In some cases, nevertheless, campesinos could explicitly use the threat of migration to win concessions from rural proprietors. For example, the Intendente in Cautfn reported in 1929 that

As I told you last year Mr. Minister, there is a labor shortage which is prejudicial to the landowners. The workers have demanded higher wages, threatening the landowners with leaving their labors if their demands are not met. Due to the risk of losing their crop in this southern, rainy region, the landowners have had to raise the workers' salaries.

A notable influence of the above has been the announcement of labor recruitment [enganches] for the north. Although the workers from the south don't like to work in the north [nitrate fields] they take advantage of the opportunities offered in order to pressure their employers.⁷⁷

Similarly, in the same month, the Intendente in BioBio reported that rural workers recruited to work in the region of Mulchen stopped work in demand of higher wages, refusing to recognize the validity of labor contracts which they had not signed. Only intervention of governmental authorities convinced the campesinos to go back to work.⁷⁸ The threat of migration or leaving the harvest on one farm to go to another was not as easy for resident labor to make as it was for the migrant. For the resident worker, leaving the hacienda meant leaving a lifestyle and family ties behind. This gave the hacendado greater leverage in dealing with resident labor.

Landowners exercised somewhat less authority in the case of peones or smallholders who worked seasonally or part-time for wages. The peon was already alienated from the means of production and became part of

the expanding rural proletariat. The cost of his "freedom" from the permanent political authority of the landowner entailed constant movement, miserable living conditions, and lack of community ties or the minimal security guaranteed by the hacienda. The smallholder who augmented his income with employment for wages or perquisites (grazing rights, firewood, share cropping, etc.) on the hacienda remained more closely linked to the proprietary authority of the large landowner than the non-resident peon or migrant worker. But since the dependence of these "independent" campesinos on the hacienda was not strictly hierarchical nor entirely inclusive, it remained potentially vulnerable to the replacement of the landowner as purveyor of goods and services or employment by other sources. These smallholders were potential clientele for any external agents that challenged the hacendado's control over land and water resources or sought to replace functionally the hacendado as source of credit, agricultural inputs, or market for the campesino's produce. In the short run, however, the campesino's continued dependence upon the landlord for a wide variety of goods and services and employment overshadowed the latent antagonism between hacendado and smallholder.

Efforts by individual campesinos to delimit further the customary jurisdiction of proprietary authority were not uncommon. Such efforts might be undertaken through personal negotiation with the hacendado or with his agents. Since such renegotiation depended entirely on the unilateral and personalistic criteria of the patr6n, however, the plight of the workers who refused to submit was difficult, as the letter from such a worker to the Interior Department in 1927 indicates:

For 35 years I have been an inquilino in Fundo Lo
Arcaya in the Commune of Pirque, Department of Maipo . . .

Today, with no reason, they asked me to leave the house in which I was bornThe reason is that my wife refuses to milk the cows. She has four children . . . and can't leave the house alone. Besides I pay my obligación as inquilino and there is no reason to increase my obligations ["no tienen por que obligarme mis"]. It is a great injustice that they treat me in this form after I have spent all my energies working in this fundo.

Comandante Armando Gonzalez deals with these complaints unjustly, always ruling in favor of the landowners.

I ask for justice

Luis Martinez M.

Correo Puente Alto ⁴⁹

In 1927, the authority of the landowner to require the inquilinos to provide the hacienda family labor remained almost irresistible. If the inquilino's wife would not milk cows, the family could be forced to leave the hacienda. Despite appeals, like that of Martinez, for the Labor Department to defend the "rights" of rural labor, in the post World War I period these "rights" practically ~~did not exist~~. With the exception of Law 3170 dealing with compensation for industrial accidents (also applicable to farm accidents) and the generic provisions of the Civil Code, there existed no legal constraint on the content of the labor contract, thus ~~no legal constraint~~ on the customary authority of proprietors over rural labor. Only the labor market and the limited capability of rural labor to resist the hacendado's demands provided marginal limits on the authority that could be exercised in the name of proprietorship. For the resident labor force, the various strata of inquilinos, voluntarios, and specialized personnel of the large hacienda, the labor "contract" made them members of a political "community" and ⁵⁰ ~~subject~~ to the dictates of the community's ruler: the hacendado.

Despite some similarities, however, the hacienda was not a feudal domain. Rural proprietors did not maintain legal manorial courts and their actions in reference to rural labor remained subject to the

authority of the national court system. This system, like most judicial systems relying on privately contracted lawyers to represent interests in adversary procedures with the possibility of lengthy appeals processes, was heavily biased against the poor and uneducated, including the campesinos. Rural proprietors exercised influence over the local police and were often themselves judicial officials. But this was not a feudal system. It was a typical "formal" democracy in which the realities of an unequal distribution of property and power subverted a theoretical equality before a common national law. The semi-feudal characteristics of this system did not mask the "modern" national foundation of rural proprietorship. Landowners maintained prerogatives because they dominated national governmental institutions--not because there existed no effective central authority.

During this period as the landowners¹ control over the national government began to decline, a variety of bureaucratic organizations began penetrating the countryside to delimit the de facto as well as de jure jurisdiction of rural proprietors. The hacendados resisted this intrusion--for the most part successfully. But complaints by rural laborers to the labor department over unpaid salaries or inequitably distributed crop shares became more common. The landowners recognized that the bureaucratic thrust into the countryside, with the efforts at regulation of their power, threatened the customary scope and domain of proprietary authority.⁵¹ This emerging conflict between landowners and bureaucratic authorities is well captured in a report by the governor of the department of Victoria in November of 1930:

I believe that it is urgent to incorporate into the social laws [provisions relating to] the settlement of conflicts that arise between rural proprietors and their workers

Since these matters are excluded from the law, the office of the Governor intervenes as a "friendly arbiter." In almost all cases resolutions are obtained, but there are certain rural proprietors who are rebels. Unable to forget the days in which they were owners of lives and haciendas, now when they are cited to appear to settle a conflict, they either do not come or they come to declare that they will accept no resolution.

This lack of cooperation produces an annoying situation for the governor, since the complaintant, the day worker, who does not understand the legal situation, believes that the governor has allowed himself to be influenced by the patrón. The worker then publicly protests against the governor creating a disagreeable public atmosphere since uninformed persons believe this false affirmation.

I believe that this situation should be remedied¹ as soon as possible, giving authorization to the governors, at the least, to compel the cited parties to appear, [until] the laws are reformed to include the matters alluded to above

I should mention that, in cases where the agricultural worker is not able to obtain a settlement at the Gobernación, whether because of the refusal of the patrón to reach an agreement or because of his non-appearance, the worker has no other available remedy.

Due to the small amounts involved, the cases are legally within the jurisdiction of the local judges [Jueces de Distritos], functionaries who do not dare to intervene against a hacendado or powerful rural proprietor.⁵²

The existing situation created an uncomfortable milieu for officials who intended to do their job or who viewed law enforcement as a desirable administrative function. Tension arose between the customary jurisdictional prerogatives of landowners and the administrators' personal and professional self-image. Less as an empathetic response to the situation of rural labor than as an increasing awareness of a struggle for political control over the countryside between landowners and themselves, the agents of national authority began to define the area of conflict in terms of legal and administrative regulation of proprietary authority. The effort to apply national norms within what the landowner considered his private domain became a central issue in the struggle between landowners and bureaucrats.

In 1931, however, this conflict was still an emergent one.

Landowners continued to exercise extensive customary jurisdiction within the rural property through the labor "contract," Indicative is an inquiry from the governor in Santa Cruz (Colchagua Province) in 1931:

There exists a system of fines that constitutes a constrous robbery from the **workers' salaries.** This system has been organized and is dictatorially applied by [the landowner]. Due to the system of settling us at the end of the harvest, the workers have no means to avoid these e abuses. The landowner has the privilege of these fines against the share. These fines are applied with the pretext of sanctioning.

work, etc. I can cite the amazing case of a worker against whom a fine was applied in geometric fashion for repetition of the same supposed infraction--reaching the enormous sum of 50 pesos.

If to this system of fines which mutilates the workers' salaries, we add the requirement that the workers sell the Landowner the share of the crop, the company store [pulperia] the deductions for use of tools and implements (which must be

semi-feudal nature of this arrangement becomes apparent.

In general, fines are not only not authorized, but they are expressly prohibited (Art. 20 of Law 4053) and the employers who violate these norms should be severely punished (Art. 42, same law).

If we suppose that this legal disposition is not applies in the agricultural sector, we still have the dispositions of the Civil Code, as common law, and under these previsions the application of fines is also illegal. These fines were not stipulated in the contract and have been applied through a unilateral act of the landowner

In addition, the identification and categorization of the infraction by the worker, and the determination of the size of the fine, remain entirely at the capricious discretion of [the landowner] which is a flagrant violation of the principle of relative equilibrium between the parties to a contract, of equity in contractual relations, and of justice.

Finally, [the landowner] has created a rich and unjust source of income at expense of the workers, in violation of the contract, in violation of the law and the principles of equity, violating all the norms that guarantee the integrity of salaries. 55

The Labor Department informed the governor that such problems were not within the jurisdiction of the Labor Courts, since agricultural workers were excluded from the protection of Law 4053 (labor contracts). The Department recommended, however, that the local inspector attempt to solve the problem and correct the abuses by application of the Civil Code and "concepts of equity." If this proved impossible, the issue had to be resolved by the ordinary courts of justice.⁵⁴ The gap between legal jurisdiction of proprietary authority and de facto jurisdiction remained a problem of extending the benefits of existing legislation to the rural labor force, and facilitating the campesinos' access to the administrative and judicial agencies responsible for law enforcement. Insofar as this gap remained a wide one, the customary scope and domain of proprietary authority vis a vis rural labor greatly exceeded even the broad legal definition of proprietorship.

LEGAL AND CUSTOMARY OBLIGATIONS OF LANDOWNERS TOWARD RURAL LABOR

Before 1917 and the enactment of the first labor law applied to the countryside (compensation for industrial accidents), the only legal obligations of rural proprietors toward campesinos consisted of compensating them for their labor. This legal obligation arose from the Civil Code's generic provisions with respect to contracts (Libro IV) and rental of rural properties (Title XXVI of Libro IV, *especialmente* section 6). Interestingly, the Civil Code did not recognize labor-rents, distinguishing between payments in money and payments in kind obtained from the thing rented, i.e., produce. Thus, the traditional understanding of *inquilinaje* as a labor rent was a customary arrangement

not sanctioned by civil law.⁵⁵ In either of these cases, however, legal remedies or enforcement of violated contractual obligations--almost invariably verbal—would have required court orders. The inability of rural labor to make effective use of the time-consuming, expensive, property-dominated judicial system to sustain their claims made even these rights illusory.⁵⁶ A report by the Intendente in Cautin Province in 1929 is to the point: "the workers are obliged to seek out lawyers . . . who because of the small amounts involved and because the workers are not able to pay the costs of litigation are not interested [in these cases]."⁵⁷

In 1924 the implementation of the so-called "social laws" (Laws 40S3-4059) did provide, at least formally, the legal basis for government intervention in labor-management relations. This group of laws required written labor contracts, mandatory labor conciliation and arbitration, social security and medical services, and legal recognition of labor unions. Except for the social security provisions (Law 4054 discussed below), the social laws systematically excluded rural labor from these benefits. Labor courts, established in theory so that workers might rapidly and at low cost adjudicate their claims against employers, were explicitly denied jurisdiction over agricultural workers—leaving rural labor recourse, as before, only to the ordinary Civil Courts.⁵⁸ For example, in 1927, the governor in Traiguén wrote to the Minister of Labor:

Agricultural workers continuously present themselves to this office complaining that their employers refuse to pay them for their work at the time they leave their employ, only doing so at the end of the planting season or the harvest.

. . . This Gobernación considers it opportune to request instructions concerning the procedure to adopt in such cases,

in which patrones leave workers unpaid over long periods of time with the pretext that planting or harvesting has not terminated, and the coercive means that might be used to obligate the stubborn ones to comply with the resolutions of the Gobernacion . . .⁵⁹

Because the Law of Labor Contracts (Law 4053) did not apply in the agricultural sector, the governor had no legal means of compelling landowners to pay the salaries of migrant workers. Because landowners could refuse to pay salaries until after the harvest, rural laborers were forced to remain at work until the end of the season, unless they were willing to forego compensation for work already carried out. Recourse to the regular courts, the only legal alternative, hardly presented a practical remedy for a migrant worker.

While the gradually expanding labor bureaucracy attempted to deal on an ad hoc basis with conflicting claims between rural proprietors and rural labor, the politico-legal framework effectively excluded rural labor from obtaining legal remedy.

In 1928, due in part to the growing number of complaints by government officials forced to deal with rural labor problems in the absence of effective applicable legislation, the Ministerio de Bienestar Social issued the following circular on May 25:

Frequently the functionaries of the Labor Department receive complaints from agricultural workers, asking for their intervention to obtain what they believe to be justice in [conflicts with] their patrones. Repeatedly, this ministry has been consulted as to whether these complaints should be heard by the Labor Department and the legal norms, or other norms, which should be applied in processing and resolving [these complaints].

Alluding concretely to the Law of Labor Contracts (4053) it is necessary to recall that section 2 of Article I declares that it does not apply to agricultural labor.

Despite the above, this Ministry, inspired by the principles of justice which constitute its *raison d'etre*, believes that it is not possible to leave a large proportion of the working class unprotected by the government

In accord with the above, [you are to] order the functionaries of the Secretaria de Bienestar Social within your jurisdiction to process the complaints of agricultural workers, seeking to obtain solutions in the role of "amigable componedor," inspired in the general spirit of justice and equity of labor legislation⁶⁰

"Amigables componedores" had no legal authority to sanction proprietors, making explicit the non-availability of legal remedy to rural labor. Nevertheless, the "informal" entrance of the Labor Department and the Ministry of the Interior into the regulation of rural proprietors (through its provincial and departmental agents, the intendentes and gobemadores) foreshadowed the post-1931 situation of the formal extension of Labor Law to the countryside. In any case, it was evident by the late 1920's that a bureaucratic challenge to proprietary authority in the countryside was imminent. This challenge implied formalizing the legal obligations of rural landowners to the rural labor force, thereby delimiting proprietary authority. Labor inspectors and personnel of the interior ministry were not universally agents of the rural elite, though their capability to impose their will upon the landowners remained quite limited. Still, the intent to do so existed.⁶¹

Also in 1928 the Labor Department formally intervened to regulate labor contracting [enganches] in the countryside. The Reglamento de Enganche sought to prevent the customary abuses of labor contractors and landowners, subjecting such agreements to written contracts.⁶² This Reglamento stipulated:

Article 1

Owners of fundos, rural properties and vineyards and their representatives having written authorization to effect enganches of laborers, peones, and grape pickers, etc., in order to transport those laborers to a work place distinct from that in which they were contracted, shall make contracts with them in which the conditions of the enganche are stipulated, and which shall be observed by the parties in complete good faith.

Article 2

This contract shall be written ... in triplicate, and signed in each case by the landowner or his representative [enganchador], and by four workers [enganchados] in representation of the contingent

Article 3

When the enganche is effected in Santiago, it shall be approved by the chief of the respective section of the Labor Department, and in other provinces by the Secretario de Bienestar Social.

One copy shall remain in the Labor Department or in the Secretaria de Bienestar Social, another with the landowner, and the third in possession of one of the signers of the contingent who, in case of absence, will deliver it to another [of the workers].

Article 4

Harvesting, planting, ploughing, grape harvests, and tying up the vines, etc., will be considered in the category of seasonal labor.

Article 5

The workers will have a right to an advance, every 15 days, not to exceed 50% of the net salary earned.

Article 6

The Contract of Enganche shall clearly establish:

- (a) that the work is seasonal;
- (b) that the wage or salary will be paid by task, cuadra or piece-work;
- (c) that the enganchado has a right to a 50% advance every 15 days;
- (d) the right to food rations and housing, if this exists;
- (e) the right to round-trip transportation;
- (f) the rights surrounding dismissal . . . with six days notice by either party;
- (g) if the workers must use their own tools or implements provided by the patr6n.

Article 7

Legal cause for dismissal without right to severance pay or notice are:

- (a) misconduct by the worker, including drunkenness, non-attendance to work for 3 straight day. Days not worked are not paid;
- (b) non-compliance by the patr6n in payment of salaries or the advance of 50%, without prejudice to the workers right to seek judicial remedy for money owed;
- (c) intentionally caused damage to products, buildings, or tools, without prejudice to criminal action against the wrong doer;

- (d) poor conditions of housing or food rations which adversely affect the health or security of the enganchados;
- (e) manifest negligence in execution of labor;
- (f) abandonment of work.

Article 8

In order to guarantee return passage of the workers, the patrón shall make a deposit payable to the governor of the Department in which the property is located, equivalent in amount to the cost of such transportation.

Article 9

Difficulties arising from these contracts will be resolved quickly and summarily, and without other recourse, by the governor of the respective department.

This was the first mandatory intrusion of written agreements between hacendados and rural workers. It applied to non-resident, seasonal workers—not to the resident labor force. The Reglamento also lacked enforcement provisions. This led the Secretario de Bienestar Social in BioBio to remark in 1931:

I take this opportunity to advise ... of the difficulties in obtaining compliance with Reglamento No. 1636 concerning enganches of agricultural workers. When the moment comes to apply it, to insure compliance or apply sanctions against patrones, the Governor, who according to the Reglamento should proceed quickly and summarily . . . does not have the means necessary to act effectively Suppose that the governor orders the patrón to pay the contracted salaries and the latter refuses to do so. What can he do if the Reglamento stipulates neither procedures nor sanctions [for such cases].⁶³

The Secretario de Bienestar was answered by his superiors as follows:

said Reglamento does not establish sanctions that permit the governors to require compliance. This omission, in reality, limits the efficacy of the dispositions it contains, and therefore, there remains no other remedy than the good judgment ["buen criterio"] of Labor Department functionaries in order to obtain, through conciliation, the required compliance. In the event it is not obtained, the affected parties would have no other remedy than to recur to the ordinary courts, since agricultural workers are not covered by the dispositions of Law 4053, concerning Labor Contracts.⁶⁴

Unenforced legal obligations represented little immediate benefit for rural labor. Yet they indicated a gradual tendency for the national government to intervene formally in order to create obligations for landowners to the rural labor force. The extensive authority of rural proprietors faced the prospect of being delimited through the establishment of legal obligations toward the campesinos.

Still, before 1931 only the provisions of the social security law (Law 4054) offered a basis for formal intervention of government authorities within the hacienda to regulate specified relations between hacendado and resident workers. Law 4054 (1924) provided the basis for the first formal, permanent inspections of haciendas by government officials in order to secure fulfillment of legal obligations of landowners toward the rural labor force. Briefly, the law provided obligatory social insurance for illness, permanent disability and old age. Workers contributed two percent of their wages, employers another three percent, and the government an additional one percent. The law required all workers earning less than 8400 pesos a year to register in the Caja de Seguro Obligatorio. The Social Security Administration issued small books [libretas] and required employers to buy stamps to paste in these as proof of fulfillment of their obligations.

Reactions to this law by landowners varied in style, but they almost uniformly opposed its application in the countryside. Almost a year after its promulgation, its application in the rural sector was still uncertain since, as the Director of the Labor Department told an inquirer in August of 1925, "... application of this law has been temporarily postponed only in the case of agriculture "65

A principal practical problem of the law's application concerned evaluation of the perquisites and in-kind payments [regalias] which

constituted the major component of rural labor's wages. The general lack of accounting in rural Chile presented further difficulties (since landowners were exempt from the provisions of the commercial code requiring accounting procedures for tax purposes). Serious application of *the* law, thus, did not begin in the countryside until 1927 and only became extensive from 1930 onward.

When the special revised reglamento for this law appeared in 1930, the Social Security Administration required landowners to insure as dependents "empleados, inquilinos, inquilinos-medieros, peones, and in general *all* persons who work in a hacienda at the service of a patron."⁶⁶ Importantly, "the persons who work at the service of the inquilino are considered as dependents of the same patron whom the inquilino serves, and their remuneration, for the purpose of taxation, will be estimated at a minimum of 2 pesos a day."⁶⁷ This meant that the law obligated the landowner to make insurance payments for the substitute worker the inquilino hired to fulfill his labor obligations. This provision not only created financial responsibilities for the landowner, but also legally redefined the customary ambiguity surrounding the dependence of the reemplazante or "peon obligado" upon patron or inquilino. While this ambiguity was not definitively resolved—it remained a focus of landowner legal and administrative action for many years—Law 4054 did set a legal precedent for a formal solution of a long-standing, customary ambiguity in favor of rural labor.⁶⁸ JO

Naturally, landowners made efforts to avoid compliance or to circumvent the law's provisions. Some proprietors argued that since the use of the land allotment was not remuneration for labor but rather a gratuity provided by the employer, there should exist no obligation

to pay taxes on the regalias as established in the Agricultural Reglamento.⁶⁹ Luis Correa said of the law (and of its companion legislation for empleados, Law 4059):

From the start, this complicated system [Law 4054 and its administrative application] brought serious resistance from the landowners unaccustomed to these procedures [tramitaciones].

Once the law was passed, the difficulty of providing effective medical service to agricultural workers because of the long distances involved in reaching them, became apparent.

The landowners, referring to the system of libretas, also pointed out that our agricultural worker is essentially a nomad, which constitutes another obstacle for fulfilling all aspects of the legal prescriptions.⁷⁰

In short, the landowners could see nothing but difficulties in extending the law to the countryside.⁷¹ They resisted its application from the outset. Sometimes this resistance took the form of non-cooperation or simply ignoring the law's provisions.⁷² Sometimes government officials obtained half-hearted compliance. Despite landowner resistance, coverage for rural workers under the law was gradually extended into the countryside even before 1931. In 1930 the social security inspectors were integrated into the Labor Department and daily reports required on progress in gaining compliance with Law 4054. Illustrative is the excerpt from one labor inspector's monthly request for per diem, on the following page.⁷³ No composite data are available from the Labor Department on rural inspections completed in the 1930-1931 period. There do exist some incomplete sets of monthly reports by province which give some indication of the magnitude of inspectors' penetration into the countryside. These reports suggest that inspectors had contacts with the owners of something like 1000-2000 farms per month,⁷⁴ depending upon weather, available transportation, and the seriousness of their individual commitment.

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Total

LABOR INSPECTOR'S MONTHLY REPORT

OCT. 1931	PER DIEM	INSPECTIONS	OBSERVATIONS
1	\$10	Hacienda San José, property of Carlos Toro Concha	Examined libretas 5 attended some complaints
2	10	Brush factory of German Mufioz in Panquehue § Hacienda San Luis, Luis Rivera	Attended 2 complaints and examined 15 libretas, and 14 libretas in Furdo San Luis
3	10	Fundo El Escorial of Santiago Carey	Examined libretas
4	10	Vineyard Los Homos de Panquehue	Attended complaints, examined 42 libretas
6	10	Bakery owned by Amalia Mardones in Panquehue § Vineyard Modelo of Hijinio Arancibia	Examined libretas
7	10	Fundo El Molino de lo Campo owned by Ricardo Larrain Bravo	Attended complaints and examined libretas
8	10	Chacra Los Maitenes owned by Pedro Zamora in the Calle Real	Attended complaints and examined libretas
9	10	Chacras El Tambo § Algarrobo owned by Pedro Zamora § Ramon f-fufioz, respectively	Attended complaints and examined libretas
10	10	Sector of Tierras Blancas	Examined libretas and attended complaints
11	10	Fundos Las Casas § Maria Auxiliadora in Panquehue, property of Jose Olivares	Attended complaints and examined libretas
22	10	Chacra Cancha El Llano, property of Serapio Vargas	Examination of libretas
24	20	Sector Catemu (Chagres) "El Ñilhue"	Went as ordered in providencia No. 14, 14 October, from the Secretaria de Bienestar Social de Aconcagua
25	20	Sector Catemu Fundo Los Cerrillos, property of Alfredo Riesco	
25		Sector Catemu Fundo Las Compuertas of Johnson Gana, Fundo Las Varillas of Enrique Garcia Huidobro	In these fundos I examined the installations § different work areas and examined the libretas
27	20	Continuation Sector Catemu, Hacienda Las Vacas of the Cia General de Tabacos, Hacienda Sta. Rosa of Ignacio Garcia Huidobro, Hacienda El Arrayan of Manuel Guilisasti	In these fundos I visited the work areas and examined the libretas
29	10	Vineyard lirazuriz, Panquehue	I went in compliance with orders to talk with Mr. i'erez Verdugo "depositario del fundo ¹ " to arrange the situation of the workers in regard to libretas which were not up to date.
30	10	Fundo La Placilla § El Olivo of the Sucession Esteban Ahumada	I inspected the diverse work areas § examined the libretas
Total	\$190		(San Felipe, December 11, 1931)

The importance of these visits went beyond application of the social security legislation. Legal obligations of rural proprietors, such as they were, began to be applied--if not strictly enforced.⁷⁵ The legal measures and administrative apparatus around Law 4054 permitted the initial penetration of inspectors making rural laborers aware of the few legal rights they had and reminding landowners of their legal obligations.

Enforcement provisions, however, were quite weak. Often inspectors requested that rural proprietors be fined for violation of the law, but suffered the sort of frustration suggested by Fernando Ullmann, Secretario de Bienestar Social in Chiloé in 1931:⁷⁶

The actual system used to apply sanctions against violators through fines decreed by the Administracion General de la Caja, lends itself to evasion for the following reasons:

1) In many cases the fines submitted by Labor Department personnel for consideration by the Administracion General de la Caja are modified. . . . By reducing the fine, without taking into account the seriousness of the violation, the affected persons do not feel the weight of the law, and in consequence, continue to break it.

2) In the local offices of the Social Security Administration there exist unpaid fines from several years back. The lawyers in charge of processing them have not done so because, given the low fees they receive for their efforts, they are not compensated for their time.

In such conditions, naturally the violators not only evade the law; but in many cases communicate . . . their state of impunity, thus influencing others not to comply.⁷⁷

As early as 1929 in the Annual Report of the Labor Department the need for administrative fines, subject to judicial appeal, as well as jurisdiction for Labor Courts in cases involving agricultural workers, was suggested as a means to make more effective sanctions against violation of social legislation in the countryside.⁷⁸ Lack of this power and the generally low hierarchical position of inspectors in the countryside, allowed landowners to ignore local inspectors when unable to convince them to ease up on enforcement.

Even so, by 1931, the countryside no longer remained an enclave closed to legal regulation by national authority. If only formally, and with only slight effective challenge to the rural proprietor's immediate control over rural labor, the legal obligations of landed interests toward rural labor had been extended.

Customary obligations of landowners toward rural labor had gradually deteriorated in the late nineteenth century;⁷⁹ Mark Jefferson wrote in 1921:

In Chile the peasant is an inquilino, which might be rendered "tenant," but "serf" would be more accurate. He has a pretense at wage, the use of an acre or two of land, a wretched hut of unbaked bricks with roof of thatch, the privilege of using some animals from the farm, and fairly feudal obligations to serve all the needs of his master's house, he and his family too. In return the inquilino does what work the patron asks of him. He toils hard and lives miserably, but life is assured him and his invariably large family. Under the Creole system he may always count on a good deal of advice, on care in sickness, when medicine and personal attention will be provided, and on help and protection in special adversity. The patrón does not mind how wretched the state in which his inquilino lives but would be ashamed to let him starve. I am not sure that this obligation of the patrón is made as much of in Chile as in other Creole society.⁸⁰

The most salient aspect of these "obligations" on the part of the landowner was their unilateral revocability. In this sense they weren't obligations at all but "benevolences" or responses to the labor market.⁸¹ Jefferson overemphasized the supposedly "feudal" nature of this arrangement but captured the essentially limited nature of proprietary obligations to rural labor in the phrase "he would be ashamed to let him starve." At the margin of subsistence, often only the "shame" of the landowner restricted his actions with reference to rural labor.^{82 82}

For the rural proletariat—the peon, forastero or afuerino-- the customary obligations of the landowner took the form of a temporary

verbal labor "contract," concerning the daily wage or piece rate. Generally, this consisted of food rations and money wages.⁸³ Frequently, these laborers slept under the stars, the proprietor not even providing barracks.⁸⁴

In the case of resident labor--inquilinos, inquilinos-medieros, voluntarios, and other hacienda residents--customary obligations varied from farm to farm and according to hierarchy within the hacienda.⁸⁵ Length of residence, quality of work, obedience, and other personalistic criteria helped to determine the goods and services made available by the landowner to each resident laborer. For example, within the category of sharecroppers, landowners sometimes provided seed, tools, work animals and other implements--while in other cases all these were the responsibility of the campesino. Quantity and quality of food rations, housing, pasture rights, and other perquisites also varied from hacienda to hacienda.⁸⁶

In addition to the work contract per se, landowners sometimes established rural schools and health clinics, supported a church or rural missionary work and provided credit to the resident labor force. All these services were provided (or not provided) according to the unilateral decision of the landowner. The customary paternalism, so often cited in accounts of the traditional hacienda, might also include gifts at Christmas and bonuses on other fiestas. The patrón also maintained, or allowed a concessionaire to maintain, a company store [pulperia] as a "service" to the resident population.

One of many commentaries of the same tenor, a report signed by the Intendente and Secretario de Bienestar in Valdivia in 1929, suggested the following about these pulperfas:

[Almost] 90 percent of the difficulties produced between patrones and agricultural workers arise from the settlement of the account at the pulperia. Almost always the worker impugns the prices . . . as occurred in the past in the nitrate fields.

These difficulties could be avoided through a legal disposition which permitted the Secretarios de Bienestar Social and labor inspectors to regulate or control the price of the articles sold in the fundos . . . ⁸⁷ 87

Thus, while the pulperia was a service of landowner to rural labor, it also frequently entailed further exploitation of the campesino by rural proprietors.

The initial efforts to introduce social legislation into the countryside, which followed the first collective challenge by groups of rural laborers to proprietary authority, made landowners more aware of the coming end to the era of "paternalism."⁸⁸ Nevertheless, inquilinaje and the customary perquisites it entailed remained the dominant fact of rural Chile, especially in the central valley.⁸⁹

A small minority of commercial hacienda enterprises sought to reduce customary perquisites and to increase the labor obligations of the resident work force. Yet in the great majority of haciendas the customary patterns of labor-management relations persisted to 1931 without significant changes. Not until after 1931 did the formalization of labor-management relations through labor legislation provide strong incentives for landowners to restrict customary relationships and reject customary obligations.

EXCLUSIVE LEGAL AND CUSTOMARY PREROGATIVES
OF RURAL PROPRIETORS, 1919-1931

Exclusive prerogatives accruing to landowners as part of proprietorship are difficult to disaggregate from the benefits derived

from high social status, wealth, education, and family more generally. The tendency for successful commercial and mining interests to buy rural property and form a semi-integrated ruling elite became apparent in Chile early in the nineteenth century.⁹⁰ For this reason it is not entirely possible to separate the exclusive prerogatives of rural proprietors from those of the propertied class in general.

It is possible to identify, however, certain customary benefits which accrued to rural proprietors particularly. First, and perhaps most importantly, landowners dominated local governmental institutions (municipalities) and police forces.⁹¹ After the so-called Revolution of 1891 which re-asserted local and parliamentary authority at the expense of presidential and central authority, the municipalities were essentially "delivered" to local notables.⁹² In the rural areas this meant landowners.

The overall Chilean political system at this time operated, simplistically conceived, around a large national "trough"—the national budget—derived principally from export revenues and duties. Congressmen and administrators from different regions and localities contested over the division and distribution of these resources. Congressmen from the provinces depended for their election upon 1) landowners mobilizing "their" inquilinos to vote, 2) control over the local computation of votes, 3) political composition of the current congress which was responsible, itself, for reviewing the election and confirming candidates, and 4) the extent of electoral "intervention" by the ruling government administration.⁹³ In order to secure the necessary votes, landowners needed to control the votes of rural labor. While coercion—threat of expulsion, or loss of perquisites—had some

effect in obtaining these votes, by the second decade of the twentieth century vote-buying [cohecho] played a more prominent role.⁹⁴ The system rested on campaign funds diverted through local channels to landowners who, in turn, payed their laborers to vote according to the landowner's instructions.⁹⁵ The landowners' key position in these transactions (in control of 50, 100 or more votes) provided them leverage for receiving preferential legislative and administrative treatment even when their surname or wealth would not have "automatically" guaranteed such preference. Manuel Rivas' recollections of the 1918 congressional campaign in Curicó, in which he was a candidate, is quite enlightening in this respect:

Would I or would I not have a seat in Congress?
I couldn't wait until the train arrived in Curicó.

Arriving, in the station I asked the first person I saw—What happened here?

"The usual, patrón, the landowners [futres] got together and stole the money the government sent for the election."

Soon I found out from my friends that an agreement had been reached, that my name and that of the conservative candidate had triumphed without opposition, that they had not used the blank check I had left in case of a struggle, and that the voters had only been given small gratifications.

"The 'futres' had robbed the money sent by the government for the election."

This is the generalized concept of the uneducated masses. It is, perhaps, a tradition preserved from generation to generation, from the times of electoral intervention under the rule of the presidential regime.

The police commander and the subdelegados of those times, who managed the then limited funds of the candidates and paid the voters, must have received the money from the government

When the regime changed and elections were free from official influence, the people saw that they were still paid for their vote. Now the money was not managed by the comandante nor the subdelegado, but by the patrón or the electoral agent.

The uneducated masses in the city, who have learned to draw their names in the registers, continue to believe in the money of the government or the "futre." The people in the countryside believe in the money of their patrón⁹⁶

Electoral control by landowners, though challenged by middle class and working class parties, continued into the post-1931 period and represented an added source of political power for rural proprietors.⁹⁷ With it came control over national expenditures in local areas, administrative appointments (and removals) and access to business opportunities. In addition to these customary benefits of rural proprietorship, operation of Chile's credit system,⁹⁸ monetary system,⁹⁹ technical agricultural services and transportation system provided subsidies to hacendados which added to the political meaning of proprietorship.

But these prerogatives and those discussed in the previous pages were not uniformly distributed among proprietors, nor was the basic resource--the land--over which this proprietorship was exercised. It is necessary now to turn to the distribution of proprietary authority in the Chilean countryside from 1919 to 1931 in order to better understand the political meaning of property in rural land.

DISTRIBUTION OF PROPRIETARY AUTHORITY IN THE COUNTRYSIDE

Distribution of proprietary authority in rural Chile in the 1919 to 1931 period was at once highly concentrated and quite dispersed. *the* seeming contradiction of this statement is explained by the extreme concentration of landed property in a small number of large estates and the dispersion of proprietary authority in very small parcels of land among a great number of smallholders, smallholder co-proprietors [comuneros], and indigenous populations in reservations. In addition, within the hacienda, inquilinos, medieros and other agricultural laborers carried on their own agricultural enterprises.

Cadastral surveys and census information for this period are far from reliable, with estimates of the number of different sized properties and the land area they occupied differing substantially. In a presidential message in 1919 Juan Luis Sanfuentes estimated that Chile contained 4501 properties of 200-1000 hectares; 1038 properties of 1000-5000 hectares and 248 properties of more than 5000 hectares.¹⁰⁰ Only five years later the Oficina Central de Estadística provided the information that there were 7236 properties of 201-1000 hectares; 2080 of 1001-5000 hectares; and 570 of more than 5000 hectares. In a period of relatively little change in rural landholding patterns, this much difference must be attributed to error—not to subdivision or expansion, as the figures would indicate for the 1000-5000 category and the 5000 hectares and above category. Because the data is inadequate, it is only possible to estimate the number of units in the various categories of landed property. In any case, even given the range of error, all estimates support the proposition that relatively few rural properties concentrated vast amounts of the available agricultural land.

For the country as a whole, using the data from the Central Statistical Office, the distribution of landed property was as follows:¹⁰⁰

DISTRIBUTION OF AGRICULTURAL PROPERTY, 1924

<u>Size in Hectares</u>	<u>Number of Properties</u>	<u>As Percent of Total Properties</u>	<u>Area in Hectares</u>	<u>As Percent of Total Area</u>
less than 5	46,136	42.5	73,069	0.28
5-20	27,475	23.3	292,411	1.10
21-50	13,853	12.7	470,414	1.80
51-200	12,503	11.5	1,288,048	5.02
201-1000	7,236	7.3	3,242,582	12.80
1001-5000	2,080	2.0	4,245,124	16.70
5001-	<u>570</u>	<u>0.7</u>	<u>15,813,796</u>	<u>62.30</u>
TOTAL	109,853	100.0	25,425,444	100.00

This data includes only "properties" in the narrowest sense. Unregistered properties, informally subdivided properties, tenancies, sharecrops, squatters, and other unregistered properties are not taken into account. Thus, the extent of smallholds is considerably underestimated. Likewise, the internal proprietorship within the haciendas-inquilino-held land and sharecrop land is not accounted for. On the other hand, the concentration of ownership of land is also understated, since many hacendados had several large estates.

Recognizing the biases, and taking this data only as indicative of magnitude, we find that, at most, three percent of all rural properties encompassed 79 percent of the agricultural land; 10 percent of the properties concentrated over 90 percent of the agricultural land. In the central valley (Coquimbo to BioBio), McBride, citing the Anuario Estadístico, Agricultura (1925-1926), reported that 375 properties, representing .45 percent of all holdings in the valley, contained 52 percent of the agricultural land in the area.¹⁰²

Clearly, ownership of small parcels insufficient to occupy even family labor full time is of a different order than ownership of the large haciendas in the central valley. Yet most all proprietors, whether of large or small properties, could make land-use decisions, management decisions, alienate or transfer their properties or leave their land fallow at their own discretion. Where co-proprietorship existed these decisions still remained in the hands of private individuals, distributed within the enterprise according to the type of proprietorship in question--rentals, sharecrops, allotted land or pastures. But the decisions made by the vast majority of these proprietors, individually, had little impact on the national political community or economy. The small minority

of hacendados provided the bulk of agricultural products and controlled the labor market in the countryside.¹⁰³ The hacienda remained the major source of supplementary employment for nearby smallholders and of seasonal labor for the numerous afuerinos or forasteros. In this respect, the political meaning of the atomized smallhold proprietorships, the capability of these proprietors to influence or control the behavior of other Chilean citizens and residents, remained insignificant. Occupying little non-family labor, generally with few, if any, resident laborers, the non-hacienda proprietors exercised little economic and political influence. Despite the relative dispersion of proprietary authority in the rural sector, the scope and domain of this authority were quite limited physically for most rural proprietors. In contrast, the large landowners enjoyed the extensive legal rights of all rural proprietors—and could exercise these rights in relation to vast tracts of agricultural land and a large proportion of the rural population. As late as 1930 McBride estimated that 60-75 percent of the rural population resided within haciendas or fundos. In some rural districts no rural inhabitants lived outside of these rural properties, e.g., Maria

104

Pinto or Zapata in Santiago and Tunca in Rancagua. Thus, the hacendados' had within the permanent domain of their extensive proprietary authority up to 75 percent of the rural population in the central valley. On a temporary basis, their authority extended to perhaps 100,000 more migrant and seasonal workers. The rural labor market was dominated by a proprietary oligopoly which controlled the level of wages and land rents. In addition, the hacienda dominated the surrounding smallholders through control of irrigation water, credit, services, and supplementary employment.

The concentration of agricultural land into relatively few large haciendas provided the hacendado with a firm base for political control of the countryside. In 1930, prior to the increased "natural" subdivision of rural properties which occurred from 1930-1960,¹⁰⁷ a program which expropriated only 375 properties in the Chilean central valley could have placed under government control over 50 percent of the valley's agricultural land. Government control over such a larger percentage of rural land would have been viewed, at the time, as a most dangerous "Communist" revolution. Yet the control of the rural sector by a small class of hacendados was somehow viewed as compatible with a democratic political structure.

Somewhat ironically, President Juan Luis Sanfuentes, publicly chastized by a journalist in 1916 for the plight of agricultural labor in his own hacienda in the province of Talca, proposed "land reform" legislation in 1919 to remedy the evils of concentrated property rights in rural land in the following terms:¹⁰⁸

The agricultural population of the country is formed either by proprietors who are owners of vast extensions of land or the numerous army of inquilinos that serve at their orders without ever becoming owners of the soil on which they live and labor; they remain without many of the benefits of civilization. There does not exist in this country that class of persons, so numerous in other nations, called villagers [aldeanos] living together in small communities and enjoying the advantages of living together for security, education and recreation, which mitigates the harshness of work and gives, to a certain extent, a particular charm to the customs of the laborers. Among us the population owes its nomadic spirit to the difficulties that individuals have in making themselves proprietors.

Finally, as has been said, the fact that proprietors do not cultivate the vast extensions they own, increases the cost of the articles they produce in the relatively reduced terrain they use for this object [sic] Necessarily the cost must be much higher than it would be if each owner did not have uncultivated land to add to the cultivated land in calculating his costs.

All the foregoing are factors which have created a relatively prosperous country for a small part of its population and of slight well being for the great mass of inhabitants . . . who do not enjoy, therefore, the amount of happiness due all human beings¹⁰⁹

Despite the fact that the legislation proposed by Sanfuentes recognized in its first article the veto power of landowners over subdivision,¹¹⁰ Sanfuentes' division of Chilean rural society into proprietors and "that vast army of inquilinos who follow their orders" antedated by more than fifteen years McBride's often-cited characterization of Chilean rural society as one of two classes: "Master and Man." The Hacendados obviously recognized the highly concentrated distribution of property in rural land. They knew it provided the basis for the exercise of political power. For this reason they resisted efforts to alter the structure of distribution of rural proprietorship.

Internal Distribution of Proprietary Authority in the Hacienda Enterprise

To 1931, corporate farms, cooperatives and other types of collective proprietorships—excluding undivided inheritances—were a relatively insignificant feature of Chilean agriculture. On the large haciendas hierarchical authority systems peaked in the position of administrator or with the hacendado himself. Rural enterprises appeared to be simply hierarchical organizations with decision-making capabilities centered in the patron or his agent.

This picture of the hacienda system, however, is somewhat misleading, Chilean haciendas, through indirect land management—rentals, share-crops, and labor tendencies—have almost always included an internal campesino economy. As late as 1955 the "tenant Peasant Enterprises contributed slightly less than half of total output of the Hacienda System in Chile."¹¹¹ Thus, while the hacendado had almost exclusive

proprietary authority within his rural property, he delegated much of the day to day decision making concerning production and labor routines to his agents and to individual campesino enterprises. In the 1919-1931 period landowners still sought to attract resident labor, especially "inquilino families," in order to bring land into production and be less dependent on seasonal or migrant labor.¹¹²---

The economic output of the hacienda depended upon numerous small producers in addition to the land farmed directly by the hacienda enterprise. Generally, however, the landowner obtained agricultural inputs and passed these on to the campesino. Likewise, the hacendado "bought" the campesino's harvest and performed the marketing function. The campesino often exercised only limited proprietary functions, even on sharecrop land. Still, decision making about production, work routine, and quality of work was more dispersed than formal concentration of proprietary authority might have suggested.

During the 1919-1931 period, the campesinos in some haciendas sought to increase their own proprietary discretion, insisting on performing their own marketing functions, seeking credit from merchants or middlemen, or otherwise by-passing the hacendado in regard to production and management of their sharecrops or tenancies.¹¹³

The challenge to concentrated proprietary authority in rural land, thus, could attack the hacienda system either through 1) subdivision of existing properties and their redistribution or 2) redistribution of proprietary authority within existing hacienda systems. The second of these, a persistent struggle between the hacendado and internal campesino enterprises, is often overlooked in discussion of land reform.¹¹⁴ To 1931, the campesinos made this sort of challenge in order to increase

their proprietary discretion through dispersion to individual farm operations—even when they presented demands in the form of collective petitions or strikes. That is, the campesinos made demands for greater proprietary discretion by individual campesinos on their "own" land in producing within the hacienda. Even in the few haciendas where campesinos organized to deal on a collective basis with the patrón, the possibility of transferring the proprietary authority of the landowner to campesino organizations, in full or in part, did not receive serious consideration. When such collective enterprises were created (after 1964), the problem of allocating proprietary authority between the collective campesino enterprise and the various individual campesino production units within the new property remained a difficult issue. In a sense, the historical struggle between hacendado and campesino to re-allocate proprietary authority would be transferred, with a different focus albeit, to the new proprietary arrangements.¹¹⁵

LINKAGES BETWEEN RURAL PROPRIETORS

The small group of hacendados that in 1924 controlled 80 percent of Chile's agricultural land was, in addition to a privileged propertied class, a closely associated, urban-dwelling, social aristocracy. Common economic interests, family and social ties, and common educational experiences linked landowners together. In this respect, President Sanfuentes' comparison of the hacendado class to the English rural aristocracy prior to World War I is perhaps not inappropriate.¹¹⁶ Organized in several agricultural societies, the hacendados had played an active role as an organized "interest group" in national politics since the mid-nineteenth century. When Congress or the Executive considered

policies which might affect the rural sector, the agricultural societies received formal notification and were asked for their observations. Thus, for example, in 1928, when the government considered application of Law 4053 regarding labor contracts, and the "special" situation of rural labor, the Minister of Bienestar Social sent the following note to Associations of Rural Proprietors:¹¹⁷

The Subcommission of the Commission designated by the Supreme Government to study the Social Laws, has agreed to study along with the Law of Labor Contracts, the special conditions of rural labor

In order that the Subcommission . . . can study the conditions of agricultural labor . . . I urge you to send to this Commission [Inspeccion General del Trabajo] the observations you might have on the ideas proposed . . .¹¹⁸

Smallholders,inquilinos, sharecroppers, and other campesino proprietors—generally unorganized in formal organizations, received no such invitation to participate in national policy making concerning rural labor law.

The hacendados kept each other well informed about "trouble makers" within the rural labor force, kept wages to subsistence levels, and collectively resisted the first efforts of rural labor to challenge the extensive authority of landowners in the Post World War I period. During this period the hacendados organized a para-syndical organization called "La Union Agraria." This association sought to unite all the "agricultores" of the country; defend the general interests of agriculture before public opinion; work toward the organization of agricultural credit, rural banks, cooperative societies, economical freighting, and, in general, for the realization of all those ideas directed toward agricultural development and social well-being; and to exercise influence over the public authorities so that they would make effective the aspirations of this society. In addition, the members "agree to exert influence

within their respective political parties, so that the designations of candidates to the national congress fall to citizens that sustain the ideas of protection and development of agriculture which the Union Agraria aspires to realize.

The Society fixed dues at twenty pesos biannually--after a thirty peso membership fee. For those with properties valued at less than 50,000 pesos dues were to be only ten pesos. During this period rural laborers earned between eighty centavos and two pesos a day. The majority of smallholders were not generally much better off in terms of cash income. It would have taken about a month's wage for inquilinos or smallholders to join the Union Agraria--if they would have been accepted. Membership was open to "those proprietors and other persons who exercise any industry related with agriculture . . . who are accepted by the Consejo Directivo" The Union Agraria intended to protect very specific "agricultural interests."

The Union Agraria linked hacendados to defend them from attacks on their proprietary authority and to protect the interests of the hacienda system in national and local policy making. When the first wave of labor conflicts hit the countryside in the 1919-1925 period, the Union Agraria, along with other agricultural societies, united hacendados to resist recognition of rural labor unions and to eliminate "agitators" from the rural work force.

For example, in a labor conflict in Fundo Santa Adela in Chimbarongo in 1924, the campesinos included in their labor petition a request for "recognition of the Federaci6n Obrera de Chile in order to have a delegate who represents us as organized workers."¹²⁰ The proprietor answered the petition by stating:

The fundo declares that it does not recognize the Federación Obrera de Chile because the General Administrator is a member of the Union Agraria, which prohibits its members from recognizing that organization.¹²¹

The labor inspector who dealt with this conflict reported to his superiors:

The patrones, that is the landowners of this region, declared to me that they are affiliated in an institution called "Agrarian League," which has as its objectives improvement of the conditions of farming and . . . efficiently handling the betterment of the conditions of living and labor of the workers.

Those petitions of the workers that for the moment were not considered, will be considered at the next meeting of this Agrarian League.¹²²

In this way the hacendados managed their common interests in the countryside. Regional associations with national affiliation met together to determine "acceptable" working conditions, salaries and obligations of rural labor.

In addition to their para-syndical and interest group functions, landowner associations kept their members informed of technical innovations, availability of agricultural inputs, improved farm management practices and current political debates of interest to the agricultural sector through-journals like El Agricultor and later El Campesino. Thus, the hacendados, in addition to family, social and political ties, maintained linkages in an information network which attempted to solidify class unity as well as provide helpful advice for agricultural entrepreneurs.

If there existed a weakness in the linkages among this class of hacendados it was that as pseudo-magistrates they generally recognized few external constraints. Landowner associations had difficulty enforcing policies on their members. As a minority of hacendados adopted more modern agricultural techniques, sought to limit or eliminate inquilinaje

and replace it with wage labor and machinery, or moved from extensive cereal-livestock operations to more specialized and intensive cropping patterns, the community of interest within the class of hacendados began to weaken. The gradual subdivision of large properties closest to urban centers, increased demand for truck crops, demands by bureaucrats and an expanding urban professional element for land to enhance their status and protect themselves against inflation also foreshadowed the urbanization of rural proprietorship by groups with affiliations other than the Club de la Union, Sociedad Nacional de Agricultura or Sociedad de Fomento Fabril.

But perhaps most important, by 1931 it was clear that the hacendados had lost their autonomous capability as a rural class to control rural labor. Landowner associations could not adequately maintain "law and order" in the countryside even with the cooperation of local government officials. Control of municipal councils and local police or militia no longer sufficed to repress rural labor when labor conflicts or strikes occurred. To protect "property" against subversion, landowners made direct appeals to the national government to send carabineros or the military. While still dominant in the countryside, the linkages between hacendados could not guarantee the sanctity of property rights without resort to the national government and in particular, the Ministry of Interior. In the past the hacendados had commanded the local militia, appointed the local police, and been themselves judges, thereby effectively governing the countryside. Now only continued influence in the national regime could guarantee the status of rural proprietorship. To this end the agricultural associations directed their energies.

LINKAGES BETWEEN RURAL LABORERS

Unlike the hacendados, the thousands of smallholders, inquilinos and rural wage laborers maintained almost no formal class organizations. In the 1919-1925 period initial efforts to organize rural labor organizations and mutual aid societies achieved some success before government and landowner repression curtailed these activities.¹²³ Within the hacienda or smallholder communities, family, fictive kinship [compadrazgo], economic cooperation and recreational groups linked the campesino households. Differential access to land and other perquisites provided by the hacendado stratified the hacienda community. The smallholder communities,¹²⁴ likewise, contained various strata of campesinos linked to greater or lesser extent to the nearby haciendas through labor relations, credit, sharecropping, or dependence for irrigation water. Overall, the rural labor force was far from a unified group. The landowner's capability to give selective access to land, or other perquisites to "loyal" or "obedient" workers provided an important mechanism for creating and maintaining stratification within the labor force, thus reducing the likelihood of formation of class organizations that might directly challenge the hacendado. By sustaining a possibility of limited upward mobility within the hacienda system--through pleasing the landowner--the hacendado created a situation of conflict between campesinos over resources that the landowner dispensed. This tactic also served to limit the creation and maintenance of formal organization by rural labor in order to challenge the scope and domain of proprietary authority.

LINKAGES OF RURAL PROPRIETORS AND RURAL LABORERS
TO URBAN INTERESTS AND GOVERNMENTAL INSTITUTIONS

The Chilean hacendado class has always been urban in residence, while maintaining extensive agricultural interests in the countryside. This tendency intensified in the late nineteenth and early twentieth centuries. For the large landowners, residence on their hacienda(s) was, in most cases, seasonal or periodic. In addition to urban residency the great landowners had ties of family, political party, commercial interests and education to the hub of Chilean society--Santiago. The landowners formed so integral a part of Chilean society and politics that in 1883 the Minister of Hacienda requested that the SNA help to form an analagous organization to stimulate industry.¹²⁵ In effect, at government request, members of the National Agricultural Society, assisted in the creation of the most important industrial interest group in Chile. In the early years the Boletín of the Sociedad de Fomento Fabril shared the scorn of the Chilean hacendado for the "ignorant Chilean campesino" in comparison with foreign colonists brought by the government to settle in southern Chile.¹²⁶ From the outset, the Chilean hacendado class linked itself to urban and industrial enterprise. At the same time, successful merchants, miners and industrialists bought haciendas to consolidate their upper-class status.

Indeed this class of hacendados essentially constituted an aristocratic atavism for Chile in the early twentieth century. It dominated the Congress, executive administration and judiciary. Also heavily represented in commerce and industry, Chile's most important hacendados were also Chile's most important bankers, miners, and politicians.¹²⁷

In documenting the continued urban linkages and governmental influence of the hacendados to 1930, Amand Mattelart identified the overlap between forty-six selected SNA officers (presidents, vice-presidents, and directors) from 1830 to 1930 and positions of political, economic and cultural power such as Deputy, Senator, Minister, and other administrative posts; bank officers; members of the Sociedad de Fomento Fabril. He also checked their linkage to newspapers, universities and other social organizations. While recognizing the selectivity of his data, he nevertheless concludes "the dominance of the agro-export interests maintains its preponderance until 1930, when new forces give a new direction to national development."¹²⁸---

In 1930 Mattelart found that 62.5 percent of the corporations in agriculture-related enterprises--corporate farms, agribusiness, distributors of agricultural machinery, commercialization of agricultural products--had officers or members of the SNA on their board of directors.---

Mattelart also points out that corporate farms were generally more technically advanced and given over to industrial-type crops as well as closely linked to financial and industrial enterprises at the level of board of directors. As an example, he cites Viña Concha y Toro which, in 1925, had two directors who were members of the SNA, one an officer in the Sociedad de Fomento Fabril and another on the board of directors of the Banco de Chile.¹³⁰ In short, the hacendados were not simply a rural class, but a national propertied class whose source of political power rested in the countryside but extended to the urban sphere.

In contrast, the linkages of most rural laborers to the urban sphere remained quite limited. Many hacienda residents

Move[d] little from one property to another. Many of them spent their entire lives in a single estate, and it is

almost equally common to find families on a hacienda that have lived there for a number of generations*

... In general the tendency has been for the farm laborer to stay on an estate, for the family to remain together.¹³¹

Migration to the nitrate fields, coal mines and construction laooors in the countryside and towns separated some campesinos from the hacienda system and provided them contacts with urban customs and class organizations. Nitrate workers or workers returning from railroad construction crews sometimes brought the experience of organized labor resistance back to the countryside.¹³²**132**

But the linkage of most rural laborers to urban financial institutions, marketing channels and urban political organizations remained slight to 1931. Contact with government bureaucrats gradually increased, but to 1931 was still not common. The expanding contacts between campesinos and bureaucrats which formed part of the "urbanization of the countryside" (discussed in Chapter VII) occurred, for the most part, after 1931.¹³³

CONCLUSION

To 1919 the dominant hacendado class had been able to limit national political debate to issues of Church and State, electoral reform, ministerial succession, public works and the division of the nitrate revenues. They selected the high clergy of the Church in the parlors of the hacendados' Santiago residences. Church missions in the countryside preached loyalty to the patrón, suffering on earth and just rewards in heaven. Rural schools, where these existed, were staffed by landowner-paid teachers who also provided ideological support for the existing order of rural property and singled out potential

troublemakers among the rural youth so that landowners could take "appropriate" action.

National politics remained an intimate affair, centralized in Congress to 1924--which gave to the period (1891-1924) the often used label "parliamentary republic." This parliamentary republic, epitome of the formal democracy which masked elite rule, has been characterized by Alberto Edwards as follows:

The great mass of the electorate, indifferent as always, put its votes up for sale; provincial leaders, submissive to power, obligated themselves [se enfeudaron] to the different aristocratic circles of the capital; each of these had its clientele Election followed election, without changing, except in insignificant detail, the relative power of the old oligarchs who played the parliamentary game in the drawing rooms of Santiago.

all the great personages were fundamentally in agreement: their conflicts were predominantly personal or between small circles, not over differing interests or doctrines.

For this reason there does not exist a more conservative period in Chilean history. In 1918 things remained as they had been in 1891.¹³⁴

Superficially, Edwards seemed correct. But the emergent working class movement and populist political parties, as well as the embryonic Marxist movement, belied the image of an unchanged polity. Labor conflict, a growing urban middle sector, commercial competition and an expanding bureaucracy all threatened the integrity of the existing political order. Things were not the same in 1918 as in 1891. Only through armed repression of the working class had the rulers of Chile avoided fundamental alteration of the political order. Between 1919 and 1931 this political order collapsed and the hegemony of the hacendado class over national governmental institutions was destroyed.

The populist agitation which accompanied Arturo Alessandri's election in 1920 was followed by more than a decade of constitutional

crises. The new constitution of 1925 strengthened the executive authority at the expense of the parliament. But from 1925 to 1931 the new formal arrangements could not be effectively implemented. A quasi-dictatorial regime (1927-1931) under "legally elected" President Carlos Ibañez repressed the national labor movement, but at the same time promulgated Chile's first "land reform" law, enacted a labor code, carried out an extensive public works program and expanded the role of the State bureaucracy. The Ibañez regime temporarily destroyed the decisive role of Congress in national politics. The government suppressed traditional political parties and repressed the leftist political movements. Ibañez attempted to substitute his own party-labor movement, identified with the acronym CRAC, for the multiparty transaction system of the Parliamentary Republic. But the economic crisis of 1930-1931 finally caused Ibañez' ouster. Stevenson, summing up the Ibañez regime, remarked: "Actually, Ibañez' greatest service to Chile was the final destruction of that parliamentary anarchy which had for a time threatened to linger on despite the Constitution of 1925."¹³⁵ Perhaps it was Ibañez who presided over the effective end of the "parliamentary republic." But Ibañez did not bring about the end of hacendado hegemony in Chile. Emergence of a working class movement in urban areas and mining centers along with populist and, ultimately, Marxist political parties, upset the existing political balance and challenged the hacendados for control of the national governmental apparatus. The struggle of the urban labor movement and non-traditional political parties to wrest control of the national government from the hacendados gradually extended to the countryside. Rural labor joined the broader struggle against the extensive rights of private property in the means of production.

In the countryside the conflict focused on a redefinition and redistribution of property in rural land. The initial thrusts of organized rural labor in the countryside borrowed tactics from the urban labor movement and miners, including labor petitions, work slowdowns, and strikes, while appealing for a national redefinition of proprietary authority through a labor code, minimum wage laws and the right to form legal unions in the rural sector. After short-term gains in the 1921-1926 period the combined efforts of the national government and landowners repressed the nascent rural labor organizations.¹³⁶

Yet at the same time that landowners repressed the rural labor organizations, the expansion of industrial-relations conflicts in the mines, urban areas, and in the countryside made clear the urgency of a formalized industrial relations system.¹³⁷ The government could not settle every strike with troops. Following the lead of European nations after World War I and relying heavily on doctrine from the International Labor Organization (ILO) the Chilean government finally adopted a labor code in 1931.

This Labor Code represented an initial delimitation of the Civil Code conception of property, particularly in regard to the scope and domain of authority over persons in relation to proprietary interest. In the countryside, the Labor Code represented the first legal, formalized regulation of employer-campesino relations and provided a basis for rural unionization. It also provided a basis for bureaucratic regulation of proprietary authority in order to force compliance with newly created legal obligations of rural proprietors toward the campesinos.

Adopted in a Decree-Law by the Ibañez regime, the Labor Code attempted through legitimation of government-controlled labor conflict to bridge the gap between unregulated capitalism and calls for revolutionary transformation of Chilean society. In the countryside, the Labor Code provided a legal redefinition of rural proprietorship by introducing obligatory contractual relationships between landowners and campesinos. No longer did the laws of Chile explicitly exclude rural labor.

From 1931 to 1964 additional labor legislation further redefined campesino-employer relations. This legislation, a product of the continuous party competition for proletarian and middle class votes among a growing range of political parties and the pressure for reform by working class organizations, gradually reduced the proprietary authority of landowners over the rural labor force. From 1931 to 1964 landowners sought to evade, resist, and modify the limitations that labor legislation imposed on rural proprietorship; to repress the labor movement which challenged proprietary authority; to control the votes of rural labor and thereby maintain control of the national political apparatus on which property in rural land depended. The history of this struggle is discussed in Section II of this study, focussing first on labor legislation, next on the rural labor movement, and then on the role played by political parties and "urbanization of the countryside" in disrupting the traditional system of property in rural land.

FOOTNOTES TO CHAPTER II

1. For a discussion of this period in English see Frederick M. Nunn, Chilean Politics 1920-1931 (Albuquerque: University of New Mexico Press, 1970), and Jordan Marten Young, Chilean Parliamentary Government 1891-1924, Ph.D. dissertation (Princeton University, 1953).
2. Frederick Pike, Chile and the United States 1880-1962 (Notre Dame, Indiana: University of Notre Dame Press, second printing, 1965), pp. 171-172.
3. See Ibid., pp. 187-200.
4. A discussion of the "social question" in Chile can be found in James O. Morris, Elites, Intellectuals and Consensus, A Study of The Social Question and the Industrial Relations System in Chile (Ithaca, New York: New York State School of Industrial and Labor Relations, Cornell University, 1966), especially Chapter 4. Morris also includes some reference to the "social question" in the European context as a comparative reference.
5. Luis Recabarren was the most well known labor leader and politico of the Marxist left during this period.
6. Luis Emilio Recabarren, Obras Escogidas, I, Editorial Recabarren (Santiago de Chile, 1965), p. 46.
7. Ibid., p. 51.
8. See Chapters IV and V for more on this issue.
9. Translation after James Beckett, "Land Reform in Chile," Journal of Inter-American Studies V (April, 1963): 182.
10. Código Civil de Chile, Instituto de Cultura Hispanica, (Madrid, 1961).
11. Carlos Andrade Geywitz, Elementos de Derecho Constitucional Chileno (Santiago: Editorial Juridica de Chile, 1962), p. 125.
12. José Guillermo Guerra, La Constitución de 1925 (Santiago de Chile: Establecimientos Graficos Balcells and Co., 1929), p. 125.
13. Ibid.
14. Ibid., pp. 130-131.
15. La Tributación Agrícola en Chile, 1940-1958 (Santiago de Chile: Universidad de Chile, Instituto de Economía, 1960), p. 3.
16. For a brief description of prior colonization projects see Mark Jefferson, Recent Colonization in Chile (New York: Oxford University Press, 1921).

17. See the Boletin of the Sociedad Nacional de Agricultura (Santiago de Chile: August 28, 1928), p. 547, for the landowners' reactions.

18. According to Gene Martin Ellis, Land Division in Central Chile, Ph.D. dissertation (Syracuse University, 1955), p. 42, in the area he studied:

Although the government gave liberal terms to the new owners in regard to total price and length of time to pay, the terms were strict enough to exclude all agricultural laborers from the possibility of obtaining land. Not a single agricultural laborer received property. Only one individual, a mayordomo, who had previously lived on the divided land was able to purchase a parcel, (p. 38)

. . . While all the people who obtained land were supposed to be qualified agriculturists this was not always the case. Army officers, government bureaucrats, and people with special influence in the government obtained land despite their obvious lack of qualifications or need.

19. P. T. Ellsworth, Chile, An Economy in Transition (New York: Macmillan Company, 1945), pp. 103-104 reported:

Although it is empowered to expropriate property for the purpose of forming colonies, it has based its program upon the purchase of farm lands (principally large fundos) offered for sale and upon the acquisition of certain government owned lands. From its foundation in 1929 until midyear of 1940, it had thus taken over 389,761 hectares of private property and 142,714 hectares of government property, most of it (80.6 percent) in the central portion of the country. Of this area however, only some 300,000 hectares were being exploited in 1940: 200,016 hectares in fifty-nine colonies, 101,464 hectares in two colony schools. Moreover, a relatively small portion of this total (4.6 percent) was actually being cultivated; 1.0 percent was planted to trees, 18.1 percent was in meadows, while the remainder was either fallow (1.9 percent) or consisted of uncultivable hills, woods, or waste land.

Thus, after eleven years of operations of the Institute, the total area in productive use was still very small. Even the total of rather more than a half million hectares under its supervision was but a small proportion of the farm lands of the country, calculated in 1936 at 27,634,000 hectares. Moreover, the number of people benefitted by the colonization program was equally restricted. In the fifty-nine colonies which had parcelled out land, there were only 1387 colonists. Allowing for their families, not many more than 7000 people out of Chile's 5 million could have been affected.

The chief reason for the slow progress of the Institute appears to have been lack of funds. The rate at which it can expand its operations, even with more adequate financial

support, will in any event be limited by the amount of land (mainly large fundos) offered for sale each year. In 1939-40, however, some 971,000 hectares were available for purchase, or seven times the 138,000 hectares actually acquired. It would therefore appear that the activities of the institute could be greatly increased before it would be necessary to resort to the use of its expropriation powers, unless it be to force a reduction in the price of agricultural land, which is generally high, if not exorbitant.

20. See the letter from La Central General de las Colonias Agrícolas de Chile to the Labor Department, March 30, 1932, Providencias 6, 1932, 1251-1500; oficio 3101, 16 Mayo, 1932, "Sobre colonización con empleados y obreros cesantes," Oficios 7, 1932, 3001-3500; oficio 1639, nd. Marzo, 1932, "Sobre petición de la Sociedad Ex-Alumnos Escuelas Agrícolas y Agricultores de Chile y Aspirantes a Colonos," Oficios 4, 1932, 1501-2000; oficio 3478, 8 Junio, 1932, "Sobre colonización con cesantes," Oficios 7, 1932, 3001-3500.

21. There seems to have been some willingness within the Caja de Colonización Agrícola to experiment with collective management and production in the colonies—especially during the short "Socialist Republic" in 1932. Claudio Arteaga and Bernardo Yuras both had appointments with the Caja during this period. Yuras later played an important role in the Liga Nacional de Defensa de Campesinos Pobres. See Oficio 3478, 8 Junio, 1932, op. cit.

22. Inquilinos and the system of Inquilinaje are uniquely Chilean institutions involving a tenancy based on a combined labor rent and small wage payment. The inquilino receives access to a specified quantity of land to cultivate, housing, pasture rights, and other in-kind and perquisite payments. For treatments of the origin and alterations of inquilinaje over time see: Alexander Schejtman Mishkin, El Inquilino de Chile Central (Santiago de Chile: ICIRA, 1971); Mario Gongora, Orígenes de los Inquilinos de Chile Central (Santiago: Editorial Universitaria, 1960); Rafael Baraona, et. al., Valle de Putaendo (Santiago de Chile: Instituto de Geografía, Universidad de Chile, 1961).

23. Payment of a labor rent instead of a cash rent or crop-share rent has a certain "feudal" ring to it. The notion of "labor obligation" is seen by some as somehow inconsistent with a market economy. But the differences between medieval feudalism and the Chilean hacienda in the nineteenth century are greater than the similarities.

24. For an insight into this system of labor recruitment see Andrés Sabella, "El Enganchador," Antología Chilena de la Tierra, (Santiago de Chile: ICIRA, 1970): pp. 43-50.

25. Letter from Sociedad Vinícola del Sur to the Labor Department, Tomé, 18 Noviembre, 1914, Notas Recibidas 1914-1915.

26. Ibid.

27. Of course the "market" was heavily influenced by the quasi-monopolistic distribution of land and the availability of alternative employment.

28. The decree of 26 Octubre, 1852 read:

Los intendentes de la Provincia harán anunciar . . . que es absolutamente prohibido a los particulares emitir sefias mitades y cualesquiera otros signos como moneda; y los que los hubiesen emitidos son obligados a cambiarlos por el valor que representan en moneda corriente o legal

29. In practice "vales" continued to be used despite the decree of 1852 that prohibited their use. See oficio 482, Secretaria de Bienestar Social, La Serena, 10 Marzo, 1931, "Uso de fichas, vales, etc., conjeables en pulperías, almacenes, etc.," Providencias 11, 1931.

30. Herbert Simon, Administrative Behavior (New York: The Free Press, fifth printing, 1968) uses the concept "zones of authority" to refer to the functionally specialized authority of management personnel in formal organizations. In the hacienda, also, the proprietor's authority may have functional limitations, and therefore, be "zoned authority."

31. See David Weeks, "European Antecedents of Land Tenure and the Agrarian Organization of Hispanic America," Journal of Law and Public Utility Economics 23 (1947); Jean Borde and Mario Gongora, Evolución de la propiedad rural en ej valle de Puange I (Santiago de Chile: Editorial Universitaria, 1956), especially Chapter I; Sam Schulman, "The Colono System in Latin America," Rural Sociology 20 (March, 1955): 34-40; John Francis Bannon, Indian Labor in the Spanish Indies (Boston: D. C. Heath and Company, 1966).

32. "Manual del Hacendado Chileno," Antologia Qiilena op. cit., pp. 53-80.

33. Ibid., pp. 69-70.

34. George McBride, Chile: Land and Society (New York: Araerican Geographical Society; Research Series, No. 19, 1936), p. 162.

35. Sergio G6mez, "Class Organization and Conflict in Rural Chile," M.A. Thesis, Sociology (University of Essex, 1971), pp. 49-50.

36. Jaime Eyzaguirre Chile Durante el Gobierno de Errazuriz Echaurren, 1896-1901, (Santiago de Chile: Zig Zag, 1957), p. 30, referring to the end of the nineteenth century declares:

. . . se notaba por otra parte un creciente desapego de los propietarios por vivir en sus haciendas. El deseo de mayor cultura y bienestar meterial les llevó a radicarse en las ciudades y a entregar a mayordomos o arrendatarios la explotación de las tierras. Esta ausencia del duefio,

fuera de desvincularse afectivamente de sus obreros, le disinteresaba del progreso y adelanto de la industria.

37. G. McBride, op. crt., p. 182.

38. The rural police were formally responsible to landowners in one form or another. Even the financing for rural police was explicitly linked to the small tax on agricultural land. The Policía Rural was created in 1881. It was financed with a twenty percent increase in taxes on agricultural property and through licensing of local shops and industries. In 1891, the Law of Municipalities (12-22-1891) placed all the police in Chile under the orders of Municipal authority, the President of the Republic being authorized to intervene in the appointment and removal of prefects. In 1896 the monopoly over police power was removed from the municipalities, although municipal police continued to exist until 1927. Municipal police inevitably responded to the will of powerful hacendados in the rural municipalities. See Arturo Venegas S. and Alejandro Peralta R., Album Histórico de la Policia de Chile (Santiago: 1927).

39. Oficio 245, 21 Febrero, 1924, Comunicaciones Enviadas, 1er Cuatrimestre, 1924.

40. Oficio 149, Chilian, 26 Diciembre, 1924, Inspecciones Regionales, 1924.

41. See Chapter V for more on this.

42. This case involves Fundo "La Higuera" whose owner at the time was Enrique Doll.

43. Oficio 397, Gobernación de la Ligua, 17 Agosto, 1921, Inspeccion Regional Valparaiso, I, 1921.

44. Letter from Enrique Doll, Fundo La Higuera, to the Gobernador of La Ligua, 17 Agosto, 1921, Ibid.

45. Oficio 398, Gobemación de La Ligua, 18 Agosto, 1921, Ibid.

46. Letter from Enrique Doll to the Gobernador of La Ligua, 18 Agosto, 1921, Ibid.

47. Transcribed in oficio 479, 28 Febrero, 1929, Providencias 3, 1930, 259-491, 14 Marzo-10 Mayo.

48. Oficio 296, Intendencia de Bío Bío, Los Angeles, 25 Enero, 1929, Archivo 1-444, 1929, 2 Enero-11Febrero.

49. Letter from Luis Martinez to the Minister of Interior, 9 Mayo, 1927, Comunicaciones Recibidas, Mayo, 1927.

50. As Ernest Feder has put it, ("Societal Opposition to Peasant Move?«ents and Its Effects on Farm People in Latin America," H. Landsbergcr,

ed., Latin American Peasant Movements (Ithaca and London: Cornell University Press, 1969): 403-404.

what makes the power of the estate owner distinctive is its virtual absoluteness and vastness. An estate owner's decisions are orders. Hence the organization of a latifundo is not unlike that of a military organization in which the top command retains the exclusive privilege of making decisions on all matters concerning the soldiers activities and where delegation of power exists only within certain narrow limits--qualified always by the right to intervene, even arbitrarily.

51. Thus, for example, in March of 1931 the owners of the Hacienda¹ Vichiculen complained that the visit of labor inspectors to the farm had left the workers in a state of rebellion ["sublevados"] for several days. See the letter from H. Errazuriz to the Labor Department, 10 Marzo, 1931, Providencias 1451-1760, 1931, 11 Marzo-26 Marzo.

52. Oficio 1924, Gobemación de Victoria, 12 Noviembre, 1930, "Acusa recibo de la circular No. 95," Archivo 9, 1930, 3036-3430, 15 Octubre-8 Noviembre.

53. Secc. 6a No. 11, Santa Cruz, 16 Abril, 1931, "Sobre conflicto tabacaleros, pide instrucciones," Oficios 22, 1931, 2491-2800, 22 Abril-6 Mayo.

54. Oficio 2510, 23 Abril, 1931, "Absuelve consulta sobre reclamo de medieros de una plantación de tabacos," Ibid.

55. This does not mean it was illegal. Rather, it means that the inquilino's legal status was that of "worker" not "renter." Legally, he received access to land as part of his wage; he did not pay a labor "rent."

56. The Intendente of Cautin makes precisely this point in a report in 1929. Intendencia de Cautin, Memoria Trimestral, 1929, Providencias 3, 1930, 14 Marzo-10 Mayo, 259-491.

57. Transcribed in Oficio 884, 22 Abril, 1929, Providencias 3, 1930, 259-491, 14 Marzo-10 Mayo.

58. In 1925 a Labor Department functionary in Chilián wrote to the Director of the Labor Department, (Oficio 21, Chilián, 28 enero, 1925, Inspecciones Regionales, 1924.)

The enormous quantity of complaints presented to this office clearly indicates the need for a law which obligates the hacendados to fulfill their obligations. The agricultural worker has no guarantee at all, and suffers all classes of abuse, without the possibility of obtaining judicial remedy--since, in order to do so, requires money.

59. Goberaaci6n de Traiguén, Oficio 292, 3 Junio, 1927, "Da cuenta sobre irregularidades cometidas por patronos agrfcolas," Comunicaciones Recibidas, Diciembre, 1927.

60. Ministerio de Bienestar Social, Circular Número 23, 25-V-1928, copy accompanies Gobemaci6n de Victoria, Oficio 859, 17 Julio, 1931, "Informa sobre reclamo de Mario Manriquez (7-4-18)," Providencias 1931, 4701-5000, 25 Agosto-7 Septiembre.

61. For example, see the cases from Valdivia and Aconcagua, respectively, in Inspecci6n Regional de Valdivia, oficio 20, 24 Abril, 1925, VARIOS, 1925 and Secci6n Colocaciones, oficio 2329, 11 Agosto, 1927, Comunicaciones Enviadas, 1927, 2001-2500.

62. See oficio 135, Chilian, 24 Enero, 1924, Comunicaciones Enviadas Cuatrimestre, 1924, for a description of the locked cattle cars in which rural workers were transported.

63. Secretaria de Bienestar Social BioBio, oficio 241, 23 Mayo, 1931, "Consulta sobre aplicaci6n, Reglamento No. 1636 enganches agricolas," Oficios 1931, 3161-3530, 22 Mayo-9 Junio.

64. Oficio 3352, 1 Junio, 1931, "Se acusa recibo oficios No. 241, de fecha 23 del presente," [sic] Oficios 1931, 3161-3530, Ibid.

65. Oficio 2194, Notas Enviadas, 1925, Agosto-Septiembre.

66. "Circular que la Secretarfa de Bienestar Social dirige a los patrones y obreros de la provincia de BioBio relacionada con el reglamento y aplicaci6n de la Ley 4054 en las faenas agricolas . . ." Providencias 1931, 1761-2100, 27 Marzo-16 Abril.

67. Ibid.

68. In 1947 this precedent was reversed in Law 8811. This law is discussed in Chapter IV.

69. Oficio 3404, 3 Junio, 1931, "Evacua consulta que se indica," Oficios 1931, 22 Mayo-9 Junio, 3161-3530.

70. Luis Correa, in Antologia Chilena . . . op. cit., 38.

71. Medical personnel in the Health Service saw the problem differently. The chief doctor at a clinic in San Antonio (Santiago Province) complained to the Labor Department in 1931 that (Junta Central de Beneficencia, No. 3256, Santiago, 23 Marzo, 1931, Providencias, 1931.)

the owners of fundos do not send the workers to the clinic [because] they do not maintain the libretas up to date. [Because of this] the majority of the service we provide we must do as if we were treating "indigents."

72. See oficio 974, Rancagua, 4 Septiembre, 1930, "Consulta sobre aplicaci6n de multa," Archivo 1930, 2324-2643, 4 Septiembre-23 Septiembre.

73. "Planilla de viaticos del Inspector del Trabajo de San Felipe Señor Victor Pica Rodriguez durante el mes de octubre," Providencias, I, 1931, 1-310, 1-16 Enero.

74. Incomplete data for October of 1930, February 1931, and May, 1931 indicate 1726, 2171 and 819 "visitas rurales," respectively, made by Labor Department personnel. Data includes totals for Atacama, Coquimbo, Aconcagua - (Valparaiso), Santiago, Colchagua - (O'Higgins), Curicó (Talca), Maule (Linares), Ñuble, Concepción, BioBio, Cautin, Valdivia, Chiloe, and Aysen. Totals are computed by the author from monthly inspection reports in each of these provinces. These monthly reports can be found "scattered" throughout the Labor Department Archive for the 1930-1931 period. Another indication of penetration of labor inspectors into the countryside is the claim by officials in Colchagua that 975 rural visits were made in this jurisdiction in 1930 and over 20,000 libretas issued in the countryside in this area to 1931. (Oficio 975, Rancagua, 5 Septiembre, 1930, Providencias 6, 1930, 913-1296)

75. Secretario de Bienestar Social, Atacama, Memoria Trimestral, 30 Abril, 1930, Archivo 4, 1930, 13 Mayo-18 Junio, 1189-1561, accompanies oficio 1391, 31 Mayo, 1930.

76. Secretaria de Bienestar Social de Chiloe, oficio 1419, Puerto Montt, 17 Octubre, 1931, "Observaciones a la ley 4054, tendientes a hacer mas efectivo su cumplimiento," Providencias, 1931, 21 Noviembre-9 Diciembre, 6951-7300.

77. A similar point was made by the Secretario de Bienestar Social in Linares in March 1931 in oficio 300, Linares, 19 Marzo, 1931, Providencias, 1931, 1761-2100, 27 Marzo-16 Abril.

78. The Legal Section of the Labor Department had already pointed out that this required new legislation: "Bases para un nuevo proyecto de tribunales del trabajo y de aplicación administrativa de las multas por infracciones de las leyes sociales" Memoria de la Inspeccion General del Trabajo, oficio 701, 28 Febrero, 1929, Oficios, 1929, 601-1200, 21 Febrero-16 Abril.

79. C. Gay, Historia Fisica y Polftica de Chile, Agricultura, I (Paris: 1862), and A. Schejtman, op. cit.

80. M. Jefferson, op. cit., p. 4.

81. Thus, G. F. Scott Eliot (Chile, New York: Charles Scribner's Sons, 1907, p. 283) suggests: "The proprietor will be a magistrate with powers to put a man in irons; he will, of course, exercise an enormous influence over his inquilinos.

These latter are allowed a house and such ground as they care to cultivate, rent free. They can grow as many beans and vegetable, as they like; they are also allowed to pasture a certain number of cattle. In return, the inquilino has to provide labour for the use of the proprietor whenever it is required. For the work thus given, the proprietor

pays a small daily wage. . . . The check on the proprietor, should he prove harsh and exacting, arises from the fact-that the inquilino is at perfect liberty to depart somewhere else with his cattle (and very likely a few of his master's too). This, however, is a very rare occurrence.

With all the disadvantages of the system, it is admitted than an exceptionally able and industrious inquilino has a slight chance of rising to a distinctly higher social scale. There is, of course, plenty of work to be had at the nitrate works and mines. Also, at harvest time thousands of labourers go south to the frontier beyond Concepción to help in gathering in the harvest. Thus money can always be obtained. . . . But probably it is as rare in Chile for an inquilino to become a landlord as it is in England for an agricultural labourer to become a farmer."

82. This "shame" often did not represent an effective barrier as this report from Coquimbo in 1930 indicates: "Nuestra actual legislación obrera no contempla la sanción ni aun se pone el caso de la adulteración de los alimentos dados a los obreros agrícolas por los dueños de fundos en la llamadas raciones.

Actualmente se ha presentado el caso comprobado por los Carabineros de haberse dado a unos obreros en lugar de grasa mantequilla devuelta en 1925 por rancia mezclado con aceite de caballo." Secretarfa de Bienestar Social, La Serena, No. 44, 13 Febrero, 1930, Archivo 2, 351-800.

83. For conditions of labor offered during the harvest in this period see Gobernación de San Vicente, oficio 750, 9 Diciembre, 1926.

84. Tancredo Pinochet, "Inquilinos en la Hacienda de su Excelencia," in *Antologia Chilena* ICIRA, op. cit., pp. 83-112.

85. See A. Schejtrnan, op. cit., p. 204.

86. For conditions in the zone of Colina in the province of Santiago see oficio 225, Colina, 20 Octubre, 1931, "Contesta oficio No. 6134 sobre cesantes," Providencias 23, 1931, 7301-7650, 9 Diciembre-22 Diciembre.

87. Intendencia de Valdivia, oficio 170, 14 Febrero, 1929, 4, Providencias, 1929, 1-197.

88. See diapters IV and V of the present study.

89. The 1930-1935 period marked the high point both for the absolute number and relative number of inquilinos in the rural work force. In 1930 there were 104,569 inquilinos (20.6 percent of the population active in agriculture) and in 1935 107,906 inquilinos (20.5 percent of the population active in agriculture). (A. Schejtman, op. cit., p. 201.) The situation was in flux, however, as the definition of inquilino changed in regard to the obligations and perquisites of an "inquilino." For example, in some areas "inquilinos" had allotted land, pasture

rights and the right or obligation to send a reemplazante. In some farms the right to send a reemplazante disappeared. No systematic information exists which provides a national picture of the specific perquisites and obligations of workers called "inquilinos."

Some indication does exist, however, that at least in some areas wages played a more important role than they had previously. This meant that inquilinos became more dependent on money income and somewhat less so on in-kind or perquisite payments. On this see the letter to Alberto Sierralta, Chacra Sierralta, Copiapo, 16 Enero, 1931, Providencias 1931, 20 Enero-4 Febrero.

In general these cases seem to have remained exceptions. As late as 1938 a description of Fundo San Victor in Con Con (Valparaiso Province) indicated that the customary system of inquilinaje was still dominant: "los inquilinos indicaron . . . que a cada uno de ellos, se les entregaban una porción de terreno plano, regado, de mas o menos dos y media cuerdas, las cuales, se les arrendaban en una pequeña suma al año, con la condición de que pusieran un peón, cierto número de días en el año, ayudar con una yunta de bueyes en la siembra anual y hacer una limpia de canal, en las partes en que atraviesan los cercos de ellos mismos, y alguno que otro mandado, propio de los inquilinos, como ser junta de animales para rodeos, algún mandado al pueblo, etc.--

. . . los peones que pone el inquilino, recibe además del salario, que son tres pesos, una gallina de harina candial de 250 gramos . . . y una ración de frejoles . . . mas o menos medio kilo." (Oficio 1336, Valparaiso, 6 Junio, 1938, "Informa providencia No. 1174 sobre denuncia Fundo San Victor Con Con," Providencias 13, 1938.

90. See Armand Mattel art, et. al., La Ideología de la dominación en una sociedad dependiente (Buenos Aires: Ediciones Signos, 1970), pp. 67-83.

91. In 1896 the police in the capital of each department were placed under the control of the Ministry of Interior. Municipalities retained parallel police powers, however, which were not eliminated until the Ibañez years (1927-1931).

92. Ley de Comuna Autónoma, 1891.

93. Until 1925 municipalities organized parliamentary election machinery, from the preparation of voter lists to the supervision of electoral procedures. Thus, control over the municipality was a key source of national political power.

94. So integral to the electoral process was bribery and fraud [co-hecho] that Arturo Alessandri, a few years later elected president in a populist campaign, had earlier favored elimination of universal suffrage. "Hemos dado el sufragio . . . a un pueblo que no estaba preparado para ejercitar este derecho, y esta altísima función de un pueblo soberano y libre, hemos tenido la vergüenza de verla convertida y degenerada en el más indecoroso mercado electoral Necesitamos

restringir el sufragio popular . . . para contener el desborde del cohecho electoral desenfrenado que nos corroe y destruye," cited in Ricardo Donoso, Alessandri, Agitador y Demoledor, I, Fondo de Cultura Económica, 1952, p. 96.

95. John Reese Stevenson, The Chilean Popular Front (University of Pennsylvania Press, 1942), p. 20, says of this period: "Although there was perhaps more regard for the outward constitutional forms than in the past, Chilean politics became little more than a frank struggle for privilege and high office with personal and party interests prevailing over the national interest. Bribery became so prevalent that when by common consent the party leaders tried to stop it or at least reduce the price of votes, they were greeted with mob violence; the people had come to believe that being paid for one's vote was a citizen's right. Chile had won her electoral liberty, it is true, but in practice it meant nothing more than 'liberty' to indulge in fraud and bribery."

96. Manuel Rivas Vicufia, Historia Política y Parlamentaria de Chile, II (Santiago de Chile: Ediciones de la Biblioteca Nacional, 1964), pp. 399-400.

97. This is further discussed in Chapter VI.

98. For example, the Caja de Crédito Hipotecario for many years would make no loans of less than 5,000 pesos or on properties of less than 20,000 pesos. During these years campesinos earned perhaps one peso a day. In 1893 the Caja decided to make loans of 1,000 pesos on properties of a minimum value of 5,000 pesos. Soon thereafter, however, this was changed back to the minimum of 5,000 pesos on properties of a minimum value of 20,000 pesos. In 1910 the Caja decided to make loans as small as 3,000 pesos on properties of a minimum value of 10,000 pesos. From 1910-1931 the Caja remained attuned to the needs of large landowners. Agricultural credit represented a selective benefit provided by the State to the hacendado. (Boletín de la Oficina del Trabajo, Número 19, Año XII, 1922, 71.) -

99. J. R. Stevenson (op. cit., p. 25) remarks: "Among the various exploitive techniques of the oligarchs, probably the most subtle and at the same time the most effective was the systematic depreciation of the Chilean currency. At the start of the War of the Pacific, paper money had been declared inconvertible and, from then on, inflation had been pushed ahead whenever possible. By depressing the currency the aristocrats could continue to pay the salaried and wage-earning classes the same money wage, while increasing the number of pesos they themselves received for goods sold in the world market."

Naturally some caution must be exercised in generalizing about the effects of such policies on rural labor—particularly in the case of campesino proprietors, inquilinos and sharecroppers who relied heavily on their production rather than a money wage for income. For example, as late as 1937 inquilinos in Hacienda Mariposas in Talca earned only one-seventh of their total annual wage in cash. (Oficio 11657,

30 Dicieiribre, 1937, "Refiere a salarios pagados en fundo La Mariposa de la Caja de Seguro Obligatorio," Oficios 47, 1937, 11601-11800.)

Still, the large landowners were a principal beneficiary of the inflation both in terms of land values and in terms of commodity prices relative to wage levels. As Roberto Espinoza points out, "Son ellos (los agricultores) los que han contraído compromisos en los bancos y han negociado deudas hipotecarias que están representados por muchos millones de bonos hipotecarios en circulación. Los deudores hipotecarios tienen que pagar esos bonos y otras deudas in papel moneda, y de ahí su conveniencia en que ese circulante valga lo menos que sea posible." (Cuestiones Financieras de Chile (Santiago: 1909), cited in A. Mattelart, et. al., La ideología . . . op. cit., pp. 90-91, note 50.)

100. Cited in Boletin de la Oficina del Trabajo, 1922, supra, p. 79.

101. This data is used also by G. McBride, op. cit., and J. Guerra, op. cit.

102. G. McBride, op. cit., p. 125.

103. G. McBride (supra, p. 172) estimated that in 1930 about half the nation's population were fed from the production of the haciendas, while the small proprietors "mainly feed their own people and supply the needs of the smaller villages, though they contribute also, in a very limited amount, to dwellers in cities and mining centers and export a small quantity."

104. Ibid., p. 141.

105. Ibid.

106. In 1929 official sources estimated that of about 386,290 rural laborers some 130,000 did not live in haciendas. (G. McBride, op. cit., p. 164)

107. Gene Martin Ellis (op. cit., p. 60) estimates for the area he studied in Santiago Province that from 1928-1954 the proportion of agricultural land in farms over 250 hectares decreased from 79 percent to 41 percent.

108. Tancredo Pinochet, op. cit., passim.

109. Cited in Boletin de la Oficina del Trabajo, 1922, supra, pp. 81-82.

110. "Se autoriza al Presidente de la Republica para que, oyendo previamente a la Sociedad Nacional de Agricultura i la Sociedad Agronómica, adquiera por medio de la Caja de Crédito Hipotecario. i previas propuestas públicas, estensiones de terreno agrícola i regado para que se subdividan i se vendan a los particulares que deseen esplotarlos pcrscnalmente."

111. C. Kay, Comparative Development of the European Manorial System and the Latin American Hacienda System, Ph.D. dissertation (University of Sussex, 1971), p. 108.
112. The Labor Department Archive contains many letters from landowners during this period asking the employment office to provide inquilino families for settlement on their properties.
113. See the Labor Petitions in the Appendix to Chapter V.
114. Both A. Schejtman, *op. cit.*, and C. Kay, *op. cit.*, are exceptions to this statement and thus offer important insights into patterns of agrarian change in Chile.
115. See Chapters IX-XI.
116. Boletín de la Oficina del Trabajo, 1922, *supra*, pp. 81-82.
117. Sociedad Nacional de Agricultura, Sociedad Agrícola del Sur (Concepción), Sociedad Agrícola del Norte (La Serena), Sociedad Agrícola e Industrial (Temuco), Sociedad Ganadera e Industrial de Osorno,
118. Letter to presidents of five agricultural associations, 28 Noviembre, 1928, Archivo 2, 2001-2200, 1928.
119. Cited in Boletín de la Oficina del Trabajo, 1922, *supra*, pp. 129-130.
120. The role of FOCH in the countryside is further discussed in Chapter V.
121. This labor petition and accompanying documents is reproduced in the Appendix to Chapter V.
122. See Appendix to Chapter V.
123. See Chapters IV and V.
124. In the sense of rural locality—not necessarily villages or towns.
125. On September 13, 1883 the Minister of Hacienda, Pedro Lucio Cuadra, wrote to the SNA requesting their "cooperation in promoting an association of industrial development" (Boletín de la Sociedad de Fomento Fabril, Año I, Número I, 5 Enero, 1884, p. 5).
126. Ibid., p. 96.
127. "It is commonly said that 70% of the Congress is made up of Hacendados." (Circular de la Union Agraria, No. 1920, El AgricuHor (Santiago de Chile: Noviembre, 1920), p. 235, cited in G. McBride, *op. cit.*, p. 213, note 35).

128. Armand Sfattelart, et. al., *La ideologia . . . op. cit.*, p. 96.
129. Ibid., p. 123.
130. Ibid.
131. G. McBride, *op. crt.*, pp. 181-182.
132. This is further discussed with examples in Chapter VII.
133. See Chapter VII.
134. Alberto Edwards, La Fronda Aristocratica en Chile, (Santiago de Chile: Ediciones Ercilla, 1936), pp. 153-154.
135. J. R. Stevenson, *op. cit.*, p. 49.
136. See Chapter V.
137. See J. Morris, op. cit., . 1-4, for a discussion of the concept "industrial relations system."

PART II

THE POLITICAL TRANSFORMATION OF THE COUNTRYSIDE: 1931-1964

A good part of the opposition [to a Labor Code] came from the rural aristocracy, the wealthy and cultured hacendados The very concept of labor relations was antipathetic to their way of life, a challenge, a threat, a revolt which implied an end to special status and high privilege.

James O. Morris

CHAPTER III

LABOR LEGISLATION AND RURAL PROPRIETORSHIP

Government intervention to regulate conditions of work, sanitation, housing, industrial safety, and minimum wages, etc., is a common practice in twentieth century nation states. Such intervention represents a delimitation of proprietary authority vis a vis the labor force. Labor legislation also represents a set of legal obligations toward workers imposed by government on proprietors. In this sense labor legislation is a formal, if partial, redefinition of proprietorship. Such legislation is not, however, self-enforcing. Even where bitter legislative conflicts are avoided in the preparation and promulgation of labor legislation, the elaboration, administration and enforcement of legislative enactments often present serious problems.

The frequent divergence between legislation and the effects of administrative regulation has led Edelman to draw attention to the "largely symbolic character of the entire process" of regulation.¹ Edelman argues that "Administrative agencies are to be understood as economic and political instruments of the parties they regulate and benefit, not of a reified 'society'¹ or 'general will' or 'public interest.'²" But if this always be the case, then "regulation" cannot regulate--it can only reinforce the system of political domination that exists.

Regulation of proprietorship through labor law must be preceded by a determination that regulation is necessary and a formalization of that determination in legislation. That labor legislation may be "largely symbolic" because of a divergence between legal formulas and the manner of their implementation is always a possibility, especially where intended beneficiaries or potential clientele of the legislation are unorganized, poor and politically weak. Political reforms intended to replace the defunct paternalism of the pre-capitalist era, will remain "parchment barriers" unless the resources necessary to carry out legislative prescriptions can be obtained by administrative agencies and their functionaries can be made responsive to the intended beneficiaries of the legislative prescriptions. In order to secure administrative responsiveness, the intended beneficiaries of the legislative prescriptions must organize on a relatively permanent basis for collective action and vigilance of the "regulators" as well as of the proprietors. They must also acquire the legal tools and knowledge to confront proprietors in judicial and quasi-judicial proceedings. Organization for collective action may also allow the intended beneficiaries of the legislative prescriptions to exercise influence on legislators as well as on bureaucrats.

Meeting these conditions in the face of the resistance of proprietary interests and the negative bias of existing institutional arrangements, especially with regard to the permanent organization of disadvantaged social groups or classes, is generally quite difficult.³ The delimitation and regulation of proprietary authority is thus a question of political power and of mobilization of the necessary resources to make regulation effective. The difficulty of this task is the reason that legislative prescription often remains "largely symbolic."⁴

In the case of agricultural laborers and smallholders, the difficulties of organizing and obtaining administrative responsiveness are magnified, due in part to the generally precarious position of these rural groups in most modern nation states. Regulation of rural proprietorship is so difficult because of the tremendous obstacles which thwart the effective political organization of rural labor. This is true not only because rural labor has neither the time nor money to organize, but also because rural proprietors exercise so much customary authority in the countryside that efforts to organize by rural laborers exposes them to severe sanctions.⁵⁵

As a general rule, the less politically powerful the intended beneficiaries of regulation, and the less well organized they are to permanently eye the administration and enforcement of the appropriate laws and decrees, the more "symbolic" (less effective) will be the implementation of legislative prescriptions intended to regulate proprietorship. Labor legislation is no exception to this rule.

Despite all these problems labor legislation has potential for enforcement and this represents a threat to proprietors. When it is enforced, it becomes an effective delimitation of proprietorship. With all its potential difficulties, from the bribing of government officials by landowners to the psychological identification with or deference to the landowner on the part of bureaucrats, regulation of rural proprietors can be a significant factor in improving the situation of rural labor and redefining the meaning of property in rural land.

For this reason landowners have every incentive to resist the enactment of labor law. Furthermore, if enacted, they can be expected to attempt to block or subvert its effective implementation. This can

be accomplished by a narrow interpretation of the laws' provisions, making possible "legal" evasions; by delaying tactics, which permit continuous postponements of application; by participation, formally or informally, within the policy-making apparatus of the agency expected to "regulate" their activity;⁶ by denying enforcement officials the necessary resources to carry out the legislative prescriptions on anything but a symbolic level, e.g., constraining regulation through budgetary action in the relevant legislative body; by bribing officials to assure non-enforcement; by establishing internal constraints on personnel of the regulatory agency such that a "sensible" bureaucrat avoids particular enforcement patterns; and by making the costs of registering complaints by the intended beneficiaries too high for the potential clientele to bear, e.g., lengthy legal procedures and exposure to landowner reprisals. No enforcement system can work if it relies upon reports of violations from sources (workers) liable to sanction when and if their role as informer is discovered. Physical violence against "agitators" is another effective method of discouraging complaints commonly used by landowners (or coal mine operators) to keep the labor force "in line." Finally, bureaucrats responsible for law enforcement may be made to understand by their superiors that specific proprietors are not to be bothered—because they belong to the same political party as the Minister, are friends or compadres of their superiors or another inspector's brother, etc. This type of nonenforcement is the most difficult to eliminate even where a clear political mandate for enforcement exists and rural labor is organized to defend its collective interests. In the aggregate it is insignificant; if the other types of impediments are removed, the injustice and corruption inherent in this last type become more obvious.

In this chapter the major labor legislation affecting rural proprietors and rural labor in Chile from 1931 to 1964 is examined. First, the foundation of this legislation, the Labor Code of 1931, is treated. Following discussion of the formal provisions of this code and subsequent legislation, enforcement patterns are considered, taking into account each of the different types of potential impediments to implementation discussed above. Special emphasis is placed on the continuing capability of landowners, through their agents in the Congress, to impede enforcement of labor law by severely limiting appropriations for the Labor Department even into the 1960's. Excluded from this treatment is discussion of the problem of legislation dealing with rural unions and syndicates. This problem is examined separately in Chapters IV and V.

THE LABOR CODE OF 1931 AND SUBSEQUENT LABOR LEGISLATION

The Chilean Labor Code of 1931 was not, strictly speaking, a legislative enactment. Rather, it was a decree with force of law (Decreto con Fuerza de Ley 178) which codified existing labor legislation and introduced new sections of labor law—including a section on agricultural laborers. The Labor Code also altered the system of labor courts, leaving in the jurisdiction of the Juntas de Conciliación (institutions for mandatory arbitration and control of the right to strike by labor) matters concerning collective labor disputes. The Labor Code, thus, represented the last major contribution of the intervention of military-authoritarian rule in Chile (1924-1931) which ended the period of parliamentary dominance (1891-1924). For this reason it did not have to run the gauntlet of Congressional opposition.

President Alessandri had sent to Congress a message containing a proposed Labor Code in 1921. The Congress never acted on this proposal. At the end of a decade, in 1931, this legislative project,

7

with some modification, was finally enacted as a Presidential decree.⁸ Bureaucratic técnicos, not legislative negotiation and bargaining, produced the Labor Code.⁹ Men who were to have long careers in the Labor Department in prominent positions, including the directorship, were influential participants in the code's elaboration.¹⁰

The Presidential and bureaucratic source of the Labor Code caused some of the most extreme elements within the landowner class to reject the Labor Code as illegal or, at best, "too advanced" for the conditions of Chilean reality. An example of an influential landowner with this attitude was Alejandro Dussailant, deputy in the Congress and landowner (Fundo Casa Blanca) from Talca. Dussailant violently resisted rural unionization and made constant efforts to have moderately active labor inspectors transferred.¹¹ He wrote in October, 1932, to the Director of the Labor Department as follows:

I am the first to recognize that every functionary must require that the law be obeyed. I would do the same. But in this case, that of a law which threatens the very bases of civilization and progress—threatens the rights of property and of equity, and the liberty of each [man] in his own house—I would not only apply the law moderately, but I would also overlook, insofar as this is possible, its arbitrary and exaggerated [provisions]

I took the occasion of my complaint against the labor inspector, Sr. Menzel, to make known my permanent protest concerning the Labor Code, because [it] contains some iniquitous provisions, not to mention the fact that it originates in an imposition of force rather than a true law. I did what I had to do and what I will do each time the occasion arises. If these protests did not reach the higher officials of the Labor Department . . . they might imagine that the landowners, industrialists, and merchants of 'this country were in accord with this decree-law¹²

Dussailant assailed the Labor Code as a threat to property rights and an "imposition of force." He called for selective enforcement which ignored the "arbitrary and exaggerated" prescriptions. If Dussailant was incorrect in his evaluation of the code's legal status, he accurately evaluated the code as a threat to existing property rights. In fact, the code formally redefined the scope and domain of proprietary authority.

The Labor Code, in addition to its generic provisions,¹³ dealt specifically with agricultural workers in section VIII (Articles 75-82). Article 75 defined agricultural workers as "those who work in the cultivation of the land" like *inquilinos*, *medieros*, and *voluntarios* and all those who work in the countryside under the orders of a *patrón* except those employed in agriculturally-based industrial or commercial enterprises.¹⁴ In case of doubt over definition of the status of individual workers, determination would be made by the local inspector subject to review, on appeal, by the labor courts.

Article 76 provided that agricultural workers would be subject to the general stipulations of the Labor Code and labor contracts insofar as this was compatible with agricultural work and with the dispositions of the rest of section VIII. This article also stipulated that part of the labor contract in the countryside would always be understood to include the obligation on the part of landowners to provide the worker and his family with "adequate and clean" housing. Likewise, it stipulated that agricultural work would not be subject to an hourly schedule or limit, but that work hours would be determined by the nature of the work (harvest, planting, maintenance of irrigation canals, etc.) and the customs of the region.¹⁵

Article 77 regulated sharecropping, stipulating that the sharecrop contract should always include a formal statement of the conditions of work, tenure, and the rights and obligations of the parties. No substantive regulation of the sharecrop contract was undertaken in this article—only stipulation of the minimal content of the labor contract between cropper and landowner.

Article 78 provided that sharecropping contracts expired at the harvest or in conformity with the agreed upon date of expiration between the parties. The sharecropper had no rights to severance pay or notice [desahucio] as did agricultural workers in general. In the case of premature termination of the cropping agreement, this was to be done with the intervention of the Tribunal del Trabajo [labor court] if there was not agreement between the parties. The party responsible for premature termination was to be required to indemnify the other party for damages.

Article 79 dealt with the contract of inquilinaje. Among other things it stipulated that the following matters should be included in the contract: 1) labor obligations of the inquilino to the landowner; 2) perquisites in land, housing, food rations, grazing rights, etc., which the landowner was obligated to provide to the inquilino; 3) legal causes for termination of the contract without rights to severance pay and notice [desahucio]; 4) wages in money and kind [especies]; 5) obligation of the inquilino to provide members of his family or other workers to work in the hacienda and the responsibility of inquilino or landowner to pay these workers where such an obligation existed.¹⁶

Article 80 limited the landowner's right to apply fines to rural labor by providing that with the authorization of the labor inspector

the patr6n could discount the daily wage of an inquilino who did not come to work or send a replacement [reemplazante]. This section restricted customary application of "fines" by landowners as punishment for innumerable supposed violations of orders, discipline or work obligations.

Article 81 explicitly prohibited landowners from requiring resident labor or sharecroppers to sell their produce to the hacendado for whom the campesino worked. It also provided that landowners must pay current market prices [corrientes del mercado] when buying the produce of resident labor.

Article 82 required that temporary workers be given six days notice and severance pay while inquilinos were to receive two months. Finally, Article 92 of the Labor Code required all proprietors of firms which hired labor to prepare and have approved by the Labor Department internal regulations [Reglamentos Internos] which detailed the obligations of the work force in relation to work and continued employment in the enterprise. Thus, traditional authority and custom were to be replaced with an "impersonal" formal code.

These provisions, combined with the other sections of the Labor Code applicable to rural labor—including provisions for presentation of labor petitions, mandatory collective bargaining and unionization—represented a radical legal redefinition of the status of rural proprietors and rural labor. Rural proprietors were now formally subject to government regulation. Rural labor had formal access to the Labor Department's law enforcement machinery and to the labor courts to demand compliance by rural proprietors with their obligations. The Labor Code exposed landowners to legal labor petitions, strikes, and unionization

by rural labor and obligated them to deal with these situations, at least formally, as stipulated in the Labor Code.¹⁷ The Code also legally obligated all enterprises with "industrial unions" to distribute up to ten percent of profits to the union (Article 402). This implied a certain accountability to the workers. In the case of labor petitions, legal in all enterprises with more than ten workers, (Article 502) no workers could be dismissed during the processing of a labor petition unless they damaged the firm's physical property or induced a secondary boycott (Article 509). The Code prohibited lock-outs (Article 542). In formal terms rural proprietorship lost much of its customarily extensive scope and domain of authority.

The Labor Code entrusted enforcement of these provisions to the Labor Department (Articles 557, 558). Labor inspectors were legally granted the authority to visit all places of work, at any time of night or day. The Code made impeding inspection visits a civil offense punishable by 100-500 peso fines for the first offense and 500-1,000 peso fines for additional offenses (Article 56S). Labor inspectors also had the authority to require employers to appear at regional or local offices of the Labor Department to answer complaints by workers. Not until later did inspectors acquire the power to apply administrative fines to enforce this authority (Article 572).

Between 1931 and 1964 various additional labor laws placed further obligations upon landowners and extended legal benefits to rural labor. These included family allowances [asignación familiar] in 1947; minimum wage legislation in 1953; housing codes in 1954, 1956, 1960; fixed minimum percentage of agricultural minimum wage in cash--1953 = 25 percent, 1963 = 35 percent, 1964 = 50 percent; paid Sundays [semana corrida] in

1959, etc. Enforcement remained the responsibility of the Labor Department. Social Security inspectors and health inspectors also carried out some duties in the countryside, but, for the most part, the Labor Department retained responsibility for regulation of rural proprietorship vis a vis the rural labor force.

During the next 33 years (1931-1964) landowners persistently, and to a great extent successfully, resisted effective enforcement of the Labor Code in the rural sector. The immediate response of the Sociedad Nacional de Agricultura to the Labor Code set the tone for the next three decades. In a section of the SNA's annual report labeled "Legislacion: El Cocligo del Trabajo" the landowners declared their objections to the Labor Code's extension of benefits to workers and empleados in the countryside.

This Code gravely injures the interests of rural proprietors. Because of this, the Society [SNA] has studied its dispositions in depth and has carried out an intense effort to convince the Public Authorities of the need for its partial or total reform in regard to the agricultural industry.

In addition, to guarantee compliance with the law, it would be necessary to create a veritable army of functionaries in order to visit the fundos Such an increase in the budget is not possible.

...given the insoluble difficulties in complying with the law, the result will be an aggravation of the differences between labor and capital.¹⁸

From this statement in 1931 until 1964, landowner resistance to labor legislation and to its implementation in the countryside remained implacable.¹⁹ This resistance took a variety of forms each of which is treated in the case histories which follow. The cases are presented to illustrate the application of particular tactics by landowners in resisting labor law. All these tactics remained effective into the 1960's. From 1931 until 1964 only slight improvement occurred in the enforcement of most labor laws in the countryside.

RESISTANCE, EVASION, AND NON-ENFORCEMENT

Narrow Interpretation of Legislation and "Legal" Evasion.²⁰

The SNA and other agricultural societies constantly sought to limit the extent of application of existing labor legislation to the rural sector. Ambiguities in the Labor Code gave landowners bases for denying the legality of certain provisions of the Labor Code or other labor legislation affecting the rural sector. Several examples of such tactics illustrate this type of resistance to the Labor Code.

Case 1: The legality of labor
petitions in agriculture

In 1939 a landowner claimed that the sections of the Labor Code dealing with labor petitions did not apply to rural labor. The proprietor claimed this to be the case because agriculture is highly vulnerable to work stoppages and labor conflicts. The landowner's arguments are contained in his response to a labor petition by his work force:

Article 76 of the Labor Code stipulates, "Work by agricultural laborers will be regulated by the general norms of labor contracts, insofar as this is not incompatible with agricultural work."

From the spirit and letter of the pertinent dispositions, it is deduced that Title 2, referring to labor conflicts, is not applicable, since work stoppages by agricultural labor, through labor conflicts or general dismissals, arbitration or strikes, is incompatible, as expressed in the aforementioned Article 76, with the nature and conditions particular to agricultural work

In light of these expressed considerations, I will not respond to the labor petition [pliego de peticiones] until the legal standing of such conflicts is determined.²¹

Labor petitions in the countryside, while not numerous, had been routinely processed since 1932.²² Even before the adoption of the Labor Code, petitions in various fundos had been dealt with through arbitration or the good offices of government officials. The landowner's response in this case was clearly an effort to have existing

law restrictively reinterpreted during a period of intense rural labor conflict.²³ The legal section of the Labor Department rejected a narrow interpretation of Article 76 in the following succinct terms:

given the liberality of Article 502 of the Labor Code, inquilinos and agricultural workers are entitled to present labor petitions, which would be processed according to the dispositions of Title II of Libro IV of D.F.L. 178 [the Labor Code].

Consequently, the labor petition formulated by the workers of Fundo Santa Virginia is legal.²⁴

In this case, the Labor Department acted swiftly by bureaucratic standards. It took fourteen days to formulate a legal opinion and send it to the labor inspector in the appropriate province. At stake was, in addition to the legality of rural labor petitions themselves, the legal protection of workers' who presented such petitions. During this period labor inspectors sent the following notification to landowners when workers presented legal labor petitions:

In accord with the law I hereby inform you that a collective-labor conflict exists between yourself and the workers in Fundo [Name]. Since [the conflict] occurred as the result of a labor petition presented by the latter in which they demand improved economic conditions . . . no worker can be dismissed unless he seeks to destroy the property of the enterprise or incites a secondary boycott.

Violation of this disposition is punishable by a fine of from 500 to 1,000 pesos.²⁵

This meant that labor petitions in the countryside, despite landowner efforts, would not be "de-legalized" through narrow interpretation of legislation. In this instance, at least, legislation was not "largely symbolic."²⁶

**Case 2: Procedural omissions
in labor conflicts**

In 1941 campesinos presented a labor petition to a landowner more than forty-eight hours after its approval by the workers of the fundo.

The Labor Code as amended by Article 13 of Reglamento 719 and modified by Decree 606 of October 21, 1940, declared that failure to present labor petitions to the employer within a 48-hour limit invalidated the petitions. A holiday had occurred within the 48-hour period and the workers delivered the labor petition slightly late. To prepare another petition required reconvening all the workers to vote on the petition's content--this time with the landowner forewarned and able to exercise some influence over a number of workers, thus preventing the necessary quorum from attending the session. If the Labor Department declared the petition illegal, the landowner could legally dismiss the labor leaders and other signers of the labor petition. In this case the narrow interpretation of the law's provisions by the Labor Department supported the landowner:

Failure to present a copy of the labor petition to the patrón within the limit prescribed in the cited dispositions signifies the omission of an indispensable procedure . . . therefore, in this case, the petition should be considered void and without legal validity

The circumstance of a holiday within the 48-hour time limit does not alter this conclusion²⁷ 27

Taking advantage of rural labor's lack of legal assistance, landowners could in this fashion call into question the legal validity of particular labor petitions. The influence of Hector Escribar, career official and co-author of the Labor Code, guaranteed a "neutral" interpretation of the law. Unfortunately for rural labor, however, the formal demands and procedural requirements of the law were not a neutral influence. The adversary SNA confronted rural labor with a full-time legal staff constantly engaged in efforts to manipulate "neutral" legal provisions to the landowners' advantage. Rural labor had not yet acquired the legal tools to compete in judicial and quasi-judicial proceedings with the landowners.²⁸

Case 3: The meaning of
"collective dismissals"

From the perspective of rural labor, perhaps the most discouraging example of narrow interpretation of labor law occurred in reference to the section of Law 7747 of 1943 which stipulated that "in cases of collective dismissals affecting more than ten workers . . . prior authorization from the Minister of Economy and Commerce and Ministry of Labor is necessary" In a short period of time in late 1944 the operators of Fundo Pinares in the province of Concepción dismissed 131 workers in groups of less than ten workers each, The Secretary General of the Confederación de Trabajadores de Chile (CTCH) protested to the Labor Department. The Labor Department ruled that collective dismissals as defined in the law meant "dismissal of workers in groups . . . at the same time, on the same day. This group must consist of more than eleven workers. This legal disposition is not applicable when dismissals are made of groups of less than eleven workers on different days."²⁹ In retaliation for labor conflicts or for other reasons landowners could dismiss workers at will for "cause" so long as they dismissed no more than ten workers a day. The Law which sought to restrict collective dismissals was, thus, subverted through narrow interpretation.

* * *

With the introduction of new labor legislation landowners attempted to limit the number of beneficiaries and to narrowly interpret the legal extension of the new laws. Illustrative are two cases which follow. The first was an effort in 1954 to exclude certain workers from the minimum wage legislation adopted in 1953. The second case deals with efforts by the landowners to redefine the legal status of inquilinos in order

to avoid social security tax obligations. In each of these cases the landowners successfully limited the law's application, meeting no resistance from a rural labor force still unequipped to permanently scrutinize legislative and administrative officials and employ legal staffs, as did the landowners, to protect their legal interests.

Case 4: The working status of milkmaids and cooks:

In April of 1954 the SNA wrote to the Director of the Labor Department as follows:

This society requests that the Labor Department confirm its understanding that . . . the law does not require payment of the minimum salary to those workers who do not work a full day [sunup to sundown] such as milkmaids and cooks.³⁰

The SNA, as early as November, 1953, made an intensive effort to minimize the impact of minimum wage legislation in the countryside.³¹ Now in this letter of April, 1954, it sought to insure exclusion of the most exploited of all rural labor, the wives and daughters of the campesino, from the provisions of the minimum wage legislation. Article 9 of the law which established minimum wages for rural labor stipulated that this minimum wage applied to workers who worked a complete shift according to local custom. What was a complete shift for a milkmaid or a cook? This question was not even asked—because no legal represen-

32

tative of rural labor raised it. Perhaps it would have made no difference. But in the case at hand the Labor Department simply ruled in favor of the landowners—who acted under advice of legal counsel:

As established in Article 9 of DFL 244 only those workers completing a full shift . . . have a right to the minimum salary. The workers to whom you allude in your inquiry, because they do not complete a full shift, do not have a right to the minimum salary.³³

Case 5: When an inquilino
is not an inquilino

In 1961 the SNA, citing jurisprudence of the labor courts and the text of labor law, wrote to the Labor Department objecting to an interpretation of the status of inquilinos adopted by the Social Security Administration.³⁴ The SNA argued that in order to be considered inquilinos, workers had to possess the following attributes: housing for himself and family; an allotment of land to plant for his private use; and authorization to send a "replacement" [reemplazante] if he did not come to work. The Social Security Administration had ruled that all workers provided housing and allotments of land to plant were, in fact, inquilinos. In some farms the right to send "replacements" had been eliminated over a period of years. A reintroduction of this requirement would have seriously reduced the number of inquilinos. Naturally, since the law guaranteed inquilinos two months severance pay and notice in the case of dismissal (as opposed to six days for voluntaries or other laborers) redefinition of "inquilinos" as the SNA desired meant not only liberation from taxes (taxes had to be paid for days inquilinos did not work, but not for the missed working days of other classes of rural labor) but also an easier time in eliminating unwanted hands. The Labor Code did explicitly include as part of the definition of inquilino, ". . . entitled to send a replacement." The Social Security Administration argued that taking into account Article 79, which in discussing the inquilino contract stipulated the phrase "if such an obligation [sending a reemplazante] would be convenient," the elimination of this single part of the labor contract did not destroy the status of inquilino.³⁵ **35**

The SNA lawyer sent a copy of the Social Security Administration's resolution to the Labor Department. Clearly disturbed by the Social Security Administration's intrusion into the Labor Department's area of authority, the Labor Department reversed the other agency's findings and ruled that all rural laborers without the obligation (or right) to send a reemplazante were not inquilinos.

In each of these cases legal interpretation which narrowly construed legislative and administrative provisions worked to the disadvantage of rural labor. The campesino had no representation in the legal decision-making process. The landowners, in each case, presented the Labor Department a brief prepared by its legal counsel. Under such conditions regulation of proprietorship by a non-ideological technocratic bureaucracy was nearly impossible. Rural labor did not speak the language of the Labor Department's legal section. Rural proprietors employed agents who knew the language quite well. Even into the 1960's narrow formalistic interpretations of legal norms ameliorated some of the ostensible constraints on rural proprietorship imposed by labor law.

Legal Evasion

Legal regulation that rests on definition and formal arrangement can be subverted by changing the formal aspects while maintaining the substance of customary arrangements. Chilean landowners understood this principle quite well and used it where possible to avoid the burdens of regulation and taxation. A single example will suffice to illustrate the efficacy of such a strategy.

The Labor Code did not consider sharecroppers, unlike inquilinos and other rural laborers, as dependents. That is, rural proprietors were not liable for social security taxes, insurance policies for work

accidents, minimum wage payments, etc., for "independent" sharecroppers. On an informal basis landowners could insist that inquilinos accept the status of sharecropper while agreeing to fulfill the same labor obligations previously fulfilled as inquilino. If the campesino refused, the landowner could, with appropriate notice, dismiss him.

Case 6:

"on comodato"

In Osorno in 1954, the landowner of Fundo Millantue adopted the following contract of "comodato:"

1. [Landowner] gives in "comodato" a piece of land of more or less one cuadra . . . to [worker] . . . who declares he received the land to his satisfaction.
2. The "comodatorio" [worker] can use this land with his family, but cannot rent it nor deliver it to third parties
3. Termination of this "comodato" and restitution of the land shall not take place prior to one year from today.
4. The "comodatorio" declares that he is not an empleado nor worker of [landowner] but that he works independently in various activities of his own.

The document was signed by the landowner and contained the thumbprint of the worker. The local labor inspector, becoming aware of this arrangement in 1956, wrote to the Director of the Department for clarification of the status of such a contract which he saw as being developed "with the exclusive purpose, to my way of thinking, of evading the social laws and especially the obligations arising from the labor contract with agricultural workers."³⁶

In response, Oficio 02177 from the Director of the Labor Department pointed out that "comodato", or loan of use, is a contract in which one of the parties delivers to the other, without charge, a product, a good, or piece of land to make use of, with the obligation to return the same after a determined period of time."³⁷ The Labor Department considered

such contracts legal unless the beneficiary of the comodato had obligated himself to perform services in exchange for those benefits. In such a case a labor contract would be needed. If this could be demonstrated, then the comodato could be challenged and a labor contract insisted upon. If, however, the comodatorio [the worker] denied any commitment to perform services for the landowner, then no challenge to the arrangement could be made. A legal evasion of the law was possible as long as the landowner made clear to the campesino that he would rather run cattle on the land than to bear the costs associated with a labor contract. The campesino's choice came down to collusion with the landowner or leaving his home.

Such legal evasions also became popular among landowners during periods of labor conflicts. For "purely commercial" reasons landowners often decided to change the mode of production within their fundos--employing sharecroppers instead of inquilinos. From the Popular Front period onward (1939-) landowners used this mode of dealing with labor disputes in which the rural labor force sought to obtain better conditions of work or enforcement of labor legislation.

Case 7: La Tercera and
La Cuarta de Longavi.

We have, for example, the case of Fundo La Tercera in Longavi (1940). This fundo and the nearby Fundo La Cuarta were rented to Gellona, Ossa y Cia. Exploitation was carried out through the traditional system of inquilinos (116 in Tercera, 80 in La Cuarta) and voluntarios (250 in La Tercera). During 1939 and 1940, with the wave of unionization which took place in this region (discussed in Chapter V), the campesinos in these farms joined a rural union, "Los Cristales,"

affiliated with the Confederación de Trabajadores de Chile (CTCH) and presented labor petitions to the fundos' renters. After dealing in the short run with the conflict, the renters proceeded to notify all the inquilinos at the end of the harvest that the fundo intended to change its mode of production. Instead of the normal cropping pattern the administration planned to turn most of the land in both farms over to sharecroppers. The proprietors informed the inquilinos that they were welcome, of course, to become sharecroppers if they so desired³⁸

Under pressure from mobilized workers to comply with labor legislation and better conditions of work, the landowners legally evaded the issue by changing the mode of production on the farm and introducing sharecroppers for whom no legal liabilities existed.³⁹ This pattern persisted into the 1960's. The number of inquilinos steadily declined while the number of sharecroppers increased as new minimum wage legislation and other labor laws were enacted.

Delaying Tactics. Formal adoption of regulatory codes can be accompanied by temporary provisions which give proprietors a specified time period within which to comply with the code's requirements. Such "grace periods" may also be requested by those to be regulated in order to allow them to comply with the law while not overburdening their financial or administrative capabilities. It is also possible, however, to adopt a deliberate strategy of requesting additional and continuous "grace periods" in order to avoid compliance with regulatory legislation over a rather extended period of time.

Chilean landowners represented by the SNA adopted this tactic when it could be successfully employed in order to subvert the application of legal obligations. A particularly irksome case of such a tactic

involved a housing code for the countryside contained in the minimum salary regulations adopted in 1953.

Case 8: "The use of latrines is not a common practice in our countryside."

A part of the minimum salary legislation stipulated that the value of housing provided by rural proprietors to campesinos could not be discounted from the laborers' earnings unless it met certain minimum standards--including the existence of a latrine.⁴⁰ The provisions of the code were formalized in late 1954. When faced by the real possibility of not being able to charge workers for their housing--thus paying them higher cash salaries--the SNA wrote to the Labor Department requesting a minimum grace period of two years in order to meet the requirement of installing latrines in the vicinity of their workers' houses:

The Directive Council of the National Agricultural Society in its last session took note of the different modifications of the Regulations concerning campesino housing proposed by the Commission studying the life and work of agricultural labor.⁴¹

In this regard, it is our pleasure to inform you that the Council has agreed, at this time, to request the establishment of a grace period of not less than two years so that landowners may comply with the requirement of constructing latrines.

We believe that this requirement, despite its evident justice, cannot be immediately fulfilled by agriculture. The immense majority of rural houses now lack the elements which would permit a rapid and satisfactory solution to this requirement, thus making it impossible for landowners to deduct the value of housing in calculating the minimum wage, an occurrence which is, naturally, contrary to the spirit of the Commission that has been involved in establishing the minimum requirements at hand⁴²

The Labor Department representative on the Commission considering the housing code's application interceded. The Department established a grace period for compliance until February 30, 1957.⁴³ In February,

1958, (one year after the end of the first two year grace period) the Department again considered the problem of enforcement of the housing provisions. The SNA again wrote to the Labor Department to request a further grace period for the installation of latrines, pointing out at the same time the great efforts rural proprietors had made to meet the requirements of the housing code.

Decree number 243 of the Minister of Labor . . . of 1956 . . . fixed the minimum conditions of rural housing provided by patron to rural laborer in order that the housing be considered as a regalia⁴⁴ and part of the minimum wage.

Article 9 of the decree in reference . . . declares that the 'house must have a latrine no less than 1.50 meters deep.'

Compliance with other requirements demanded by regulations⁴⁵ has meant that a good number of proprietors⁴⁶ have yet to complete construction of latrines. In addition, the Director [of the Labor Department] is aware that the use of latrines is not a common practice in our countryside. . . .

For these reasons it would be just if the Government, through a decree of the Minister of Labor, extends the grace period in which to construct latrines until January 30, 1959⁴⁷

Again the extension was granted.⁴⁸ Thus, until 1959 the landowners managed to obtain non-enforcement of regulations adopted in 1953 through requests for grace periods. A temporary concession became a permanent aspect of code enforcement during the six year period 1953-1959,

Formal and Informal Participation Within the Regulatory Agency

Responsiveness of administrators to interested citizens is generally considered an important attribute of democratic administration. In regard to regulatory policy both the intended beneficiaries and those to be regulated are "interested" citizens. Generally, however, the proprietors to be regulated manage to invest enough time and energy in maintaining good relationships with the regulatory agency so that the diffuse and unorganized interests of the regulatory agency's intended

clientele are neglected. Administrative "responsiveness" comes to mean subordination of original goals to the criteria of those interests which, in theory, were to be regulated. One way in which this subordination is sometimes accomplished is through representation of those interests ostensibly to be regulated within the policy-making process of the regulatory agency. The SNA in Chile commonly had formal representation in government agencies, including credit and banking institutions, as well as regulatory agencies. The SNA viewed participation in the administration of policies which affected the interests of rural proprietors as its "right." When agencies failed to take into account this "right" the SNA responded immediately to protect its status and the interests of its membership and other landowners.

Case 9: SNA vs. Social Security Administration

In 1939, for example, the Social Security Administration attempted to extend the benefits of social security and medical insurance to a large proportion of rural workers (particularly to the reemplazantes or peón obligado) by establishing the legal liability of landowners toward this sector of the labor force. This action on the part of the Social Security Administration (having come under the control of the Socialist party with the beginning of the Popular Front period) represented a different interpretation of existing legislation which would have made explicit the employer-worker relationship between landowner and reemplazante--instead of inquilino and reemplazante. The landowners felt that their interests had not been appropriately taken into account as is made clear in "Notas de Actualidad" in the July issue of El Campesino for 1939.

Exactly a year ago the Caja de Seguro Obligatorio wished to put into effect certain [substantial] modifications in the Reglamento according to which Law 4054 is applied to workers in agriculture.

Said modifications affected the regime of taxation to which agricultural production is subject under the Social Security law to such an extent that a unanimous clamor was raised by the landowners to insist that the modifications were not put into practice

The National Agricultural Society, representing the interests entrusted to it, made itself the interpreter of general protest and asked the Council of the Social Security Administration to revoke its decision. This was accepted by the Directors

It was agreed, also, that the reforms of the Reglamento be studied—taking carefully into consideration the peculiarities of agricultural work and established customs and usages. For this purpose a commission was named composed of functionaries of the Social Security Administration and leaders of the SNA [consejeros] advised by the SNA's lawyer—in whose hands has been placed the documentation relevant to the case

It is to be deplored that the work of this commission, which was quite advanced, did not produce concrete results. However, it is even more to be deplored that now, in abrupt fashion, the Council of the Social Security Administration has reneged on the previous agreements . . . and has resolved to put into immediate effect the same Reglamento that had been the object of repudiation this past year

If the Social Security Administration is only interested in carrying out its plans, the landowners nevertheless maintain the right to defend their legitimate interests 50

Initially unsuccessful, the SNA remained persistent in claiming its "right" to be a part- of the policy-making-process within the Caja de Seguro Obrero. In 1941 the Caja signed an agreement with the SNA stipulating that reassessment of regalias for tax purposes would no longer be carried out without prior consultation with the landowner organization.⁵¹ In 1944, however, when the Caja acted in this area without such prior consultation, the SNA responded vigorously:

. . . the Society made the Caja live up to the agreement of February, 1941, pointing out to the Caja its lack of authority to adopt unilaterally this type of resolution

This Society, in a communication to the Minister of Health dated 10 December 1944, expressed the following:

'From the study we made in cooperation with you and the Minister of Economy and Commerce, it became clear that the Caja has the authority to evaluate . . . the regalias provided by individual landowners. But to make a general evaluation of such regalias, it is indispensable to follow the procedure of agreements in which leaders of the agricultural societies participate.'

The two Ministers in question accepted this interpretation of the SNA.⁵⁴

In 1947, however, the Caja again acted without consulting the SNA and the same political conflict recurred. The SNA again reasserted its "right" to be represented in the administrative body that determined the status of reemplazantes or the value of regalias.⁵⁴

The SNA never suggested that rural labor might also have a "right" to be represented in this context. The first time that rural labor did gain such access to a regulatory agency, although only in an advisory role, seems to have been the special commission established by the Labor Department to study rural labor conditions and standards of living in the countryside in the mid-1950's. Here, however, the SNA was also represented, and the recommendations of the Commission were proposals without binding force.⁵⁵

As a rule, despite the SNA's ability to gain formal or informal participation within most governmental institutions, it seems that this was much less the case within the Labor Department. The inability of the SNA to penetrate the Labor Department successfully in this fashion led to the use of other tactics in dealing with the Labor Department as potential regulator of proprietary authority.

Limiting Resources Available to Regulatory Agencies

The Labor Code charged the Labor Department with the task of enforcing the code's provisions through periodic inspections, jawboning, and the application of legal sanctions. Emphasis was placed

on gaining compliance—not on punitive measures. The Department sought to limit the use of sanctions to cases where conciliation failed and violators refused to meet the Code's provisions.⁵⁶ **56**

In order to enforce the Labor Code and subsequent labor legislation in the countryside, the Labor Department had to determine where violations existed; seek to convince landowners to comply with existing legislation; and apply sanctions where necessary, while at the same time seeking to insure that rural labor obtained remedy for injuries incurred because of legal violations. In order to determine where violations existed the Labor Department could introduce permanent inspection teams to visit the countryside, or respond to complaints of violation, or adopt both of these strategies. While the Department always considered the first alternative to be superior and from time to time introduced "rural inspection plans" on a local or national basis, it was never funded at a level which would have made possible systematic performance of its assigned functions.

From the first days after the Labor Code's promulgation until 1965, the Congress denied the Labor Department requests for funds to finance rural inspection programs. Documentation of this systematic lack of support by Congress and the Executive for rural inspection programs is extensive. A series of excerpts from labor inspector's reports are useful in making the point more concretely:

Case 10: Horses would help

In 1933 the labor inspector in San Bernardo (Santiago Province) wrote to his superiors as follows:

I enclose your communication No. 1250 . . . in which you declare that in a recent visit to the fundos around

the town of Buin you found that the fundos do not maintain a register of workers and salaries.

I must tell you in this regard that given the extensive jurisdiction of this Inspectorate, from Lo Ovalle to Hospital, and the lack of any means of transportation available to the personnel of this office, it is completely impossible to visit all the fundos.

it is indispensable to provide this Inspectorate with a pair of horses in order that compliance with existing labor legislation can be secured.⁵⁷

Case 11; And
saddles

In March of 1936 a labor inspector in San Fernando (Colchagua) wrote to his superiors to inform them of rural inspection visits carried out in the province:

I would have sent out two inspectors, but lacking saddles, reins and a horse, this has not been possible. Lack of inspection activity is felt more each day: [we have] a series of complaints which, for lack of means of transportation have not been attended as this inspectorate would have liked.⁵⁸

In 1939 the Labor Department named a rural inspector, and from 1939 to 1942 this single inspector (Ramiro Concha Vera) inspected hundreds of fundos from Santiago to Osorno. Revisits, to verify compliance with the instructions left by this inspector, were not common. Although such inspections were "largely symbolic" the Department eventually cut the rural inspector's gas rations by approximately 75 percent. The reason given for this cutback was the need to conserve fuel due to wartime rationing. In any case, one labor inspector with his personal car and a book of gas ration tickets could not enforce labor law in all of rural Chile.⁵⁹ Through the 1940's and into the 1950's the situation remained about the same. In 1953, in response to a communication by the President's Special Department of Complaints concerning the number of complaints arriving in regard to the rural sector, the Director of the Labor Department responded at length:

I should express to you that this Department has always had special interest in controlling and inspecting the application of the labor laws in the agricultural sector . . . given the fact that this is the sector least controlled and where, naturally, the laws are least complied with. Sporadic rural visits have been made in the province of Santiago and elsewhere when it has been possible to take advantage of some personal mode of transportation. However, due to the lack of automobiles or trucks specially assigned to this task, and because sufficient funds have never been available for transportation or per diem, this work is neither as complete, nor as systematic, nor as effective as we would like.

Every year in the budget proposals, funds have been requested to take care of this necessity and, disgracefully, these have always been reduced in a disproportionate amount without consultations with this Service At the same time, the acquisition of automobiles has been requested for use in rural inspections in the province of Santiago and other provinces . . . disgracefully, this request has not been granted The deplorable conditions mentioned by you exist and will continue to exist unless the petitions of this Department are attended to.⁶⁰

This message continues for another entire page and one-half insisting that the Labor Department cannot carry out its function without minimal support from the Congress and the Executive in the form of financial and material resources. Line personnel also felt the lack of support for their labors as is evidenced by this report from an inspector in Osorno in May in 1954:

Lack of Personnel: The offices under my supervision . . . have only myself, an assistant in Osorno, and one other inspector in Río Negro.

With these few functionaries the Labor Department cannot meet workers' demands for attention or solve the various problems that develop

Means of Transportation: Until now the enforcement of labor law in the agricultural sector can be considered a myth, since without personnel or means of transportation the Labor Department has not been able to realize an effective inspection program in the countryside.⁶¹

From provincial and departmental inspectors all over Chile similar reports and complaints continued to come into the Santiago headquarters of the Labor Department. In June, 1954, faced with a decrease in budgetary

allocations for transportation, the Labor Department ordered all personnel to refrain from making inspections in the countryside except in response to complaints that included a specific request for an inspection visit. All other Department business was to be conducted by requesting the appearance of the involved parties at the appropriate inspectorate. This placed a considerable burden on rural workers unable to make numerous trips to Department offices and allowed rural proprietors to postpone or delay conciliation sessions for months or even years. This order followed the introduction of an agricultural minimum wage and housing code by less than a year (DFL No. 244, 23 July, 1953). Thus, expanded obligations of landowners toward rural workers coincided with a reduced capability of the Labor Department to insist on compliance. This brought protest from some congressmen but no additional resources were provided to the Labor Department.⁶²-

Unable to acquire funds through the Congress or in the Executive budget the Labor Department resorted to "compulsory-voluntary" loans of vehicles from other government agencies. This tactic also provided little relief. The government instructed other agencies to loan the Labor Department vehicles "when they were available" so that the Department could carry out rural inspections. Cooperation was poor; at best it allowed some inspectors to make rural visits once or twice a month.⁶³ As recently as 1961 a labor inspector in Colchagua was forced to make an inspection visit to a fundo in the department of Santa Cruz in a cart:

In attention to your telegram of the second of the present month, I have the pleasure of informing [you] that on the 21st day of the present month it was possible to make an inspection visit to the Fundo Santa Julia

Although the order to visit Fundo Santa Julia was given to [the labor inspector] the fourth of this month, it was not possible to secure means of transportation to complete this assignment. Only on the 21st was it possible to complete

this assignment, going in a train to the nearest station and the rest of the way, a distance of more or less 10 kilometers, in a cart [carreta].⁶⁴

In 1963, seemingly in desperation, the Director of the Labor Department authorized contracting of taxis⁶⁵ in order for inspectors to make inspections ordered by the headquarters in Santiago—often in response to the insistence of leftist deputies and senators like Salomon Corbalan in Colchagua (where the inspector above made a trip in a cart in 1961).⁶⁶ In 1964 the outgoing President of Chile again eliminated funds for vehicles for the Labor Department from the national budget.⁶⁷

Not only were funds denied for vehicles, but prior to 1964 the Labor Department's personnel were among the worst paid government employees in Chile and their number remained always insufficient to carry out their responsibilities. Guillermo Videla Vial, who assumed the Directorship of the Department under the Christian Democrats (1965) commented:

When I entered the Labor Department it was near the bottom in respect to salaries of its personnel, and the Director earned as much as a warehouse foreman in the Empresa de Comercio Agrícola. During my directorship we hired about 200 inspectors and bettered the salaries and working conditions of the personnel. It was a Service that past governments tried to maintain with the bare minimum of resources. It was without means of carrying out its functions.⁶⁸

Lack of resources limited the Labor Department to acting on complaints instead of carrying out a permanent inspection program. And even in processing complaints the Department had limited capabilities for action due to its lack of resources. Alejandro Chelen Rojas, Socialist deputy and senator, confirmed the unwillingness of the proprietary interests represented in Congress to provide funds for the Labor Department:

The labor inspectors had no resources because it was convenient to the rightist governments that they did not have them. We attempted many times through "items" in the Congress to allocate funds to the Labor Department for transportation. We were fifteen against 120. Since I had a pickup truck I sometimes took inspectors to the countryside to solve problems that had come to my attention.⁶⁹

Systematic efforts by landowners and their allies maintained the Labor Department as a marginal institution—"largely symbolic"—in its efforts to enforce labor legislation.

The effectiveness of this strategy on the part of proprietary interests is confirmed by the reports of labor inspectors for the visits made to the countryside either in response to formal complaints or as part of the sporadic program of inspection.⁷⁰ Reports from these visits indicate a general ambience of non-compliance with labor legislation in the countryside, tempered by local or regional patterns that were somewhat better than the norm in certain areas.⁷¹ In most farms not all laws were violated; but some laws were violated in just about every farm. Despite the limited credibility of the threat of sanction, due to the Labor Department's lack of personnel and resources, this threat seems to have tempered the total arbitrariness of the relationships between landowner and campesino which had been the norm before the enactment of the Labor Code. To this extent the Labor Department effectively delimited the scope and domain of proprietary authority.⁷² Nevertheless, effective enforcement of the Code and subsequent legislation was far from the rule.

72

Two good examples of the poor levels of compliance with particular laws are the cases of family allowance 73 [asignacion familiar] and the **housing provisions of the Labor Code.**

Case 12: Family Allowances

In 1953, six years after family allowances had been introduced in Law 8811, the Labor Department did a survey for its own use on compliance with the law's provisions. The Reglamento for Law 8811 (Decreto 261, April 7, 1948) specified eligibility and procedural regulations for the family allowance (Articles 23-32). The law required that each month the landowner prepare a list of workers who had worked in the hacienda, the amount of money and in-kind payments earned by each worker, and the total amount of wages paid for that month. Minimally, 7 percent of this total figure had to be then made available by the landowner for family allowance payments to the workers who had not missed any work days. If no workers had perfect attendance, no payment was required for that month. (Later the Labor Department ruled that even if only one worker had perfect attendance he was entitled to all of the accumulated funds for that month.)^{74,75} The Labor Department found that in 1953 approximately 49,790 agricultural units employed workers potentially eligible for family allowance. Of these, only 2,474 sent in the required documentation each month (which did not necessarily indicate full compliance with the payment owed the workers). That is, more than 95 percent of the agricultural units subject to the law's provisions did not even make formal efforts to comply.⁷⁶ The head of the statistical section which carried out this study reported that the "lack of transportation, lack of personnel and of funds to finance the inspection visits in the fundos, render it impossible for the provincial inspectorates to insure compliance with Law 8811 by the patrones, thus mocking the payment of the family allowance that should justly be received by the agricultural workers of the country."⁷⁷ He

suggested that a special inspector be sent to each province to make the workers aware of their rights and to insist on compliance.⁷⁸ **78**

The Labor Department had no personnel or funds to carry out this suggestion.

Case 13: The Housing Code

In the case of housing no such convenient survey exists through which to estimate the degree of compliance with the Labor Code's stipulations that "adequate and hygienic" housing be understood as an obligation of landowners toward rural labor. There is no doubt, however, that rural proprietors rarely took these provisions seriously. Except for a small minority of fundos, the comments of a labor inspector in 1936 about Hacienda Chacabuco and in 1939 for Hacienda La Dehesa (both in the province of Santiago) accurately apply to the situation even into the 1960's:

The houses are in poor condition, many having dirt floors, bare, unpainted, or unwhitewashed walls, and roofs without ceilings.

The majority of the houses are of adobe with thatch roofs, lacking adequate foundations and the [required] minimum of fifteen centimeters from ground to the floor.⁷⁹

And in "La Dehesa:"

The houses of the inquilinos are in deplorable condition, practically uninhabitable. They consist of three rooms, with bare adobe walls, floors of adobe bricks in poor condition, roofs without ceilings; in the rainy season water comes through the roof into the house. They lack kitchens or other rooms.

We determined that in one of these hovels live eight adults and four children, with the negative results that are to be imagined⁸⁰

These are descriptions of neither the best nor the worst in rural housing.

In general, and even up until recent years, rural housing had not met even the most minimal requirements of the 1931 Labor Code: "hygienic

and adequate." Labor inspectors could, and in response to complaints sometimes did, issue "instructions" ordering landowners to correct housing deficiencies. But the normal sanction for inadequate housing consisted of prohibiting the landowner from discounting its value from the workers' earnings when calculating the minimum wage. Thus, if the landowner calculated that meeting the housing code entailed more expense than simply not charging the worker for housing--after this was prohibited by a labor inspector and if an inspection visit were made--then the housing code was not enforced at all. At least this was the understanding of many labor inspectors as illustrated in a report from 1960 in a hacienda that had been visited by labor inspectors in the past--San José de Piguchen in the province of Aconcagua.

The houses do not meet minimum hygienic conditions. The majority have no floors. They are extremely old buildings, adobe with tile roofs or roofs of zinc sheeting. However, these houses are not considered as perquisites which are discounted from earnings--so that in accord with the dispositions in effect this Service has no authority to require that they be improved.^{81,82}

Under these conditions the labor inspector normally informed the relevant Health Service section of his findings and hoped that the health inspector would follow up on his observations.⁸³ While not the routine, in some regions good working relationships between labor and health inspectors made this a viable strategy.⁸⁴ But the limited capability to make visits often meant that when inspectors did respond to complaints they found conditions like those described in Fundo Rabuco y Pachacama (Valparaiso Province) by an inspector in 1953.

Cabins for single workers. (Pachacama) . . . there does not exist an adequate adjective to describe the miserable conditions of these dwellings These living quarters consist of one dark room, without beds; the workers sleep on the floor covering themselves with sacks or with their

own clothes. The floor is dirt, and the workers make fires [on it] to protect themselves from the cold and to prepare their food . . . this housing fails to meet the minimal conditions of life for a human being.⁸⁵

This inspection, made in response to workers¹ complaints and to the intervention of members of the populist government party, Partido Agrario Laborista,⁸⁶ took place in an area of commercial agricultural properties and industrial and mining enterprises relatively close to Santiago. It was, thus, a zone where the Labor Department was not understaffed as in other provinces or less accessible rural areas. In addition, the special agricultural inspector (Boris Yopo Paiva) from Santiago's Seccion de Trabajo Agricola could intervene. Still, the region received only sporadic visits from the Department's inspectors—agricultural visits being made in response to complaints or "political" intervention. Available resources permitted little more.⁸⁷

In short, the landowners and their allies effectively maintained the Labor Department understaffed and underfinanced. Ideological commitment to effective regulation of proprietary interests combined with allocation of the necessary resources to carry out the task were lacking throughout the 1931-1964 period—including the Popular Front years of 1939-1941. This lack of resources, a systematic denial of the means necessary to regulate proprietors in the countryside, was the most effective instrument of the landowners in resisting the effort to make regulation more than "largely symbolic."

Compensation of Officials for Non-Enforcement

Corruption, including bribery, exists in almost all political arrangements. Where there is the opportunity to avoid large legally derived costs by making smaller expenditures in bribes, individuals

will sometimes use this tactic to avoid compliance. In general, at least a small number of officials will be tempted to obtain increments to their income by selling the authority of their official position--either by acting in certain ways or by "not" acting.^{88 88}

Non-enforcement of Labor Code provisions in the Chilean countryside was sometimes obtained through bribery [coima]. This bribery took two general forms: payments for specific services rendered and monthly or semi-annual payments for advising proprietors (in a "private" capacity) how best to comply with labor laws. This latter practice was more protection service than quid pro quo payment for particular actions on the part of officials. Although it is officially prohibited, this practice still exists within the Labor Department today. (Inspectors who take on private "clients" in this fashion are called "asesores.") The practice is much more common in urban areas than in the rural sector, where quid pro quo payoffs were--and remain--more common.

Despite the relatively insignificant level of corruption,⁸⁹ at least compared with corruption in law enforcement and regulatory activity in other nations, Chilean campesinos often believed that non-compliance with laws by landowners was due to generalized corruption of Labor Department officials. "Se arregló con el futre" (literally he made an "arrangement" with the boss) was the campesinos frequent reaction to the slow processing of complaints that often failed to bring results due to formal requirements for documentation and the legal skills of the landowner's lawyer. The campesino's plight was real, but the cause, generally, was not corruption of Labor Department officials.

On the other hand, corruption did play an important role in determining the poor enforcement by Social Security inspectors of the

landowners' obligations to pay monthly taxes in order to keep the workers' libreta up to date. Without this libreta the worker could not receive "free" medical attention from the Health Service. In general, landowners retained possession of all the libretas in a fundo. When a worker desired to go to the health clinic he would request the libreta for a particular day, giving the landowner time to bring that particular libreta up to date. In practice this meant that if landowners could receive grace periods from the local social security inspectors they could work for months or years with the money deducted from the campesinos' wages. Likewise, if the local social security inspector "cooperated" with the landowner in determining the amount owed for family allowance payments, very large amounts of money could be "saved," a portion of which the landowner could make available to the social security official. These practices were directly detrimental to rural laborers and were more common than the periodic scandals within the Social Security Administration might have suggested. Indicative is the fact that when special rural inspection teams went into the countryside in the first years of the Christian Democratic administration (1964-1970) various large "businesses" involving Social Security officials and landowners were broken up. Several such officials, were tried on criminal charges, and sent to prison.⁹¹**91**

In perspective, however, the non-enforcement of labor legislation in the countryside during the 1931-1964 period owed little to institutionalized corruption. Corruption occurred but did not constitute a widespread source of non-compliance with rural labor legislation. When inspectors did go to fundos in response to complaints, or attempted to conciliate labor conflicts, they generally made a sincere effort to come to a reasonable and fair solution. However, the "reasonableness"

of solutions was bounded both by existing law and the current ambience in the countryside--factors which remained rigged against rural labor. For example, even in the labor courts, (and these did not exist in all areas), labor cases involved so considerable an investment of the complainant's time and effort (missing work days, going to town to talk to the labor inspector only to find that he was making inspections in a nearby town or rural district, etc.), that the rural worker who lived from hand to mouth could not, in practice, make use of these potential legal remedies. The frustration of dealing with this system often led the campesinos to see it as an "arreglo" [arrangement] between landowner and labor inspector. In fact, except for very special cases, the landowners did not need to bribe labor inspectors. The existing legal system and administrative process was "corrupt" not because the labor inspectors received bribes, but because it relied on private lawyers, lengthy legal procedures, a formal language that the campesino often did not understand (most non-lawyers or administrators did not) and prevented labor inspectors from discharging their offices for want of funds. It wasn't that the labor inspector "se arregló con el futre" but that "el futre al sistema lo tenía arreglado" (the boss had "arranged" the system).

Internal Incentives Mitigating Code Enforcement

The vulnerability of regulatory officials to their superiors and the vulnerability of their superiors to the dominant political interests external to the administrative agency can produce a tendency to ignore certain "routine" violations of law or to adopt less than rigorous enforcement tactics. Contrarily, pressure in the form of ideological commitment and explicit orders to enforce laws to their full extent can

produce a milieu in which regulation of proprietorship becomes relatively strict.⁹² Routinely, most regulatory agencies come to informally identify certain "acceptable" violations which inspectors will ignore unless external constraints, such as mass media exposure, intervention of political parties or individual politicians, or formal legal action, prevent them from overlooking them. Other violations, because they are highly visible, easy to use as standards of measurement for agency performance or for justifying funding, are fairly well enforced. In turn, individual inspectors or law enforcement personnel give priority to the enforcement of certain laws for personal or institutional reasons. For the individual inspector, however, his assessment of the response of his superiors when he does attempt to enforce legislation seriously constrains (or supports) his daily attitudes and behavior in his work.

National political authorities outside the Labor Department in the 1931-1964 period did not, in general, give high priority to Labor Code enforcement in the countryside. This is confirmed by the low level of resources committed to the Department for its functions and to the generally acknowledged exposure of labor inspectors who attempted to insist on compliance by influential landowners. Legislators, party officials, interest groups or other government officials often pressured the Labor Department to set aside administrative orders or fines. At times such reversals occurred without the consent of the labor inspector involved. On other occasions the inspector received orders to reconsider his findings and issue new "instructions."

Despite these possibilities, and the covert sanction against non-cooperating inspectors of reassignment to less favorable posts, the formalism inherent in the Labor Department afforded some protection

to inspectors who for ideological or professional reasons insisted on strict compliance in their assigned areas. While often viewed as overly zealous, if such inspectors could justify their actions within the existing laws and regulations and thoroughly document the violations they reported, they generally received support from their superiors against attacks from sources external to the Department. In this sense, there never existed a general cynicism or climate of non-compliance within the Labor Department. But almost from the beginning labor inspectors were transferred to different posts when they created too much hostility among landowners in particular regions. These reassignments sometimes brought promotions—a formal recognition of the inspector's correct performance of his assignment, if admittedly an informal recognition of the landowners' claims that the inspector had been over-zealous.

Case 14: Inspector Menzel vs.
Landowners in Molina

An illustrative case is that of Carlos Menzel, a labor inspector in the Talca (Molina) region in 1932. Menzel helped to form several of the first legal rural unions in Chile in vineyards belonging to some of the region's most influential landowners, including a Congressman named Alejandro Dussailant. He also required the landowners to comply with labor legislation. Dussailant wrote numerous letters to the Labor Department, denounced Menzel as a subversive Bolshevnik, and demanded his removal. He insisted that Menzel had exceeded his authority, did not provide adequate attention to the workers coming to his office, and had otherwise acted in illegal, corrupt and unacceptable ways. He also accused Menzel of chronic drunker.ess. In short, Menzel

became a cause célèbre and a definite source of conflict for his superior, provincial inspector Jorge Weltz. Weltz, notified by Santiago headquarters of accusations against the local inspector, investigated the case and then fully supported Menzel in his claims against the landowners. Summing up his findings, Weltz wrote:

[the landowners] are extremely interested in obtaining the transfer of Sr. Menzel from this Department The reason for this is that he has required them to comply with labor legislation to which they offer a certain resistance.⁹³

The landowners responded by suggesting that Weltz also was a subversive and a friend of Menzel--so that it was only natural for him to defend his colleague.⁹⁴ As the case became more problematical for the Labor Department, a career functionary who had helped prepare the Labor Code, Alfredo Bañados, was sent as "Inspector Visitador" to investigate the entire case again. Bañados had instructions to carry out a full investigation based on the sworn testimony of all involved parties and relevant witnesses.⁹⁵ Part of his instructions included the preface that the investigation was to be made because the Labor Department "must offer the maximum of guarantees to all interested parties and act at all times to assure the impartiality, competence and judgement of the functionaries pertaining thereto."⁹⁶ In short, the case involved an administrative investigation--not merely a simple accession to landowner demands for sanction against inspectors who caused problems. Bañados confirmed the judgment of the Provincial Inspector, vindicating the action of the local labor inspector. In closing the case the Director of Labor declared:

In attention to the report by the visiting Inspector Sr. Alfredo Bañados, which establishes the unjustified nature of the denunciations against the Provincial Inspector of Talca, Sr. Jorge Weltz, and of the Department Inspector,

Sr. Menzel, and demonstrates that they fulfilled their obligations to both give impetus to and obtain strict compliance with labor legislation: This authority approves of this report in full. The case is closed. The conclusions of this investigation were made available to inspectors Weltz and Menzel and to the parties who made the denunciation.⁹⁷

Thus, even as early as 1932, labor inspectors were not necessarily totally exposed within the Labor Department itself, if and when they attempted to enforce the Labor Code. Early development of a functioning administrative review process for accused inspectors and a technical sense of mission by a growing cadre of career bureaucrats somewhat protected officials in these kinds of cases.⁹⁸ This became more true as the bureaucrats themselves became organized in associations which were the functional equivalent of unions which were prohibited in the public sector.

Still, in the early period and even into the 1960's rigorous code enforcement was not the rule. Only in areas where individual inspectors had ideological, professional, or personal commitments to code enforcement did landowners begin to generally comply with labor law. Of importance, nevertheless, is the fact that inspectors of this sort were not easily removed from the Department nor routinely punished.

Case 15: "Bread not fit
for human consumption"

Another illustrative case is that of Inspector Victor M. Gutierrez in Colchagua in 1938. Gutiérrez decided, on his own initiative, to do something about the commonly-known fact that landowners gave rural workers extremely poor quality bread rations. In April of 1938 the inspector wrote to his superiors in Santiago as follows:

I am sending you today's copy of the newspaper "La Palabra." On the second page is some news like that I

always try to have published in the local papers, as a means of publicizing the work . . . of our Service

. . . you will see that I have had to repeat what I did in 1935, that is, obtain chemical analysis of the infamous "galleta" [bread ration] that is provided as food in the majority of the fundos in this zone

Since it is possible that you may receive some complaints or accusations, I want on this occasion to inform you in advance so that you will have full knowledge of the circumstances.

I know that this work will not be appreciated in some quarters, causing animosity toward me, but given the abuse at hand, and the sickness, especially among the women and children, I cannot restrain myself from seeking to effect a change in this evil committed by at least 60% of the landowners

. . . In my publication I have not reported the name of the fundo involved nor the region in which it is located, but only the case itself, since [my intent] is not to injure, but rather to prevent [further abuses] in all cases."⁹⁹

The publication reported the results of the chemical analysis carried out on a bread ration taken from one of the fundos in the region: unfit for human consumption. It also reminded the landowners that the Labor Department would request that they gradually replace the houses that had been declared "unfit for human habitation" and comply with the other requirements of labor law.¹⁰⁰

The inspector in this case clearly recognized his vulnerability to the complaints of the landowners and the need for support from within the Labor Department. Nevertheless, it is evident that this awareness did not prevent him from carrying out his functions. While the inspector was not spurred on by a generalized departmental policy insisting on total compliance, he did feel secure enough to experiment with acting on his own discretion and to insist on compliance.

Throughout the 1931-1964 period, landowners denounced those inspectors who pushed too vigorously for extensive law enforcement. Such inspectors gained reputations as "agitators," "subversives" and "hostilizers" of the labor force. They were also accused of lacking the proper "respect"

for the landowners. In almost every case, if the inspector had proceeded according to law and had appropriately maintained documentation of inspections and complaints processed, higher echelon officials in the Labor Department supported the inspectors in conflicts with external agents. On the other hand, throughout this period the Department lacked the firm commitment to law enforcement which would have been necessary to eliminate the timidity and reluctance of many inspectors in dealing with proprietary interests. This commitment would have had to come from the top of the Labor Department, that is, from the Minister of Labor and Director of the Labor Department. These functionaries owed their positions to the bargaining process within national coalition governments and were subject to the constraints of national politics and priorities; Only by a radical change in these external constraints could the internal incentives within the Labor Department have been shifted to rigorous code enforcement. As it was, only the exceptional labor inspector was willing to make waves by performing his tasks in other than routine ways, responding to complaints but not seeking actively to obtain generalized compliance in the geographical zone of his responsibility.

Discouraging Complaints

Since the Labor Department had to rely on processing complaints rather than systematic preventive inspections, it was in the landowner's interest to prevent these complaints and thereby avoid any contact at all with labor inspectors. Landowners could legally dismiss day workers with six days notice and inquilinos with notice of two months. This threat undoubtedly restricted the willingness of some rural laborers to register formal complaints, especially given the knowledge that this might involve a long drawn out process and involve substantial investment

of time and effort. Blacklists maintained by the landowner associations provided additional potential sanctions against "troublemakers."

Despite these deterrents, however, (not limited in any case to the rural sector) rural laborers consistently and in relatively good numbers registered their complaints with the labor inspectors and took their cases to the labor tribunals. Unfortunately, data has not been collected which would allow us to determine what types of rural workers tended to register complaints—day workers, inquilinos, sharecroppers, migrants, etc. Collection and analysis of such data would give insight into the relative control by hacendados over diverse strata of rural labor in the 1931-1964 period as well as a sense of alterations in patterns of interactions, by strata, over time. For the years 1946-1949, however, data on complaints registered is available which at least separates "agricultural workers" in general from other types of workers, empleados and household servants.

Formal Complaints to Labor Department, 1946-1949

	<u>1946</u>	<u>1947</u>	<u>1948</u>	<u>1949</u>
Empleados	2,084	1,808	1,885	1,703
Workers	11,270	13,193	13,067	10,848
Agricultural Workers	4,669	6,272	5,521	4,440
Household Servants	<u>3,992</u>	<u>4,025</u>	<u>4,331</u>	<u>3,987</u>
Total Complaints	22,015	25,298	24,804	20,978
Agricultural workers as percent of total	21	25	22	21

Source: Brian Loveman, "El Mito de la Marginalidad . . .", 10.

During these years agriculture occupied between 30-35 percent of the actively employed population, including hacendados, other proprietors

and administrative employees. Formal complaints by agricultural laborers did not dip below 21 percent of all complaints registered during this four-year period and averaged about 22 percent. These four years included a period of active unionization and labor conflicts in the countryside (late 1946 to mid-1947) and a period of anti-labor repression (mid-1947-1949) in which labor conflicts declined significantly (See Chapter IV). This, seemingly, did not affect the relative share of complaints by rural workers although the total number of complaints declined by about 33 percent from 1947 to 1949. This, in itself, indicates at least some small measure of confidence and satisfaction with the performance of labor inspectors since, over a long period of time, nonsatisfaction or repression of those who complained would have led to a decline in the number of complaints received. No group of people will register formal complaints when they know by past experience there is no chance of being successful and that sanction by the person against whom the complaint was registered is probable.

Labor inspectors treated complaints routinely, not as aberrations or rural rebellions. Typical of the routineness of the handling of these complaints is this labor inspector's report from Hacienda Huechun Alto (Melipilla, Santiago Province) in 1939:

In attention to your telegram No. 668 in relation to a presentation made to the Minister of Labor in regard to the dismissal of thirteen workers from Hacienda "Huechun Alto," the property of Joaquin Prieto Concha, I can inform you as follows:

On the thirteenth of February two dismissed workers presented themselves at this inspectorate to claim their right to severance pay and payment for planted crops. These complaints were registered as numbers 34 and 35 in the "Libro de Reclamos Generales," citing the parties to a reconciliation session for the 18th of the same month. The day and hour were noted on the citation, and the two workers arrived here as did the administrator [of the fundo] in the

company of ten other workers who had been dismissed. In the presence of the undersigned, [the administrator] declared that the workers had been dismissed because their services were no longer necessary, and that he had authorization from the patrón to pay them whatever monies the law determined was owed to them. The complaintants accepted this procedure All the workers received their corresponding severance pay in my presence, to their entire satisfaction, as is certified in the Libro de Reclamos Generales in this inspectorate, where they stamped their respective signatures in acknowledgement of acceptance.

With respect to the workers who had crops to harvest and wished to leave the hacienda immediately, these [crops] were evaluated in common by the parties in my presence, and those who did not accept this procedure were authorized to remain in the hacienda until after the harvest.

In a casual inspection effected in the hacienda yesterday, I found that six of these workers still remain in the hacienda . . . they are authorized to work outside the hacienda whenever they desire.¹⁰¹

Such complaints, 4000-6000 per year, were handled routinely by the Labor Department, but campesinos did not always obtain favorable outcomes. And even when the formal outcome favored the worker, the campesinos still might be losers, when forced to leave the place of their birth or their homes. Nevertheless, workers continued to use formal complaints as a tool for forcing landowners to fulfill their legal obligations.

This is not to say that both intimidation by landowners and the frustrations involved in the formal complaint process did not prevent rural laborers from registering complaints. Rather, even given the level of intimidation which existed, campesinos made formal complaints which the labor inspectors processed as part of their normal duties. If, however, all the subtle (and not-so-subtle) intimidation by the landowners (dismissals, refusal to provide sharecrop land to "troublemakers", reduction of perquisites, etc.) had been removed, it is probable--as occurred after 1904--that the Labor Department would have been unable to meet the demands of the resulting heavy case load. Indeed, as things were in the 1931-1964 period, the Department was hard pressed to deal with

the number of complaints which workers did register in rural areas. When, after 1964, leftist political parties and the Christian Democratic government itself stimulated large quantities of formal complaints by rural labor, the Department was unable to deal with the work load created and moved to appoint a large number of new labor inspectors.¹⁰²

Physical Violence and Resistance to Labor Inspections

When proprietors feel that they "are the law," denial of the legitimacy of the authority of regulatory agencies may occur. Although by 1931 no serious challenge to the authority of the central government existed, some landowners did physically resist inspection visits and deny labor inspectors access to their territory (property) and to the required documentation concerning labor contracts, salaries, and social security payments. Physical attacks on labor inspectors occurred rarely, though this possibility always existed at the margin. The cases which follow are illustrative.

Case 15: Use of physical force

A labor inspector in the province of O'Higgins in 1938 attempted to process a number of complaints registered against a particular landowner by various rural laborers. The landowner refused to come to the labor inspectorate for the necessary conciliation procedures [comparendo]. The labor inspector then sought to reach a solution in the case because he felt that the workers (migrants) could not afford the time and cost of processing the complaints through the labor court. He went to the landowner's hacienda and then to a nearby hacienda which the landowner was visiting. He suggested to the landowner that some agreement might be reached in the case but the landowner,

answering me in an insolent manner . . . incited the persons nearby to throw me off the property. Although I mentioned to him the authority vested in labor inspectors by the law, they proceeded with violence . . . throwing an adobe brick at my head¹⁰³

The labor inspector left the scene and informed his superiors of the developments. The workers' complaints were sent on to the labor court.¹⁰⁴

Case 16: . . . and coercion

In 1940 a labor inspector in Curicó made an inspection visit to Fundo Huanune. The fundo's overseer met the inspector and escorted him around the grounds and buildings. After completing the inspection tour the inspector was taken to an office by the overseer where he intended to fill out the forms concerning the visit and to obtain the necessary documentation. After filling out the forms, he attempted to return to the section of the fundo where the inquilinos' housing was located. The overseer physically impeded him from doing so, indicating that he had received a telephone call from the landowner in Curicó instructing him (the overseer) to prevent continuation of the inspection. The inspector then attempted to go out on the public road and inspect the houses located there. Trying to leave the fundo he found the gates leading to the road locked. The overseer announced to him that he was being held until the landowner arrived from Curicó. The landowner arrived from Curicó in the company of a police lieutenant and two policemen.

Upon his arrival [the landowner] heaped upon me an infinity of gross insults . . . and if it hadn't been for the intervention of the police officer . . . the undersigned would have been a victim of still more insolence on the part of this "gentlemen" [caballero].

In virtue of the intervention of [the landowner] and in . . . order to avoid further consequences, I left the fundo at four o'clock, leaving unfinished the inspection visit I had begun in the morning.¹⁰⁵

In this case the Departmental labor inspector brought formal charges against the landowner under Article 568 of the Labor Code (impeding the visit of a labor inspector) and also filed criminal charges. The workers' houses, however, were not repaired.

It should be emphasized that these cases are not typical of landowner response to visits by labor inspectors. Infrequent as they were, however, individual cases continued to occur throughout the 1931-1964 period. These incidents are indicative of resistance by some landowners to any redefinition of the meaning of rural proprietorship and the authority of rural proprietors. For these landowners, private property meant that government regulation did not extend into the territory of their proprietary domain. The use of force by landowners also indicated, however, that in some cases, despite all efforts to evade or subvert application of labor law, labor inspectors insisted on compliance. The use of physical force, the least subtle and, over the long run, the least effective manner of resistance to labor legislation in the Chilean context, represented an anachronistic response by landowners unable to otherwise impede the increasing restriction of proprietary authority contained in labor law.

LABOR LEGISLATION AND THE REDEFINITION OF RURAL PROPRIETORSHIP:

AN OVERVIEW 1931-1964

From the adoption of the Labor Code in 1931 until 1964 the Chilean Congress and various administrative agencies formally redefined rural proprietorship through a number of laws and their respective regulations [reglamentos]. Slowly, the obligations of rural proprietors toward rural labor increased and the proprietary authority of landowners over

rural labor was restricted. The Labor Code required landowners to enter into written contracts with rural laborers. This obligation legally ended the customary oral labor agreements that provided no formal protection for the campesino and allowed labor relations to depend upon the whim of the hacendado. The Labor Code also delimited the scope of proprietary authority by somewhat restricting the right of landowners to dismiss and evict campesinos, regulating the application of fines, and introducing the concept of formal "regulations" [reglamento interno] that defined the rights and obligations of employer and workers within the enterprise.

Subsequently, additional labor legislation further restricted the scope and domain of proprietary authority. Minimum wage laws, social security provisions, housing codes, health codes, and unionization laws all contained formal delimitations of rural proprietorship. By 1964 the legal prerogatives of rural proprietorship vis a vis rural labor had changed radically from the situation in 1931. Formally, the hacendado no longer exercised the unregulated authority of a nineteenth century landlord but rather that of an employer in a twentieth century Western industrial society. This legal transformation corresponded to the gradual and more general legislative regulation of capitalist enterprise within the Chilean polity.

Lack of enforcement of regulatory provisions, however, produced an ever widening gap between the legal definition of proprietorship and practice in the countryside. This meant that rural proprietors enjoyed an important economic subsidy from the non-enforcement of labor law. This "subsidy" allowed landowners to retain customary modes of production. It also meant that the possibility existed for a future government to

radically alter the economic and political structure of the countryside, by simply enforcing existing law. Law enforcement, in this context, would represent a revolutionary measure.

As the foregoing suggests, regulation of the proprietary authority of landowners through labor legislation was less than perfectly administered. In many areas regulation remained "largely symbolic." Yet certain basic restrictions on proprietorship had been generally accepted by 1964. The legitimacy of labor legislation was no longer in dispute. The Labor Code and succeeding labor legislation were recognized by landowners as formal constraints on their proprietary authority. For this reason landowners resisted further legislation and attempted to subvert the administration and implementation of existing regulations.

Returning to the basic framework for the analysis of proprietorship discussed in the first two chapters of this study, it is necessary to describe some aspects of the legal substance of proprietorship (the scope and domain of proprietary authority) limited by labor legislation during this period. Also, it is of interest to ask what would have remained of the legal scope and domain of rural proprietary authority if all labor legislation had been enforced uniformly and universally.

Perhaps the most direct manner of determining the nature of this legal authority is the examination of model (and actual) Reglamentos Internos approved by the Labor Department, as well as labor contracts in use during this period. These Reglamentos and labor contracts detail the legal obligations of rural labor within the agricultural enterprise, the obligations of the rural proprietor, and the legal discretion of proprietors to sanction misconduct within the hacienda or fundo. Widespread evasion of legal responsibility and enforcement of more extensive

obligations on rural labor, as was common, implied a much more extensive de facto proprietary authority during the 1931-1964 period than the legal norms suggested. Nevertheless, an examination of the changing legal scope and domain of proprietary authority reveals the continuing extensiveness of that authority even after introduction of substantial formal delimitations in the form of labor legislation.

As with much of the Labor Code (and due to Article 76) landowners initially claimed that Reglamentos Intemos should not be applied in the countryside because of the "special nature" of agricultural enterprise.¹⁰⁶ Between 1931-1935 legal debate within the Labor Department and the Consejo de Defensa Fiscal finally resolved that Reglamentos Internos should indeed be required in the rural sector. The Department confirmed a temporary resolution to this effect in September, 1934.¹⁰⁷ In 1936 the Labor Department distributed the first "model" Reglamento for use specifically in the countryside. This first model contained a list of the types of clauses that should be included in the Reglamento but did not, for the most part, include substantive recommendations--- which might have been favored by the Labor Department.¹⁰⁹ In order to ascertain the scope and domain of proprietary authority which the Department did find compatible with the Labor Code, it is necessary to follow an actual case of preparation and approval of a Reglamento Interno for a particular fundo, observing the "corrections" which the Department made to a Reglamento proposed by a landowner seeking to comply with the Labor Code. For this purpose sections of the Reglamento finally approved in Fundo Ibacache (Melipilla, Santiago Province) in 1940 are transcribed below at some length. Since the document is rather long, the sections entitled "prohibitions," "obligations," and "sanctions" and those dealing

with the termination of the labor contract have been singled out.

Indications of objections by the Labor Department to proposed wording and the alternative "approved" wording is included in brackets where **such objections occurred.**¹¹⁰

Prohibitions

(a) Employment for private use, without previous written permission of the patron or his representative, of any implements, tools, animals, etc., belonging to the fundo

(b) Selling or fabricating alcoholic beverages, even if a license is obtained

(c) Devoting time to labors other than the agricultural labors of the fundo [This clause formally precluded outside employment, artisanship, commerce, etc.]

(d) Leaving the fundo without authorization of the patron or his representative [This clause, a customary prerogative of rural proprietors, was rejected by the Labor Department as illegal. Proprietors were ruled not to have the authority to require laborers to obtain permission before leaving the fundo.]

(e) Taking any firewood other than that indicated in the contract

(f) Raising pigs or chickens outside the individual garden plot

(g) Having animals other than individually owned animals on the land allotted for grazing [regalía de talaje]

(h) Having more animals than indicated in his contract

(i) Having in his house, without their working in the fundo, employable sons over eighteen years of age, or other persons of any age To lodge persons not working in the fundo in his house for periods of more than one night, it is necessary to have written authorization of the patron or his representative.¹¹¹

(emphasis added) [The Labor Department (after a favorable report by the inspector in charge of the rural sector), insisted on altering this part of the Reglamento to read: "If for any reason residents of the hacienda give occasional lodging to non-residents [forasteros] they must immediately notify the administration and identify the visitors."]

(j) Drunkenness, of the worker, his family members, or those living in his house [allegados] (emphasis added)

(k) Taking trees out of the "cerco" or any other part of the fundo

(1) Walking in the fields without a justified reason, other than work; forcing locks; making "openings" in fences and wire; rechanneling water, and all other action that damages the established regime (emphasis added)

Obligations

(a) The worker must make every effort to comply with the labor contract in all respects.

(b) Inquilinos are obligated to provide a substitute when, for whatever reason, they cannot come to work. The substitute [reemplazante] must be previously accepted by the Administration.

(c) Inquilinos and other workers must take care to conserve work implements and animals, notifying the administrator immediately of any damage suffered by the former or injury suffered by the animals.

(d) All workers in the fundo who have pasture rights are required to use their own horses in fulfilling their labor obligations.

(e) It is an obligation of those living in the fundo to see to its conservation and maintenance [aseo]. It is prohibited to make improvements or plant trees, but the administration may authorize both of these; improvements, trees planted, fences constructed, etc., will be considered property of the fundo (emphasis added)

(f) Family obligations will be strictly enforced [fiscalizada]. Abandonment of family and failure to meet the educational obligation of children will be cause for legal termination of employment (emphasis added)

(g) Those living in the houses of the fundo agree to vacate them three days after the notification of termination period has expired.

Sanctions

(a) If the number of animals in pasture exceeds that authorized in the contract, payment for this excess pasture must be made and the animals removed from the fundo if so notified.¹¹²

(b) Whosoever maintains his animals in unauthorized parts of the fundo shall indemnify the fundo for unauthorized consumption of pasture. Repetition of the offense will be punished with notification of termination of employment [desahucio del contrato].

(c) The fundo shall also be indemnified for damage done by pigs, poultry and larger animals that laborers attempt to raise outside their "cerco."

(d) Whosoever cuts down trees shall pay the fundo the value of damage as assessed by the Administration (emphasis added).

(e) Whosoever does not comply with the provisions of the first section of "Prohibitions" of this "Reglamento" shall pay for damages caused and reincidence shall be cause for termination of the labor contract.

(f) Intentional damage to machinery, tools, animals, work implements, fences, trees, etc., or loss of any work implement charged to the care of the worker, will be punished according to Article 96 of the Labor Code, without prejudice to civil or criminal liability. This same disposition applies to the stipulations contained in parts (c), (d) and (e) of the Section "Sanctions."

Termination of Labor Contract

(a) In case of termination of the Labor Contract, the inquilino must be given written notice two months in advance. In the case of voluntarios, a six day notification will apply.¹¹³

(b) The Labor Contract may be terminated immediately for the causes stipulated in Article 9 of the Labor Code which are:

- (1) expiration
- (2) conclusion of work . . . that gave origin to the contract
- (3) fuerza mayor o caso fortuito ["Acts of God"]
- (4) desire of one of the parties in conformity with Article 10 of the Labor Code
- (5) death of the worker
- (6) lack of probity, "vias de hecho;" slander or grave immoral conduct duly substantiated by either of the parties
- (7) deliberate material damage to machinery, tools, or work implements, products or commodities
- (8) acts, omissions, or imprudence that affect the security of the establishment, other workers, or the health of other workers
- (9) grave faults in complying with the obligations of the Labor Contract¹¹⁴
- (10) non-appearance for work without justified cause for two consecutive days, two Mondays in a month or a total of three days during the same period
- (11) abandonment of work by the worker; by abandonment of work is understood
 - (a) the inopportune and unjustified withdrawal of the worker from the work place during working hours without authorization from the patrón or his representative
 - (b) refusal to work at the work place assigned, if the assignment is consistent with the Labor Contract

- (c) the unjustified absence, without previous notification, of a worker in charge of a work place or machinery, whose absence impedes the progress of the rest of the work

This Reglamento was accepted by the Labor Department with the revisions suggested in the corresponding notes. It represents an "acceptable" interpretation of the authority of rural proprietors within the constraints of the Labor Code. It includes the legal capability of landowners to demand the services of family members and "other residents" of a worker's house to work in the fundo. It recognizes the right of landowners to control the relationship between worker and members of his family (his "private" life).. It authorizes the landowner to monitor and control the visitors to the worker's dwelling. On the other hand, limitations are recognized on the landowner's right to dismiss workers and he is obligated to provide legal notice and severance pay. The workers' obligations to the proprietor were also formally delimited. While extensive, they were finite. The system was not entirely arbitrary, although limitations on the landowner's authority were quite vague and in practice often ignored.

The most important aspect of such Reglamentos and their processing by the Labor Department was that they implied a formal recognition by the landowner of a legal delimitation on proprietary authority and acceptance of legal obligations toward rural labor. The requirement for written labor contracts reinforced this formalization of landowner-campesino relations. While not universally enforced, labor contracts were introduced into most of Chile's larger and commercial fundos. Violations normally consisted of not having contracts for all workers on a farm--especially for migrant workers or temporary hands. Only infrequently did fundos, after 1940, maintain no labor contracts at all.

That the landowners understood the implications of the Reglamentos Internos as formal delimitations on the rights of proprietorship is demonstrated by a letter written by the representative of the Northern Agricultural Society [Sociedad Agrícola del Norte] to the Labor Department in 1940. This Society had proposed a model Reglamento for use by its members in their rural properties. The Labor Department took issue with a clause in the Reglamento which prohibited visits to the agricultural workers within the hacienda or group gatherings in the worker's house (other than of the family) without authorization. The representative of the Society argued:

I would suggest that the proposed wording be retained since these fundos are private property and, in consequence, the owner has a right to object to the presence of particular persons on it.¹¹⁵

Making clear the issue in this case, the Labor Department responded that private property was not an absolute right, but a set of rights bounded by the constraints of labor contracts and other legislation:

This Department maintains its point of view in regard to this section. While it is true that the fundo is private property, this cannot be taken in an absolute sense, given the reality of life in the countryside. The worker receives, in exchange for his "labor, remuneration and" regalias, one of which is the right to a house. From the moment in which the labor contract becomes operative, the worker's house becomes private property [un recinto particular], a condition which continues until the termination of this contract, and other persons should be allowed access to it without too many limitations.^{116,117}

Again, however, despite formal delimitation, the de facto discretion of proprietors remained extensive. This seeming victory for the workers was not generally accepted or enforced. In 1962, in a highly commercial fundo linked to the SNA itself, the proprietor still denied the workers the right to have visitors in their homes. The "right" of landowners to control entry and exit to their private property was only challenged

when labor inspectors, in response to complaints or in dealing with collective labor conflicts, visited particular properties.

From Mallarauco (Santiago Province) in 1962 a labor inspector reported (Fundo California):

Prohibitions on Visits: Visits are allowed, but only with prior written authorization of the patrón. Violation of this rule constitutes cause for immediate termination of the labor contract.

Orders have been given to eliminate this clause [since] causes for termination of the labor contract are only those established by law¹¹⁸

Earlier, in 1956 (Circular 2, 27 Febrero, 1956) the Labor Department had adopted a new "model" Reglamento Interno. This Reglamento was much more extensive than previous efforts and deserves at least brief discussion as an indication of the formal delimitation of proprietary authority toward the end of the 1931-1964 period. Emphasis again is placed on the sections dealing with certain of the "obligations," "prohibitions" and "sanctions" which the Department approved as legitimately within the scope and domain of authority of rural proprietors, and with the limitations on proprietary authority which the Reglamento represented. The entire Reglamento is reproduced in the appendix of this chapter.

General Obligations.

Article 33 The inquilino must make members of his family available for labor in the fundo, especially during the harvest, unless he can justify inability to do so. These persons will be paid according to the rate established in DFL 244, dealing with minimum wages in agriculture.

The Reglamento still recognized the liability of the worker to the rural proprietor for supplying the labor of his family to the fundo. However, it also obligated the landowner to pay these family members the **daily** minimum wage established in the minimum wage provisions.

All workers who live in the fundo must work in it, and are prohibited from working in other places or for other persons without previous written authorization of the patron or his representative.

Part of the labor contract and Reglamento Interno thus reaffirmed the exclusive availability of the worker's labor to one employer. Proprietorship meant the legal capability to prevent the resident worker from earning outside income.

Prohibitions

Article 54 (f) to give lodging in the worker's house to non-fundo residents, without prior authorization of the patron

The Labor Department, in a seeming reversal of the 1940 ruling (and in recognition of prevailing practice) confirmed the landowner's right to monitor and control visitors to the workers' homes. Property in rural land retained the political and legal power to issue the functional equivalent of "passports." This provision legally subordinated workers living within the hacienda to the territorial jurisdiction—with respect to access of visitors to their homes—of landowners.

Article 54 [it is prohibited for the worker] to engage in immoral conduct, whether this be showing disrespect to his wife, habitual drunkenness, complicity in thefts or other crimes, or initiating or practicing games of chance.

Traditional concern of landowners for the moral uprightness of their "wards" [workers] was confirmed as a legal attribute of proprietorship. Violation of the landowner's notion of moral conduct could, if the landowner desired, serve as cause for dismissal. In this regard the Labor Department also supported the customary prerogative of rural proprietors to govern the "private" lives of rural laborers.

Sanctions

Article 56 The infractions of the dispositions of this Reglamento Interno will be punished by fines of ten,

fifteen, twenty and up to twenty-five percent of the daily minimum wage.

The Labor Department upheld the customary practice by landowners of fining workers for misbehavior. Landowners, thus, legally exercised police and judicial functions as an attribute of proprietorship. The Reglamento legally limited, however, the amount landowners could fine a worker—an improvement over previously existing formal arrangements. In the past, landowners could and did fine workers in amounts well exceeding daily earnings.

The model Reglamento Interno of 1956 was another step in the process of formalization of the relationships between agricultural workers and rural proprietors which began with the promulgation of the Labor Code in 1931. Stipulating in detail the obligations of landowners and workers, making frequent reference to the Labor Code and subsequent labor legislation, it indicated the changing legal nature of the relationship between campesinos and patrón. Formally the patrón had lost most of his territorial jurisdiction, although some territorial prerogatives had been legally retained as an attribute of proprietorship. Also, formally, the proprietor had become less patron and more employer. The terms upon which campesinos sold their labor were not unilaterally determined by landowners nor were landowners immune from legal sanction if they violated contractual obligations.

In practice, too, the legal authority of rural proprietors had been curtailed—but not nearly so much as the formal norms suggested. There existed an important gap between law and practice. Enforcement of legal requirements remained sporadic (versus almost non-existent prior to 1931). Perhaps the best indicator of the deficient enforcement of labor legislation is the universal inclusion of demands that

landowners fulfill their various legal obligations in the labor petitions presented in the countryside from 1960 to 1964.¹¹⁹ But this does not mean that labor law was "ley muerta." A study done in one province in 1955 reported that 20 percent of inquilinos interviewed received less than the legal minimum wage (80 percent compliance).¹²⁰ By 1965 non-compliance with the minimum wage legislation had just about been eliminated.¹²¹

Formally, the labor code and subsequent labor legislation substantially delimited the scope and domain of authority of rural proprietors vis a vis the rural labor force. In practice this authority remained quite extensive but vulnerable to massive enforcement efforts. The gap between formal requirements and practice varied from law to law, but coincided generally with the inability of rural labor to effectively demand enforcement and of the Labor Department to respond to such demands—even if rural labor and its allies had been appropriately mobilized. The disjunction between the legal limits on rural proprietorship (and the obligations of landowners toward rural labor) and the existing situation in the countryside—the extent to which labor law was "symbolic"—was perceptively noted by a career functionary (Julian Gonzalorenna) of the Labor Department on special assignment in the countryside in 1965:

The labor conflicts and discontent shown by agricultural workers can be traced to the lack of timely and efficacious inspection and enforcement on the part of the Labor Department, due to the lack of money, personnel, and transportation.

. . . The campesinos, insofar as I have been able to tell in the conflicts I have been dealing with, ask only that the landowners comply with the law (emphasis added).¹²²

Closing the gap between law and practice, making regulation of rural proprietorship more effective and less "symbolic," depended substantially on mobilization of rural labor to demand that their legal rights

be respected; that political parties and the urban labor movement support these demands; and that the Labor Department have resources for effective enforcement of labor legislation. These requirements were not isolated but mutually reinforcing--without all of them labor law would remain, if not "largely symbolic" at least symbolic in part.

From the perspective of the landowners, labor legislation and the unionization of the labor force represented a difficult problem. In the first place, effective transition from the role of patrón on a hacienda to that of employer in a rural enterprise entailed fundamental changes of the landowners' perceptions of their own position in rural society. It also required recognition of the campesinos' rights to bargain collectively, to formally challenge the orders of the proprietor on the basis of norms external to the hacienda and, more generally, to participate in the determination of work routines and wage levels or even to share in the distribution of the economic surplus produced by the rural enterprise. Compliance with labor law required the landowners to rethink the basis of the legitimacy for their own authority and to modify profoundly their behavior in dealing with rural workers. An alteration of existing human relationships of this magnitude involves changes in the underlying "world view" of both landowners and rural workers. Such a change could not be expected to occur overnight. Existing psychological and sociological orientations were serious obstacles to rapid acceptance by proprietors of the implications of labor law.

Secondly, even after the existence of labor law became an "accepted" phenomenon, the economic costs for the landowners of complying with labor law were quite high. Creation of rural unions made it probable that the

cost of labor would increase still more. This dilemma would not have been so serious if government economic policy from 1938 onward had **not** discriminated against agriculture. National economic policy prevented farmers from recovering increased labor costs by passing these on to consumers as higher prices. A program of induced industrialization depended upon relatively low domestic food prices. Government policy involved subsidizing foreign producers of agricultural commodities and discrimination against domestic producers in order to maintain relatively low food prices in urban Chile. (See Chapter VI for more on this issue) Thus, labor law and rural unions represented threats both to the political status of rural proprietors and to the economic viability of rural enterprises given the constraints of existing "development" policy adopted by the national governments.¹²³¹²³

In this context, even if rural proprietors generally desired to comply with labor law or felt obligated to improve the situation of rural labor--for which there is little evidence--the economic constraints discouraged this type of strategy in dealing with the rural work force.

To meet the economic and political challenge of labor law, in addition to the patterns of resistance and evasion discussed above, landowners adopted a dual strategy of substituting sharecropping arrangements for inquilino labor rents and using more wage labor [afuerinos, voluntarios] relative to permanently contracted resident labor [inquilinos]. Introduction of sharecropping legally eliminated employer-worker relations, freeing the landowner from the payment of social security taxes and family allowance contributions.¹²⁴ (See cases 5 and 6) With adoption of the minimum wage provisions (1953), landowners began to consider more closely the relative costs of different kinds of labor inputs

(inquilinos, sharecroppers, wage workers, part-time wage workers, etc.). Between 1955 and 1965 the amount of land given to sharecropping in the central valley increased by 46 percent while the number of sharecroppers declined by about 10 percent.¹²⁵ The available data does not discriminate between internal sharecropping, within haciendas, and sharecropping on a single enterprise farm. Still, the direction of change indicates a move toward increased sharecropping both within the haciendas and on other types of production units. At the same time, the landowners sought to reduce the number of permanent resident workers who still paid what might be considered a "labor rent" for allotted land, with machinery and wage workers.¹²⁶ Agricultural workers with an annual contract and an hourly, daily, weekly, monthly or piece-rate wage did not, however, exist on a wide scale in Chilean agriculture. Thus, the move to reduce the relative number of inquilinos was an effort to eliminate "fixed" operating costs imposed by social security and family allowance payments (22 percent of labor costs)¹²⁷ and to a lesser extent to increase profits by substituting either direct management or sharecropping for labor rent tenancies.

While the early estimates on the relative number of inquilinos in the agricultural labor force are somewhat misleading, due to changing legal definitions of "inquilino" (see case 5 above), between the agricultural censuses of 1955 and 1965 the number of inquilinos officially declined from 82,567 to 73,938. This represented a decline in the inquilinos' relative share of the population active in agriculture from 12.4 percent to 8.4 percent.¹²⁸ Supporting the thesis that to a certain extent the desire to recover land from the internal campesino enterprises also contributed to pressure for the replacement of inquilinos

with other forms of labor is Schejtman's finding that while in 1955 some 111,790 rural workers and administrative personnel obtained land allotments, by 1965 only 62,017 rural workers and administrative personnel enjoyed regalias de cultivo.¹²⁹ Kay estimates that by 1964 only 46,500 inquilinos still received land allotments as a component of their wage.¹³⁰ This meant, overall, a decrease of 44.5 percent in the number of rural workers and administrative personnel receiving land allotments and of 36.6 percent in the total area given over to these regalias de cultivo.¹³¹ **131**

Between 1953 and 1964 the increasing legal minimum cash salary obligations of landowners to rural workers entailed a progressive underevaluation of in-kind payments including land allotments—if the landowner allowed the workers to retain the customary land allotments and pasture rights and to pay 50-75 percent of the legal minimum in cash. It is in this context that the landowners' persistent resistance to rural unions must be understood. Fearful of losing political dominance in the countryside and, especially after 1953, facing increased legal obligations to the work force, landowners sought to prevent the development of rural labor organizations that might force them 1) to comply with labor law, 2) to respect the customary benefits of rural workers, 3) to improve living and working conditions for the campesinos, and 4) to relinquish their political control of the countryside.

Thus, the lack of effective organization on the part of rural labor, necessary if the regulation of proprietorship was to become effective, was no accident. Chilean campesinos attempted to organize themselves at various times during the period 1919-1964. Recognizing that labor law, and particularly rural unions, represented a threat to their status,

their power, and to the economic viability of the existing rural enterprise, landowners bitterly resisted these organizational efforts, seeking to repress the challenge to rural proprietorship inherent in an organized rural labor force.

FOOTNOTES TO CHAPTER III

1. Murray Edelman, The Symbolic Uses of Politics (Chicago: University of Illinois Press, 1967), p. 23.

2. Ibid., p. 56.

3. On the problems of organization of disadvantaged groups and classes for collective action see Mancur Olson Jr., The Logic of Collective Action (Cambridge: Harvard University Press, 1965).

4. Of interest in the American context is Louis M. Kohlmeier Jr.'s The Regulators (New York: Harper & Row, 1969). Kohlmeier finds "that seventy-five years of an agency's efforts to keep railroad and truck freight rates low have ended with freight rates that are too high There is evidence that government regulation of commercial airline transportation, which began with the purpose of assuring flying consumers the most frequent and the most reasonably priced possible source, now has become government protection of the biggest airlines, meaning overpriced and not-so-frequent airline service." (p. 6)

5. The nature of these sanctions in the Chilean case is treated in Chapter V of this study. Chapter II also refers to these sanctions for the pre-1931 period.

6. An example of this is the administration of the Sugar Act in the United States by the Department of Agriculture. The American Sugar Cane League has managed to get its representatives appointed to positions carrying with them responsibility for determining minimum wage and living conditions of rural labor in the cane areas. See Peter Schuck, "Tied to the Sugar Lands," Saturday Review (May 6, 1972): pp. 36-42.

7. Actually, according to the Boletín de la Oficina del Trabajo (Número 19, 1922, Año XII, 36-39), President Juan Luis Sanfuentes sent a "proyecto de lei" to the Congress in 1919 which to some extent would have regulated relationships between rural labor and landowners. Never seriously discussed in Congress, intended as it apparently was for international "consumption" (by the International Labor Organization), the legislation would have limited work days to ten hours, required a minimum of accounting (registro de obreros y salarios) and provided for potential jail sentences for offenders.

8. Such decrees have a recognized legal role in Chilean legislation. The Congress may delegate legislative authority to the President of the Republic. In addition, for most legislation the Executive is instructed by Congress, to prepare the "Reglamento" (operational regulations) to implement the legislation.

9. See "Actas de los sesiones de la comisión revisora del Código del Trabajo. Marzo y Abril 1931" Oficios 1-500, 1932. In these sessions Mariano Bustos makes clear the normative influence of the International Labor Organization (ILO) conventions in preparation of the Labor Code.

10. These included Mariano Bustos, Hector Escribar, and Alfredo Bañados. Bustos was later Director of the Labor Department and Minister of Labor. Escribar served as head of the Legal Section of the Labor Department and was director from 1946-1952.

11. This is discussed in detail in Chapter V.

12. Letter from Alejandro Dussaillant to Inspector Del Trabajo, Lontué", October 13, 1932, Providencias 21, 1932, 6251-6500.

13. Landowners frequently claimed that many of the generic provisions of the Labor Code, especially those concerning unionization, did not legally apply to rural labor. In light of these claims Mariano Bustos' comments in 1931 in the "Actas . . ." cited above (Note 9) are of interest: "De este modo se ha creído no haber dejado fuera del regimen de la legislación especial a ningún genero de trabajadores, en razón del medio o de la naturaleza de los industrias en que estén ocupados." And in the 5th session (10 Marzo, 1931) "los señores Escribar y Bustos, manifiestan que en concepto de ellos, todo lo relacionado con el salario mínimo regiraⁿ para los obreros de la agricultura."

14. This gave rise to continual need for interpretation by labor inspectors of the status of workers in individual saw mills and lumbering operations, sheep ranches, vineyards, etc.

15. This provision meant that for a long period of time the customary sunup to sundown work routine was retained by landowners.

16. Formalization of this aspect of the labor contract was not an unminged blessing. It also offered landowners an opportunity to reduce customary prerequisites by refusing to overlook routine breaches of customary arrangements in formalizing the contract. For example, inquilinos at times had more than the stipulated number of animals grazing within the hacienda. Formalization of labor contracts and intervention of labor inspectors to the advantage of rural labor could also allow landowners to retaliate and insist on compliance with formal obligations.

17. The Labor Code's provisions in general were not conducive to a "free" labor movement. Government intervention in union finances, mandatory arbitration, limits on the right to strike, government control over union elections, police reports on candidates for union offices and limits on union confederations, all were clear evidence of the "tutelary" role envisioned for government over labor organizations. These provisions have been a continual source of criticism by labor leaders and leftist political parties. Still, the institution of labor courts and juntas de conciliación to deal with rural labor conflicts was an improvement over existing arrangements. In fact, it is possible that Chile is the only nation in which rural labor conflicts have consistently been dealt with through formal governmental machinery which recognized the legitimacy of labor petitions (if not unions and strikes) from 1931 to the present.

18. Sociedad Nacional de Agricultura. Memoria 1931, 18-21. In full, this section read:

LEGISLACION

El Código del Trabajo.

En el Diario Oficial del 28 de Mayo del año 1931, se publicó el decreto con fuerza de ley num. 178, que empezó a regir el 28 de Noviembre, y que contiene el texto definitivo de las leyes del trabajo o CODIGO DEL TRABAJO.

Este Código hiere, en forma grave, los intereses de los agricultores. De ahí que la Sociedad haya estudiado a fondo sus disposiciones y haya desarrollado una intensa actividad ante los Poderes Públicos, para obtener su reforma total o parcial, en lo que respecta a la industria agrícola.

Hasta el 28 de Noviembre último, la Ley de Empleados Particulares solo rige en la agricultura para determinados empleados superiores o de oficina. Desde esa fecha, rige para todos aquellos en cuyo trabajo predomine el esfuerzo intelectual sobre el físico, es decir, para la mayor parte del personal.

Para resumir, se enumeran a continuación los aspectos de la Ley, que se han hecho presentes al Gobierno, y que señalan los perjuicios que entraña para la agricultura y la imposibilidad de darle cumplimiento en las faenas agrícolas:

(1) Celebración de contratos escritos con todo el personal art. 4 del Código.

(2) Imposición mensual del 5 por ciento al fondo de retiro sobre los sueldos y garantías, por cuenta del empleador, art. 14. del decreto ley 957, que en esa parte queda vigente, aunque no ha sido incluido en el Código.

(3) Gratificación obligatoria del 20 por ciento de la utilidad líquida, que debe ser distribuida entre los empleados; o bien, gratificación de tres meses de sueldo anual para cada empleado, art. 146. Se deja constancia, si, de que, a este respecto, la Sociedad, ha hecho un concienzudo estudio de la materia y sostiene que, adn dentro del nuevo Código, la obligación de gratificar a los empleados no rige para la agricultura, pues la ley se refiere; en este "punto, a los establecimientos comerciales e industriales, y aparece de manifiesto que la faena agrícola no es ni una ni otra cosa.

(4) Necesidad de llevar libros de contabilidad, para determinar la utilidad y regular la gratificación, (pago de contador, etc).

(5) Obligación de tomarle al empleado un seguro de vida, de acuerdo con el Decreto-Ley 857 que, aunque no incluido en el Código, continúa vigente. El pago de la prima se efectúa descontando su valor del sueldo del empleado.

(6) Desahucio de un mes de sueldo al empleado a quien se despide o suprime, art. 166.

(7) Indemnización de un mes de sueldo por cada año de servicio posterior al año 1924 y de medio mes de sueldo por cada año anterior a 1925, a los empleados suprimidos o despedidos, artículos 170, 171 y 172.

(8) Necesidad de un empleado que corra con el papeleo, planillas, etc., que demanda el cumplimiento de la ley.

(9) Obligación de mantener su ocupación a los empleados que hacen el servicio militar. Art. 156.

(10) Licencia de 4 a 6 meses en caso de enfermedad, con pago del todo o parte del sueldo. Arts. 160 y 161.

(11) Feriado anual de 15 días, con sueldo integro. Art. 158. Diversas modalidades de la legislación del trabajo, extranas antes a los obreros del campo por la imposibilidad de ser cumplidas en los fundos, se aplican en la actualidad según el Código del Trabajo. Los preceptos que dicen especial relación a este estado de cosas, y sobre los cuales se ha llamado la atención del Gobierno, son los siguientes:

1. Obligación de celebrar contrato escrito con los obreros o inquilinos. Arts. 6 y 76.

2. Obligación de proporcionar al obrero y a su familia habitación higiénica y adecuada, y de estipularlo en el contrato. Art. 76, inc. 2.

3. Otras obligaciones de menor importancia: desahucio de seis días a obreros despedidos, gastos de traslado con sus familias a obreros venidos de otras partes, etc.

Por otra parte, para ejercer un minimum de fiscalización alrededor del cumplimiento de la ley, sería menester crear verdaderos ejércitos de funcionarios, a fin de que puedan ser visitados aun los fundos más lejanos de centros poblados. El Erario no resiste tal inflación del Presupuesto.

Sin fiscalización adecuada y con inconvenientes insalvables para cumplir la ley, se habrá obtenido una agravación de las diferencias entre el capital y el trabajo.

Las consideraciones expuestas son, en líneas generales, las que en innumerables oportunidades ha hecho valer la Sociedad al Gobierno, y que han servido de fundamento para solicitar la derogación del Código del Trabajo con respecto a la agricultura, o, por lo menos, una reforma completa.

Merced al tesonero esfuerzo gastado en este sentido, se opera ya una reacción favorable, y el Gobierno se preocupa actualmente de buscar un remedio a esta situación.

19. At the same time, however, landowner associations made symbolic gestures of cooperation with enforcement officials. Thus, in 1932 when it became evident that no "immediate" repeal of the Labor Code be accomplished, the SNA demonstrated its desire to cooperate with the Labor Department (and have its own version of labor contracts approved) in the following terms:

SEÑOR INSPECTOR GENERAL:

La Sociedad Nacional de Agricultura, en el deseo de coadyuvar al mejor cumplimiento de la legislación social, ha estudiado los preceptos del Código del Trabajo que afectan a la agricultura y para facilitar el cumplimiento de la ley por sus socios ha confeccionado cuatro formularios de contratos destinados, respectivamente, a los empleados particulares de las labores agrícolas, a los obreros en general, a los inquilinos y a los medieros.

La Sociedad tiene el propósito de repartir estos formularios a sus socios, señalándoles con claridad las obligaciones que les impone el decreto con fuerza de ley No. 178; pero, a fin de evitar toda suerte de dificultades y de tropiezos ha estimado conveniente someter los formularios referidos al estudio de ese organismo oficial.

De acuerdo con estos propósitos me permito incluirle un ejemplar de cada uno de los formularios confeccionados y rogarle se sirva hacer las observaciones que estirae convenientes.

Dada la urgencia que existe de repartir estos formularios entre los agricultores, agradeceré al señor Inspector General se sirva darme su opinion tan pronto como le sea posible.

Queda de Ud. atto. y S.S. (Letter from SNA to Inspector General del Trabajo, 27 Mayo, 1932 accompanies oficio 3618, 16 Junio, 1932 Oficios 8, 1932 3501-4000.)

Despite their desire to "cooperate," the Labor Department informed the landowners that the proposed contracts were illegal, for various reasons, and that they should be revised to meet the stipulations of the Labor Code. Thus:

Debe surprimirse en el N°1 la frase "o en las labores que el señor--le designe," pues aparece en pugna con la obligacion de determinar precisa y claramente la naturaleza de los servicios.

De acuerdo con el Art. 12 del D.F.L. N°178, aunque el contrato expire por terminación del plazo y siempre que no se desee prorrogarlo tacitamente debe desahuciarselo con seis dias de anticipacion o abonarse la indemnización correspondiente en dinero. Por lo tanto, no es legal la estipulacion que establece que puede desahuciarse el contrato el dia de su terminación.

Contrato de inquilinaje. La Ley obliga a determinar el domicilio de ambos contratantes.

En este contrato es conveniente indicar si el trabajo se ha de efectuar por unidad de tiempo, de obra, por tarea o a destajo, a por dos o mas de estos sistemas a la vez, según las exigencias de las faenas.

De acuerdo con el N°1 del Art. 79 del D.F.L. N°178, deben expresarse los bienes que el inquilino posee en la hacienda.

En el N°7 del formulario sólo pueden incluirse las causales de terminación del contrato señalados en el Art. 9 del D.F.L. N°178, en lo que sean pertinentes.

En los tres ultimos formularios de contratos que se han analizado, es conveniente incorporar la disposición del inciso 2° del Art. 76 del D.F.L. N° 178, que obliga al patrón a proporcionar al obrero agricola y a su familia habitación higiénica y adecuada.

Me permito adjuntar a Ud. un ejemplar de cada uno de los 4 modelos oficiales de contrato que ha confeccionado esta repartición para empleados particulares, obreros, medieros e inquilinos. Saluda atte. a Ud. (Oficio 3618, 16 Junio, 1932 "Sobre formularios para dependientes de las labores agrícolas" Oficios 8, 1932, 3501-4000.)

20. This tactic is not limited, of course, to resistance to labor law. It was effectively used by the Chilean landowners in combatting enforcement of the expropriation provisions of the first land reform legislation in 1928 and for dealing with rural unions. For example, see the arguments of SNA president, Maximo Valdés Fontecilla in "La Sociedad Nacional de Agricultura y Las Expropiaciones de Tierras," El Campesino (Santiago: Junio, 1947): 7. In part, Fontecilla declared, "Nuestra institución tiene por norma ejercitar su mision de defensa del derecho de propiedad y de amparo de sus socios . . ." Defense of property rights was always uppermost in the minds of the SNA leadership.

21. Letter from Demetrio Zanartu to Bernardo Catalan et.al., firmantes del pliego de peticiones del Fundo Santa Virginia, with oficio 7591, 1939, Oficios 29, 1939, 7401-7700.

22. See Chapter IV and V for a detailed discussion of the rural labor movement.

23. A similar effort to have the law narrowly interpreted with respect to rural unions is the focus of Chapter IV and is thus not treated in this section.

24. Oficio 7591, 24 Agosto, 1939, Oficios 29, 1939, 7401-7700.

25. Example taken from the labor conflict in Fundo Abra, July, 1939, note sent to José Luis Lecaros, oficio 321, Rengo, 3 Julio, 1939 by labor inspector Osvaldo Silva Cordova.

26. I have read the minutes of the sessions of the Junta de Conciliación Agrícola for Santiago Province from 1939-1947. Not all labor conflicts came to the Junta since some were solved directly between the parties or with the mediation of labor inspectors or other government officials. For the numerous petitions that were dealt with by the arbitration board, however, landowners often raised questions about the legality of individual labor petitions. But after 1939 the legality of rural labor petitions in general was not raised. Likewise, labor inspectors attempted to enforce Article 509 of the Labor Code which prohibited dismissals of workers during labor conflicts.

27. Oficio 5028, 26 Mayo, 1941 Oficios 18, 1941, 5001-5300.

28. This becomes one of the most significant changes in the post-1964 period. After 1964, campesino unions and confederations hire fulltime lawyers to defend their interests in administrative and judicial proceedings. In the 1931-1964 period, legal services were provided to rural labor in some instances by political parties, individual politicians or, in the case of the Ligas Para la Defensa de Campesinos Pobres, by campesino syndicates. Access to such services was quite limited, however, since most of rural labor was unorganized. Later massive organization made provision of legal services more efficient and less difficult for rural labor to obtain.

29. Oficio 66, 5 Enero, 1945, "No es aplicable lo dispuesto en la letra B del Art. 27 de la ley 7747" Oficios 1, 1945, 1-250.

30. Letter from SNA to Director General del Trabajo, 29 Abril, 1954, signed by Recaredo Ossa, Presidente, and César Sepulveda, Secretario General. Accompanies oficio 5446, Oficios 20, 1954, 5401-5650.

31. See the appendix to Chapter III, (The SNA and Minimum Wage Legislation) for a letter from SNA and the response of Labor Department on various "narrow interpretations" of this legislation.

32. The law itself provided that in case of doubt over whether a laborer worked a full turn, the local labor inspector would resolve the issue subject, as usual, to appeal to the labor courts.

33. Oficio 5446, 18 Julio, 1954, "El salario minimo agricola se paga a los obreros que cumplen Jornada completa" Oficios 20, 1954, 5401-5650.
34. Letter from SNA to Director General del Trabajo, 9 Septiembre, 1961. Accompanies oficio 5439, 1961, Oficios 23, 1961, 5301-5500.
35. Servicio de Seguro Social, D.G. No. 405-4 Santiago, 23 Mayo, 1960, accompanies Labor Department oficio 5439, 1961, Oficio 23, 1961, 5301-5500.
36. Oficio 25, Osorno, 7 Enero, 1956 "Consults sobre validez de los 'comodatos' ante Iegislaci6n campesina vigente," accompanies oficio 02177, 7 Abril, 1956, Oficios 10, 1956, 2001-2250.
37. Oficio 02177, 7 Abril, 1956, Oficios 10, 1956, 2001-2250.
38. See oficio 5283, 27 Mayo, 1940, and accompanying documentation on this case. Oficios 16, 1940, 5051-5300.
39. The effect of labor law on modes of production in the countryside is generally neglected. Apart from generally accepted affirmations that, for example, minimum wage laws bring about capital intensive technologies and eliminate jobs, there exists little in the way of systematic comparison of the effect of such legislation in different contexts.
40. Not until 1954 was the housing code actually made available, although general provisions were included in the Decree of 1953 (DFL 244) which established a minimum agricultural wage. The provisions of the Code as adopted is reproduced in Oficio - Circular 7883, Santiago, 7 Octubre, 1954 Oficios 32, 1954, 7651-7900.
41. The Commission to which this letter referred was an informal arrangement through which the Labor Department brought together representatives of the agricultural interests and rural labor to discuss the application of labor law in the countryside. This was the first time rural labor had been given this sort of institutional access to the Department. Both ASICH and the Federaci6n Nacional de Trabajadores Agrfcolas were represented. Discussion centered on concrete problems of implementation of social security and labor law in the countryside. The Commission's activity in reference to the housing code ("Segundo inforrae de la Comision Especial que Estudia Problema Relativos el Trabajo Agricola. Propone modificaciones al decreto, reglamentario que fija las condiciones minimas de la habitacion campesina") can be found in Oficios 25, 1955, 5501-5700. All that was to be required was a latrine" over a hole at least 1.50 meters in depth. The latrine should guarantee the privacy (independencia) of the occupant and protect him from the elements (agentes atmosf6ricos). (Article 9) In other words—a waterproof roof and walls that the wind didn't roar through.
42. Letter from SNA to Jefe del Departamento de Inspecci6n de la Direcci6n General del Trabajo, 3 Septiembre, 1955, accompanies oficio 06465, 30 Septiembre, 1955, Oficios 29, 1955, 6301-6500.

43. Oficio 06465, 30 Septiembre, 1955, Oficios 29, 1955, 6301-6500,

44. "Regalía" refers to an in-kind payment, service, or perquisite constituting part of the worker's wage. From the minimum agricultural wage in 1953 proprietors could legally subtract up to 75 percent for regalias provided to the workers, and pay, at a minimum, 25 percent in cash. The value of housing provided could not be legally deducted if it did not meet the provisions of the housing code.

45. Compliance was not widespread in 1959, despite the claim by the SNA. Those familiar with housing conditions in most Chilean farms prior to 1964 realize that decent housing was the exception. I visited many fundos as late as 1971 in which housing did not meet the requirements of the 1954, 1956, etc., regulations. Almost all the campesinos interviewed noted that current housing conditions (August-December, 1971) were far superior to the pre-1964 period.

46. Throughout this study agricultor has been translated as "landowner" or "rural proprietor." The more obvious "farmer" does not capture the meaning of the term as used in Chile. Some "agricultores" of course, were renting the estates they worked. In these cases "proprietor" is preferred to "farmer" or "agriculturist."

47. Letter from SNA to Director General del Trabajo, 5 Febrero, 1958, signed by Recaredo Ossa, Presidente de la Sociedad Nacional de Agricultura accompanies document No. 3890, 28 Agosto, 1958, Providencias 24, 1958.

48. Document 3890, supra, "La modificación al inciso 3º artículo 9º del Decreto Nº 243, ya fué solicitada al Ministerio del Trabajo."

49. This was in addition to participation of SNA officials and members in other governmental roles—deputies, senators, councilmen, etc. In 1925, for example, the president of the SNA was also Minister of Agriculture.

50. "Notas de Actualidad" El Campesino (Santiago de Chile: LXXI, No. 7, Julio, 1939).

51. "El avaluo de las regalias de los obreros agricolas no puede ser modificado por decision exclusiva del Seguro Obrero," El Campesino (Santiago de Chile: Nov.-Dec, 1947): 31.

52. Ibid.

53. Ibid.

54. Ibid.

55. The Commissions' first report dealt with the need for a minimally decent diet for rural labor. Compliance would have meant dedicating 40 percent of the minimum agricultural wage to food rations. Thus, the labor inspector in the San Bernardo region reported:

Por medio del Ofi do-circular citado en la suma, adjunto UD. la circular N° 1 del 6 de Junio ppdo., de la Superioridad, circular que constituye el primer Informe de la Comisi6n que estudia el problema del trabajo agrÍcola referente a la alimentaci6n de los obreros campesinos.

En la parte final se establece que este Informe se eleva a conocimiento del Director General a fin de que se sirva disponer su transcripci6n a los Inspectores Provinciales, Departamentales y Comunales, con el objeto de que éstos constituyan comisiones divulgadoras de las pautas de alimentacion que se establecen en el precitado informe, con representantes patronales, asalariados agrÍcolas y de organismos fiscales y particulares.

El suscrito comparte ampliamente con los fundamentos del informe, pero a su vez estima la inaplicabilidad de él, en raz6n principal de que el costo de las minutas alimenticias significarfan un termino medio del 40 porciento del salario diario de que gozan actualmente los obreros agrÍcolas, lo que no es viable ya que debe pensarse que no podemos llegar a ese porcentaje sin considerar que el obrero con su salario debe alimentar a sus familiares. (Oficio 732, 20 Julio, 1955 "Informa Oficio-Circular No. 41 de fecha 17 de Junio pasado," Oficios 25, 1955, 5501-5700.)

56. Formal interviews with various Labor Department officials and conversations with Labor Department employees confirmed that compliance—not the application of sanctions, was of primary concern. Some Labor Department officials attributed this phenomenon to the influence of International Labor Organization ideology after World War I and its adoption as part of the socialization process of new inspectors,

57. Oficio 1848, Santiago, 29 Abril, 1933 "Transcribe oficio del inspector del trabajo de San Bernardo," Providencias 14, 1933, 3201-3450.

58. Oficio 268, San Fernando, 25 Marzo, 1936 "Informa sobre inspecciones agrÍcolas y reitera pedidos aperos que faltan," Providencias 1936, 1501-1700.

59. I have reviewed the "instrucciones" left by this labor inspector in the farms he visited. Labor Code violations existed in every fundo visited, ranging from lack of labor contracts, to failure to provide accident insurance. No_ fines were levied and return visits to check for compliance [revisitas] were up to the local labor inspectors—who did not have access to an automobile as did Concha Vera ("El Huaso Vera"—as his colleagues in the Labor Department called him).

60. Oficio 1495, 2 Marzo, 1953 "Sobre incumplimiento de leyes del trabajo en la agricultura y necesidad de organizar secci6n especial para su fiscalizacion permanente," Oficios 8, 1953, 1451-1650.

61. Oficio 325, Osorno, 7 Mayo, 1953, "Sobre problemas que atanen a los servicios del trabajo," Providencias 15, 1953, 3851-4100.

62. Oficio 4515, 8 Junio, 1954, "Se refiere a providencia No. 2216 de 14 del mes ppdo. . . .," Oficios 20, 1954, 4351-4600.

63. Difficulties encountered are suggested in the following letter from the Director of the Labor Department to the Minister of Labor:

A raíz de la encuesta sobre aumento de remuneraciones en el Sector Privado realizada en diciembre último, quedé de manifiesto que el Art. 40 de la Ley Orgánica de esta Dirección, que impone a los Servicios fiscales y semi-fiscales la obligación de proporcionar los medios de movilización de que disponen a los Inspectores del Trabajo, se cumplió muy deficientemente.

Fue así como la Sub-secretaria de Aviación (oficio 4214, de 2 de diciembre de 1960) acepto facilitar vehículos para la encuesta en determinadas localidades, siempre que esta Dirección cubriera los gastos de bencina, lubricantes, repuestos, reparaciones, etc.;

Carabineros de Buin contestó que necesitaba autorización de su Superioridad en Santiago (oficio 9105, de 7 de diciembre de 1960 de la Provincial de Santiago);

El Ministerio de Obras Públicas (oficio 1085, de 7 de Diciembre de 1960 del Ministerio del Trabajo y Previsión Social) informo que dada la intensificación de las obras en el país, no le era posible en ese entonces facilitar sus vehículos;

El Ministerio de Agricultura hizo saber (oficio 1016, de 12 de diciembre de 1960 del Ministerio del Trabajo y Previsión Social) que la Dirección de Agricultura y Pesca no contaba con los vehículos necesarios para la realización de sus propias labores;

La Caja de Empleados Particulares (sucursal Antofagasta) al ser requerida se negó y debió intervenir ese Ministerio (oficio 19, de 5 de enero de 1961) Ministerio del Trabajo y Previsión Social).

Estas dificultades me inducen a solicitar de US. una nueva intervención ante todos los Ministerios para que impartan definitivas y energicas instrucciones a los servicios fiscales y serafiscales de su dependencia en orden a dar cumplimiento al precepto de que se trata. Esta expresa: "Los Servicios fiscales, y semifiscales que cuentan con medios de movilización para su personal, deberán facilitarlos durante dos días de cada mes, sin cargo para los Servicios del Trabajo, si fueren requeridos para hacerlo, a las Inspecciones del ramo, para que éstas puedan realizar labores de fiscalización en las zonas rurales."

En consecuencia, pido encarecidamente a US. se sirva insistir en que los servicios respectivos deben cumplir en forma permanente la disposición transcrita facilitando sus vehículos "dos días al mes" y "sin cargo" para esta repartición. La exigencia de que esta Dirección costee la bencina u otros gastos, hace imperante la disposición referida, pues ella carece de fondos para el efecto.

Me permito hacer presente a US. que es necesario pedir a los Ministerios respectivos que las instrucciones que se impartan se hagan llegar a todos las oficinas dependientes o sucursales y especialmente al funcionario a cargo de los vehículos que es el que, a veces, niega su cooperación por no estar instruido por sus superiores al respecto.

Cree el infrascrito que una orden categórica de ese Ministerio con respecto a las Cajas de Provisión, daría resultados efectivos.

Cabría también que las Secretarías de Estado requeridas por US. informaran sobre el particular, indicando con respecto a cada servicio, en que forma y a que oficina deberían solicitarlo los vehículos en cada caso.

Ruego a US. una respuesta sobre la materia.

(Oficio 888, 24 Febrero, 1961, "Sobre medios de movilizacion que deben facilitarse a inspectores del trabajo," Oficios 4, 1961. See also: oficio 4326, 27 Septiembre, 1962, "Sobre visitacion agricola," Oficios 21, 1962, 4301-4530; oficio 4647, 29 Septiembre, 1962, "Sobre visitacion agricola," Oficios 22, 1962, 4531-4800 and oficio 4417, 9 Septiembre, 1962, "Sobre visitacion agricola," Oficios 21, 1962, 4301-4530. On the attempted purchase of vehicles see oficio 5360, 12 Septiembre, 1964, "Solicita dictacirfn de decreto autorizando a la Direcci6n Del Trabajo la adquisicion de seis camionetas," Providencias 28, 1967, 5701-5875. In December of 1963 the Contraloria General had rejected such a decree. See: Contraloria General de la Republica de Chile, No. 85823, 31 Diciembre, 1963.

In 1954-1955 the Labor Department actually ordered inspectors to stop making rural visits because of lack of funds. See, "Informa Prov. No. 5," Talca, 5 Marzo, 1955 which accompanies oficio 2141, Talca, 8 Marzo, 1955, "Informa Prov. No. 834," Providencias 9, 1955, 1401-1600.

64. Oficio 1134, San Fernando, 23 Septiembre, 1961, "Informa diligencias dispuesta por la Direcci6n del Trabajo por telegrama N° 1158 de 2 de Septiembre de 1961, al Fundo Santa Julia del Dpto. de Santa Cruz," accompanies oficio 4614, 3 Octubre, 1961. Oficios 20, 1967, 4618-4820.

65. See Oficio-Circular 4997, 4 Octubre, 1963, "Uso de taxi para visitas que se indican," Oficios 22, 1963, 4981-5185.

66. The relationship between political parties, politicians and labor law enforcement is discussed further in Chapter VI.

67. See oficio 5360, 12 Septiembre, 1964, Providencias 28, 1967, 5701-5875.

68. Interview with Guillermo Videla Vial, Santiago de Chile, December 4, 1971.

69. Interview with Alejandro Chelen Rojas, Santiago de Chile, June 30, 1971.

70. According to the corresponding Annual Reports of the Labor Department the following number of rural "visitas" were made in the years 1931-1963:

number of rural	"visitas" were
1931	no data
1933	no data
1934	1882
1935	1743
1936	2300
1937	no data
1938	no data
1939	*
1940	*
1948	1324

1949	2261
1950	no data
1951	no data
1952	no data
1953	868
1954	1102
1955	993
1956	1037
1957	1169
1958	846
1959	1065
1960	863
1961	748
1962	1010
1963	1039

*From January 1939 to October 1940, 2680 "visitas" were made. "Visitas" could range from a complete inspection of all labor legislation to the processing of a minor complaint for one worker. After 1964 these numbers increased greatly as did the proportion of complete inspections.

71. For example, we have this report from Colchagua in 1961:

Departamento de San Fernando

(Período: 2 de Mayo de 1960 al 30 de Marzo de 1961)

Número de reclamos en contra de patrones agrícolas 86

Número de obreros reclamantes 104

Estos reclamos fueron por cobro de salario mínimo, desahucios, asignación familiar, pago de chacra, imposiciones al Seguro Social, feriado etc."

En un noventa por ciento fueron solucionados por esta Oficina en intervención directa, el resto o se desistieron los obreros o recurrieron al Juzgado respectivo."

"En general en este Departamento los propietarios de Haciendas y predios agrícolas cumplen con la obligación legal de tener contratos de trabajo con sus obreros, reglamentos internos, feriados, avalúos de regalías, asignación familiar, salario mínimo, gracias a la intensa fiscalización que desde 1953 hasta 1959, este Oficina hizo a todos los predios agrícolas del Departamento de San Fernando."

"Solamente han habido dos conflictos de carácter colectivo en este Departamento, que son: Vina Miraflores' donde los obreros hicieron una huelga para obtener \$5. más de aumento por gamela de uva en la vendimia, huelga que fue solucionada directamente por don Carlos Valdes P., pagando el mayor aumento solicitado, con conocimiento de esta Oficina Provincial y el otro donde dona Ximena Zanartu de Pinto, Fundo 'San Ignacio' de Chimbarongo, problema que está basado en la discrepancia que existe entre las partes para avaluar las regalías, solución que los obreros han resuelto entregarla al veredicto del Juzgado del Trabajo. Sobre este último conflicto esta Oficina en varias ocasiones citó a las partes sin resultado positivo. Antiguamente, existían problemas en fundos diversos de los alrededores de San Fernando, pero debido a las medidas tomadas y aconsejadas por esta Inspección, los propietarios han mejorado en gran parte las casas habitaciones del inquilino, han establecido

reglamentos internos de Orden y Seguridad, han extendido contratos de trabajo y los reclamos se han reducido a problemas individuales que siempre existen entre patron y obreros y que son solucionados por la via del aveniramiento."

"En canibio, diferente aspecto tiene el problema en el Departamento de Santa Cruz, como a continuacion le informo:

Departamento de Santa Cruz

(Periodo 2 de Mayo de 1960 al 30 de Marzo de 1961)

Numero de reclamos en contra de patrones	agricolas	112
Numero de obreros reclamantes.	. . . . .	181

"En su inmensa mayoría los reclamos de estos obreros fueron entablados por no pago de la semana corrida, feriados, asignacion familiar, pago de imposiciones al Seguro Social, pago de chacras, reclamos por falta de aperos para cosechar las chacras de los inquilinos, mala alimentaci6n, incumplimiento de salario minimo, etc."

"Sobre este aspecto, la falta de fiscalizaci6n, el hecho que no tenga la Inspectoria del Trabajo de Santa Cruz un Inspector, un local adecuado, un oficial administrativo, movilizaci6n etc., ha permitido que los patrones agricolas en su inmensa mayoria no cumpla con las exigencias minimas del C6digo del Trabajo ya que todos los reclamos, salvo raras excepciones, no pudieron acreditar los patrones que tenian suscrito sus respectivos contratos de trabajo, que la semana corrida no se pagaba, que no se habian avaluado las regalías, no se habian pagado nunca feriados, ya que en algunos casos los patrones pagaron hasta diez afios consecutivos que los obreros no percibieron el beneficio de su feriado anual; no tienen reglamentos internos y la asignacion familiar la cancelan dos o tres meses despues que ella ha sido devengada, haciendoles firmar a los obreros con anticipaci6n la planilla de asignacion familiar, presentada a la Caja de Seguro Social para su compensacion y posteriormente pagarla sin que exista ningun antecedente que dicha asignaci6n familiar sea cancelada en forma correcta."

"En resumen, el Inspector infrascrito, junto con hacer esta crltica sana a los señores agricultores del Departamento de Santa Cruz sobre las relaciones con sus obreros, no cumplirla con su deber si no propone las soluciones que deben tomarse en esta emergencia."

"(1) Dotar a la Inspecci6n Provincial del Trabajo de funcionarios, a fin de poder destacar uno o dos Inspectores en Santa Cruz en forma permanente, con movilizacion a fin de que puedan fiscalizar el cumplimiento del contrato de trabajo, semana corrida, asignacitfn familiar, reglamentos internos, salario mfnimo, etc., evitando que esta labor la ejecuten personas extrañas a la administraci6n pública, carentes del tecnicismo con que cuentan los funcionarios de los Servicios del Trabajo, que son los llamados a desempeñar el papel que el Supremo Gobierno les tiene asignado en el desarrollo de la polltica social; y"

"(2) Voluntad de los señores Agricultores para mejorar las condiciones de vida de sus obreros y por ende, el fiel cumplimiento de sus obligaciones legales. . . ."

(Oficio 1840, 1961, "Refié'rese a despidos de obreros agrfcolas y cumplimiento de la Iegislaci6n de trabajo en la agricultura de la provincia de Colchagua," Oficios 8, 1961, 1741-1920.

72. For example in 1941 landowners were using a contract which included the stipulation that the landowner could call to work "cuando

lo crea necesario," a cualquier miembro de la familia del inquilino, incluyendo, por lo tanto, a su mujer y hijos menores." The Labor Department ruled that "Es indudable que ello [the clause in question] puede degenerar en abuso que hay necesidad de evitar. Para este fin, procedería que el contrato individualizara a los miembros de la familia del inquilino que este se obliga a suministrar para el servicio de la hacienda o fundo." (Oficio 6317, 2 Julio, 1941, Oficios 22, 1941, 6201-6600)

A similar case in 1940 from Rancagua concerned a labor contract which stipulated the obligations of the worker (the scope of the land-owner's authority) as "estara obligado a trabajar todos los dias en cualquier faena relacionado directa o indirectamente, con la explotaci6n del fundo en la forma que ordene el patr6n o su represante." The Labor Department ruled that this clause was too vague to be acceptable. (Oficio 9637, 6 Septiembre, 1940, Oficios 31, 1940, 9501-9800)

73. Most other labor legislation could also be used as an example-- with compliance varying from law to law--but always far from universal. For example, a labor inspector in (O'Higgins (the province directly south of Santiago) wrote of an inspection visit in 1952. "En atencion a la Prov. N° 5741 de fecha 24 del mes en curso de esa Jefatura Provincial, me trasladé al lugar llamado 'Pataguas-Orillas' el día 26 del presente, permaneciendo tres días que precisé para cumplir completamente mi cometido con el siguiente resultado:

Visite* los fundos "Las Pataguas" "La Carlina" y "La Pedrina" levantando los formularios que, para este efecto, usa esta Inspección del Trabajo, existiendo en los tres predios infracciones al Código del Trabajo,

Sobre el particular, me permito informar a Ud. que en los tres fundos visitados y ya nombrados no se ha extendido un solo contrato de trabajo. A excepcion del fundo "La Pedrina"--en la cual se exhibieron,-- no se ha presentado en las otras dos haciendas ninguna libreta de Seguro Obrero, dándose el caso de obreros que durante cinco años piden su libreta, no se les ha proporcionado. [The worker needed the libreta in order to obtain medical services at the National Health Service. If not kept up to date by the employer, or not given to the worker when he asked for it, the worker could not obtain medical services.]

Ninguno de estos fundos ha comprobado que se paga la asignacion familiar por la Ley M° 8811. Existen más o menos, 136 obreros que significan alrededor de 875 Cargas.

. . . Las galletas de estos fundos, para el consumo de los obreros, son de pésima calidad. Se me ha informado que en algunas oportunidades la racion de comida se da semi-cruda. [Galleta refers to the typical round "loaf" bread rations that constituted an important part of the workers diet.]

. . . El estado de las habitaciones para los obreros en la zona visitada, es antihigiénico y deplorable (Report by Eduardo Tobar Fuentes, Inspector del Trabajo, Rancagua, 30 diciembre, 1952, "Informa sobre cumplimiento de una comision y visitas agrícolas que indica," Oficios 1, 1953, 1-200.)

74. Oficio 5520, 30 Julio, 1948, Oficios 22, 1948, 5401-5700.

75. Application of these provisions of law 8811 gave rise to a great many legal opinions by the Legal Section of the Labor Department. See, for example, oficio 10749, 24 Noviembre, 1948, Oficios 41, 1948, 10501-10750; oficio 108, 5 Enero, 1948, Oficios 1, 1948, 1-300; oficio 5898, 9 Julio, 1948, Oficios 23, 1948, 5701-6000; oficio 5434, 9 Julio, 1948 Oficios 21, 1948, 5151-5400; oficio 6557, 26 Julio, 1948, Oficios 25, 1948, 6301-6600.

76. Dirección General del Trabajo, Departamento Administrativo, Sección Estadística 30/5/53 "Sobre cumplimiento artículo 27, ley 8811, sobre pago asignación familiar obreros agrícolos en el país-Marzo-1953," Providencias 15, 1953, 3851-4100.

77. Ibid.

78. Ibid.

79. "Informa oficio 6874 y providencia 710 sobre visita a la Hacienda Chacabuco," 28 October, 1936, Providencias 1936, 6701-6990.

80. "Informe sobre visita a la Hacienda "La Dehesa," No. 1 Santiago, 28 Febrero, 1939, Providencias 9, 1939, 2001-2300.

81. Oficio 1039, San Felipe, 17 Noviembre, 1963, "Informa sobre visita a la Hacienda 'San Jose de Piguchen' del Señor Alegria Catan Dabike" Oficios 2, 1961, 231-510, accompanies oficio 393.

82. Literally this was not true. The Labor Code did stipulate minimum housing conditions for rural workers in the vague terms "adequate and hygienic." In practice a section of the National Health Service [Higiene Ambiental] was expected to enforce "health" provisions--including the housing provisions of the Labor Code. Sometimes, however, Labor inspectors did issue administrative orders [instrucciones] requiring improved housing.

83. But in 1961 the Director of the Labor Department explicitly rejected this practice in reference to the labor inspector's report cited in the text:

Para determinar las condiciones minimas que debe tener la casa-habitación del obrero campesino en forma de que pueda considerarse "higiénica y adecuada" y, en consecuencia, para los efectos de impartir las instrucciones del caso, cabría que Ud., en lo fundamental, se atuviera al Decreto 243, de 11 de Abril de 1956 (Diario Oficial de 5/5/56). No cabe pretender el cumplimiento estricto de todas las especificaciones y exigencias de él ya que ellas rigen cuando la regalía de casa--habitación se imputa al salario mínimo, lo que no sucede en la especie. Por lo tanto deben reunir menos condiciones, pero siempre las mínimas que permitan conceptuar las viviendas "higiénicas y adecuadas."¹ (Oficio 421, 25 Enero, 1961, "Refiérase a oficio N° 1039 de 17 de Noviembre de 1960." "Sobre fiscalización a la Hacienda 'San José' de Piguchen" Oficios 2, 1961, 231-510.)

84. For example, in 1954 in Fundo "Las Bandurrias" in the Los Andes region of Aconcagua, a labor inspector found housing conditions

unacceptable and turned the case over to the health inspector:

"Respecto a las reparaciones de las viviendas estas se hallan en trabajo controladas permanentemente por el jefe de la Higiene Ambiental del Centro de Salud, Sr. Belisario Lepe Montenegro" (Oficio 499, San Felipe, 7 Septiembre, 1954, Providencias 24, 1954, 4901-5200.)

85. Oficio 335, La Calera, 16 Abril, 1953 "Devuelve Prov. N° 1007, sobre visita de inspeccion a la Hacienda Rabuco y Pachacama," Providencias 21, 1954, 4201-4400.

86. The relationship between the Labor Department's inspection efforts in the countryside and the activity of political parties is discussed in Chapter VI.

87. This is not to say that lack of diligence by inspectors played no role. But the budgetary and personnel constraints were so great--and the lack of "political" support for intensive rural inspection so clear--that extreme "diligence" given available resources would probably have produced only marginally positive results.

88. See Brian Loveman, "The Logic of Political Corruption," Studies in Political Theory and Policy Analysis. Indiana University Department of Political Science, 1970.

89. After almost a year of reviewing Labor Department documents and interviewing, formally and informally, retired and active Department personnel, I found that the level of corruption was, in fact, relatively insignificant. No illustrative cases are presented in this section because I was asked by those who provided access to the Department's Archives to avoid discussion of "sumarios" [internal administrative hearings] in general--to guarantee the privacy of Department Personnel afforded them by law. I am convinced, in any case, after serious consideration, that such discussion would have added little if anything to this study. Corruption did occur in the Labor Department; it's impact was marginal. The belief by campesinos that corruption was widespread did, however, limit the Department's "credibility and the willingness of rural workers to make formal complaints. The labor inspectors lacked the capability of direct code enforcement. If landowners were unwilling to reach solutions through conciliation or "jawboning" the labor inspector had to make a formal complaint to the Labor Court, It was up to the Labor Court (or Ordinary Tribunals where Labor Courts did not exist) to sanction violators. Here the landowners could and did exercise influence to affect the outcome of cases--if the lengthy delays and procedural obstacles didn't cause the campesino to let the matter drop.

A comparable situation in the United States is the role of inspectors in the Bureau of Mines. Inspectors give "notice" of fines to the coal companies, but the assessment and enforcement of fines is quite complex--allowing companies to defer payment for long periods of time. See Thomas N. Bethell and Davitt McAteer "The Pittston Mentality: Mrns-laughter on Buffalo Creek," The Washington Monthly 4:3 (May, 1972): 19-28, especially p. 28.

90. The worst case I encountered involved a landowner who had made no social security payments for 14 years. One to three year lapses were common.

91. This was confirmed by the Jefe of the first special inspection team--Comisión Especial Para Fiscalización Agrícola (CEFA), Pedro Donoso, in an interview with the author. (Interview, Pedro Donoso, Santiago de Chile, December 6, 1971.) In personal conversations with career Labor Department officials, the extent of corruption within the Social Security administration frequently was pointed out to me.

92. In Chapter IX the change of milieu within the Labor Department due to external pressure and commitment of resources to stimulate vigorous regulation and code enforcement (1964-70) is discussed.

93. Oficio confidencial número 1463, Talca, 3 Octubre, 1932, "Sobre actuación inspector señor Menzel," Providencias 21, 1932, 6251-6500.

94. "Como dije a Ud. en carta anterior, la investigación encargada al Inspector Provincial de Talca, no dará resultado alguno, porque este último es amigo del primero y encubre sus faltas." (Letter from Alejandro Dussailant to the Director of the Labor Department, Lontueña, 2 Octubre, 1932, Providencias 21, 1963, 6251-6500.)

95. Orden del Servicio N° 74 Santiago, 17 Octubre, 1932. "Dispone amplie investigación por inspector visitador Alfredo Bañados," Providencias 21, 1932, 6251-6500.

96. Ibid.

97. Oficio 6328, Santiago, 12 diciembre, 1932 (typographical error in document gives date as 1930--prior to the enactment of the Labor Code--which is impossible). Providencias 21, 1932, 6251-6500.

98. Naturally, this same insulation obtained when workers complained that code enforcement was not vigorous enough. Knowledge of the formal "rules of the game" also sometimes made bureaucrats less vulnerable to the demands of their supposed clientele. In addition, the generalized social deference toward and status identification of government officials with landowners (and their condescending paternalistic attitude toward the campesino) produced an environment in which code enforcement was viewed as "protection" of those unable to defend themselves. These inspectors (like American welfare workers) were doing their clients favors--not responding to the political power and legal rights of an organized clientele.

99. Oficio sin número, San Fernando, 14 Abril, 1938, recibida Oficina de Partes, 22 Abril, 1938, Oficios 15, 1938, 3001-3250.

100. La Palabra, Año XXVII, San Fernando, 14 Abril, 1938 "Noticias diversas del Trabajo."

101. Oficio N° 80, Melipilla, 29 Marzo, 1939, "Informa su telegrama N° 668 sobre despido obreros campesinos de la Hacienda 'Huechun Alto' Providencias 21, 1939, 5301-5420.

102. This development is further discussed in Chapter IX.

103. Oficio confidencial, sin número, Rancagua, 18 Mayo, 1938, "Informa sobre atropello en Pelequen al inspector provincial del trabajo en comisión de servicio," Oficios 20, 1938, 4201-4500.

104. I could find no record of the disposition of this case if it was, in fact, heard by the court.

105. Oficio 24, Curicó, 8 Enero, 1940, "Informa visita practicada al fundo Huailufe" Providencias 17, 1940, 4901-5300.

106. Article 76 declared in part "el trabajo de los obreros agrícolas se regirá" por las normas generales de los contratos de obreros, en lo que no sean incompatibles con las labores agrícolas "

107. Oficio 6523, 1 Septiembre, 1934, "Sobre reglamentos internos para faenas agrícolas," Oficios 26, 1934, 6451-6693. This oficio instructed inspectors to adapt the model reglamentos already in existence for use in agriculture. Mariano Bustos and Hector Escribar insisted on the Labor Code's application in the countryside, including the provisions requiring Reglamentos Internos. Thus, Escribar wrote in June of 1935:

1. El inciso 1 del artículo 76 del Código del ramo dice que "el trabajo de los obreros agrícolas se regirá por las normas generales de los contratos de obreros, en lo que no sean incompatibles con las labores agrícolas v_ con las disposiciones del presente párrafo."

Por las razones dadas en providencia N° 3848, de 30 de Julio de 1934, el Departamento Jurídico estima que deben considerarse "normas generales de los contratos de obreros," para los fines del inciso transcrito, no sólo las del título I del libro I del Código del Trabajo, ni únicamente las del título II del mismo libro, sino que todas las de los 3 primeros títulos del libro I de dicho Código.

Para saber concretamente si un determinado precepto de esos títulos es aplicable a las faenas agrícolas, hay que establecer si ese precepto es o no compatible con ellas y con las disposiciones del párrafo VIII del título II del libro I.

La compatibilidad de una disposición cualquiera con las modalidades de las labores de la agricultura, es eminentemente una cuestión de hecho. Para resolver acerca de ella habrá que atenerse a la posibilidad o a la mayor o menor dificultad práctica de aplicar un precepto legal al trabajo agrícola y a si su aplicación a este realiza util y efectivamente el objetivo a que el precepto responde.

La circunstancia de que la Inspección Provincial de Santiago haya propuesto a la Superioridad del Servicio la aprobación de un modelo de reglamento interno para las empresas agrícolas, demuestra que esa Provincial estima que las disposiciones de los artículos 92 y siguientes son compatibles con las labores de la agricultura. No obstante, cree el infrascrito que, antes de decidir acerca de la cuestión de hecho

referida y para hacerlo con pleno conocimiento de causa, procedería oír sobre el particular al Consejo Superior del Trabajo, recabando la opinión de éste por intermedio del Ministerio del Ramo.

(No. 3511, 8 Junio, 1935, Absuelve consulta sobre aplicabilidad a obreros agrícolas, del título III del libro I y del título III del libro II del Código del Trabajo, Oficios 8, 1935, 8901-9100).

108. This model Reglamento is reproduced in the appendix to Chapter III.

109. In reviewing the Labor Department Archive I did find one Reglamento Interno which antedates the approved Labor Department model by over three years. Interestingly it was adopted in Viña Conchali—the property of the future Popular Front president of Chile (1938-1941) Pedro Aguirre Cerda. At this time a model Reglamento existed for industrial and commercial establishments, but not for agriculture. For this reason the labor inspector in cooperation with management adapted the model Reglamento instead of employing it integrally (this procedure was officially recommended by the Department in 1934 before the Agricultural Model Reglamento was developed). As a matter of historical interest—seemingly the First Reglamento Interno which included agricultural workers—this Reglamento is included in the appendix to this chapter. It should be observed, however, that Villa Conchali was not a typical agricultural enterprise in 1932, as the lack of inquilinos, regalías and food rations would indicate.

110. This Reglamento was chosen because it is relatively more benign from the perspective of rural labor than other Reglamentos or than actual conditions. It represents, thus, more favorable conditions than were generally to be found and a more limited scope and domain of authority for rural proprietors than was generally the case. The effort is to suggest that even the most "limited" proprietorship entailed extensive scope and domain of authority.

111. When the Labor Department rejected this clause. Claudio Matte, the fundo's owner, wrote the letter which follows, insisting on the need for this provision in order to "Maintain order and security in this fundo which has more than 13,000 hectares:"

. . . El mantenimiento del orden y seguridad en este fundo que tiene más de 13,000 Us. de superficie, con posesiones situadas a largas distancias de centro poblados, es sumamente difícil, sobre todo en épocas de siembras y cosechas, en que concurren a los trabajos centenares de forasteros de antecedentes desconocidos. En la presente temporada hemos debido lamentar dos salteos, en uno perdió la vida un inquilino y en el otro fué maltratada la familia del dueño de casa, ausente en esos momentos y saqueada su propiedad. Han sido absolutamente infructuosas las diligencias hechas por la justicia y carabineros para ubicar a los malhechores, y estos últimos atribuyen la impunidad en que han quedado estos criminales, al temor que tiene los inquilinos a denunciar a los culpables, a los cuales, por este mismo motivo del temor, dan albergue en sus habitaciones. Por esto, se ha recomendado por carabineros, establecer la

prohibición estricta de alojar o recibir en sus casas a forasteros, a fin de que conocida esta prohibición puedan negarse los inquilinos, ya con mayor derecho, a recibir extraños en sus casas.

Precisamente, por denuncia de carabineros, hace poco tiempo, han sido despedidos dos inquilinos que han recibido en sus casas a gente de malos antecedentes. Estos inquilinos se han excusado manifestando que como no existe prohibición para esto, no podían negarse sin que esa gente creyera que se trataba de una negativa personal.

Por estas circunstancias, ruego a Ud. se sirva permitir que se restablezca esa disposición siquiera en la siguiente forma:

W) Recibir en su casa a forasteros sin autorización de la Administración del fundo.

En espera de su favorable resolución, quedo de

Ud. Atto. y S.S.

(Letter from Claudio Matte to Inspector Provincial del Trabajo, June 12, 1940 accompanies Oficio 9939, 11 Septiembre, 1940, Oficios 32, 1940, 9801-10100; Oficio 9938, 11 Septiembre, 1940, "Sobre presentación relativa al reglamento interno para obreros agrícolas del Fundo Ibacache," Oficios 32, 1940, 9801-10100.)

112. Landowners often ignored this stipulation before formalization of obligations and responsibilities. This allowed some inquilinos to capitalize themselves through animal husbandry. With increasing formal demands by rural labor, labor legislation and the growth of commercial agriculture, enforcement of these provisions represented a deterioration of many inquilinos' traditional situations. In any case, non-enforcement by the landowner gave him a potential sanction (enforcement) against workers if they made formal claims or attempted to organize unions.

113. This was explicit recognition of the Labor Code. In the past inquilinos could be thrown off the land with no notice or severance pay. This aspect of the Labor Code represented an important delimitation of the "banishment" authority of the landowner.

114. Unfortunately, a labor contract from this fundo during the period under question could not be located. In the appendix to this chapter a contract from another fundo in a different part of Santiago province ("Isla de Pirque") has been included.

115. Letter from Juan d' Etigny to Director General del Trabajo, Santiago, 17 Julio, 1940, accompanies oficio 986, Oficios 32, 1940, 9801-10100.

116. Oficio 986, 10 Septiembre, 1940, "Sobre reglamento interno para obreros agrícolas presentado por la Sociedad Agrícola del Norte," Oficios 32, 1940, 9801-10100.

117. In the appendix to this chapter the proposed Reglamento, and labor contracts used by the SAN are reproduced.

118. "Infonna comisión N° 1190," Santiago, 24 Mayo, 1962, Providencias 21, 1962, 6121-6360.

119. See Almino Affonco et. al., Movimiento Campesino Chileno, II, ICIRA, (Santiago de Chile, 1970), "Estudio de los Pliegos de Peticiones," pp. 17-54.

120. Chile-MINAGRI "La Agricultura Chilena en el Quinquenio 1956-1960," (Departamento de Economía Agraria, 1963), cited in Cristóbal Kay, Op. cit., 1971, p. 115, note 4. Original source: Ministerio de Agricultura, Departamento de Economía Agraria, "Aspectos económicos y sociales del inquilinaje en San Vicente de Tagua Tagua" (Santiago), pp. 78.

121. Ibid.

122. "Informa sobre antecedentes solución conflicto de obreros agrícolas del Fundo Rincomavida en la provincia de Nuble y otros conflictos," Santiago, 10 diciembre, 1965, accompanies oficio 9299, 16 diciembre, 1965, Oficios 53, 1965, 9051-9300.*

CHAPTER IV

RURAL UNIONS, I: THE POLITICO-LEGAL STRUGGLE

An organized rural labor force is by definition a challenge to the traditional political control of the countryside by landowners. Agricultural activity, vulnerable as it is in planting and harvesting seasons as well as at other critical stages of crop and animal management, presents an organized labor force with strategic opportunities for using slowdowns, strikes, or secondary boycotts in order to obtain social and economic benefits from landowners. If at these critical periods rural proprietors can be forced, through collective action on the part of rural labor, to enter into legally binding collective labor contracts and be legally denied the capability for retaliation against labor leaders, then the landowners' proprietary authority can be substantially limited. It may even be possible to force landowners to vest attributes of "management" in the rural union and to guarantee a share of the economic surplus to rural labor.

Acquisition by rural laborers of the traditional prerogatives of proprietorship, either as individuals or collectively, alters the distribution of proprietorship in the countryside. And insofar as the activity of rural unions and their allies forces a redefinition of proprietary authority, the political meaning of property in rural land in the wider political network is transformed. As Almino Affonso has so aptly commented:

The moment campesinos organize themselves into a union, there occurs a transformation of social relationships in the countryside: "dependency," "submission," characteristics of campesinos in traditional and transitional society (where these values still survive) are broken. A new relationship defined by rights between persons is established. Campesinos do not beg; they demand. The patrones now do not give; they satisfy [these demands].

By the sole fact that the workers now represent themselves, the hierarchical nature of the relations (before accepted as something inherent in the natural order) no longer suffices. The patron ceases to be El Señor, he loses his mythical dimensions and is reduced to the proportions of an employer.¹

Agricultural unions, precisely because they represent a **radical** threat to the power and authority of landed proprietors, are almost universally resisted by rural landowners. The Chilean landowners (1919-1964) were no exception.

With each national political crisis the problem of property in rural land reasserted itself as a central issue in Chilean national politics. Periodic waves of rural unionization, coinciding with changes in national regimes, brought retaliation by landowners and restrictive legislation from the national government. From 1931 to 1964 only repression of rural labor could guarantee the continued existence of the hacienda system and the national political alliances dependent upon the hacienda as their base for national power. This chapter details the legislative and administrative measures taken to repress rural labor on a national scale from 1931 until 1964. Chapter V discusses the scope and content of the rural labor movement's struggle against the hacendados during the same period.²

Prior to 1924 and the promulgation of Law 4.057 there existed no legal basis for unionization of any kind in Chile. After World War I, however, the government tolerated some union activity in the urban sector, the mines, and the railroads. In 1924 the cluster of "social laws" (laws 4.053-4.059) included procedures for the formation of legal, government-regulated labor unions. Law 4.057, which specified the conditions for legal recognition of unions, did not except agricultural unions, but Law 4.053 (written labor contracts) explicitly

excluded rural labor from its provisions. This made application of the unionization provisions in the countryside legally ambiguous. No test of this legal ambiguity occurred, making it impossible to determine what adjudication might have determined.

The only rural labor union to obtain legal recognition [personalidad juridica] under the provisions of Law 4.057 was the Sindicato Profesional de la Industria Ganadera y Frigorífico de Magallanes (Decreto Supremo 2218, 39 October, 1929). This union, formed in the second decade of the twentieth century, represented workers in the meatpacking plants as well as laborers who resided and worked in the countryside of Magallanes—shepherders, sheep shearers, butchers, etc. The union included workers not linked to the hacienda-dependent social structure of central Chile. For both these reasons it was never a "typical" agricultural union. Between 1931 and 1967, the Labor Department and the organized workers rejected periodic efforts to have the union formally defined as "agricultural."³ Eliminating this exceptional case, we can say that no legally recognized rural union existed in Chile prior to adoption of the Labor Code in 1931.

THE LABOR CODE AND RURAL UNIONS

The 1931 Labor Code provided that:

- Art. 367 The right of association in unions is recognized for all persons of both sexes, older than 18 years of age, who work in the same enterprise or place of work, or who pursue the same occupation or profession, or similar or related types of work or profession, whether manual or intellectual.
- Art. 363 These unions may be of employers, empleados or workers, or mixed, or of persons who exercise independent professions or occupations. These unions are "industrial" or "professional."

Art. 379 Industrial and professional unions will be considered legally constituted once they are granted legal recognition by the President of the Republic.

Industrial unions included all workers in the same firm—whatever the enterprise (Article 381). This meant that a union grouping rural workers in a single farm took on the name "industrial union" the same as a union formed by workers in a shoe factory. Professional unions associated people engaged in the same profession, craft, or similar or related labors (Article 407). Under this provision it became possible to form "professional unions" of agricultural workers from different farms. Either type of union could represent its members in labor conflicts and collective bargaining.

No section of the Labor Code dealing with unionization mentioned exclusion of rural labor. In the 1931-1933 period campesinos formed several legally recognized unions in the countryside.⁵ When landowners realized that at least some labor inspectors took literally the Labor Code's provision on unionization, the landowner associations acted to prevent the development of rural unionization and to destroy the unions already formed. In addition to reprisals against union leaders and organized workers, the landowners presented legal arguments contending that the Labor Code's provisions did not apply to rural labor.

ADMINISTRATIVE REPRESSION OF RURAL LABOR

The first formal challenge to the legality of rural unions seems to have occurred in the case of Hacienda Las Palmas de Ocoa, operated by Monte Alegre (Chile) Ltda. A leftist deputy, Emilio Zapata Diaz,⁶ had been active in attempting to organize the campesinos in this farm

and to secure compliance with labor law by the hacienda's administration. When the campesinos' complaints led to a labor inspector's visit to the hacienda in order to verify violations of labor law on the part of the owners, the hacienda's administration protested to the Director of the Labor Department and also complained that Labor Department personnel were allowing formation of a union in the hacienda. The hacienda's administrators threatened to terminate production in the farm if the situation was not "arranged." The contentions of both the proprietors and the Labor Department were as follows:

[Landowners to the Labor Department, February 3, 1933]

With reference to your oficio No. 766 regarding the visit of señor Julio Rojas to Hacienda Las Palmas de Ocoa, we would like to call your attention to some aspects of the matter which now preoccupies us.

(1) From the conversation with you it is clearly understood that the workers of Las Palmas de Ocoa have the legal right to form an "industrial union." Concerning this point our lawyer informs us:

In regard to the legal aspect of the union being organized by some workers: . . . these organizations, according to Article 381 of the Labor Code, are not authorized in agricultural properties Even supposing that such union organizations were legal in fundos, a union could not be constituted in Las Palmas de Ocoa because an indispensable requirement to do so . . . is to have more than twenty-five permanent workers. [Since Las Palmas de Ocoa] does not have this number, the union is illegal and, therefore, should be considered non-existent.

(2) Disregarding the above, Article 365 of the Labor Code explicitly stipulates that the objectives of unions . . . are mutual cooperation between the factors contributing to production. Consequently, those organizations whose methods disturb discipline and order in the work routine will be considered contrary to the spirit and the letter of the law

According to our information, señor Rojas visited Las Palmas de Ocoa in the company of a Communist Deputy and . . . the private conversation with the workers constituted "advanced" political propaganda. Señor Larrain Garcia Moreno informed us that his property was also visited last Tuesday by a labor inspector accompanied by a Communist Deputy. •

Good results can hardly be expected if the labor inspectors associate with Communist elements whose "advanced" but impractical ideas mean the destruction of private interests.

. . . This company has demonstrated on many occasions its desire to cooperate . . . with the authorities. At the same time we intend, at all costs, to maintain in our properties the principle of authority. We, therefore, request that this matter be definitively resolved. If arbitrary measures contrary to our interests should be put into practice, we would be obligated . . . to end exploitation of our properties 7

The Director of the Labor Department responded on February 11, 1933.

I have in my possession your communication concerning [the organization of agricultural unions]. . . . the matter which you discuss is being studied by the appropriate authorities in the Labor Department, who are giving it their special attention. In these circumstances, the undersigned deplors the fact that . . . you express a certain compulsion and even resolution to pressure the authorities.

In relation to the intervention of a labor inspector, I want to tell you that in the case at hand, a complaint arrived at the Labor Department . . . which inspector Julio Cesar Rojas, of definitive Conservative affiliation . . . was designated [to investigate]. Deputy Emilio Zapata offered to accompany the inspector . . . who refused the offer.

The above is all that I can tell you for the moment, reiterating that the matter is receiving our closest attention and will have a rapid and definitive resolution.⁸

The hacienda's proprietors again wrote to the Labor Department on February 24, 1933 insisting on a resolution of the unionization issue.⁷ The Department informed them in reply that on February 10, 1933 the legal right to form rural unions had been administratively suspended, with the knowledge and approval of Chile's president, Arturo Alessandri, and the Minister of Labor.¹⁰ The order to suspend rural unionization, an ambiguously worded Telegram-Circular to Labor Department personnel read:

This Department, in conjunction with the Government, is studying activities related to the unionization of workers in rural properties. Since there exist complex difficulties in carrying out these legal provisions, this Department orders you to refrain from assisting in the constitution of organizations of this type until you receive definitive and precise instructions.¹¹

In response to landowner pressure the Labor Department suspended the Labor Code's rural unionization provisions.¹² How did this come about?

During the same period of time **the National Agricultural Society** (SNA) had also moved **into** action. The **directors of the landowner** association wrote **to** the Labor Department in **early February, rejecting** the legality of rural unionization and the application **of other** provisions of the Labor Code in the countryside:

The National Agricultural Society has received complaints from different parts of the country to the effect that some labor inspectors are insisting on application of the legal dispositions concerning unions in the agricultural sector.

Union Organizations are covered by the dispositions of Section III of Decree Law No. 178 of the Labor Code.

Article 362 establishes the right to organize unions for those employed in the same enterprise or place of work.

Article 381, in turn, provides that the workers of any mining, nitrate, transport, factory, manufacturer, shop and other industrial and commercial enterprises can form a union The enterprises mentioned are entirely different than agricultural enterprises. [Also mentions Articles 382, 384, 402 and their inapplicability to agriculture]

The functionaries who formulate this class of demands act, perhaps, on the basis of an erroneous concept about the true meaning of the term industry and believe that it includes agriculture. This . . . constitutes, without doubt, an error

. . . In the name of this Society I request that you impart the necessary instructions so that compliance with the cited dispositions is not required in agricultural labors, because they are not applicable to them.¹³

The SNA continued to make its case during March despite the temporary de facto suspension of the legal rights of rural labor to organize unions. At the end of March, 1933, an internal memorandum of the Labor Department indicated the position that the department would take on this issue:

. . . In effect, Article No. 362 of D.F.L. 178 of May 13, 1931, which is fundamental in regard to the "right of association in unions" does not establish any exceptions to this right . . . but confirms it amply without other limitations than those of age

Besides, Article No. 362 of the cited D.F.L. No. 178 is in absolute agreement with Article 10, No. 5 of the Political Constitution of the State that assures "the right of association without prior permission and in conformity with the law."

To exclude the campesinos from the unionization law, along with disregarding the rights recognized in Article 362

of the Labor Code, consecrated by Article 10, No. 5 of the Constitution, would also mean creation of a privileged position for other workers in relation to the agricultural worker, in open violation of Section 1 of the above-mentioned Article 10 of the Fundamental Charter of the Republic, which establishes that in Chile there exists no "privileged class "

Considering the arguments of the National Agricultural Society that agriculture is not an industry and, therefore, that the expressed legal dispositions are not applicable to it, it is appropriate to remark that economic science considers as industry all processes of work "carried out in habitual and determinate form with the end of producing or obtaining goods and wealth" (Daniel Martner, Economía Política). According to this, agriculture possesses all the characteristics necessary for it to be considered an industry.

Analyzing the problem . . . there is no doubt concerning the industrial character of agriculture; relating this conclusion to the social laws, there is also no doubt that the agricultural worker has the complete right to unionize [in professional or industrial unions] because they are workers in industrial enterprises . . . the exploitation of a fundo or hacienda.¹⁴ (emphasis added)

On May 15 the Consejo de Defensa Fiscal (a kind of administrative supreme court) also ruled against the SNA in the following terms:

You have requested a report by this Consejo concerning the legal opinions formulated by the National Agricultural Society to the Labor Department, in a request in which it is asked that compliance with the dispositions of the Labor Code concerning union organization not be enforced in agricultural enterprises.

. . . the agricultural industry and its labors present modalities of labor that are unique and which distinguish them from other industries and labors, but this Consejo holds that these peculiarities are not sufficient to sustain the opinion that the cited dispositions are not applicable. It is undoubtedly the case that organization and regulation of agricultural unions will offer difficulties and will require preferential attention by the organisms charged with overseeing them, but these difficulties cannot be causes that allow denying to those working in agriculture the right to associate in unions and enjoy the accompanying benefits.¹⁵

Despite the temporary de facto victory gained with the administrative suspension of unionization, the SNA continued to insist on a reinterpretation of the legal status of rural unions, carrying its argument once again to President Alessandri and to the Minister of Labor.¹⁶

Given "new evidence" presented by the SNA, and under political pressure, the Consejo de Defensa Fiscal nevertheless again ruled against the landowners:

The National Agricultural Society, aware of the ruling of this Consejo in relation to unionization of agricultural workers, has sent to you a long and studious report in which it details the legal reasons, which in the judgement of that Corporation, [SNA] allow [them] to sustain a thesis diametrically opposed to the one contained in our previous report

. . . Without disregarding the merit of these allegations . . . the Consejo finds itself in the necessity of maintaining the conclusions of our previous ruling. It bases this in the arguments which are indicated.

. . . This Consejo cannot accept the interpretation of these precepts given by the National Agricultural Society when they consider them "laws of privilege" and only admit a restrictive application. In the area of Social Law, unionization and the right to unionize constitute common rights; the exception, which can only be strictly interpreted, is formed by that category of workers to whom, for reasons of public convenience, this right is denied. . . . It does not seem probable to us that if the legislator had desired to exclude agricultural workers from the right to form unions, he would not have expressly stated [this] in Article 365 of Decree with the Force of Law No. 178

. . . We reaffirm our prior ruling and we deny legal validity to the thesis sustained by the National Agricultural Society.¹⁷

The legal technocrats in the Consejo de Defensa Fiscal rejected the landowners' brief. Despite these legal victories for rural labor, the Telegram-Circular of early 1933 that suspended the constitution of rural labor unions was never formally retracted. No new rural unions gained legal recognition until 1937.¹⁸

In 1937 and 1938, in anticipation of the presidential elections of 1938, and with the Telegram-Circular seemingly forgotten if not officially retracted, new efforts were made to establish legal rural labor unions in the Chilean countryside.¹⁹ In the first months of 1939, as part of the popular mobilization that accompanied the victory of the Popular Front candidate, Pedro Aguirre Cerda, the Labor Department

registered over 170 formal labor petitions in the rural sector (compared to six in 1938). During the same period campesinos organized over 200 rural labor unions—perhaps 75 percent according to legal norms.²⁰

Extremely concerned with the wave of rural unionization and labor petitions, the SNA again appealed directly to the President of the Republic—as it had done in 1921 and 1933²¹—to stop the continued formation of labor organizations in the countryside and to consider the need for "special" legislation in this sector of the economy.²² President Aguirre Cerda acceded to the landowners' demands, naming a "comisión-mixta" of landowners and representatives of rural labor. Formally, the President himself presided over this commission²³ and instructed it to study the "problem" of rural unionization and to prepare a legislative proposal for consideration by Congress. In order to arrive at this temporary "settlement" the SNA agreed to attempt to prevent its members from dismissing workers and throwing them off the land, as they had been doing in retaliation for unionization and presentation of labor petitions. The Confederación de Trabajadores de Chile (CTCH) and the political parties of the Popular Front government responsible for stimulating the rural unionization movement—especially Socialists and Communists—agreed to a temporary halt in the unionization drive.²⁴ Again political negotiations at the presidential level resulted in the suspension of the legal right of rural labor to organize unions. To the discredit and (later) confessed sorrow of Chilean leftist politicians, an arrangement that sacrificed the rural labor force in the name of supporting the Popular Front government, was made possible by the participation of the Communist party, Socialist party, and CTCH.²⁵

In response to this political "deal" and at the orders of

Aguirre Cerda, the Labor Department issued Telegram-Circular 655-656:

Considering that the President of the Republic has ordered the organization of the Mixed Commission of Patronos and Agricultural Workers to study campesino unionization in conjunction with other problems of agrarian life, and that Political Parties of the government coalition have agreed that to continue the formation of unions could make difficult the solutions sought, the following Ministerial Order has been issued:

While the Special Mixed Commission of Employers and Agricultural Workers is functioning the Labor Department will suspend all activity [tramitaci6n] related to the constitution of agricultural unions. Communicated to you for your strict compliance without prejudice to complementary postal instructions.

While the Telegram-Circular explicitly limited the suspension of the labor inspectors' necessary cooperation in the formation of legally recognized rural unions to the period during which the special commission functioned, termination of the commission provided no relief for rural labor. Congress took no action on the legislative project,²⁷ and the ministerial order which suspended rural unionization remained in effect. For the next seven years—until November 15, 1946—this "temporary" suspension of the participation of Labor Department officials in the formation of rural unions (participation formally necessary in order to organize legal unions) mocked the Chilean constitution, the Labor Code, and Chile's prior ratification in 1925 of International Labor Organization (ILO) Convention No. 11 concerning freedom of association for rural labor. This "temporary" suspension of rural labor's legal rights was maintained despite pressure from within the Labor Department (especially from the Legal Section where Hector Escribar M. persistently rejected the circular's legal validity) to have it rescinded.²⁹

Despite their initial agreement to the suspension of rural unionization, by 1940 elements within the CTCH leadership as well as a group of deputies within the Socialist party³⁰ (who eventually were to leave the party and form the Partido Socialista de Trabajadores (PST)) recognized the error that they had committed in acceding to the landowners' demands to halt rural unionization in exchange for a promised end to dismissals of inquilinos and agricultural laborers.³¹ **31**

Alejandro Chelen R., a prominent Socialist politico and intellectual, says of the administrative de-legalization of rural unions:

The shame went to such extremes that a truce was declared. The Popular Front promised not to form unions of rural workers in order "not to create difficulties for the government," that is to say, for the landowner oligarchy. They preferred the road of class conciliation in order to secure the conquest of the state bureaucratic apparatus in exchange for stopping the incorporation of the campesinos into the revolutionary struggle. One becomes indignant remembering these treasonable acts that to this day postponed the advance of Socialism.³²

In October of 1940 Bernardo Ibañez A., secretary general of the CTCH, sent the following letter to the Minister of Labor:³³

The majority of our CTCH organizations have directed communications to this General Secretariat in which they ask that we request from the Minister of Labor a declaration in regard to the legislative proposal concerning campesino unionization.

They remind us that the Minister, in the speech he delivered at the inaugural session of our First National Conference, declared that if the Congress did not dispatch the law before the 15th of September, the Minister of Labor, in accord with the Government, would proceed to decree the unionization of the campesinos in accordance with the dispositions of the Labor Code.

Since the date set has passed, our comrades from the provinces wish to know the definitive decision of the Minister of Labor in this regard and they ask for reports from our National Directorate.

We would greatly appreciate it if you would communicate to us what has been determined in respect to this problem in order to inform the interested parties.

Awaiting your appreciated response **34**

Still the Ministerial order suspending legal rural unionization was not rescinded.

In 1941 President Pedro Aguirre Cerda died in office. His successor, Juan Antonio Ríos, proved much more conservative than his predecessor on matters of rural labor and cooperation with the Communist Party. The proposed legislation on rural unionization recommended by Aguirre Cerda's special commission—which labor representatives Erailio Zapata and Carlos Acuna had left in protest over the content of the proposed legislation—was delayed in the Congress. Next the president withdrew the legislation from Congress and sent it to the Consejo Superior del Trabajo, an advisory body, for "further study." This Consejo considered the legislation from April 22, 1943 to almost the end of 1944. During this time the temporary suspension of the rights of rural labor to organize unions remained effective.

The commission of the Consejo Superior del Trabajo on Agriculture, on which the SNA maintained permanent representation, began consideration of rural unionization legislation by reviewing the provisions of the law proposed by Aguirre Cerda and the counter-proposal of Emilio Zapata. After the first two sessions Zapata's proposal received no further mention. The Aguirre Cerda project served as a permanent basis for a revised legislative proposal during the remaining year and one half of the Consejo's work on the rural unionization legislation.

The positions taken by the SNA representative in these sessions revealed the landowners' fundamental resistance to rural unionization and their desire to maintain in effect the illegal decree that prevented rural union organization. These opinions deserve some extended citation and comments. For although the SNA participated in the 1939 special commission which recommended the legislative proposal that the Consejo Superior del Trabajo was now reconsidering (after a four year delaying

action in Congress by the landowners and their allies), the SNA representative, Jorge Rodríguez Merino, began the "second round of discussion by rejecting any legislative or administrative action on rural unionization. Rodríguez informed the Consejo "that his constituents [the SNA] reject any initiative which tends, actually, to promote unionization of the campesinos" ³⁵ The SNA representative made clear that as a matter of principle the landowners did not feel any action should be taken with reference to rural unionization, that is, that the "temporary" suspension of the rural laborers' legal rights should not be rescinded and no new legislation introduced. But the landowners would participate in the commission's deliberations because "there exists an evident majority within the commission which desires to begin study of the regulation of rural unionization." ³⁶

Marcial Caceres, representing labor in the commission (Caceres was affiliated with the CTCH, but not with its rural department nor with rural labor), responded to Rodríguez by reminding him that the Labor Code extended the right to organize to rural labor and that this right had been formally recognized in the past:

to speak of the inopportunity of legislation concerning campesino unionization, is to forget that the Labor Code recognizes the right of the rural workers to form unions. . . . The Labor Department and the Consejo de Defensa Fiscal have recognized the existence of this right, and the Supreme Court has ruled valid this [type of] union organization. In addition, to deny this right is to violate an agreement validly contracted by the State upon subscribing to the conventions of the International Labor Office.

The exercise of the right of union organization in the countryside is today absolutely necessary since only through organization can agricultural workers improve the miserable conditions in which they live and end the abuses of the landowners

The working class, in deference to the Government, has not insisted to date on the unconstitutionally and illegality of the Decree of 1939 that suspended union organization. But

it is not disposed to continue on this plane . . . if the Campesino Unionization Project submitted for consideration of the Consejo Superior del Trabajo is not soon dispatched.³⁷

Direct representatives of rural labor appeared only once during the year-and-one-half of debates over the proposed rural unionization legislation in the Consejo Superior del Trabajo. José Augustin Valenzuela, president of the Federación Industrial Nacional de Trabajadores Agrícolas (FINTA) was allowed to speak in the seventh session of the commission (29 July, 1943). The commission reprimanded Valenzuela for speaking in terms which the SNA representative on the commission found objectionable, and even Marcial Caceres apologized for Valenzuela's lack of respect ["cultura suficiente"]. In reading the summary of Valenzuela's comments, however, the only strong language he seems to have employed included the suggestion that "reactionary hacendados, pro-fascist, enemies of the patria were those who opposed the association of campesinos in unions."³⁸

Throughout the session, Caceres and Valenzuela when he appeared took the position that special laws were not necessary for rural unionization. The existing Labor Code amply covered the situation and simply needed to be implemented in the countryside. In the sixth session of the commission debates (15 July, 1943) Gonzalo Guzman, representing "empleados" in the Consejo, argued explicitly that it was a grave matter that the unionization provisions of the Labor Code had been suspended in relation to rural workers by virtue of a ministerial resolution. He requested that the Labor Code be fully respected while the Consejo considered special legislation for rural unions.³⁹ Jorge Rodriguez, the SNA representative, responded that the study of special dispositions concerning campesino unions was initiated with the understanding

that the matter of application of the Labor Code to agriculture would remain sub-lite because the governmental decision to suspend the application of this legislation in the countryside originated in studies that indicated the inadequacy of existing unionization provisions for agriculture. Rodriguez strongly opposed Guzman's proposal.⁴⁰ Marcial Caceres responded in turn to Rodriguez, insisting that the suspension of rural unionization through an administrative order was an arbitrary and illegal act and that, therefore, at least those unions formed in 1939, prior to the suspension order, should be immediately recognized by the government.⁴¹

The Consejo, despite these "in principle" arguments of its members, considered the proposed Aguirre Cerda legislation section by section--almost word by word--during the next sixteen months. From time to time, however, the SNA representative reminded the commission that the landowners believed that no legislation at all was justified in this area. When the commission finished its deliberations, the proposed legislation resulting from its study restricted even further the ability of rural labor to organize than had the original legislative proposal of 1939.⁴² The SNA representative had even brought to the sessions of the Consejo a proposal for "mixed" unions composed of three representatives of rural labor and two landowner appointees.⁴³

In perhaps the most revealing session insofar as the landowners' fundamental positions were concerned (September 30, 1943), the SNA representative reported the recommendations of the recent convention of landowner organizations (Cuarta Asamblea de Entidades Agrícolas) which included an "in principle" rejection of rural unions.⁴⁴ Marcial Caceres responded by asking what type of organizations were represented

at the landowner meeting. Jorge Rodriguez replied that these were affiliates of the SNA, constituted in "asambleas" and other entities with independent legal status. Rodriguez didn't point out that despite the suspension of formation of campesino unions, a number of employers unions had been created and given legal recognition during the 1939-1944 period. For some unexplained reason the suspension of rural unionization did not apply to landowners—at least large landowners—although small-holders [pequenos propietarios] had come under the suspension.⁴⁵ Marcial Caceres took this opportunity to point out how well the landowners were organized to defend their class interests while they insisted that rural labor be forbidden to do so: "from the observations formulated by señor Rodriguez . . . it can be deduced that the class of patrones is organized and that this points out the injustice of [the landowners] in obstinately opposing unionization of the campesino."⁴⁶ But as late as the twenty-seventh session of the Consejo's consideration of the rural unionization legislation, the SNA representative again argued, in principle, against any legislation that would permit agricultural unions in the Chilean countryside. Rodriguez declared that upon initiating the study of the matter the previous year he had pointed out that the agricultural societies considered ill-omened any union organization in the countryside and that this opinion had not changed. He made this declaration "in the fear that it could be supposed that by participating in the discussion of the proposal's particulars, this would signify renunciation of the basic principle sustained by agriculture: that we consider profoundly pernicious the organization of campesino unions."⁴⁷ The last session in which the Consejo Superior del Trabajo considered the proposed legislation on rural unionization

took place on November 16, 1944. The Consejo sent the proposed legislation to the Congress where it languished until 1947. The "temporary" suspension of the legal rights of rural labor remained effective.

In 1946, with the death of Juan Antonio Ríos, Chile again faced presidential elections. As in 1939 the political parties of the left and the CTCH began to mobilize rural labor to present labor petitions and reactivated the issue of rural unionization. Elimination of the ministerial order suspending rural unionization became a campaign issue of the left-supported candidate of the Radical party, Gabriel González Videla. Elected to the presidential office with the cooperation of the Communist party (which occupied ministerial posts in the first months of the Gonzalez Videla administration, something it had not done in the Popular Front government) Gonzalez Videla had the order⁴⁸ for temporary suspension of rural unionization rescinded. With this action Gonzalez Videla fulfilled a campaign promise to the left.⁴⁹ His election in the Congress, however, was obtained through a bargain with the rightist Partido Liberal, which essentially turned on a single issue: the prevention of rural unionization or, at the least, unionization on terms previously approved by the Partido Liberal.⁵⁰ Gonzalez Videla agreed that in exchange for the votes of the Liberals in the Congress to elect him president, no legislative project would be presented to Congress concerning rural unionization without prior consultation with the Liberal Party.⁵¹ Again, as in 1921, 1933, and 1939, the issue of rural unionization had to be dealt with at the presidential level and as a central focus of Chilean national politics.

In revoking the order which suspended rural unionization, Gonzalez Videla made clear at the same time that this area of policy should be

the subject of special legislation. . . Despite apparent internal

52

contradictions within the Gonzalez Videla cabinet, the massive wave of unionization and accompanying labor conflicts⁵³ made special legislation of immediate and urgent concern to landowners, and to the political parties of the Right in the Congress which represented their interests. . . Deputy Pereira Larrain (Conservative Party) declared in Congress during this period: "The repeal by the Government of the circular that suspended rural unionization, transformed the solution of this problem into an urgent necessity" ⁵⁴ By July 29, 1947, Law 8811, a "special" law concerning the problem of rural unionization had been rushed through the Congress.

Once again, massive mobilization of rural labor, organization of rural unions, presentation of labor petitions and strikes in the countryside had been met with legal restrictions of the rights of rural labor. This law, based on the Aguirre Cerda proposal as modified by the Consejo Superior del Trabajo (after further modification in the Congress) hindered the organization of rural labor in legally-recognized unions from 1947 to 1967. It represented, instead of the "Campesino Unionization Law" it was officially proclaimed, a legal repression of the rights to organize which rural labor had theoretically enjoyed since promulgation of the 1931 labor code.

LEGISLATIVE REPRESSION OF RURAL LABOR: LAW 8811⁵⁵

Under pressure from landowner interests after the abrogation of Ministerial Order 34 and the ensuing massive unionization drive in the countryside (1946-1947), the Chilean Congress approved legislation

called the Campesino Unionization Law (Law 8811) [Ley de Sindicalización Campesina]. It might better have been called the Anti-Rural Union Act. In essence the legislation took from rural labor rights obtained in the 1931 Labor Code (though administratively restricted during much of the period 1931-1947), while severely restricting the conditions under which rural labor could unionize.

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In order to understand the regressive nature of this legislation it is useful to compare important sections of Law 8811 with the equivalent material in the Labor Code.

Rural Union Act
(Law 8811)

Article 16 Rural unions can be constituted in all agricultural properties having more than twenty workers older than 18 years of age, with more than one year of consecutive service in the same farm, which represent at least 40 percent of the workers of the farm. At least ten workers must know how to read and write.

Labor Code

Article 381 The workers [over 18 years of age] of any enterprise [Article 362] which registers more than twenty-five workers can constitute an association that will take the name "sindicato industrial."

The Labor Code did not stipulate any literacy requirement, consecutive service requirement, or minimum proportion of permanent workers to non-permanent workers requirement in order to organize labor unions. While rural unions could be organized with twenty workers instead of twenty-five, these workers must have been in the farm over one year, represent 40 percent of the workers on the farm, and at least ten of them be able to read and write. Landowners could maintain nineteen permanent workers (not including sharecroppers), or convert inquilinos to sharecroppers, and thereby prevent unionization. Jorge Rogers, then Falanje deputy for the Province of Chiloé, argued that these

requirements would eliminate the possibility of establishing legally-recognized unions in more than 85 percent of Chile's rural properties.⁵⁶

Obtaining data from the Caja de Seguro Obligatorio—based on farms which paid social security taxes (approximately 15,000) Rogers found that only 1,985 farms in all Chile permanently employed more than twenty-five workers, he went on to say in the Congressional debate:

I understand that this data is imperfect, but it gives an idea of the proportions and slight extension of the law which is proposed.

Of the 1985 farms with more than twenty-five workers, before mentioned [changed in final legislation to twenty], we must exclude those that do not have this number because they do not represent 50 percent of the workers with two years in the farm [changed to 40 percent with more than one year in final legislation], excluding peones and afuerinos.

. . . From the remainder we must exclude those less than 21 years of age [18 years in final legislation]. The old legislative project of the Conservatives specified 16.

From the remainder we must exclude those that do not read or write.

. . . Finally, for the fundos that still have twenty-five workers or twenty workers (it seems that this will make little difference) there still remains the possibility of dividing them into separate hijuelas, legally separate farms from formal subdivision, each surely with less than twenty workers.

The project in debate, as it is conceived, is a project for the repression of rural unions. . . . The solution which has been found for the problem of rural unions is that there should not be unionization.⁵⁷
(emphasis added)

But Jorge Rogers did not mention all the obstacles to rural unionization in this legislation. Article 17 provided that "the workers who wish to unionize in accord with Article 9⁵⁸ must express this decision in a meeting where 55 percent of those present vote favorably, and in which no other elements than the interested workers can be present." The law allowed no labor organizers or "outside agitators" to instruct the campesinos in the legal requirements necessary to constitute a

rural union. The law required the workers to notify the labor inspector and the landowner of their intentions. The landowner could legally deny permission for the union to meet in the farm--in which case the labor inspector might give permission for the union to function outside the boundaries of the hacienda (Articles 9, 17). Within five days of the union's formation the labor inspector had to officially notify the landowner of the organization's existence--ostensibly for the protection of rural labor.

In addition, the law provided that rural unions might be dissolved, among other reasons (Article 46) for violating the norms for mandatory conciliation and arbitration in agriculture; for strikes; if the farm, because of change in production, employed permanently less than twenty-five workers during one year; by agreement of 55 percent of its members; and if the number of members was reduced to less than twenty (Article 46). Any single member of the union, or the landowner, could ask the labor court of jurisdiction to dissolve the union if the appropriate circumstances existed (Article 47).⁵⁵ The labor court was given a ten-day time limit to rule in such cases (Article 48).

None of these latter norms applied to other unions according to the 1931 Labor Code. Further, union officers did not receive the customary "fuero" [immunity from dismissal] in rural unions, in contrast to provisions for all other labor unions. This meant that labor leaders could simply be thrown off the land or out of the hacienda as soon as labor conflicts were resolved. (Short term immunity from retaliation applied during the processing of labor conflicts.) The law specified procedures for collective bargaining and labor petitions so restrictive as to almost preclude them (Articles 52-69). Labor

petitions were forbidden during planting or harvesting season which were a minimum of 60 days each in each zone or region. This precluded legal labor conflicts during at least four months of the year—and the most strategic opportunity for rural labor to make good their demands. The law outlawed strikes in agriculture. (As late as 1946, legal agricultural strikes took place in Chile.) Thus, the landowners and their allies eliminated another instrument through which rural labor could legally assert collective demands. If over 55 percent of the union's membership went on strike, the union could be dissolved at the request of any single member, the landowner, or the labor inspector. Punishment for crimes against the "right to work" of other laborers ["contra la libertad del trabajo"] consisted of mandatory jail terms (one to sixty days) (Article 71). Violation of this section included pressure by threats against the worker or landowner by the respective union; any act intended to impede the workers from coming to work; any act that impedes normal milking operations; and any act that tends to destroy or destroys the materials, instruments or products of work or commerce, or which causes their deterioration or a decrease in their value (Article 70). Similar provisions applied to non-rural unions with the important exception that strikes under some conditions were legal—changing substantially the meaning of "right to work" and therefore of criminal behavior.

Finally, the law required all rural unions formed prior to Law 8811 to conform to these provisions or be dissolved. The SNA, commenting on Law 8811, declared "The danger of extending workers' conflicts and social resistance to the countryside, by virtue of a poorly considered generalization of the Labor Code, has been reduced and regulated by Law 8811" ⁶⁰

The logical outcome of this legislation, the almost impossible task of forming legally recognized rural unions and presenting legal labor petitions, reached its extreme expression in 1963 in a conflict in the province of Aconcagua.' The Labor Department ruled that in some farms—those which plant and harvest year-round—no labor petitions were legal. The campesinos wrote to the Labor Department from Fundo Santa Marta de Longotoma as follows:

We have presented a labor petition to our patr6n, which has been submitted for recognition to the Arbitral Tribunal. The Tribunal has ruled that the petition was presented during the period of harvest and planting in the fundo.

Article 470 of the Labor Code states that the periods of planting and harvesting will be determined by Regulations for each zone, and not by what is being planted or harvested in each individual fundo.

This is the basis for our appeal. We request that the Director of the Labor Department inform us in writing concerning the dispositions of the Reglamento for the zone in which Fundo Santa Marta is located, . . . or what guidelines should be followed, in case the referred-to Reglamento does not exist, in a fundo like the one mentioned, in which there is year-round planting and harvesting.⁶¹

The Labor Department's tortured bureaucratic response confirmed that pushed to its logical extension the Campesino Unionization Law indeed prohibited labor petitions as well as strikes in farms where planting and harvesting went on all throughout the year:

Your presentation of the 22nd of this month has been received

In this regard I inform you that:

. . . This Reglamento in its Article 33 declares the following:

"The periods of planting and harvesting will be determined in each case by the respective Provincial Agronomist, at the request of any of the parties in conflict.

In accord with this precept, the Provincial Agronomist must determine in each case, and not by zone, the respective periods of planting and harvesting at the request of any of the parties in conflict.

. . . In regard to the fact that the fundo in question is engaged in year-round planting or harvesting, . . . Article

470 of the Labor Code says the following:

"Labor Petitions shall not be presented during periods of planting and harvesting, which shall be fixed by Regulations for each zone. Each of these periods shall be a minimum of sixty days.

These labor petitions shall be presented only once a year."

From this precept it is deduced that in a fundo with the characteristics indicated, labor petitions cannot be presented.

Despite the above, given that you will appeal the ruling of the Tribunal of Arbitration, this problem could be submitted for the consideration of the Tribunal that will hear the appeal.⁶²

The so-called Campesino Unionization Law served simply to deny not only the right to strike but the right to present legal labor petitions. Rural labor found itself legally in a position worse than in 1924 and stripped of the gains formally made in the Labor Code of 1931.⁶³ In order to maintain the existing political order, the national regime essentially outlawed the rural labor movement. This legal repression was formally maintained until 1967.

Soon after the passage of the Campesino Unionization Law, the González Videla government veered further toward the political Right-breaking with the Communists especially because of their leadership in rural labor unionization and stimulation of rural and industrial strikes. The anti-Communist legislation which followed was effectively applied to repress the rural labor movement. Law 8837 gave the president extraordinary powers to deal with "subversion." In 1948 the so-called Law for the Permanent Defense of Democracy (Law 8987, labelled "ley maldita" or "cursed law" by many Chileans) outlawed the Communist Party, excluded its members from participation in the labor movement and set up zones of "banishment" for agitators and "subversives." The law also eliminated the Communists¹ right to participate in elections and ordered their names removed from voter

registration lists. The law prohibited "communists" from holding union offices.⁶⁴ In June of 1949 an oficio-circular announced the norms which were to be enforced generally in keeping those identified as communists out of the labor movement.⁶⁵

Repression of leftist political parties and labor leaders, who had assisted the rural labor movement, further restricted the legal capability of rural labor to organize. Thus, for example, in Fundo San Manuel (Parral, Linares Province) in 1949 the requirements of Law 8987 eliminated four of the five union officers. This union had been organized prior to Law 8811, dissolved in order to comply with the new union legislation and reconstituted in accordance with the new law. Within a two year period the legal repression of rural labor caused the union to go through three reorganizations and then face loss of its officers due to the anti-communist legislation.⁶⁷**67**

Such cases were typical. Legal repression of unions, union leaders, and the rural labor movement flowed as a direct consequence of enforcement of Law 8987. The SNA, which since the first rural unionization efforts of the 1919 to 1925 period, had identified rural unions with the elimination of private property and the advent of communism, reacted jubilantly to the repression of the labor movement. In October of 1947, before enactment of Law 8987, but after the first extension of extraordinary powers to González Videla to deal with "subversion," an SNA editorial entitled, "El Presidente de la Sociedad Nacional de Agricultura llama a Colaborar con S.E. en la Extirpación del Comunismo" appeared. In this editorial Maximo Valdes Fontecilla, SNA president, declared:

I stop for a moment, gentlemen, to make a fervent plea to the landowners of my country that they, without exception, collaborate with His Excellency the President of the Republic and his Government, contributing with all their force to the extirpation of the malignant tumor that corrodes the entrails of the nation and that is called: International Communism.⁶⁸

THE CONSEQUENCES OF ADMINISTRATIVE AND LEGISLATIVE REPRESSION

The combined impact of the administrative suspension of rural unionization, Law 8811, and Law 8987 on the rural labor movement is indicated, in part, by the drastic decline of labor petitions presented in the countryside.⁶⁹

Labor Petitions Registered by the Labor Department in Chile, 1932-1950

<u>Year</u>	<u>Labor Petitions in Chile</u>	<u>Agricultural Labor Petitions</u>	<u>Agricultural Labor Petitions As % of all Labor Petitions</u>
1932	51	5	10
1933	172	6	4
1934	125	6	5
1935	135	4	2
1936	187	1	-
1937	235	3	2
1938	248	5	2
1939	652	171	26
1940	1130	199	18
1941	892	115	13
1942	854	101	11
1943	980	83	9
1944	1110	82	7
1945	883	62	7
1946	1172	272	24
1947	1234	384	31
1948	878	24	3
1949	827	16	2
1950	818	11	1

Source: Brian Loveman, "El Mito de la Marginalidad" 10, 15.

From marginal activity in the years 1932-1938, during the Popular Front period rural labor rapidly expanded its agitation for better working conditions and a greater share in the economic surplus produced in the agricultural sector. Hindered by the suspension of legal unionization activity from 1939 to 1946, militancy gradually declined after 1940. From 1942 to 1946 the rural labor movement continued to press its demands but received little support from the administration of President Rios. The continued suspension of legal unionization made establishment of permanent workers¹ organizations a difficult task in the countryside while leaving labor leaders exposed to land-owner retaliation. The number of formal labor petitions therefore declined.

With the repeal of the ministerial order that had suspended legal unionization, rural labor again--this time more massively--pressed its demands on rural proprietors. The repression of the Chilean labor movement that followed the enactment of Laws 8837 and 8987 affected most severely the rural sector, still the weakest link in the labor movement. Not until 1952-1953 did a temporary recovery begin when social-Christian oriented labor leaders intervened in the countryside. Still, even in the post-1953 period, and until 1967, the restrictions in Law 8811 thwarted the organization of legally recognized rural unions. From 1948 until 1964 campesinos formed only 42 legally-recognized rural unions in Chile.⁷⁰ When the Christian Democratic candidate for president, Eduardo Frei, was elected in 1964, there remained only 22 such unions with a total membership of about 1500 workers. ⁷¹

Labor Department personnel recognized the restrictiveness of legal constraints on rural unions. In 1958, upon assuming the position of

"Jefe" of the section responsible for labor unions [Departamento de Organizaciones Sociales] within the Labor Department, Juan Arrancibia⁷² severely criticized the provisions of Law 8811 and suggested legislation to correct these deficiencies.⁷³ Arrancibia's objections to the law, for the most part, were the very restrictions that landowners had insisted upon in order to maintain their extensive proprietary authority in the countryside. When President Alessandri completed his term in 1964, the legal repression of rural labor remained intact.

REPRESSION AS REACTION

Perhaps the most significant aspect of this entire period (1931-1964) in reference to the politico-legal context for rural unionization was that legislative and administrative acts by the national government were reactions to concrete efforts of rural unionization. In the most literal sense government policy was reactionary. Rural unionization and labor conflict induced the negative response of rural proprietors who insisted—with success—that the national regime move to legally de-authorize rural unions or make their organization virtually impossible. This occurred in 1932-33 in response to the first legal unions in the province of Talca. It occurred again in 1939 in reaction to the wave of unionization that accompanied the Frente Popular. In 1947 landowners again moved to legally restrict rural unionization in response to the massive unionization drive which accompanied the first months of the González Videla government. In 1953, 1959 and 1962 the landowners insisted that the provisions of Law 8811 be strictly enforced in response to labor conflicts in the countryside promoted by unions without legal recognition.

The landowners saw rural unionism and "communism"¹ as synonymous— and as the most direct threat to the customary prerogatives of rural proprietorship.⁷⁵ But throughout this period, existing legislation and administrative policy did not, a priori, prevent rural unionization. It was enacted and implemented to repress rural unions which had, for the most part, already been constituted in accord with existing legal norms.⁷⁶ When, despite existing laws and administrative regulations, rural labor did legally organize and present collective demands to the landowners, the existing political regime responded with more restrictive laws or regulations to meet the challenge to the prerogatives of property in rural land. Whether through illegal administrative decree or restrictive legislation, the national regime maintained itself and the position of the hacendados through "legal" repression of rural labor.

FOOTNOTES TO CHAPTER IV

1. Almino Affonso, "Sindicato Campesino, Agente de Carabio," Cuadernos de la Realidad Nacional, Santiago de Chile, No. 5 (Septiembre 1970), p. 137.

2. While the politico-legal context is considered separately in this chapter for analytical purposes, the legal and administrative maneuverings described herein were a response to the active pressure by rural unions and ligas on the hacendados. Key periods in the legal story--1932, 1933, 1939, 1941-44, 1947-48--coincide with the concrete actions of rural labor in the countryside. This point is elaborated further in the last section of this chapter and in Chapter V.

3. See for example Oficio 8327, "Informa sobre aplicación de la ley 8811 en las faenas ganaderas de la Provincia de Magallanes," 17 September, 1948, Oficios 32, 1948, 8251-8500 and accompanying documentation.

4. "Empleados" are distinguished from "obreros" in Chilean labor legislation by the predominance of intellectual work over manual work. Over the years pressure from different organized workers to be categorized as empleados instead of obreros has made this distinction more a measure of political organization than of "intellectual"¹¹ versus "manual" labor. Higher welfare benefits and pension arrangements for empleados reinforce this tendency.

5. See the section entitled, "The First Legally Recognized Unions," in Chapter V of this study.

6. Zapata's role in the rural labor movement is discussed in detail in Chapters V and VI of this study. Zapata was founder and leader of the Liga Nacional de Defensa de Campesinos Pobres (1935).

7. Oficio 986 and accompanying documents, Oficios 4, 1933, 751-1000.

8. Ibid.

9. Oficio 1444 and accompanying documents, Oficios 6, 1933, 1241-1500.

10. The Labor Department wrote to the landowners as follows:

SANTIAGO, 3 de Marzo de 1933.

Con referencia a su comunicación del 24 del ppdo., me es grato manifestar a Ud. que esta Superioridad ha impartido a los servicios de su dirección las instrucciones telegráficas que transcribo para su conocimiento y que están destinadas a suspender la organización sindical entre el campesinado, mientras esta Superioridad estudia con el Supremo Gobierno una resolución definitiva sobre el particular.

Las instrucciones a que aludo son las siguientes:

"Santiago, 10 Febrero, 1933. Telegrama-Circular No. 4060-4061. Superioridad estudia con Gobierno lo relacionado desarrollo sindicalización obreros predios agrícolas pudiendo apreciarse existen complejas dificultades para llevar práctica finalidad legal lo que mueve autoridades ordenar se cuide favorecer organización asociaciones dicha categoría hasta mientras no lleguen instrucciones precisas con resolución definitiva. Además funcionarios Trabajo deben evitar toda intervencion elementos extranos estas actividades debiendo procurar cualquiera accion se vean precisadas realizar sobre esta materia se desarrolle dentro normas y espíritu funcional propio de los servicios. Sirvase transcribir estas instrucciones carácter urgente á todos los funcionarios su dependencia.

Desea agregar a Ud. que las anteriores instrucciones fueron puestas en conocimiento de S.E. el Presidente de la República y del Señor Ministro del Trabajo.

11. Telegrama 460-461, Oficios 8, 1933, 18 Marzo-1 Abril, 1801-2100.

12. The only deputy in the congress who formally protested this measure was Socialist, Carlos Alberto Martinez. See 31a Sesión Extraordinaria, 21 Marzo, 1933, Camara de Diputados. Senator Cox presented the landowners' position by essentially reiterating the arguments that the SNA had made to the Labor Department. (Sesión Ordinaria, 8 de Junio, 1933)

13. Letter from SNA to the Labor Department, undated, in Providencias 28, 1933, 7001-7248.

14. Providencia 2348, 31 Marzo, 1933, Providencias 10, 1933, 2201-2450.

15. República de Chile, Consejo de Defensa Fiscal, No. 175, 15 Mayo, 1933.

16. This is confirmed in a letter which the SNA president directed to the Labor Department on June 6, 1933 which read:

SEÑOR INSPECTOR GENERAL:

Obra en poder de esta Sociedad el Oficio de esa Inspección General No. 3008, de 15 de Mayo último, por medio de cuals se refiere Ud. a los nuevos antecedentes que ofreciera la Sociedad Nacional de Agricultura acerca del problema de la organización sindical en los campos.

Sobre este particular puedo manifestar a Ud. que la Mesa Directiva de la Sociedad ha estado en comunicacion directa con S.E. el Presidente de la Republica, quien, penetrado de la gravedad del problema, ha solicitado su cooperacion para el debido estudio de este asunto, cooperacion que la Sociedad Nacional de Agricultura presta con el mayor agrado.

Acompaña Ud. al oficio indicado un proyecto que presenta al Gobierno el señor Armando Iturra" Marin, sobre condiciones de vida y trabajo en los campos, precedido de una exposición de los principios en que funda su proyecto el señor Iturra.

Al respecto, puedo decir a Ud. que los términos inconvenientes para los agricultores, que emplea la presentación mencionada, han impedido al Consejo Directivo tomar el proyecto como base de un estudio sobre la materia por ser dicha presentación enteramente diferente del criterio del sereno estudio que siempre ha existido en sus deliberaciones y que tanto ha contribuido a prestigiar a la institución. (Providencias 28, 1933, 7001-7248.)

17. República de Chile, Consejo de Defensa Fiscal, No. 260, 12 Julio, 1933.

18. In 1936 the Sindicato Profesional de Horticultores de Antofogasta was legally constituted. But this case was marginal and extremely untypical. See Brian Loveman, "Antecedentes para el Estudio del Movimiento Campesino Chileno: Pliegos de Peticiones, Huelgas y Sindicatos Agrícolas, 1932-1966," Tomo I (Santiago de Chile, ICIRA: 1971).

19. Ibid., p. 1.

20. This figure does not include the local and regional chapters of the Liga Nacional de Defensa de Campesinos Pobres. The leaders of this organization have lost the documentation which would have allowed quantitative evaluation of the extension of the Liga. Total membership estimates for the Liga Nacional varied from 10,000 to 30,000. (Interviews by the author with Emilio Zapata, Carlos Acufia and Bernardo Yuras, the three principal leaders of the Liga.) The 25% figure represents free unions [sindicatos libres] generally formed with the assistance of the Communist Party and affiliated to the CTCH. Socialists also organized some free unions in the countryside.

21. The details of the SNA's appeal to President Alessandri in 1921 in response to FOCH supported labor petitions and strikes are presented in Chapter V.

22. This letter as reproduced in El Campesino (Santiago: March, 1939), declared in part:

La actual organización sindical es, como se ha dicho, una creación artificial y sin miras de mejoramiento de la clase asalariada campesina y trae, como es de su conocimiento general, una agitación de perniciosas consecuencias, sin beneficio para la producción ni para los obreros

Estos hechos nos mueven a solicitar la acción personal de V.E. para que se ponga término al actual estado de cosas y a fin de que los organismos del Estado suspendan toda actividad relativa a la sindicalización de los campesinos

hasta que no se modifiquen las disposiciones que hacen inaplicable la ley sindical a los trabajos agricolas
 (Signed by the representatives of the SNA and seven regional landowner associations)

23. Part of Aguirre Cerda's formal reply as reproduced in El Campesino, (Santiago: April, 1939), pp. 181-182 declared:

Dentro de mis sinceros propósitos de procurar solución integral a todos los problemas del campo chileno, yo acojo gustoso vuestro llamado y espero vuestra cooperacion a fin de que concurráis a constituir una COMISION MIXTA DE PROPIETARIOS Y OBREROS AGRICOLAS, que el propio Presidente de la República desea presidir, que se compondría de igual numero de propietarios y obreros agricolas, debiendo para este efecto designar un representante cada una de las Sociedades Agrícolas legalmente constituídas, y que emitirla un informe sobre Sindicalización Campesina; que consideraria si las normas fundamentales que la rigen armonizan con nuestra realidad social; si son susceptibles de adecuada reglamentación, o si se impone, por el contrario, una legislación especial que evite perturbaciones incompatibles con la naturaleza de las labores agrícolas, y que permita el entendimiento y cooperacion entre los factores de la producción; pero, que tambien deberá dictaminar sobre el salario y demas condiciones de la vida de trabajo en el campo.

The editors of El Campesino commented:

La anterior comunicaci6n, junto con el Decreto del Ministerio del Trabajo que ordenó suspender toda tramitaci6n relacionada con el establecimiento de sindicatos agricolas, produjo de inmediato en los sectores de la producción agraria una atmosfera de tranquilidad muy necesaria para la prosecucion de sus actividades

24. This "bargain" is explicitly acknowledge in various CTCH documents. For example, we have the two communications that follow, one from the CTCH in Limache and the other from the CTCH in Los Andes in 1940:

Los Andes, 21 de Marzo de 1940.

Senor

Dn Pedro Aguirre C.

Respetado senor:

Este Consejo Directivo Provincial, saluda respetuosamente a S. E. Dn Pedro Aguirre C. y le comunica que en un gran Ampliado Provincial, que este Consejo efectuó últimamente, se acordo por unanimidad dirigirse a S. I., vista la gravedad que encierra el hecho de que los obreros campesinos e inquilinos de los diversos fundos regionales, estan siendo deshauciados con el plazo legal de 60 dias conforme al C6digo del Trabajo, actos que revelan la maliciosa intenci6n

de provocar una cesantía artificial, lo que **aparte de** los daños individuales, creará al Gobierno y en especial al Frente Popular, una grave preocupación.

La aspiración general de este gran Ampliado es que: S. E. Dn Pedro Aguirre C. vea los medios necesarios ya sean legales o ilegales para impedir el lanzamiento de obreros campesinos y agrícolos a la calle.

Ponemos en conocimiento de S. E. que hace tiempo se llegó a un acuerdo entre la comisión mixta de patronos y obreros en Santiago, para estudiar la Sindicalización Campesina. Dicho acuerdo fue de que la parte patronal no despediría a sus trabajadores y la parte obrera de que sus dirigentes no siguieran formando Sindicatos. Estos últimos han cumplido el compromiso, no así los primeros que contraviniendo ese acuerdo lanzan a la calle al obrero que desean.

Acompañamos a ésta una nómina de los obreros que hasta la fecha están con el aviso en la Inspectoría del Trabajo de este pueblo.

Esperamos de V. E. que haga algo en favor de estos obreros que pusieron su vida a su servicio y que ahora están en una situación tan crítica que se alza una sola petición: "pedir a S. E. que cumpla lo que prometió" y nosotros pedimos con la aprobación del gran Ampliado que S. E. dicte un decreto legal o ilegal que vaya en beneficio del campesinado que poco a poco va quedando en el abandono más completo.

Respetuosamente pedimos se nos conteste ésta para dar una cuenta en la próxima ocasión.

Saludamos Atte. a S. E. a nombre de CD.P. de C.T.CH. Provincia de Aconcagua.

SS. Attos y SS. SS.

Juan Celedón C.

Sec. Actas Y Corresp.

Jose" G. Celedon L.

Sec. Gral. Prov. (Providencias 12, 1940, 3501-3800.)

San Fco. de Limache, 15 de Abril, 1940.

Sr.

Ministro del Trabajo

SANTIAGO.

Muy señor nuestro:

El Consejo Local de la Confederación de Trabajadores de Chile de Limache, saluda con todo respeto a Ud y se permite exponer lo siguiente:

Hacen más o menos 10 a 12 meses que el Supremo Gobierno, en virtud de una petición que le hicieran los Srs. Ilacendados del País, accedió a paralizar la Sindicalización de los obreros del campo, para lo cual, previamente, realizó una reunión de obreros y patronos, siendo esta presidida por el propio Presidente de la República. Las resoluciones principales que se tomaron fueron más o menos las siguientes:

"Los obreros se comprometían a no organizar nuevos Sindicatos y los patronos a no despedir obreros." Este "convonio" fue suscrito por el plazo de 90 días.

Desde luego se puede apreciar que este acuerdo o como se quiera llamar, carecía en absoluto de todo fundamento legal, al efecto veamos lo que dice el Código del Trabajo en cuanto a la SINDICALIZACION: "No podrán constituirse en sindicatos los obreros y empleados FISCALES Y MUNICIPALES."

En consecuencia, la organizacion de los obreros campesinos solamente puede paralizarse en el caso que existiera una ley que expresamente así lo estableciera.

Ahora bien, en cuanto al sector patronal, tambien el Código del Trabajo le da amplias facultades para despedir obreros en las condiciones que allí se señalan.

Por otra parte, nuestro Pais por razones de estar adherido a la Oficina Internacional del Trabajo tuvo que ratificar un convenio hacen algunos años atrás; en el que se establecía que los países adherido a este organismo debían dar amplias facilidades a la organizacion de los obreros campesinos.

Pues bien, apesar de todo lo expuesto con la benevolencia, que le es característico a nuestro Gobierno del Frente Popular, se llegó al citado acuerdo, bajo la promesa de la palabra "EMPEÑADA" simplemente.

Ahora dejando a un lado los derechos legales que le asisten al campesinado, veamos que ha ocurrido desde la fecha en que se firmó este acuerdo hasta ahora:

Se han despedido mas o menos 10 a 12 mil campesinos, según estadísticas que se han hecho a la ligera, quedando con esto plenamente establecido que los Srs. amos de la tierra no han respetado su PALABRA empeñada; en cambio los obreros no han organizado nuevos sindicatos, cumpliendo en esta forma lo pactado (Providencias 26, 1940, 8101-8200.)

25. On this see Alejandro Chelen Rojas, Trayectoria del Socialismo, (Argentina: Editorial Astral, 1967), especially pp. 94-96.

26. Telegrama Circular, 655-656, 25 Marzo, 1939.

27. Diputado Emilio Zapata severely criticized the government-proposed legislation and presented a counter-proposal in 42a Sesión Ordinaria, 14 Agosto, 1940, of the Cámara de Diputados. The text of this proposal is reproduced on pages 2163-2172 of the minutes of this session under the heading, "Defensa Del Campesinado-Contraproyecto de Sindicalización Campesina."

28. Pedro Aguirre Cerda, Juan Antonio Ríos and the interim president, Duhalde.

29. See the appendix to this chapter for a collection of documents which represent a small fraction of the vast quantity of material indicating the recurrent conflict over the suspension of rural unionization within the Labor Department and between the Labor Department and the Minister of Labor and the President of Chile. It is also apparent from this material that what was a "temporary suspension" in 1939 very quickly became presidential policy.

30. These deputies included Emilio Zapata, Carlos Rosales, Cesar Godoy, Jorge Dowling and Natalio Berman.

31. Thus the leadership of the CTCH sent the following letter to President Aguirre Cerda in March of 1940:

SANTIAGO, 9 de Marzo de 1940

Por la presente nos permitimos transcribir a V. E. un telegrama recibido desde Molina y que se relaciona con la Ley de Sindicalización Campesina:

"Magno Congreso Tratero Viña Molina con cuatrocientos delegados en representación de más de tres mil trateros acordó apoyo inquebrantable a nuestro Gobierno democrático y la urgente aprobación de la Ley de Sindicalización Campesina.

Fdo. Tristan Espinoza-Presidente del Congreso.
Juan Moraga-Representante de la CTCH."

Al transcribir para conocimiento de V. E. el telegrama anterior, la Directiva Nacional de la CTCH. espera que nuestro Gobierno prestara" atención al clamor unánime de toda la masa campesina del país que anhela ardientemente contar con una ley que le garantice seriamente su justo derecho a organizarse sindicalmente, para poder defenderse, con probabilidades de éxito, de la explotación patronal.

La Confederación de Trabajadores de Chile se ha dirigido en varias oportunidades a V. E. manifestándole su pensamiento con respecto los problemas de los trabajadores del campo y las medidas que, a su juicio, deben adoptarse para llegar a su total y completa solución.

Nuestra Directiva Nacional espera confiada que el espíritu de justicia que anima los actos de nuestro Primer Mandatario le indicará las medidas conducentes a solucionar definitivamente este problema.

Saludan a V. E. respetuosamente.

REINALDO NUÑEZ

Sec. de Relaciones

BERNARDO IBÁÑEZ A.

Secretario General

(Providencias 14, 1940, 4201-4500.)

32. Chelen Rojas, OJK cit.

33. Related letters came to the Minister of Labor from regional consejos of the CTCH and from unions in individual farms formed prior to the ministerial order which suspended unionization in the countryside. For example,

1; San Felipe 16 de Julio de 1940

El Secretariado del Consejo de la C.T.CH. de San Felipe al Señor Ministro del Trabajo con todo respeto solicita.

Este Secretariado en su última reunión del 15 de Julio, consideró de pedir al Señor, Ministro del Trabajo, tcnga a

bien de autorizar al Inspector Provincial del Trabajo de Aconcagua, para que proceda a organizar nuevos sindicatos agrícolas.

La C.T.CH. al formular esta petición al Señor, Ministro, a tomado en consideración, el fallo dado por la Corte Suprema, en el conflicto del Directorio del Sindicato de la Hacienda Chacabuco, además hemos considerado, al formular esta petición lo que determina el Art. 362 del Código del Trabajo, porque el reglamento que el Supremo Gobierno tiene en estudio no a de alterar lo que determina el citado artículo del Código. Por tanto en resguardo de la tranquilidad del Gobierno del Frente Popular y de que pronto sea una realidad este anhelo muy sentido de nuestros compañeros campesinos, esperamos del Señor, Ministro del Trabajo, tenga a bien de autorizar a la brevedad la petición formulada por la C.T.CH. en representación de los obreros campesinos de Aconcagua. (Providencias 2, 1941, 301-600.)

2. Santa Rosa del Peral 9 de Julio de 1940

Sr.

Ministro del T.

Santiago

Muy señor Mío.

Los obreros del Sindicato Industrial Agrícola del Fundo, Santa Rosa del Peral de Dn. Planella Hnos. fué fundado el 13 Enero de 1939 conforme al Título 2º - Libro 3º del Código del Trabajo. Rogamos al Sr. Ministro que se sirva de enviarnos un Inspector para la Reconstitución de dicho Sindicato i elijir 2 Directores que fueron separados en contravención del Art. 376 del C.T. fecha de Constitución sea designada por su Señoría o la Inspección General del T. (Providencias 2, 1941, 301-600.)

34. Ibid.

35. República de Chile, Consejo Superior del Trabajo, Comisión de Agricultura, Acta 3, Santiago, 20 Mayo de 1943, pp. 1-2.

36. Ibid., p. 4.

37. Ibid., pp. 2-3.

38. ACTA Nº 7, SANTIAGO, 29 de Julio de 1943, República de Chile, Ministerio Del Trabajo. The text of Valenzuela's testimony was as follows:

SESOR VALENZUELA. Manifiesta que la Federación Industrial Nacional de Trabajadores Agrícolas se constituyo en Septiembre de 1942, con la concurrencia de mSs de cien sindicatos, algunos legales, otros libres y otras simples asociaciones de trabajadores del campo. Agrega que posteriormente se han realizado Congresos Provinciales, en los que se han discutido problemas de interns para los campesinos. Entrando en materia, empieza declarando que la posición de los obreros agrícolas controlados por el organismo que representa, es

contraria a la dictación de un cuerpo de disposiciones especiales para los Sindicatos Campesinos y trabaja por obtener que se aplique a estos el Código del Trabajo, como a las Asociaciones Sindicales de las ciudades. Manifiesta que esta aspiración de la Federación, se basa en que la Corte Suprema en sentencia recaída en recurso de queja contra el Sindicato de la Hacienda Chacabuco, de 20 de Junio de 1940, reconoció la validez de esta organización sindical, y que la Dirección General del Trabajo y el Consejo de Defensa Fiscal, en informes se han pronunciado también en el sentido antes mencionado. Por otra parte, expresa que en pactos internacionales suscritos por nuestro país, se reconoce ampliamente esta facultad a los obreros campesinos. Se refiere al Decreto del Gobierno que suspende la aplicación del Código del Trabajo en los campos, en lo relativo a la organización sindical, y lo critica, expresando que debe ser derogado, pues viola el Art. 10 de la Constitución Política que reconoce el derecho de asociación. Considera de necesidad que se sindicalicen los obreros de los campos, no sólo con el fin de que luchen por alcanzar mejores condiciones de vida, sino para que presten mayor apoyo al régimen democrático las masas campesinas organizadas. Además, cree que la sindicalización campesina contribuirá a incrementar la producción agrícola. Expresa que se oponen a la asociación de los campesinos en Sindicatos, los hacendados reaccionarios, profascistas y enemigos de la Patria.

39. Consejo Superior del Trabajo, op. cit., ACTA N° 6, SANTIAGO, 15 de Julio de 1943.

40. Ibid., pp. 1-2.

41. Ibid., p. 2.

42. For example, instead of requiring ten workers in order to form a union the legislation proposed by the Consejo eventually required twenty-five workers. The proposed legislation also maintained the prohibition on sindicatos profesionales in the countryside (that is, on unions which had members in more than one farm). The SNA representative explained the reasons for this as follows in the session of August 26, 1943, ACTA N° 10.

RODRIGUEZ: Manifiesta que la materia relacionada con la autorización de organizar Sindicatos Profesionales en los campos, fue ampliamente discutida por la Comisión, que en 1939 elaboró el Proyecto del Ejecutivo que se ha tomado como base de estudio. Expresa que después de muchos debates se aprobó el Artículo 9°, y que, como la Comisión era Tripartita, es de suponer que el señor Aguirre Cerda decidió esta votación. Agrega que tiene entendido que la representación obrera, a ruego del Presidente de la Comisión, aceptó este temperamento. Dice que en aquella oportunidad se hicieron extensas consideraciones en contra de la creación de los Sindicatos Profesionales en los campos.

Cree que su formación puede dar origen a un poder sindical incontrarrestable en el país que, manejado con fines políticos, con mayor facilidad que en las ciudades, por la ignorancia de las masas campesinas; es posible que en un momento dado actuara contra el poder del Estado. Cita el caso del Cooperativismo en Dinamarca, donde dice que ha llegado a constituir un Poder Central que puede actuar contra el Estado mismo. Estima que este peligro es *mis* real en la Agricultura. Termina sus observaciones y expresa que, por estimar que el Sindicato Profesional no significa ventaja alguna para la Agricultura y por el contrario, porque cree peligroso la formación de un poder Sindical en los campos. votará negativamente la indicación del señor Cáceres y por la aprobación del Art. 9° tal cual está redactado.

43. Consejo Superior del Trabajo, ACTA N° 22, SANTIAGO, 19 de Mayo de 1944.

44. La Cuarta Asamblea de Entidades Agrarias, considerando que las organizaciones sindicales creadas en el país para procurar un mayor bienestar económico y social a los obreros, han visto desvirtuados sus fines por una acción predominantemente política, perturbadora de la paz social y de consecuencias fatales para la producción industrial, declaran:

1°. Que no existe conveniencia en extender a las faenas agrícolas las disposiciones legales sobre sindicalización porque interrumpirían y desorganizarían la producción esencial de alimentos que el país necesita, a causa de las agitaciones y huelgas que dicha organización traería aparejada.

2°. Que los conflictos en las faenas campesinas deben resolverse exclusivamente por el arbitraje obligatorio y por medio de un tribunal formado por un representante de los obreros, otro de los patrones y por un miembro del poder judicial que aprecien y fallen en forma ejecutiva y sumaria la dificultad.-

45. See Appendix to this chapter, Telegram 122, July 6, 1943, from Puerto Montt and the response to this telegram in Telegram 1202, July 8, 1943.

46. Consejo Superior del Trabajo, op. cit., Acta 13, p. 3.

47. Consejo Superior del Trabajo, op. cit., Acta 27, 12 Junio, 1944, pp. 3-4.

48. The text of this decree read as follows:

VISTOS: la Orden Ministerial No. 34, de 28 de Marzo de 1939, del Ministerio del Trabajo, que suspende toda tramitación concerniente a la constitución de sindicatos agrícolas,

CONSIDERANDO:

1. Que el 362 del Código del Trabajo reconoce el derecho de asociación en sindicatos a las personas de ambos sexos,

mayores de 18 años que trabajen en una misma empresa o faena, ejerzan un mismo oficio o profesion u oficios o profesiones similares o conexas, sean de caracter intelectual or manual;

2. Que la disposición legal citada anteriormente no hace distingos en cuanto al derecho sindicalizarse a los obreros en relacion con las faenas a las cuales pertenecen y, en consecuencia, no excluye a los obreros agricolas;

3. Que el Consejo Superior del Trabajo, en el cual se encuentren representadas las diversas actividades del pais con delegados patronales y obreros, considerando la materia de que se trata, se pronuncie en el sentido de que era aplicable a los trabajadores agricolas el Art. 362 del Codigo del Trabajo;

4. Que, a raoyor abundamiento, la Organización Internacional del Trabajo, en su 3a reunion verificada en Ginebra el año 1921, reconocio la libertad de asociacion de los obreros agricolas, convenio que fué ratificado por Chile mediante el Decreto-Ley No. 468, de 10 de Agosto de 1925 y del cual nuestro pais no puede desentenderse, como miembro integrante de dicha Organización;

5. Que es proposito de S.E. el Presidente de la Republica, dar satisfacción a las aspiraciones de los obreros agricolas en orden a que se de cumplimiento a las disposiciones del C6digo del Trabajo, en lo que a oganizaition sindical se refiere;

6. Que, no obstante, conviene que la sindicalización campesina sea materia de reglamentación especial por las características mismas de la forma en que la agricultura desarrolla sus actividades, disintas a otras empresas industriales o comerciales, antecedente que el H. Congreso puede considerar para los efectos de estudiar una ley especial sobre esta materia;

7. Que, mientras tanto, el Gobierno estima improcedente mantener vigente por más tiempo la Resolución No. 34 ya aludida, toda vez que impide el ejercicio de un derecho que establece el C6digo del Trabajo,

SE RESUELVE:

Der6gase la Orden Ministerial No. 34, de 28 de Marzo de 1939, de este Ministerio. (Oficio Circular 12627, 22 Noviembre 1946, Oficios 43, 1946, 12601-12900.)

49. The Labor Department sent out the following provisional notification to its functionaries:

SANTIAGO: Noviembre 19 de 1946

BIENSOCIAL _____/

Nº 2 5 0 8-7 MIENTRAS ENVIASE OFICIO

CIRCULAR CORRESPONDIENTE COMUNICOLE QUE POR ORDEN MINISTERIAL CIENTO SEIS DE QUINCE ACTUAL DEROGOSE ORDEN MINISTERIAL TREINTA Y CUATRO DE VEINTIOCHO DE MARZO AÑO TREINTA Y NUEVE SOBRE CONSTITUCION SINDICATOS AGRICOLAS/
TRABAJO.

50. In Chilean presidential elections when no absolute majority

is gained by any candidate the Congress decides the election between the two candidates with the largest plurality. In this election the Liberal party held the deciding votes in the Congress and was thus in a position to bargain with González Videla—who had the largest plurality—and set conditions for supporting his candidacy.

51. This "deal" is mentioned by Almino Affonso, et. al., op. cit., pp. 44-45. It was confirmed to me in an interview with the then Falanje Diputado, Jorge Rogers S., Interview, February 1, 1971, Santiago de Chile.

52. Almino Affonso, et. al., Op. cit., p. 47.

53. Brian Loveman, "Antecedentas . . .", ff. cit.

54. Boletín de Sesiones Extraordinarias, Cámara de Diputados, Período 1946-1947, Tomo II, 1082-1083.

55. Law 8811 can be found in Boletín de Leyes Y Decretos Del Gobierno, Libro CXVI, Julio de 1947, pp. 792-820.

56. Jorge Rogers Sotomayor, "Nueva Organización Social del Campo Chileno," Discurso pronunciado el 29-1-47 en la Cámara de Diputados de Chile (Santiago de Chile: Imprenta Universitaria, 1947).

57. Ibid., pp. 20-21.

58. Article 9 reads:

Los sindicatos agrícolas sólo podrán constituirse y funcionar dentro del fundo respectivo, y en su organización y funcionamiento sólo podrán intervenir las personas contempladas en este Título.

En caso de negativa del patrón o de su representante para permitir la constitución del sindicato dentro del fundo, constatada por el Inspector del Trabajo, el sindicato podrá constituirse y funcionar en otro lugar, que determinara el propio Inspector. Si cesa la negativa, el Sindicato podrá funcionar dentro del fundo.

59. Thus, the landowner union, Sindicato Profesional de Agricultores de Caupolicán, Rengo, asked the Labor Department to dissolve a number of rural unions that they claimed had been illegally formed shortly after the Rural Unionization Act was passed. The following account was given of this incident in El Campesino (Santiago: August, 1947), p. 7:

NULIDAD DE SINDICATOS
DE OBREROS AGRICOLAS

Mace poco fué fallada una reclamación contra sindicatos de obreros agrícolas que se habían constituido con finalidades políticas y sin respetar las disposiciones legales que rigen en esta materia. Sintetizamos a continuación lo sucedido, atendiendo especialmente a su utilidad como jurisprudencia.

El Sindicato Profesional de Agricultores de Caupolicán, Rengo, remitió en el mes de mayo pasado una comunicación a la Dirección General del Trabajo, dando cuenta de la formación de sindicatos obreros agrícolas en el departamento con finalidades solamente políticas y sin haber cumplido con las disposiciones legales en vigencia.

La repartición mencionada designó para realizar una visita a la zona al Inspector Provincial del Trabajo de Talca, don Jorge Weltz E., quien emitió sobre el particular el informe de rigor.

Por este informe se declararon nulos, y se ordenó archivar los antecedentes por no reunir los requisitos exigidos por la ley, los siguientes sindicatos de obreros agrícolas:

Sindicato Industrial Fundo Santa Isabel, de don Joaquín Prieto Hurtado; de la Hacienda Totihue, de la Comunidad Goich; del fundo Mendoza, de don Daniel Risopatrón; del fundo "El Peruano" Profesional de Cerrillos; Profesional de Pimpinela, del fundo "El Placer" de don Ernesto Theoduloz; de la Hacienda "Caylloma," de don Mauricio Spies; de Inquilinos y Voluntarios N° 1 de Rengo; de Inquilinos y Voluntarios de Pelequén; del Fundo Quintalba, de don Domingo Bertetti; de Obreros Agrícolas de Los Lirios; de Naicura, de la Compañía Chilena de F6sforos; de Tipaume, de don Roberto Wachholtz; de "El Llano," de la Sucesión Narciso Contreras y de Inquilinos y Voluntarios de Panquehue.

Con motivo de la adopción de esta medida, el Sindicato Profesional de Agricultores de Caupolicán hizo una declaración, que fue publicada en la prensa local, en la que se expresa que sus componentes no serían nunca un obstáculo para la constitución de sindicatos que se amolden a las disposiciones legales vigentes y que persigan, realmente, el progreso y bienestar de sus asociados, a causa de que una de las finalidades que persigue la organización es precisamente procurar por todos los medios a su alcance el mayor bienestar posible para los empleados y obreros que trabajan en el campo. pero que por ningún motivo puede permitirse que la politiquería, la indisciplina y el desorden que imperan en los centros urbanos de trabajo se entronicen en las labores de la agricultura de la zona.

60.. "Notas de Actualidad," El Campesino (Santiago: Julio, 1947).

61. Letter from Jose del Carmen Donoso and Audilio Bustamante to the Labor Department. Accompanies oficio 5282, 23 Octubre, 1963, Oficios 23, 1963, 5186-5357.

62. Oficio 5282, supra.

63. Law 4057 of 1924, eventually incorporated into the Labor Code as the section on unionization, contained no discriminatory provisions with respect to rural labor. The struggle won by the landowners in 1947 was waged precisely over the application of the Labor Code in the

countryside. In this sense Law 8811 represented a deterioration of conditions from the formal status quo.

64. Communist representatives in the Congress were also stripped of their non-parliamentary governmental positions. See Decree 5275, September 14, 1948, Providencias 25, 1948, 7401-7700.

65. Oficio Confidencial 1955, 15 Junio, 1949, Providencias 23, 1949, 6401-6700.

66. See chapters V and VI of the present study.

67. Oficio Confidencial 208, Parral, 23 Mayo, 1949, "Sobre tramitación pro-personalidad jurídica del sindicato oo. agrícolas del Fundo 'San Manuel' de Parral," Oficios 23, 1949, 5701-6000, accompanies oficio 5797.

68. "El Presidente de la Sociedad Nacional de Agricultura Llama a Colaborar con S.E. en la Extirpación del Comunismo," El Campesino, (Santiago: Octubre, 1947): 9.

69. Brian Loveman, "El Mito de la Marginalidad: Participación y Represión del Campesinado Chileno," (Santiago: ICIRA, 1971): 10-11.

70. Brian Loveman, "Antecedentes . . .," Tomo I, op. cit., p. 24.

71. Memoria Anual, Dirección General del Trabajo, 1964.

72. In 1971 Juan Arrancibia was editor of the prestigious Revista Jurídica del Trabajo. There are those in the Labor Department who believe that he should have been named its director in 1964.

73. Oficio 3955, 18 Junio, 1958, "Propone reformas al Libro III del Código del Trabajo de la Organización Sindical," Oficios 20, 1958, 3001-4100.

74. See Chapter V of this study: "The First Legally Recognized Unions."

75. In 1953 the ASICH-Lorenzini led labor conflict in the vineyards of Molina was initially dealt with by the government under the provisions of the Ley Permanente para la Defensa de la Democracia despite the obvious Catholic orientation of the ASICH movement. (ASICH's rural organization was the Federación Sindical Cristiana de la Tierra.) For details of this movement see Henry A. Landsberger and Fernando Canitrot, Iglesia, Intelectuales y Campesinos, la Huelga Campesina de Molina, Editorial del Pacífico S. . . 1967. In 1959, soon after Alessandri was elected, the Marxist parties renewed the rural unionization issue in the Congress and the SNA responded with the following editorial in El Campesino (Santiago: February, 1959):

En la oportunidad que parecía brindar la discusión de los proyectos económicos del Ejecutivo, volvió a aparecer una de las cartas jugadas con más tesón por la extrema izquierda de la política chilena. Nos referiramos las

proposiciones encaminadas a poner en marcha la sindicación de los obreros agrícolas

. . . el designio de impulsar la sindicación campesina por parte de ciertos sectores de lucha social no sólo ha quedado en evidencia, sino que ha continuado moviéndose bajo variadas formas.

Resulta, pues, de suma utilidad subrayar el alcance y recordar la experiencia que se acumula alrededor de la llamada sindicación campesina.

Dadas las características de nuestro ambiente agrario y las modalidades propias de la actividad agrícola, la incorporación de los sindicatos campesinos no significaría otra cosa que brindar poderosas herramientas de penetración y de perturbación de las faenas productoras a los desquiciadores elementos del comunismo. La Técnica de estos para infiltrarse en la organización obrera y apoderarse enteramente de ella es bien conocida para que nadie pueda hacerse ilusiones acerca de la inocuidad de la sindicación. La pasada elección presidencial demostró hasta qué punto, inesperado para muchos, ha prendido la prédica marxista en nuestros medios rurales. Se comprenderá entonces cuáles no serían sus avances si se le ofreciesen vehículos tan propicios a su acción como los sindicatos, dentro de los cuales pasarían a actuar bajo una amplia y generosa protección de la ley. Recordemos, a mayor abundamiento, que al derogarse la Ley de Defensa de la Democracia desaparecieron muchos de los diques que contenían, por lo menos en parte, el dominio de las asociaciones obreras por los agentes soviéticos. El peligro es mayor en la esfera agraria que en la urbana, porque el obrero de esta última ha desarrollado ya un mayor espíritu crítico y no cae tan fácilmente en el engaño marxista como el campesino. Este ignora que el campesino ruso es simplemente un esclavo del gobierno soviético y que carece lo mismo de libertad que de bienes propios. De ahí que en los campos de Chile no pocos trabajadores hayan creído y puedan creer todavía en el cuento del reparto de las tierras y otras falsas historias habilmente manejadas por los adiestrados secuaces de Moscú

Es posible que cierto ilusionismo político conduzca a elementos muy ajenos al comunismo a sumarse en el apoyo de la tendencia sindical campesina. Bien harían ellos en revisar la experiencia que dejamos señalada, en medir los catastróficos alcances que la repetición de la prueba tendría en las circunstancias actuales, dañando nuestra creciente necesidad de producir más, y en considerar que es vana toda esperanza de competir con el comunismo en los marcos que él ha ideado y en los que prevalecerán sus agentes y sus insidiosas células.

In 1962 with the evident surge of sindicatos libres, farm committees [comites] and national campesino organizations--both Catholic and Marxist-oriented--the SNA again reminded its members of the need for vigilance against "Communism." See, "La Penetración del Comunismo en los Campos," El Campesino, (Abril, 1962): 18-19.

76. After 1955 the Communist party adopted tactics in rural organizations which did not include, in the vast majority of cases, efforts at legal unionization. Law 8811 was too restrictive so the communists opted for farm committees and "free unions." This was also true of the Catholic-oriented rural labor movement after 1958 and until 1964. Still, progressively more restrictive interpretation of existing legislation (e.g., the case of labor petitions discussed above) was an important tool in

the activity of these associations. Since the law allowed labor petitions where no unions existed, it became necessary not only to make it virtually impossible to form unions but also to preclude legal labor petitions. With unions, strikes and labor petitions essentially precluded, at least legally, any collective resistance to the authority and rule of rural proprietors became "criminal."

Those that cause indiscipline by inciting the other workers to demand higher wages, more food or less hours of **work** will be severely punished or even thrown off the hacienda.

Manual del Hacendado Chileno, 1875

It is the large estates, generally inproductive, **that** produce discontent and poverty and it is these large estates that we will eliminate when we are able to throw from power the current exploiters [of the people].

Luis Emilio Recabarren, 1923

The Agrarian Reform is not Frei's but is a product of the years of struggle and the suffering they imposed upon us [de los palos que nos dieron].

Emilio Zapata Diaz, 1971

CHAPTER V

RURAL UNIONS, II; THE STRUGGLE IN THE COUNTRYSIDE

The history of rural unions and agrarian radicalism in Chile is so little known that the most important study of the Chilean Peasant Movement published in 1970, could claim "... when we began the study [1965] the bibliography on this subject was limited to the work of Landsberger and Canitrot ... a sociological study of the strike in Molina."¹ The bibliography was limited to a single monograph which dealt in depth with a single strike in the vineyards of Molina in the province of Talca.

Since 1965 the emergence of relatively strong national campesino confederations and the initiation of a land reform program has focused a good deal of attention on Chile's rural labor movement. Literature on the Chilean rural sector, in particular on labor organizations and land reform, has greatly increased and now includes dissertations, articles and books.² Despite this proliferation of literature the pre-1960 period has been almost completely neglected. Most treatments

of the rural scene in Chile take for granted Christian Democratic claims that "the Chilean campesino initiated his process of liberation in the government of ex-President Frei. More than 100 years of dependence began to be replaced by a free, responsible life."³⁻

In fact the process of liberation of the Chilean campesino has been a long uneven struggle, which was always a part of a larger politico-ideological challenge to the existing system of property in Chile. Because the latifundio was an important part of the Chilean political system, any challenge to this type of property in rural land threatened the existing political order. The high points of rural labor mobilization and activism always coincided with national-level challenges to the existing political regime and with periods of intense confrontation between opposition parties and incumbent governments. Waves of rural radicalism resulted from the extension of the urban labor movement into the countryside, the penetration of political parties into the rural sector, the challenges by government bureaucracies to the hacendados through regulatory activity and support for rural unionization and the development of endogenous campesino leadership. In this sense, rural unionism and the activism of rural labor has been intimately linked to the vicissitudes of Chilean national politics; the situation of rural labor has been dependent upon the outcomes of political struggle at the national level. This rural activism has in turn influenced and in some cases shaped the nature of national political struggles.

Until 1964 each wave of rural unionism met repression and defeat through the combined efforts of national governments and the landowners. The national regime employed its administrative and legislative power

to destroy rural unions.⁴ Landowners used violence against the campesino's person and property, threatened eviction from tenancies or sharecrops, destroyed crops, blacklisted persons to prevent future employment and to break rural unions.

Interestingly, even those who see themselves as "radical social scientists," seem to have accepted the recent interpretations of rural labor as an historically marginal element in the Chilean polity. James Petras suggested in 1969:

The peasantry is a potentially dynamic element in Chilean society. Until recently it lacked representation in the political parties or in the bureaucracy. It has been excluded from the benefits accruing from its economic activity. Its sudden entrance into the polity is an unstabilizing element in Chilean society.

. . . The subordination of the peasantry that has been a 'constant factor' contributing to Chilean political stability has become an 'operative factor' in the political system. The establishment of a new equilibrium will depend upon institutional innovations that lead to the integration of the peasantry into the polity.⁵

Petras rightfully recognizes that the maintenance of the existing social order depended upon political subordination of the 'peasantry.' But he also accepts the contention that rural labor's participation is a recent intrusion on the Chilean scene. Implied in Petras' analysis, also, is a narrow understanding of "political" participation (representation in political parties, bureaucracy) which excludes the sort of fundamental challenge to existing political relationships contained in rural labor organization, strikes, labor petitions, work slowdowns, and sabotage of production. Accepting the "integrationist" analysis of those who would "incorporate" the campesino into the existing order, Petras loses sight of the fact that the challenge represented by rural labor could not be met except by a fundamental

alteration of the existing order in the countryside. Such an alteration implied concomitant changes in the national political regime. To prevent a fundamental reformation of the political order landowners sought to repress the campesino's challenge to the extensive scope and domain of rural proprietorship. Precisely as Petras argued (for the situation in 1969), the campesinos' active participation in the political process-making demands upon government institutions and the landed elite—had been a persistent threat to the political domination of rural proprietors from 1939 until 1964.

In addition, often to the eventual disadvantage of the campesinos, they were a part of the sectarian battles between competing leftist groups and movements. Rural labor shared the frustration of the Chilean working class as the political left periodically seemed to turn on itself in fratricidal conflict. At several key junctures rural labor organizations decided the short-term outcomes of these battles between competing popular movements. The Socialist victory in the first national congress of the Confederacion de Trabajadores de Chile (CTCH) (discussed below), is a case in point.

This chapter examines the active struggle of rural labor from 1919 until 1964 to organize rural class organizations and delimit the proprietary authority and political power of proprietors of rural land. This historical treatment focuses on the relationships between Chilean national politics, the urban labor movement, and rural labor. The activism of rural labor and its allies, threatening as it did the very foundations of the existing political order, was a key component in the national labor movement's challenge to traditional concepts of property and property rights. The serious nature of this challenge gave rise to

national political solutions which emphasized repression of the rural labor movement. Seen in this perspective the common interpretation of rural labor as non-participant and passive, marginal to the national political scene, is rejected.

THE FIRST WAVE OF RURAL UNIONIZATION

In the post World War I period working class organizations explicitly attacked the unchallenged control of propertied classes over Chile's national life.⁶ Most important among these was the Federacion Obrera de Chile (FOCH). From its founding in 1909 among the railway workers in Santiago, the Gran Federacion Obrera de Chile (shortened later by deleting the "Gran") developed by the end of World War I into a Marxist-dominated revolutionary working class organization. Between 1919 and 1925 FOCH began to penetrate the countryside, challenging the hegemony of the hacendados. Thus, this first organized challenge by rural labor organizations to the hacendados formed part of a larger attack by a national labor movement on the system of property relationships which served as the foundation of Chile's existing political order.

Certainly in the nineteenth century and early twentieth century sporadic resistance of rural labor to poor working conditions, low wages or encroachment of the haciendas on communal or individual campesino properties gave rise to landowner-campesino disputes. But no social history of Chile on the nineteenth century treats this subject.⁷ Balmaceda's warning to the hacendados "those who insubordinate the other workers so that they will not work except for a determined wage or demand increase in food rations and diminution of work hours, will

be punished severely or even thrown off the hacienda" was surely not a prescription for a merely hypothetical situation.⁸ There can be no doubt that occasional resistance did in fact take place. The extent of this resistance cannot be presently determined.⁹

In 1911 the Boletín de la Oficina del Trabajo for the first time officially recorded a labor conflict in the countryside involving a strike by forty workers.¹⁰ The workers demanded immediate payment of back salaries. Settling the strike on the same day, the hacendado agreed to pay the workers every two months. Previous conditions are not recorded.

No more rural conflicts appear in the Boletín until 1919 when three strikes were recorded in rural Aconcagua.¹¹ The next year the

12

13

Labor Office¹² listed five strikes in the countryside. FOCH supported each of these latter movements. By 1921, according to a study done by the Labor Office, FOCH had organized rural labor organizations from Coquimbo to Valdivia.¹⁴ In addition, Consejos Federales de "Oficios Varios," included campesinos in O'Higgins, Colchagua, Curico, Talca and Linares.¹⁵ Into 1921 FOCH continued stimulating labor petitions and strikes in the countryside.

In May of 1921 the National Agricultural Society (SNA) sent a letter to President Arturo Alessandri which declared in part:

To this difficult situation in which agriculture finds itself has been added the unconscionable propaganda being made in the countryside in the name of Your Excellency, trying to federate inquilinos and agricultural workers, and promising them the abolition of property, the distribution of land, and installation of the Soviet regime.

. . . The National Agricultural Society appeals to Your Excellency because of this danger and has confidence that through Your Excellency's efficacious action these dangers can be averted, and implores that you interest

yourself in this gravest of situations being created; and that you . . . recommend to the authorities that they strictly comply with laws protecting property and life and guaranteeing the functioning of the agricultural industry; that you use the legislative means which Your Excellency considers necessary to better the conditions of agriculture and the well-being of the proletariat of the countryside while avoiding further labor disturbance [emphasis added].¹⁶

Alessandri, despite the populist rhetoric of his campaign, agreed with the landowners that

Before all, and above all, it will be necessary to maintain order and security of life and property in the city and the countryside; because respect for property and the right to work are fundamental to the prosperity of nations.

I condemn in the most energetic form the work of agitators and disturbers of order and of work and I consider them enemies of the people [pueblo] and of the Republic's progress [emphasis added].¹⁷

In the same letter Alessandri continued:

... To the workers of the countryside I say [that] it is not advisable that they federate under the same rules and direction as workers in the cities . . . all use of violence by patrones and workers . . . is to be condemned, as it impedes those who wish to do so from working and because the right to work is just as sacred and more useful than the right to strike. All propaganda that leads to violence or disturbances, that speaks of redistribution of land or of social revolution is to be condemned, because to do so is to attack the prosperity of the nation and its constitutional life [emphasis added].¹⁸

Alessandri's answer, paternalistic and sympathetic, yet staunchly defensive of the property rights of the threatened landowners (and including a suggestion that landowners sponsor unions to create "solidarity" in the countryside) seemed, at first glance, an over-reaction to the still localized challenge of rural labor to the landowners. Nevertheless, the matter seemed to justify the SNA's concern. In every strike or labor petition supported by FOCH the workers at least partially succeeded in forcing the landowners to meet their demands unless the government used police to break the strike or

the landowner could convince local officials to authorize municipal police to throw "agitators" or participating workers off the hacienda.¹⁹

Illustrative are the developments in Hacienda Aculeo in early May, 1921.²⁰ The Provincial Junta of FOCH in Rancagua wrote to the Minister of Interior, Pedro Aguirre Cerda, as follows:²¹

The workers of Hacienda Aculeo, property of Miguel Letelier Espinosa, have been incorporated into the FOCH, forming Consejo Federal No. 6 in Rancagua. This simple and legitimate resolution by the workers, to associate themselves in order to collectively help one another and defend themselves from the vicissitudes of life, has been taken by the proprietor of Hacienda Aculeo as a demonstration of hostility against his interests, and as probable consummation of disorders and threats to property, and so to this effect, he has taken reprisals against the federated workers, notifying ten inquilinos that as of April 29 they have eight days to leave the Hacienda. As if this were not enough, on the 30th of the same month he notified twelve more inquilinos that they must leave the Hacienda, with the same time limit, under pain of being evicted with force by carabineros whom the Minister has placed at the disposition of this industrialist [emphasis added].²² 22

It is only with the support of the State apparatus and the police force that the extensive property rights of the landowners could be protected from an organized labor force. Landowners no longer had the autonomous capability to defend the authority of rural proprietorship. On May 10, 1921, responding to the letter the SNA had written to Alessandri, the Secretary General of FOCH wrote to the head of the Labor Office, Moises Poblete Troncoso, as follows:

It is possible that you know of the note that Pedro Ruiz Tagle in his capacity as President of the National Agricultural Society sent to His Excellency the President of the Republic, in which, after expounding part of the causes of the economic crisis of Agriculture, he makes severe charges against our organization because its benefits have been extended to the humble and anonymous person of the abandoned inquilino.

The fear of the feudal landowners is such that, for the sole reason that various inquilinos federated themselves, a number of humble workers have been dismissed In

the desire to cooperate in the work of this office, I comply with a duty in bringing to your attention the workers José Carvajal and Hector Miguel Leiva who paid their 'tribute' [by spending] Sunday, the eighth of the month in prison--the result of the pacific and intelligent methods adopted by the 'senores feudales' against the right of association.²³

Landowners responded to the organization of rural labor, the presentation of labor petitions, and the strikes in the countryside with massive dismissals, enforced by police when campesinos refused to leave the haciendas. In the 1921-1925 period a pattern was established which persisted throughout the rest of the period under consideration.

Campesinos made short-term gains through labor disputes. Shortly thereafter landowners retaliated with evictions, blacklisting of labor leaders or "changes in modes of production for 'purely commercial reasons'"--switching from cropping to livestock or sharecropping arrangements in order to eliminate dependence on numbers of permanent workers.

FOCH intervention in the countryside during this period set a pattern followed by the rural labor movement for the next fifty years. First, rural labor activism formed part of a wider ideological and political attack on existing property relationships and on the existing governmental regime. The activism of rural labor took the form of labor petitions, work slowdowns, strikes, sabotage of production and physical resistance to evictions. Repression of rural labor resulted from national governmental intervention through proposed new legislation, administrative innovation (the Yanez decree and subsequent "voluntary" arbitration measures) and the use of coercion--the carabineros--- to support the rights of rural proprietors and defend the prerogatives of private property.

FOCH also began a service and recruitment campaign which was to be characteristic of both Marxist and Catholic rural labor organizations in the future. This service entailed the processing of individual and collective complaints by campesinos and asking the Labor Department or other government agencies to investigate the legality of landowner behavior or remedy the wrongs done to the workers. The handling of individual claims by campesinos against landowners for back salaries, inequitable division of crop shares or other problems provided a means to recruit clientele, diffuse FOCH propaganda and increase membership in the countryside. This important role of mediator between campesinos, campesino organizations, landowners, and the national regime became a typical function of rural labor organizations during the next half century.

Likewise, FOCH's use of letters addressed to Chile's President to state claims and problems of rural labor became a common political tactic of rural labor.²⁴ FOCH's appeal to Alessandri²⁵ was followed by similar communications by various campesino unions and the Liga Nacional de Defensa de Campesinos Pobres, CTCH, ASICH, and CUT—all national labor organizations which followed FOCH in later years. FOCH penetration into the countryside thus set the tone and style for a national political struggle between rural labor and rural proprietors to be waged in the coming decades.

Landowner reaction to FOCH similarly set the tone for the next fifty years. Landowners reacted immediately as a collectivity to deal with the threat of an organized labor force.²⁶ They agreed to expel agitators and not to accept the presence of "federated" inquilinos or workers in the haciendas. In January 1921 the SNA manifested its

alarm in an editorial entitled "La Sindicacion de los Labriegos."

"They seek to raise the price of labor through strikes

This tactic the worker uses and abuses It is necessary to anticipate the demands that are to come."²⁷ The landowners sought to defend their authority in the countryside. As the owner of Hacienda Aculeo noted, the removal of campesinos from his hacienda was a matter of private concern since labor relations within private farms constituted "a merely private and personal matter."²⁸ By this he meant that governmental authority should be used to support "private" property rights and that government regulation of labor relations would entail encroachment on the property rights of the landowners.

So long as the hacendado's claims were technically and legally correct, efforts by campesinos to improve their situation through collective action required an attack on "property" itself. Since no legislation regulated the authority of landowners vis a vis rural labor, any effort by campesinos to impose limits on proprietary discretion represented an attack on the legitimacy of hacienda proprietorship. While in some contexts labor petitions and strikes are an institutionalized mechanism for dealing with management-labor disputes, in a traditional hacienda system such labor conflicts represented a revolutionary challenge to the fundamental assumptions of the existing order.

Landowners responded to these activities by deleting customary perquisites and land allotments, by shifting temporarily to less labor-intensive modes of production in order to justify dismissals of workers participating in the labor movement, by dismissing labor leaders or "agitators," and by appealing for police protection for the "right to

work" for strikebreakers brought in to break the labor movement. When workers refused to leave their homes, landowners then requested judicial orders (or moved without such orders) so that police would evict inquilinos and other workers from the hacienda. Except in isolated cases where the syndical organization could be sustained, any short term gains won by rural labor through activist tactics were lost in the retaliation which followed. Generally, at the end of the harvest landowners simply failed to renew contracts of inquilinaje and told the workers to leave the haciendas. This pattern was to be repeated over and over again in the waves of rural labor conflicts over the next five decades.

Between 1919 and 1925 FOCH-oriented campesino organizations presented labor petitions and carried out strikes in over forty haciendas. In 1922 FOCH threatened to carry out strikes simultaneously in 300 farms.²⁹ In the 1924-25 period both Communist deputies in the Chilean Congress, Recabarren and Luis V. Cruz, personally intervened in rural labor organization and labor conflicts, the latter acting as mediator in several situations. The events in Hacienda Huemul are illustrative of the landowners' reactions to such labor petitions and the extensiveness of proprietary authority during this period.³⁰ On February 22, 1924, a government representative sent to investigate the labor conflict in Huemul reported:

The strike broke out the 30th of January. The fundo is situated at the borders of the provinces of Curicó and Colchagua and has an area of more or less 30,000 cuadras. The houses of the fundo are in the province of Curicó. Prior to my commission- . . . the Intendente of Curicó intervened to end the strike, persuading the workers to return to work the 2nd of February, except for two leaders of the movement, the inquilino Luis A. Lopez and the voluntario Pedro Arriaza. These two individuals were

involved in a personal incident with the administrator of the fundo, don Julio Fernandez. The incident occurred because Lopez had been ordered to leave the fundo since he was considered an instigator and propagator of subversive ideas. Lopez resisted and assailed the horses ridden by the administrator and owner of the fundo with a club, being seconded in this act by the worker Arriaza. The blows directed against the animals injured the riders. The police from Teno intervened taking both workers prisoner; from Teno they were taken under arrest to the Judge in Curico.³¹

As hacendado the proprietor had every right to dislodge the workers from their homes (and his domain) for preaching "subversive" ideas and instigating fellow workers to petition for better wages and the right to organize for collective action in defense of their interest. The laborers literally had no rights--only the obligation to obey.

What, then, did campesinos seek in the labor petitions presented to rural proprietors in the 1919-1925 period?³² These labor petitions generally combined demands for the recognition of the recently formed labor organization [FOCH consejo], the elimination of traditional obligations and toll charges, improved wages, housing, food rations, land allotments, the reestablishment of traditional prerogatives (e.g., land allotments, pasture rights) recently eliminated by the landowner, and non-retaliation (or re-hiring of already dismissed personnel). Illustrative is a labor petition from Hacienda El Melon in Valparaiso from 1921.³³ After presenting a copy of the labor petition to the landowner, the campesinos sent a copy of the petition with the following letter to the Intendente of the province:

The Consejo Federal No. 2 of El Mel6n wishes to inform you that on the 14th of the present month this Consejo Federal presented a labor petition from the workers of the fundo El Melon pertaining to Senor Jose Mass, who returned the petition immediately, refusing to discuss any of its points. Because of this attitude the workers have agreed to bring the matter to your attention so that you might speak to the parties and if necessary submit our petitions to arbitration in conformity with the Yañez

decree.³⁴ We await your reply before declaring a strike and we append a copy of the labor petition.

1. Recognition of Consejo Federal No. 2.
2. Immediate dismissal of Hugo Otaegui O. for constant provocation of the federated workers [an administrative employee].
3. Removal of overseer Lorenzo Saavedra because of his hostility toward workers.
4. Re-employment of dismissed inquilinos.
5. Raise in salary to three pesos for the inquilinos and voluntarios.
6. Eight hours of work on the following schedule: seven to eleven a.m. and twelve to four p.m.
7. That we not be obligated to loan our oxen to the hacienda as this is prejudicial to the interests of the inquilinos, taking time from our own agricultural labors.
8. That pasture rights for oxen of the inquilinos and other animals that the inquilinos set to pasture be charged at the same rate as in the past.
9. That the non-irrigated hill land be available to plant under the same conditions as in the past.
10. That the sierra be available as before for animal husbandry.
11. Freedom to sell our products [that is, not necessarily to the landowner].
12. That seed be loaned to us and that it be discounted before the distribution of the harvest [out of the total harvest, not just the inquilino share].
13. That the carters [carreteros] not be charged four pesos per trip, because this is unjust
14. That preference be given to inquilinos over outside workers in assigning sharecrop land, and that those who need to plant be given good land.

The labor petition was a combination of reactions to deteriorating objective conditions—efforts by the proprietor to encroach on the campesino enterprises through decreased land allotments, pasture rights, and other perquisites and demands for innovations and improvements in working conditions. The workers also sought recognition of their labor organization, non-retaliation (re-hiring of dismissed inquilinos) and elimination of traditional labor obligations to the hacienda (e.g., provision of ox-teams for hacienda labors). Other FOCH-oriented labor petitions for the same period contain much the same demands—always including the demand for recognition of the FOCH Consejo.

The proprietor's response to several of the inquilinos' demands, including those for a shorter work day and higher wages, indicated that the labor petition in El Melon was a part of a broader, national political movement which challenged the existing system of property in Chile. He responded that the farm would "accept what would be stipulated in the Labor Code. To this effect the parties will wait the thirty days which it can be supposed its promulgation will be delayed."³⁵ FOCH's labor activity in the countryside was an element in its national campaign to alter, through legislation and direct confrontation, the prerogatives of proprietorship. In this sense, the campesinos, in addition to attacking the traditional authority of proprietors in rural land, participated, if unknowingly, in an effort to alter relationships between the propertied classes and the labor force on a national scale.

A Labor Code was not adopted until 1931—ten years later. The Chilean Congress still controlled by landowners and their allies, was unwilling to delimit the customary authority of proprietors. However, the willingness of FOCH as well as the landowner to agree to this provision in the settlement indicated a general awareness that the conflict was a part of a larger problem, a problem that was national in scope and went to the foundations of the existing political order.

By 1924 FOCH seems to have escalated its demands for recognition to include recognition by rural proprietors in general and by the Chilean government. It might be argued that the type of conciliation offered to campesinos under the Yanez decree meant at least implicit recognition by the government of rural labor's right to make claims against rural proprietors.³⁶ But this tacit recognition satisfied

neither FOCH nor the Communist Party. In 1924 the Huemul labor petition discussed earlier included a demand for recognition of FOCH by the landowner, and declared that FOCH would "make this demand in all the agricultural regions of Chile with the support of its members from North to South."³⁷ The campaign in Colchagua in 1924 which included this labor petition was directed by Recabarren and Cruz, representatives of the Communist Party in the Congress. Barria Seron reports that in 1924 Recabarren and Cruz carried out a campaign "helping to strengthen and activate the organization [FOCH] and to reorganize inactive Consejos or create some [consejos] campesinos!"³⁸ This effort by FOCH apparently coincided with the first program for the countryside adopted by the recently formed Communist Party.³⁹³⁹

FOCH's penetration of the countryside declined after Recabarren's suicide in late 1924. FOCH itself suffered a violent setback in the massacre at La Coruna in 1925 in which troops fired on workers causing numerous deaths and injuries.⁴⁰ Finally, with the assumption of power by Ibanez in the 1925 to 1927 transitional period, the government made frontal attacks on working class organizations and leftist political leaders. The government used assassination, detention, and exile to deal with individual union or party leaders, effectively repressing FOCH and the Communist Party.⁴¹ Labor leaders were under close surveillance by police and other government officials.⁴² With civil liberties curtailed, repression became the overt policy of the regime toward FOCH and its membership.⁴³ The nascent rural consejos, dependent as they were on urban political orientation, quickly disbanded. As will be seen, however, rural unions reappeared quickly in the same fundos and rural sectors when more favorable conditions returned. For

the next half-century the regions around Choapa, Coronel-Colcura, Los Andes-La Calera, Melipilla, San Fernando-Chimbarrongo, Molina and Longavi remained centers for rural unionization and labor activism in the countryside. FOCH had begun an organized attack on the hacendados which rural labor carried on after the Ibañez repression ended. By the time Ibañez left the presidency a new Labor Code made possible the introduction of a distinctive organizational weapon by rural labor in the struggle with the landowners--legally recognized agricultural unions.

THE FIRST LEGALLY RECOGNIZED UNIONS IN THE COUNTRYSIDE

The unionization provisions of the Labor Code of 1931 made possible the creation of legally-recognized rural unions. Prior to 1931 the only rural union with recognized legal status ["legal personality" or *personalidad jurídica*] was the *Sindicato Profesional de la Industria Ganadera y Frigorífico* in the province of Magallanes (see Chapter IV above).⁴⁴ After the promulgation of the Labor Code in 1931, campesinos also formed legal unions in several vineyards in Chile's central valley in the province of Talca. These unions represent the first application of unionization legislation within the context of hacienda enterprises.⁴⁵

The owner of one of the first unionized vineyards (Casa Blanca) was a Conservative Deputy from Talca by the name of Alejandro Dussillant (other aspects of Dussillant's activities have been discussed above in Chapter III). Dussillant carried the struggle against these unions directly to the Congress. In addition he insisted that the Labor Department dismiss the labor inspector who had assisted (as was his

legal duty) in the formation of the unions in the vineyards.⁴⁶ Dussailant also retaliated against the union members themselves. He was supported by other landowners in the region of Molina who were also affected by the nascent organization of agricultural workers. Alberto Leon,⁴⁷ administrator of Vina San Pedro, a neighboring agricultural enterprise, presented a formal complaint against the Labor inspector in Molina including the charge that "by forming a union behind the back of the management of this fundo . . . [the inspector] has created animosity and lack of confidence on the part of the patrones and workers, thus failing in the mission of conciliation with which he was charged by the Labor Code."⁴⁸ The landowners' attacks against the unions combined legal manipulation, attacks on the inspectors who attended rural workers, and retaliation against union leaders and membership. Dussailant claimed that rural unions were illegal, because their existence rested on unconstitutional

49 -

decree-laws. At the same time, landowners employed physical resistance against, and non-cooperation with, inspectors who sought to form legal unions to stop the unionization drive. Carlos Menzel, labor inspector in Molina, reported as follows on his efforts to constitute the union in Vina San Pedro:

Yesterday the 18th of October at 9:05 a.m. arriving "en visita" to Vina San Pedro, property of [Sucesi6n] Delia Ovalle de Correa (general representative in Santiago Luis Larrain Cotapos . . .) to formalize the founding of the union in this enterprise at the request of the workers involved . . . I was received by Luis Alberto Leon, administrator of said vineyard, to whom I respectfully explained the purpose of my visit. However, senior Leon, even before I finished explaining my mission, cursed me and then the Provincial Inspector.

. . . Leon indicated to me that the infamous unionization law was a matter at the discretion of the patrones and not the workers, and that therefore the workers of the vineyard who had congregated should immediately disperse and return

to their labors--although it was a holiday.

. . . Trying to calm the exaggerated reaction of this señor [I] explained that unions were formed according to the will of both parties and always, if more than 55% of the workers of the enterprise were in agreement, showing him the pertinent sections of the Labor Code.

[Despite the resistance of León] I proceeded to formalize the founding of the Sindicato Industrial Vina San Pedro' in the open air, using only a modest table provided by the workers.

I report to you this outrage against the person of this inspector in the presence of witnesses, carabinero Luis Peralta who accompanied me, and the 92 workers who signed the act of constitution.

In addition I must inform you that señor Leon has dismissed the leaders [Directores] of the union: José Troncoso Arroyo, Jose Munoz Munoz and Felix Guerra Gonzalez without the show of any of the legal causes required by Article 376 in accord with Article 9 of the Labor Code.

[They were dismissed] solely for having requested my presence to formalize the act of constitution in accord with Article 372 of the same body of the law.⁵⁰

The owner of Fundo Casa Blanca retaliated against the union in a similar manner. He dismissed labor leaders and unionized workers. Dussailant also adopted a labor "contract" in the vineyard which the Labor Department ruled illegal--but which temporarily denied job security for any of the resident or temporary workers. When the union contested the legality of these labor contracts--which were self-terminating every two weeks and required re-confirmation by Dussailant-- the Labor Department supported the union.⁵¹ Nevertheless, Dussailant and the other landowners intensified their efforts to destroy the unions.

In January of 1933 the union in Viña Casa Blanca wrote to the Minister of Labor complaining about persecution by the landowners:

We would like to bring to your attention that our corporation, called Sindicato Industrial Viña Casa Blanca, finds itself in an extremely difficult situation due to unjust reprisals of which we are victims We can no longer tolerate the persecutions and defamation to which we have been subjected until now Our patrón

stubbornly persists in his desire to destroy our union and promises that once it is destroyed he will reimburse us for the wages which he has taken from us

All the personnel have suffered a wage decrease of between 50 and 60 percent . . . for example . . . a worker who previously earned 4.50 pesos a day and 31 pesos bonus each month, plus three kilos of beans and two galletas daily, now earns two pesos a day, no bonus, three kilos of beans and two galletas.

If we take into account that the vineyard once sold its "corriente" at twenty-five centavos and Pinot for fifty centavos and that today it sells them, respectively, for eighty centavos and \$1.10, it is clear that our patrón is not losing money.⁵²

In 1933 Dussailant and the other landowners in the Molina region were successful—the nascent unions became inactive, not to be reconstituted until 1939. The labor inspector who had helped to form the unions was transferred to Curicó. The first effort to constitute legal rural unions, initially successful in the sense of obtaining legal personality, shortly thereafter met with landowner resistance which the workers could not overcome. The unions were temporarily destroyed.

In 1933 also, the Labor Department ordered labor inspectors throughout Chile to refrain from further assistance in the formation of rural unions.⁵³ This order precluded the formation of legal unions as a tactic by which rural labor could challenge the authority of rural proprietors. Illicit activities of national labor organizations, although stifled, were not entirely eliminated. But as this report from Talca in September 1932 indicates, labor organizers generally faced a difficult situation:

The Chilean Federation of Workers [FOCH] and the General Confederation of Workers [Confederación General de Trabajadores] which once carried out campaigns to obtain higher wages through work slowdowns and strikes, principally in government construction work, now have no occasion to hold meetings—because to do so is prohibited by the authorities [on the grounds that] they wake subversive propaganda among their members.⁵⁴

The rural labor movement, in great part an extension of urban labor organizations and national political parties, suffered from the repression of the national labor movement. Like their urban counterparts, rural activists were forced underground. Campesinos intent on resistance held meetings at night in out-of-the-way places. Government and landowner resistance eliminated the legally-recognized union movement, but illicit activities continued and campesinos persisted in their struggle against the hacendados.

STAGNATION OF LEGALLY RECOGNIZED UNIONS:

ALTERNATIVE PATTERNS OF LABOR CONFLICT AND RESISTANCE

The period from 1933 to 1936 was one of stagnation for legally-recognized rural unions, but of growing resistance by campesinos to the authoritarian hacienda system and the political domination of rural proprietors. The most infamous incident during this period, the massacre of campesinos at Ranquil in upper Bio Bio in 1934 has been frequently told. It was an untypical case of smallholders [colonos] who claimed land that was the object of extensive litigation between 1928 and 1934. These campesinos, dispossessed of their land, resisted the national police sent to quell the rebellion with force of arms. Communist party organizers were involved in the uprising but the conflict antedated party intervention. In any case, the struggle was not resistance to the hacienda system and the authority of rural proprietors per se but rather an armed confrontation over conflicting legal claims to land. Ranquil, in this sense, was the only recorded large scale "peasant uprising" in Chile between 1909 and 1964.⁵⁵ This "uprising" occurred in a frontier region where

conflicting land claims and government unwillingness or inability to resolve a collective conflict with a long historical background led to unsuccessful efforts to re-locate squatters and colonos on a broad scale. These efforts culminated in a brief but bloody confrontation which left the ranks of Chile's hacendados fearful. But the campesinos of Ranquil were independent proprietors who had been dispossessed of their "own" homes and land--not resident workers in an hacienda of the central valley. The movement represented a localized "peasant" uprising in a conventional sense rather than an attack on or a challenge to the existing system of property. Still, the events at Ranquil provided an impetus for the colonization law promulgated by the Alessandri government in 1935 and dramatized the plight of campesino proprietors in their relationships with the hacendado and the instruments of coercion of the national regime.

Because the events at Ranquil represent an exceptional case, it is of more significance in the present context to discuss the persistent, routine resistance of campesinos to the hacendado and the hacienda system in the 1932 to 1936 period. In a period usually noted for the continuing acceptance and submissiveness of the campesino to the rule of rural proprietors, it is of importance to document the daily struggle which in fact went on in the countryside. Campesinos challenged the extensive political meaning of property in rural land individually and through ad hoc strike committees, or grievance committees organized to defend their interests. They confronted landowners by rejecting proprietary claims to unilateral determination of conditions of labor and land use.

The 1932 to 1936 period is important in this regard because it precedes the systematic re-intervention of urban-centered labor

movements into the countryside. Rural labor movements lacked coordination, ideological orientation, or monetary and organizational inputs from their class and ideological allies.⁵⁶ Nevertheless, campesino resistance to hacendado authority persisted—an indication of the continuity of "organized" efforts by campesinos in particular haciendas to make claims against the hacendados apart from legally recognized unions and the coordination of a national labor movement.

This resistance consisted of acts of pilferage, sabotage, strikes, work slowdowns, or individual acts of violence, which are nowhere systematically recorded. It is necessary, therefore, to use cases to illustrate the type and quality of resistance which did occur and the reaction of the hacendados to this resistance. The effort here is to indicate the quality and content of rural labor's challenge to proprietary authority. Further, it is exceedingly difficult, if not impossible, to know the extent of resistance expressed in low labor productivity, that is, in the refusal of campesinos to produce beyond a minimal level for their respective hacendados. This was perhaps the most widespread, if least dramatic, form of resistance to proprietary authority. The high proportion of administrative and supervisory personnel in the haciendas is one indication of the costs of maintaining "discipline and production" in the latifundio.⁵⁷ But the magnitude of depressed productivity can still not be precisely measured.

More explicit challenges to rural proprietors—strikes, labor petitions, sabotage—generally had as their objectives three different types of demands: (1) reestablishment of customary prerogatives or conditions of work which had deteriorated because of unilateral decisions on the part of the landowner, such as decrease in pasture

rights, land allotments, or increase in labor obligations; (2) demands that the landowner comply with existing obligations, for example, pay salaries owed, or obey labor legislation;⁵⁸ (3) demands for improvements in existing conditions, including requests for higher wages, decreased labor obligations, larger land allotments, participation in management of the fundo or in the profits.

The first two types of demands are typical of a reactive labor movement, a labor movement on the defensive or concerned with implementation of existing legislation instead of further innovation.⁵⁹ This was generally the position of rural labor in Chile during the 1932 to 1936 period. The third type of demands, for improvement in existing conditions or participation of rural labor in proprietary decision-making and a greater share of the surplus, is indicative of a rural labor movement which has forced rural proprietors to react to worker offensives. Naturally, the first two types of demands may sometimes escalate into the third type. All these demands, even those requesting higher wages, or an increase in pasture rights, represented a contest over proprietary authority. While campesinos did not seek expropriation of farms, or rebel en masse, they did seek to participate in decision-making concerning the terms of the labor contract and conditions of farm management. This activity did not reach the levels of armed revolt, or occupation of farms, yet it constituted a challenge to existing conceptions and prerogatives of proprietorship. The cases which follow are illustrative.

Case 18: San Cayetano, Botacura
Tabontinaja, 1932

In September of 1932 the campesinos in fundos San Cayetano, Botacura, and Tabontinaja (located in the province of Linares in the

area around San Javier) came in mass to the labor inspector's office claiming that the proprietor who owned the three fundos owed them two to three months salary and that food rations were insufficient. The workers asked to be paid, to have food rations increased, and to have salaries raised. They informed the labor inspector that they and the rest of the work force of 300 workers would not work until the landowner met their demands. The inspector told the workers he could not accept an illegal strike, but would attempt to settle the problem with the landowner within twenty-four hours if they went back to work. The inspector telephoned the absentee landowner, explained the threat of a strike, and the next day the landowner arrived with money to pay the back salaries. In the presence of the labor inspector the complaints of individual campesinos were dealt with and the landowner agreed to raise food rations by one third, raise salaries by forty percent and, over a period of time, repair some of the inquilinos' housing. The labor inspector, acting in accord with the Labor Code, ordered 108 labor contracts to be prepared. The workers, according to the inspector, returned to work and thanked him for his intervention.⁶⁰

This case illustrates both the successful mediation of a bureaucratic intervenor between rural labor and landowner and the modified proprietary discretion of the landowners where activist workers could bring to bear the provisions of the Labor Code to delimit the authority of rural proprietors. It also illustrates the basically reactive nature of such activism (demands for back salaries) which escalated into demands for improved living and working conditions. No formal workers' organization existed. The source of the conflict was the landowners'

failure to fulfill certain legal obligations. After the conflict was over there is no record of further collective action on the part of the workers to institutionalize the ad hoc organization. Yet the campesinos were able, through collective confrontation with the hacendado, to obtain short-term victories and challenge the unilateral decision-making of the landowner.⁶¹

Case 19: Fundo
El Durazno, 1933

In Peumo in 1933 a landowner (Fundo El Durazno) decided to require workers to brand any of their animals that grazed in the hacienda. This was seemingly an effort to control the number of animals that each inquilino grazed in the farm. It represented the imposition of effective limits on the inquilinos' ability to capitalize themselves through livestock husbandry. In this sense it entailed a deterioration in the existing conditions under which the landowner did not enforce formal limitations on number of animals pastured in the fundo. The landowner, apparently intending to rationalize land use or at least charge the inquilinos for extra animals in pasture, sought to destroy customary patterns on the fundo. The inquilinos physically refused to have their animals branded and were notified to leave the fundo within fifteen days; this itself was illegal, since the Labor Code specified that inquilinos be given two months notice, except under certain particular conditions. In a letter to the Labor Department, the inquilinos accused the landowner of attempting to "put an inappropriate brand on our cattle." The campesinos refused to leave the fundo. The local labor inspector mediated the incident and the landowner agreed to revoke the dismissal of workers, but the animals were to be

branded or removed from the fundo. Resistance by the inquilinos in this case proved unsuccessful because the landowner's action was judged to be within his proprietary authority. The workers had reacted to a deterioration in customary perquisites which the landowner decided to eliminate by reference to formal stipulations. But the workers had managed to organize a short term collective reaction to the landowner's unilateral decision to revise existing arrangements. Deterioration in conditions was met with active-if unsuccessful-resistance.⁶⁵

Case 20: Hacienda
Canteras

In early 1935 a collective conflict developed between the workers in Hacienda Canteras and the administration of the enterprise. This fundo, located in the province of Bio Bio, belonged to the Social Security Administration (and previously to the Caja de Colonizacion Agricola). The conflict originated with the introduction by the farm's administrator of interest charges on seed which had been loaned to the inquilinos for planting in their tenancies and sharecrops. This represented an innovation in customary relationships detrimental to the workers. As in the other cases above, the workers reacted to deteriorating conditions by collective action to challenge the proprietor's initiative. In this case the workers presented a labor petition and threatened to strike if their demands were not met. In addition to elimination of the interest charges, the petition demanded a raise in wages, permission to leave the hacienda through gates which normally remained locked and the right to return the loaned seed prior to distribution of the harvest (from the undivided crop instead of out of the inquilino's separate share).

Police went to the farm to "maintain order." The regional chief of the Service of Investigations, Julio Gutierrez, also appeared at the hacienda. The labor inspector, whose intervention was requested by the workers, reported:

From the outset I was informed that the movement had a subversive character, but I found that the workers only sought a small economic improvement and the elimination of the 17 percent tax for cleaning and selecting seed.

The workers withdrew their demands for a raise in salary since they obtained a raise of 50 centavos in December. Over the second point the administrator agreed to consult the Caja Central del Seguro since this is not stipulated in the contracts nor does there exist any document which justifies payment of 17 percent by the inquilinos.

The other points were settled to the satisfaction of the workers and the administration⁶³

Temporary worker mobilization for collective action in reaction to landowner efforts to alter customary arrangements and to non-compliance with contractual relations escalated slightly into demands for higher wages. The workers attained partial success in their resistance, through the intervention of the labor inspector, though they dropped demands for salary increases. No permanent rural union existed in the hacienda. Yet the workers were able to respond collectively to landowner initiated action that threatened their well-being.

Many such cases, however, ended in less satisfactory resolutions for the workers involved. The legality of labor petitions in the countryside did not signify their passive acceptance by the hacendados. Still uncommon, such collective action on the part of rural labor was most often viewed as "subversive"—a concrete threat to the existing order. Without the existence of permanent unions, landowners could gradually eliminate "troublemakers" and otherwise sanction rebellious laborers.

Case 21; Lo Prado,
Santa Elvira, 1933

The conflict in fundos Lo Prado and Santa Elvira in the province of Santiago in 1933 is a case in point. In late December, 1933, the workers in these two fundos presented a labor petition to the landowner of these properties in conformity with the provisions of the Labor Code. The petitions requested a salary for inquilinos of four pesos, improved food rations, improved land allotments and pasture rights, two hours rest at the noonday meal, and strict compliance with the Labor Code, especially in regard to labor contracts and housing conditions. For the voluntarios, the petition requested salaries of five pesos a day; improved food rations, a clean place to sleep—and two hours of rest at the noonday meal. For milkmaids, the petition requested 40 centavos per can of milk in the summer and 60 centavos in the winter.⁶⁴ The workers requested that the landowner answer their petition within five days— At the end of the five days, the signers of the labor petition were taken as prisoners, and put in the public jail. They were accused of disobeying the Labor Code and threatening the property of the fundo. . Brought before the court, the judge released the workers because "since a legal labor petition existed no reason existed for their detention." The next Saturday the landowner refused to pay the workers who had participated in presenting the labor petition. He then ordered them out of the fundo. This meant eviction from their homes and dismissal from their employment.

At this point, Emilio Zapata, Trotskyite Deputy [Izquierda Comunista] for the district, went to the fundo to inquire into the incident so as "to make the incident known in the Congress."⁶⁵ A police lieutenant arrived at the

and came to the house in which Zapata was conversing

with some inquilinos. The lieutenant asked Zapata to identify himself. He identified himself as a Deputy and showed his Congressional identity card [carnet de diputado]. The police officer informed Zapata he was under arrest. Zapata refused to accompany the carabinero, insisting that a Deputy had immunity [fuero] and then shut the door in the lieutenant's face. The police broke down the door, seized Zapata and pulled him onto the road. The carabineros bodily dragged Zapata, biting, kicking, and screaming insults, from the fundo all the way to Barrancas.⁶⁶ Zapata was incarcerated until 9:45 that evening when Manuel Hidalgo, Trotzkyite Senator, arrived at the jail and helped to obtain his release—along with that of the workers. (Zapata refused to leave the jail if the campesinos were not also released.) Recalling this occasion Zapata declared:

The police were at the entire disposition of the terratenientes. They were their servants, to warn them that campesinos were gathering and to assist in repressing them. • When a labor petition was presented, they accused the workers of stealing a chicken or a sack of beans to justify throwing them out of their houses and off the fundo.⁶⁷

Without permanent organizations to defend their interests and obtain law enforcement through labor inspectors, the campesino resistance to rural proprietors could be harshly repressed. In late 1935, Emilio Zapata Díaz became the first politician-labor leader to attempt to organize rural labor on a national scale in order to overcome the political domination of the countryside by the hacendados. While insisting that "only the Proletarian Revolution can destroy the Capitalist system of exploitation,"⁶⁸ Zapata created a national organization of campesinos based on short term material incentives to its members by using tactics appropriate to the existing formal democracy

of Chile in the decade of the 1930's. Not proletarian revolution, but manipulation of the existing parliamentary and administrative apparatus, served as a tool in challenging the traditional authority of rural proprietors.

**EMILIO ZAPATA AND THE LIGA NACIONAL DE DEFENSA
DE CAMPESINOS POBRES**

By 1935 when Emilio Zapata founded the Liga Nacional de Defensa de Campesinos Pobres, he had already had an active political career. Member of the Partido Obrero Socialista (POS) and then of the Partido Comunista, Zapata suffered the repression of the Ibañez regime with political exile to Isla Mas Afuera. In 1927 Zapata served as president of the Liga Nacional de Arrendatarios de Chile, participating in the tribunales de la vivienda which had been created to deal with tenant-landlord conflict. From working class background ("I was a housepainter like my grandfather"), Zapata was socially and ideologically linked to the working class movement which grew up in the first two decades of the twentieth century. Remembering his imprisonment during the Ibañez regime Zapata said:

With Ibañez they eliminated all the leaders of working class organizations, mutual aid societies, unions, and renter's leagues—which were numerous in that period. All the functionaries in Investigaciones who had become famous for criminal cases now went after politicians. The one who came after me was called "el vivo loco." They took us to the 7th comisaria, assembling a group of us, and about five days later they sent us to Valparaiso and from there to Isla Mas Afuera.⁶⁹

Because of ill-health, a prison doctor ordered Zapata sent back to the mainland where he persisted in anti-government activity. Again he was returned to Isla Mas Afuera and again the doctor sent him back to the mainland for reasons of health.⁷⁰

Zapata's initial contact with rural proselytizing and conflict came just prior to 1920 when a workers¹ cultural center [Centro del Despertar] in which he participated established a school in Peñaflor. Zapata had friends among the small holders and inquilinos in the region, especially in the Fundo Pelvin.⁷¹ On Sundays Zapata would go to the public plaza and "give talks protesting the bestial treatment the administrator meted out to the laborers and the miserable conditions in which the campesinos lived."⁷² In one of these meetings the crowd in the plaza was attacked by twenty to thirty overseers from the fundos in the area. On horseback, these agents of the landowners rode through the crowd in front of the church on the plaza. Zapata remembers,

They tried to take me prisoner. I had to run. I ran until I came to the house of a friend, a shoemaker, named José Mella. He hid me in his house and went to talk to the subdelegado of Peñaflor, a Radical with Socialist background. The subdelegado informed the Intendente and he in turn the Minister of Interior. As things stood I was trapped by the agents of the landowners, ["aquellos que huasqueaban a los campesinos"] who had staked out the escape routes. Fortunately, the Minister of Interior took the necessary measures. He ordered a police officer from Santiago to Peñaflor so that I could leave the town.⁷³

In 1920 Zapata attempted unsuccessfully to organize rural laborers in Peñaflor. He then became a leader in the anti-alcoholism movement directed by Carlos Fernandez Pena, Doctora Ernestina Perez and Carlos Alberto Martinez. He always maintained contacts, however, with the campesinos in Peñaflor.

In 1932 Zapata was elected Deputy for the second district of Santiago. Breaking with the Communist Party, Zapata followed Manuel Hidalgo into the Trotzkyite Izquierda Comunista. Until 1937, when Zapata joined the Socialist Party, he remained one of the small minority of serious, committed, Trotzkyites—eventually serving as the editor and publisher of the Trotzkyite organ, Izquierda.

Zapata's intervention in rural labor conflicts and rural union organizing stemmed from his ideological convictions and his determination to destroy the existing system of property and power in Chile and to replace it with a socialist one.⁷⁴ When he was elected Deputy he was afforded the opportunity to combine his ideological commitment with participation in the "bourgeois parliament," employing the tactical opportunities which the Congress provided to mobilize rural workers and, where possible, defend them against exploitation by the landowners. Zapata developed a strategy by which to focus attention on violators of the Labor Code, and to support campesino demands. This strategy involved letters sent by Zapata as Deputy⁷⁵ to the Labor Department denouncing supposed code violations and demanding an investigation.⁷⁶ Acting on these complaints the Labor Department sent inspectors to the haciendas involved and required a formal report of the visit. Such visits entailed embarrassment and legal problems for the landowners. Zapata, previously informed of the conditions in the fundo he denounced through personal contacts or visits to the property, sometimes even paid out of his pocket for chemical analysis of food rations in order to determine their quality and to better document his complaints to the Labor Department. For example, we have this letter from April of 1934 to the Provincial Labor Inspector:

Some days ago I requested that you order an inspection visit to Fundo Maipo where there existed numerous irregularities concerning treatment of the workers and lack of compliance with social legislation. As confirmation of my denunciation I attach a Memorandum of Analysis of the bread that this fundo gives to its inquilinos and as you can see IT IS UNFIT FOR HUMAN CONSUMPTION.⁷⁷

In the first months of 1934 Zapata denounced landowners in a number of fundos including Polpaico (José Luis Lecaros), El Mirador (Deputy

Mario Urrutia), La Quinta de Maipo (Juan Benoit), Ongolmo (Ventura Matte B), and La Rinconada de Maipoⁿ, (owned by the government).

In July of 1934 the Labor Department prepared a special report in response to Zapata's various denunciations of landowners.⁷⁸ In many cases Zapata's complaints led to improvement of the campesinos' situation and to short term material gain. Still, no systematic effort was made to formally organize the workers in the haciendas.

But through the official Trotzkyite newspaper, Izquierda, Zapata issued calls for

the organization of campesino committees in the fundos and haciendas. These committees, composed of three or four or more members, will be elected by all the workers of a fundo and will direct the struggle against the patron.⁷⁹

In February of 1935 Izquierda published an article called "The Proletarian Revolution and the Land"⁸⁰ in which an agrarian program was put forward. This program included organization of associations of campesinos, smallholders, colonos and sharecroppers; organization of committees in each hacienda or fundo and establishment of relations between class organizations of the industrial proletariat and the campesino. The program formulated such "immediate demands" as: minimum salaries of ten pesos a day; a six hour work day; doubletime for work at night; payment in cash, freedom of commerce for workers and access of small merchants and peddlers to the haciendas; fifteen days paid vacation a year; freedom of movement, association and the right to strike; unimpeded circulation of the worker press; elimination of child labor; equality of wages for men and women.⁸¹ For smallholders, renters, sharecroppers, and colonos the program called for prohibition of eviction for debts; preferential access to credit through the Caja de Credito Agrario; creation of machine-tractor stations to service,

at low cost, the campesino enterprises; formation of cooperatives (consumer, production and commercialization); control over access and delivery of land, legal use, and location through associations of colonos and smallholders, immediate reduction of rents, interest and amortization payments, and free use of irrigation water.

This program was simply a proclamation by an ideological organ of a small Marxist party. But Zapata was building a clientele in the countryside through his active intervention on behalf of the campesinos in the Congress and before various bureaucratic agencies. A weather disaster, however, rather than a preplanned organizational drive, precipitated the creation of Chile's first national campesino organization--the Liga Nacional de Defensa de Campesinos Pobres.

In October and November of 1934 frost and bad weather seriously damaged agricultural crops. In much of Chile, including parts of the province of Santiago, farmers suffered nearly a total loss of crops. In January of 1935 the Chilean Congress passed Law 5558 to provide monetary compensation for farmers who suffered significant losses because of the frost. The Reglamento for this law called for written documentation of losses, indicating farm location, proprietary status of claimant [mediero, arrendatario, etc], crops affected, and assessed value of crop and land. The law charged local committees [juntas] with receiving these claims and dispensing compensation. Local politicians manipulated these local juntas and there was much corruption. People without crop losses, and some without farms, received compensation payments. The thirty day time limit stipulated for filing claims was short and meant that many small or inquilinos never found out about the compensation program-

friends or compadres of local junta members were well informed and able to take advantage of the available benefits.

On August 14, 1935 Zapata moved in the Congress to extend the period for making claims under Law 5558.82 Next he denounced the corruption that had occurred and demanded a full investigation. Izquierda reported on September 11, 1935 under the headline "The Defense of the Small Campesino Sustained by Zapata in the Congress" that on the preceding Sunday

In the house of the workers of the commune of Quinta Normal, Walker Martinez 102 . . . a gathering of farmers affected by the frosts of last year convened; and among them were small holders, renters, sharecroppers and parceleros from the communes of Renca, Perejil, Barrancas, Quilicura, Conchali, Lampa and others.

Our Comrade Deputy Emilio Zapata, who made a long exposition of the problems facing those who cultivate the soil, attended this important meeting. The assembly made the following resolutions:

(1) to organize a league of small farmers [pequenos agricultores] with committees in each commune, into which will enter the different strata of campesinos

(2) to support the denunciations formulated by Zapata in the parliament, soliciting that the Minister of Agriculture incorporate a representative of the committees in each commune to collaborate in the investigation of irregularities and to form part of communal organization to dispense aid to those affected by the frosts.

(3) to request that the Minister of Agriculture extend the time period for applying for the benefits of Law 5558

(4) to issue a call to all the agricultural workers to organize themselves in each rural commune, according

to the formula which will be made known Sunday, September 15.

This was the beginning of the Liga Nacional de Defensa de Campesinos Pobres. Mobilized around the concrete benefits flowing from already existing legislation, its origin was not in a revolutionary attack on rural proprietors but in governmental compensation for crop damages. Its initial appeal excluded agricultural wage laborers, although inquilinos were also included, since as producers they were, in principle, eligible for the benefits provided by Law 5558.

The campaign led by Zapata to extend the benefits of Law 5558 to excluded elements of the rural population continued through September of 1935. On September 18 Izquierda headlined "The Liga de Defensa de los Campesinos Pobres is Organized." The first Ligas were organized in Renca, Colina, Lampa, Quilicura, Maipu, Penaflor, Curacavi, Quinta Normal and Talagante—all in the province of Santiago. In its beginning stages, the Liga was national in name only.

By October 1935, however, the Liga had largely escaped its narrow functional origins and proclaimed a general program for the countryside. This program included calls for reduction of rents and taxes on sharecrop land; permanent legislation to protect campesinos against the risks of weather; representation for the Liga in the Caja de Credito Agrario, Junta de Exportación Agricola and Caja de Seguro, as well as all other organizations related to agricultural production; reform of the rigged auctions at municipal markets and establishment of open markets to eliminate the middleman between farmer and consumer; prohibition of grazing land in haciendas in close proximity to the cities; protection against eviction; government low-cost rentals of farm machinery to campesinos; electrification of the countryside, and improvement in diet and housing for the campesinos.⁸³ By November of 1935 various communal Ligas had requested that Zapata intervene to solve problems involving educational facilities, transportation and communication difficulties, and electrification of small rural towns, in addition to the usual labor problems of its membership.

On November 6, 1935 the Chilean Congress agreed to send legislation to the President of Chile for extension of Law 5558's benefits to the previously excluded campesinos. Thus, the initial campaign resulted

in victory. From 1936 to 1939 the Liga Nacional de Defensa de Campesinos Pobres expanded its membership throughout Chile. The initial narrow appeal was extended to include a frontal attack on the hacienda system in Chile. By 1936, the political alignment of the Liga—to the left of the emerging Popular Front coalition, and in competition with the Communist Party's rural organizational efforts—also became clear. In May, 1936, at a "Congress" of the campesinos pobres in which Oscar Schnake, Marmaduke Grove, and Zapata all participated, Communist Deputy Escobar sought to enlist the Liga "in representation of the Frente Popular."⁸⁴ The leadership of the Liga, including Zapata, and Bernardo Yuras, expressed reservations. But in late 1936 to early 1937, with the Trotskyite party experiencing little growth, Zapata and his companions joined the Partido Socialista. To the Socialist Party Zapata brought with him the Liga. The struggle in the countryside between Trotskyites and Communists was transferred to the Partido Socialista.⁸⁵

Organization and Finances of the Liga

The Liga Nacional de Defensa de Campesinos Pobres never had a truly national organization. An executive committee in Santiago, essentially Zapata, Bernardo Yuras, and Carlos Acuña, prepared the Liga's propaganda, bulletins, rubber stamps, and statutes which were sent, on request, to campesinos or Socialist party cadres who wrote to Zapata explaining interest in forming a new liga. There was no centralized control over the activities of the local ligas.

A typical case is illustrated in this note from Quilpue in 1939:⁸⁶

We have constituted a group of more or less seventeen campesinos in Fundo El Retiro situated in the población of Quilpúe; they are sharecroppers. Send me materials. Also, please try and hurry the opening of the municipal bakery

Zapata answered:

Comrade Benjamin Rojas C.

I have in my possession your last note in which you advise us of the constitution of a group of campesinos in Fundo El Retiro. In a separate package I am sending you the propaganda that you ask for so that you can distribute it among the comrades in the area you mention.

There is no need to remind you to continue the propaganda among the elements in the fundos nearby in order to constitute a new Liga de Campesinos that can be added to the many that have been organized the length of the country.

In regard to the measures you requested [in regard to the bakery] . . . I will be able to communicate to you the results in a few days.

Returning to the first part of this letter, I suggest **that** with the group you have organized you could organize the leadership of the Liga . . . charging these people with enlarging the number of militants and increasing in this way the membership of the Liga.

Fraternal Salutations to his Comrade from Emilio Zapata D.

Note: Once you have organized the Liga you can request the number of statutes-membership cards that you need from the Executive Committee (60 centavos), and which you can sell at the price you find convenient; likewise with the preparation of rubber stamps that we are making in standard form for all the Ligas in the country. The price of the bulletin of propaganda is twenty centavos.

In some cases, such as this one, Socialist Party militants helped organize local ligas. In others, campesinos wrote to Zapata at the Congress requesting instructions as to how to constitute a local liga or calling to his attention abuses by landowners which Zapata then denounced in the sessions of the Congress, asking for Labor Department intervention. When the latter occurred Zapata also brought to the campesinos' attention the need to organize with the Liga Nacional in order to defend their interests. In either situation, the operation was centralized in Zapata's small unpaid staff in Santiago which eventually included several lawyers and law students who handled legal claims of Liga members in the labor courts and ordinary tribunals.⁸⁷ The Liga Nacional never had a paid staff or regional offices and thus remained an extremely fragile organization highly dependent on Zapata's personal direction and inspiration.

Once organized, the local ligas sent reports of their problems to Zapata or the Santiago office. Zapata did his best to see that government agencies attended to the claims of liga members. These problems could range from illegal or unjust dismissals to inequitable distribution of irrigation water to inquilinos and smallholders. The activities of the local ligas, especially those outside of the Santiago-Valparaiso area, were practically autonomous from the national Liga. Financing depended on local dues, whose amount each local liga determined. An example of the interaction between the Executive Committee in Santiago and the local organizations is a case from 1939 in Osorno. A liga "in formation" in Purrarque wrote asking Zapata for statutes and information on how to form a liga. Zapata answered this letter routinely, sending the necessary statutes and instructions. On February 20, 1939 the secretary of the local liga wrote to Zapata as follows:

Comrade

We acknowledge receipt of your communication of the 17th and its contents.

We received the package of statutes. We inform you that in the locality known as Crucero in the commune of Rio Negro the Liga de Campesinos has been formed with the following officers.

President José Gil Aguilera

Treasurer Eliseo Muñoz

Secretary Anselmo Munoz

Secretary of Minutes, Pedro Nieto

. . . it would be a great help if you could speak with the Minister of Education so that the Minister would influence ["le tocara el resorte"] the Governor of this Department [in order to have a school opened in the zone]

[A]bout 20 days ago this Liga made a claim to the labor inspector . . . in reference to the dismissal and eviction of all inquilinos who are members of our Liga This Liga requests that you speak to the Minister of Labor about this situation.⁸⁸

Zapata's handling of complaints and petitions, his speeches in the Congress and his trips around the country to meet with local ligas

held the lossely organized Liga Nacional together after the initial impetus of the benefits of Law 5558. Zapata also fought for the enactment of Law 6290 (later called "Ley Zapata") which provided funds for loans to campesinos through the Caja de Credito Agrario. Zapata skillfully played the parliamentary game, using his leverage on committees to bargain for legislation of benefit to campesinos. Law 6290 provided new material benefits which the Liga could extend to its membership.⁸⁹ In addition, Zapata made efforts to obtain clear legal titles for smallholders with tenuous tenure status and to have government properties at the outskirts of towns parceled for the benefit of workers. Still, by 1939, the Liga Nacional de Defensa de Campesinos Pobres remained an underfinanced collection of local ligas with little of a national organization except the Executive Committee. As suggested above, the local ligas' linkages to the national organization were limited to letters to Zapata and, at times, local militants of the Partido Socialista who served as intermediaries.⁹⁰

The financial situation of the Liga was always difficult. The National Executive Committee obtained no support in this respect from the Socialist Party. In order to finance the first national "Congreso de Campesinos"⁹¹ in March of 1939, Zapata secretly obtained 30,000 pesos from President Aguirre Cerda. In effect the Popular Front government subsidized the first national Congress of Chilean Campesinos.⁹² Zapata remarked in this regard,

We tried to link the actions of the ligas to the party despite the fact they were not afforded their due importance. The party didn't provide a cent. ["Ni dieron una chaucha"] Everything was at our expense. We obtained from the Minister of Industry free transportation on the trains. I already had this right as Deputy, but not the other companeros. In the Liga there was never a single paid functionary.⁹³

The Liga Nacional offered to the local organizations Zapata's representation in the Congress and intervention in particular problems with landowners and government agencies; information, propaganda, copies of Zapata's speeches; legal assistance; and benefits from Law 5558 and 6290. In this last respect, the Liga distributed applications for loans from the Caja de Credito Agrario and attempted to push these applications through the bureaucratic process required for approval. Less concretely, the Liga offered psychological liberation from the domination of the landowners and occasional assistance in preparing labor petitions or processing formal complaints before the Labor Department. As Zapata put it: "We did not have the necessary resources. Perhaps with more perseverance we could have done more."⁹⁴

By the beginning of 1939 the Liga Nacional had local ligas from Coquimbo to Puerto Montt. A newly installed Popular Front government seemed to provide hope for better conditions for rural labor. The recently elected Popular Front president of Chile, Pedro Aguirre Cerda, was initially praised by the Liga's leadership but, at the same time, Bernardo Yuras cautioned: "The campesinos have their eyes on the new leader and hope that his government will end the regime of the latifundio Chile . . . will finish the labor of independence by eliminating this class [of hacendados]."⁹⁵ The Liga also demanded legal recognition of its existence by the government and "authentic representation in all the state institutions in order that the voice of the 'campesino pobre' be heard."⁹⁶ Thus, by 1939, at the zenith of its national influence after the "congress" in Santiago, the Liga demanded a role in the Popular Front government and posts for its members or representatives in key government agencies.

But the Liga did not only represent a threat to the hacendados. Within the coalition of Marxist and center parties that formed the Popular Front government, intense competition took place for control of the national labor movement. In this struggle Zapata's Liga challenged the Communist Party for control of rural labor. Communist efforts to displace the ligas at the local level, and to eliminate Zapata's influence in the countryside, divided the rural labor movement at a time when unified action was essential in order to resist the landowners repression of the rural labor movement.

COMPETITION BETWEEN THE LIGA NACIONAL DE DEFENSA

DE CAMPESINOS POBRES AND THE COMMUNIST PARTY

The Communist Party, since the days of Recabarren and FOCH's initial intervention in the rural sector, had an ideological commitment to organize the rural labor force and create a "worker-campesino alliance" in a national class organization. From the outset the Party had designated "encargados" [literally "in charge of"] for the countryside, but not until the Popular Front period (after 1936) did the Communist Party systematically engage in rural labor organization on a national scale. In 1937, at the conclusion of a "national campesino congress" in Santiago, Juan Chacón Corona, eventual chief of the Party's Departamento Agrario, was named secretary-general of a newly created Federacion Nacional Agraria.⁹⁷ For the electoral campaign of Aguirre Cerda the Party named Chacón "Encargado Nacional Agrario," and Communist functionaries went to the countryside to rally support for the Popular Front candidate, linking his candidacy to the "agrarian question."⁹⁸ After the elections the party committed

itself to work on a national scale with functionaries in the countryside. From 1938 onward the Communist Party fostered the establishment of legal unions as well as union committees and "free unions" [sindicatos libres] and assisted campesinos in the presentation of labor petitions and the organization of strikes.

While the Liga organized by Zapata had opted for commune-wide associations, the Communists attempted in many cases to conform with the formal stipulations of the Labor Code: "sindicatos industriales" in each fundo and "sindicatos profesionales" by commune, department or region to link together the individual unions. When enough unions had been created in a region the Party attempted to organize a federation "union provincial" or "comité coordinador." All these organizations were in turn affiliated with the CTCH. For example, the Federación de Sindicatos de Asalariados Agrícolas de Requinoa encompassed the Sindicato Profesional Agrícola de Requinoa and the individual unions organized in fundos Santa Amalia, Los Perales, Las Mercedes, Pimpinela, Totihue, Chumaco, Aurora, Los Lirios, California and El Trigal. All, in turn, were organizationally affiliated to the CTCH.

The Communists had ideological and historical grievances against Zapata. From 1932 to 1936, after Zapata left the Party, the Trotzkyite newspaper he directed systematically attacked the "Stalinists." As late as 1968 Zapata's resistance to the Party was not forgotten as these comments in Jose Miguel Varas' biography of Chacon indicate:

From 1915 on a "leftist" group, counter revolutionaries disguised as militant revolutionaries ["dinamiteros"], held positions of leadership in the POS.⁹⁹ These bandits, headed by Pablo Lopez and Emilio Zapata, waged an internal struggle against the position of Recabarren. After the founding of the Communist Party, Lopez and Zapata took advantage of the lack of understanding of Marxism by the majority of

leaders, and continued within the Party as its worst problems. Later they took Trotzkyite positions until they received the kick in the ass they deserved, [hasta recibir, finalmente, la patada en el culo que meredan]¹⁰⁰

More important, the Liga Nacional threatened the Communist desire for hegemony over the rural labor movement and control of the CTCH. Thus, while the campesinos carried on the struggle against the hacendados, the Communists attempted to liquidate the Liga's local organizations and form unions in the fundos where the ligas existed. Zapata, understating the case, observed in 1971:

Relationships with Chacón were strained. Chacón Corona wanted the Communists to have exclusive control over the organization of the campesinos. There was a real competition. They tried to take away our people.¹⁰¹

Particularly strong competition between the Liga Nacional and the Communists took place in the Valley of Choapa—where the Liga was initially quite strong. The Communists sent Cipriano Pontigo—later Deputy for the district—to combat the Liga and create unions. Pontigo began in Tranquilla and then moved to Coiron. Gradually, the Communists dominated campesinos organizations in several of the Choapa fundos. But even when the Liga Nacional practically disappeared after 1942, remnants of the Liga in the valley remained militants of the Partido Socialista, thus preventing monolithic control by the Communists of the rural labor organizations in the valley.¹⁰²

At the first national Congress of the CTCH in July, 1939 the competitive struggle between the Liga and the Communist rural labor organizations came to a head. In April of 1939 the Liga Nacional had sponsored what was billed as the First National Campesino Congress. It sent out a circular to unions and workers' organizations asking their cooperation in the preparation of the coming Congress and

rejecting the temporary suspension of rural unionization decreed by the Popular Front government—which had been agreed to by the CTCH, Communists and Socialists. Several weeks before the scheduled Congress (April 2, 1939), Liga representative Bernardo Yuras made a speech to a group of campesinos from the local ligas in San Bernardo. Yuras' words and the tone of his presentation were an indictment of Aguirre Cerda, the Communists, and other elements who had agreed to halt rural unionization and lower the level of conflict in the countryside. Yuras declared, in part:

You must unite . . . and agitate for economic improvements and begin the conquest to which every Chilean campesino aspires—the end of the latifundio regime. The land should belong to he who works it Comrade campesinos, the solution to the problem [is] to take the land and distribute it among the workers—in production cooperatives or through the Caja de Colonización Agrícola¹⁰³

At a time when the Popular Front Government sought to lower the pressure of conflict in the countryside, the representative of the Liga Nacional called for more agitation and intensification of the struggle against the proprietors of rural land.

Three weeks later the Liga Nacional carried out the Primer Congreso Nacional Del Campesinado Chileno.¹⁰⁴ During this meeting Zapata severely criticized the government, which was secretly funding the Congreso, for the temporary suspension of rural unionization. He was "elected" "Lider del Campesinado"—titular head of the new Federación Nacional del Campesinado (the Liga Nacional plus rural unions and committees controlled by the Socialist Party). The Federación Nacional del Campesinado called for the immediate revocation of the Ministerial order that had suspended rural unionization. The

Congress of Campesinos ended with a declaration that "the right of unionization for the campesinos is inalienable; the Congress is determined to defend this right; the recognition of this right and its exercise is necessary for the maintenance of social peace."¹⁰⁵

Remembering the situation of 1939, Zapata remarked in 1971:

What Aguirre Cerda had to do was tell the patrones that they couldn't use lockouts or sabotage production, and that they couldn't throw people off the land in political reprisal.

I suggested to Aguirre Cerda that he requisition the fundos under the terms of the comisariat, rather than maintain a passive policy toward the class enemies. I told him that his Government had begun its administration without opening a "new book."

Neither Aguirre Cerda nor his Ministers were responsive. They were walls without ears. The Party didn't discipline me because they knew I was right.

Although they possessed the legal means to prevent it, they did nothing while the terratenientes threw the campesinos "into the street" for the crime of voting for Aguirre Cerda or for associating themselves in Ligas or unions.¹⁰⁶

Zapata advocated direct confrontation of the landowners through the legal means available—which would have permitted requisitioning a large number of fundos. Such a tactic went beyond the intentions of Aguirre Cerda and the Popular Front coalition.

In July 1939, just prior to the National Congress of the CTCH in which control of Chile's national labor confederation would be decided between Communists and Socialists, the Communists sponsored the "First National Congress of Rural Unions." This Congress, presided by Juan Chacón Corona, was a clear prelude to the electoral struggle within the CTCH itself. The internal organ of the Central Committee of the Communist Party declared on July 25, 1939:

One of the fundamental objectives of a true Marxist program in Chile consists in forging . . . the worker-campesino alliance.

Those who attempt, like some Trotzkyites, to penetrate the Congress of the CTCH with delegations of so-called "carapesinos pobres" with the exclusive objective of winning votes, are recurring to repugnant "politics" [politiqueria].

The effort to create conflict in the Congress between the proletarian delegations and the delegations of "campesinos pobres," is nothing more nor less than a valuable service which the fifth column [provides] the reactionaries and fascists.¹⁰⁷

This attack was clearly aimed at Zapata and the Liga Nacional de Defensa de Campesinos Pobres. In the CTCH Congress Communist delegates challenged the credentials of the Liga delegations. After an internal struggle resulted in the acceptance of the Liga representatives, the Liga votes provided the margin of victory for Socialist Bernardo Ibañez over his Communist rival for the position of Secretary General [Salvador Ocampo].

Zapata won only a temporary victory. In 1940, unable to tolerate the Popular Front's "temporary" suspension of rural unionization and the Socialist Party's compliance in this "treason to the campesinos," Zapata left the Socialist Party and formed part of the Partido Socialista de los Trabajadores (PST). Unwilling to follow other PST politicians into the Communist Party, Zapata soon lost his seat in Congress and disappeared from national politics. Zapata's ideological commitment and class consciousness would no longer allow him to collaborate with a government in which Arturo Olavarria could eventually be named Minister of Interior, prohibit strikes during the harvest, and put into practice the system of "Final Judgment" [El Juicio Final] to deal with labor conflicts in the countryside. As Olavarria himself described this system:

. . . a group of carabineros would arrive at a fundo accompanied by a convoy of trucks. When the inquilinos

were assembled in the area, the carabinero officer would order those who wished to continue the strike to stand on his left. The officer would then order that the strikers gather their families, cats, dogs, chickens and belongings and get in the trucks to be evicted This tactic I converted into a system. General Oscar Reeves Leiva, Director General of Carabineros called it . . . el juicio final, as the good ones went on the right and the bad ones on the left, as it is hoped will occur one day in the valley of Josafat. Of course I didn't have to use the juicio final many times¹⁰⁸

Zapata lost his congressional seat to his opponent amid rumors he had been given a fundo and had sold out to the Right. Zapata's defeat marked the final decline of the Liga Nacional de Defensa de Campesinos Pobres. Earlier, Bernardo Yuras, the only member of the Executive Committee of rural background, (his father was a Yugoslav peasant immigrant) had resigned because of a personal conflict with the nominal Secretary General of the Liga Nacional—Carlos Acuna.¹⁰⁹ The Liga Nacional had always depended on Zapata. After 1940 the Liga passed into the hands of the Socialist Party where it died a quiet death despite feeble efforts, including those by Marmaduke Grove, to maintain at least some semblance of Liga activity. The Liga's weak organizational structure could not be sustained without Zapata at the hub of the wheel.

THE POPULAR FRONT IN THE COUNTRYSIDE

While the struggle within the Popular Front government and within the CTCH persisted, with the campesinos in the middle, the rural labor force suffered the consequences of landowner retaliation for organization of the Liga and unions and the occurrence of labor petitions or strikes. Despite the fact that the National Agricultural Society had agreed to influence its members to avoid massive dismissals if

the Popular Front parties halted rural unionization, the landowners widely violated this agreement. Landowners joined together and threw union organizers, persons signing labor petitions and participants in other forms of resistance off the land. From all over Chile campesinos flooded the Labor Department with letters, complaints and pleas to defend them against the concerted action of the landowners.¹¹⁰ In some cases rural proprietors attempted to form "yellow unions" and squeeze out the recently formed workers' organizations in their fundos.¹¹¹ More commonly, however, they sought to discredit the unions and dismiss active members. Sometimes this was accompanied by violence against the workers, and destruction of crops and homes. Blacklisting to prevent future employment was routine. The pattern established in the early FOCH rural conflicts recurred as the landowners acted to protect their proprietary interests.

Despite their own retaliatory measures, landowners frantically insisted on rigorous government action to repress the legal unionization of campesinos.

Your Excellency, President of the Republic:

The undersigned landowners of the commune of Pirque wish to inform Your Excellency of the delicate situation in which agricultural activity finds itself in this region, social peace being broken by propaganda directed against the authority and prestige of the proprietors by "outside agitators" [elementos sin vinculacion alguna en la comuna]

[description of formation of rural unions in several fundos] which incites the people to rebellion and social indiscipline. They even told them that the current government favors the division of land among the workers, and in order to achieve this the workers must strongly unite themselves, . . . the agitators then directed their campaign to fundo Lo Arcaya . . . with such underhanded procedures as nocturnal visits to the inquilinos until they convinced them to cooperate in this labor of social dissolution.

. . . all the unions were immediately registered in the books of the Socialist Party Next the

propaganda was directed to the fundos of Señores Astoreca, Hunneus and Viál, where mass meetings of the workers took place on the bridge of the River Clarillo, and where they told the campesinos that the Right was plotting a Revolution; that it was indispensable to be organized and that all should arm themselves as they were able, with rifles, shotguns, revolvers and knives, etc. . . . Saturday more than 300 workers of these fundos abandoned their labors

. . . We have in this commune the initial elements of a State of Revolution. . . . All this disorder is produced under the pretext of the right of rural workers to organize.

Your Excellency, we have desired that these facts be known to you. . . to request that you immediately suspend the processing of the requests for rural union organization in this commune.¹¹²

Once rural unionization was suspended, the landowners moved to destroy the nascent campesino organizations and castigate the workers who had participated in the "subversive" threat to proprietary authority. The Intendente of Curico (in one of many similar communications)¹¹³ informed the Minister of Interior and the Minister of Labor in April of 1939 that,

Because of the unionization of agricultural workers and the labor petitions which they have presented to their patrones, the patrones are preparing to dismiss their workers—a large part of them [the workers] have already been notified. It is necessary to call to your attention the injustice of this matter, since with their labor and the labor of their ancestors they have contributed to the wealth of the patrones. Nevertheless, they don't have enough to provide food for their family if they miss a day's work.¹¹⁴

The rural labor force had no remedy for this sort of landowner retaliation. On the national level, the Popular Front government remained willing to use the police power of the state to defend the proprietary authority of rural landowners. Thus, strikers were met with tactics like the juicio final or simple physical abuse. National police enforced judicial orders for evictions of campesinos. The government provided the coercive means necessary for the hacendados to retain control of the countryside.

Contrarily, the government had administratively "suspended" the rights of rural labor. This meant that the power of rural proprietors extended well past the legal delimitation contained in the Labor Code. The campesinos faced, thus, a situation in which the government supported the landowners' demands for order without reference to the correlative rights of the rural labor force. It was order without law. The landowners correctly viewed the exercise of existing legal rights by rural labor as the "initial elements of a state of Revolution." In a literal sense, respect for the formal rights of campesinos would have entailed revolutionary change for the countryside and the broader political community.

Faced with the massive reaction of landowners to rural unionization and labor conflict—but deprived of the protection of legal unions—the campesinos were tyrannized by the rural proprietors.¹¹⁵

The CTCH, including as it did both Communists and Socialists (and from 1939 to 1941 the Liga Nacional de Defensa de Campesinos Pobres), attempted to defend the campesinos from landowner repression. The National Secretariat and local consejos pressured the various ministries and the President of Chile to protect rural labor's rights according to the Labor Code and to repeal the order against unionization. The CTCH also repeatedly denounced the massive evictions that the landowners were carrying out and the violence to which they subjected campesinos. Labor inspectors who did not respond favorably to rural workers were also denounced.¹¹⁶ The national CTCH leadership forwarded complaints from individual workers,¹¹⁷ rural unions,¹¹⁸ and the local consejos¹¹⁹ to the Labor Department and demanded that appropriate action be taken. The CTCH also sought, unsuccessfully, the right

to represent rural laborers in the labor courts, juntas de conciliación (which handled the labor petitions) and individual conciliations [comparando] with labor inspectors. Since the CTCH did not have legal recognition, this right was denied by the Labor Department. Informal participation of CTCH representatives was often accepted, at the discretion of labor inspectors, if such intervention did not "make difficult the correct application of the laws and neither prejudice nor perturb the reaching of a just and harmonious solution to the conflict."¹²⁰

The CTCH also frequently requested the creation of Labor Department inspectorates or Labor Courts where these did not exist, in order to better process labor conflicts.¹²¹ In November, 1940, the CTCH (like Zapata earlier) came to insist on the simple application of the unionization provisions of the Labor Code in the countryside and proposed a Reglamento for the Code's application in this sector. The CTCH's demands in this regard were ignored. The "temporary" suspension of rural unionization was maintained.

Sometimes, however, the CTCH was able to force landowners and the Labor Department to rectify illegal actions against the campesinos.¹¹² **122** Organized publicity campaigns in the leftist press against particular landowners or against labor inspectors who did not defend the rights of the workers could produce positive results. In the province of Santiago where the Union Provincial de Sindicatos Agrícolas was active, the Communist Party newspaper, El Siglo, often published attacks on landowners and Labor Department personnel who acted contrary to the workers' interests.¹²³ Luis Coray, Communist Party functionary and leader of the Union Provincial de Sindicatos Agrícolas, was so disliked for his belligerence and "meddling" by Labor Department officials

that eventually the Department refused to allow him to represent workers in official proceedings.¹²⁴ ***

But even the limited number of victories won by CTCH-affiliated rural labor organizations and individual campesinos tended to be quite short-terra. Labor petitions, once resolved, could be followed by dismissals. If the labor petitions were ruled illegal, as they often were due to procedural errors or omissions, workers could be dismissed immediately. The legitimate scope and domain of proprietary authority prevented workers from sustaining their claims over an extended period of time. Even where workers obtained temporary successes through resort to legal action or strikes, the rig of existing property law and the operation of administrative hearings for adjudication placed workers at an enormous disadvantage.

Case 22: San Luis de Quilicura, 1940

An illustrative case from the 1940 to 1941 period is the strike in San Luis de Quilicura.¹²⁵ The strike followed a labor petition presented by the workers on November 4, 1940 to the landowner's agent in the fundo. The workers belonged to a union which sought legal status but was unable to obtain legal personality due to the temporary suspension of rural unionization initiated in early 1939. The union was affiliated with the CTCH and advised by Luis Coray, president of the Union Provincial de Sindicatos Agrícolas. The Junta de Conciliación dealt with the labor petition in several sessions and eventually ruled the petition illegal because only 62 workers had signed it instead of the 72 that should have signed to meet the legal minimum requirement of 55 percent of the work force. The landowner

insisted on including sharecroppers in the total and the workers rejected this procedure, but the Junta ruled that the workers should have made clear that the labor petition was "partial" to begin with if this were the case. The landowner proceeded to give notice to various workers and proposed compensation for their unharvested production and pasture rights as well as a special 500 peso indemnity for each campesino evicted. The workers refused the landowner's offer and Luis Coray, in representation of the workers, made a counter-offer. The landowner rejected Coray's intervention into the matter.

The Labor Department sought to intervene and resolve the conflict. After initial contacts, the landowner's agents wrote to the Labor Department as follows:

The strike initiated in the middle of November by 62 signers of a second labor petition was declared illegal.

As soon as the Labor Department was advised of the termination of the respective Labor Contracts, the 62 signers of this petition were, in accord with the law, "outside the fundo"

We immediately reorganized the work in the fundo [utilizing] the newly purchased machinery,¹²⁶ workers who had not participated in the movement, and some voluntarios newly contracted.

. . . of the 62 signers of the last labor petition, 4 left the fundo of their own accord; . . . 22 are still working for the fundo, and of the remaining 36 we have dismissed and obtained the corresponding eviction order for 7 inquilinos, 7 voluntarios and 4 milkmaids, whose behavior had been incompatible with the discipline and respect indispensable in the management of a fundo.

In regard to the eighteen [persons] subject to eviction, voluntarily and for reasons of equity, I have made offers of indemnity through the Labor Department, on the condition that they leave the fundo in a reasonable amount of time. As these proposals have not been accepted, we now revoke them and will not make others, following from here on the relevant legal stipulations.

Since the striking workers no longer have any relationships with the fundo we have nothing to talk about with them and still less with representatives of the CTCH¹²⁷

The legal rights of rural proprietors were still extensive enough, combined with the "de-legalization" of rural unions, to repress rural labor and retain political control of the countryside.

From 1940 until 1946 rural unions and committees of rural workers continued to present labor petitions and call strikes. In 1941, an attempt to carry out a general strike of campesinos failed.¹²⁸ Government belligerence toward rural labor increased. Yet in the same year, President Aguirre Cerda vetoed a Congressional measure that would have outlawed the Communist Party. This measure was a rightist reaction to labor conflict, especially in the countryside. But Aguirre Cerda's willingness to defend the Communist Party's legal status did not affect his commitment to maintain the political basis for the Popular Front's program of modernization-repression of rural labor. Cooperation in Congress from important sectors of the President's own Radical Party as well as from the Right remained contingent on preserving the political domination of the hacendados in the rural sector.

THE RIOS ADMINISTRATION, 1942-1946

In late 1941 Aguirre Cerda died. Elections in 1942 replaced him with a Radical politician with avowedly anti-Communist tendencies, Juan Antonio Rios. Rios, always a member of the more conservative wing of the Radical Party, had made clear his dislike for the "extremist" elements collaborating with Aguirre Cerda. A little more than a year after Aguirre Cerda's election, Rios gave a speech in Talca in which "his words fell like torrents of fire on the Partido Comunista, ally of the Radicals, and which had formed, with the Socialists and

Confederation of Chilean Workers, the basis of the Government."¹²⁹

The "campaign of Communist agitation in the workers organizations . . . along with the incursions of the Party of Laffertte among the campesinos . . . provided ever better possibilities for Juan Antonio Ríos to become President."¹³⁰

Ríos' administration (1942-1946) was characterized by a continuation of Aguirre Cerda's developmentalist program of industrialization and modernization of agricultural production. This program emphasized close cooperation with producers, creation of new services and technical subsidies to the hacendados, and continued repression of rural labor.

Case 23: La Higuera, 1942

Indicative of the milieu in the countryside from 1942 to 1946 were the developments in Hacienda La Higuera owned by Enrique Doll. Labor conflicts on this farm dated from FOCH penetration after World War I. (See Chapter II) In July of 1942 the workers presented a labor petition to the landowner who was also the mayor [alcalde] of the commune of La Ligua. After various delays (the landowner representatives simply failed to attend the sessions of the Junta de Conciliación) Doll dismissed various workers and evicted the leaders of the union from the hacienda. In discussions with the governor of the department, Doll declared that

as owner of his land, he decided the terms and conditions of labor. Those who desire to do so obey, those who do not so desire can leave, since no one has forced them to live on the hacienda.

. . . He took the land away from the workers because of their petitions. As proprietor, he will order when they will irrigate the fields*—the inquilinos

will not give orders to him. . . . He also admitted that he required them to deliver their entire crop to him and that he pays them for their share.¹³¹

*[Theinquilinos could only irrigate their "own" crops at night; they requested a change in this procedure in the labor petition-]

Thus, the landowner insisted that "he would give the orders" in his hacienda. The workers could obey or they could leave. He admitted illegal actions such as requiring the workers to sell their crops to him (specifically prohibited in the Labor Code). The government officials involved took no action against the landowner but instead criticized the "Communist agitator who incited the workers to form unions and make exaggerated demands that could not be met."¹³²⁻⁻⁻

Slowly the large number of unions organized in 1939 to 1940 diminished. By 1944 there remained in the province of Santiago only 34 effectively operating unions (still not legally recognized of course) out of some 55 formed in the early 1939 wave of unionization.¹³³ In other provinces even more severe declines occurred.¹³⁴ Many of these organizations survived until 1943-1944; most, however, succumbed after five years of "temporary suspension" of the possibility of gaining legal status--and of resisting the retaliation of landowners.¹³⁵ **135**

In 1946 President Ríos also died in office. The Radical Party still dominated the left-center electoral coalition but this time nominated an ostensibly more leftist politician as its presidential candidate, Gabriel González Videla. González Videla's electoral campaign, carried out in frank cooperation with the Communist Party, promised repeal of the administrative order that prevented rural unionization. The electoral campaign and the subsequent ministerial participation by the Communists in González Videla's cabinet brought renewed efforts by Socialists and Communists in the countryside and

produced a wave of rural unionization and labor conflicts more massive than that which had occurred in 1939 to 1940.¹³⁶

In January of 1946 Communists and some Socialists again began to make systematic efforts to obtain the repeal of the order which had suspended rural unionization. In Fundo San Antonio de Naltagua (Melipilla, Santiago Province) the workers called upon the labor inspector of Melipilla to formally constitute an agricultural union—knowing full well that the "temporary suspension" remained in effect. When the inspector denied the request the CTCH directed a letter to the Minister of Labor as follows:

. . . the workers in Fundo San Antonio de Naltagua have recently presented a labor petition. At the same time, in light of the provisions of the Labor Code, these workers made . . . a request to the departmental labor inspector, don Raul Trejos, requesting the constitution of a union in this fundo The inspector declared he would not authorize the constitution of the union, being prevented from doing so by a disposition of the Ministry. As the Minister will understand, these workers are exposed to every class of reprisal due to the presentation of their labor petition, a petition which is quite justified given their low salaries and since they have no union through which to defend their interests. For this reason we request that you intervene, authorizing the legal formation of this union and seeing to it that the labor conflict in reference is satisfactorily resolved.¹³⁷

The request was denied. But with renewed penetration of union organizers and electoral agents into the countryside, the dormant rural unions and workers organizations began again to come alive to overtly challenge the power of rural proprietors.

MASSIVE MOBILIZATION OF RURAL LABOR AND RENEWED REPRESSION

González Videla's campaign promise to rescind the "temporary suspension" of rural unionization provided added impetus to rural

mobilization. Juan Chacón Corona, again the Communist Party's chief rural functionary, headed the electoral effort in the countryside and then, upon González Videla's victory, became chief of the Instituto de Economía Agrícola (the agency responsible for setting agricultural prices). For the first six months of González Videla's presidency the rural labor movement, especially those organizations given impetus by the Communist Party, made a frontal attack on the Chilean hacienda system in the most massive threat to property in rural land ever experienced in Chile to that time. Campesinos presented approximately 656 labor petitions to landowners from late 1946 to early 1947. Once the government lifted suspension of rural unionization, rural workers formed over three hundred rural unions, most of them in accord with the provisions of the Labor Code.¹³⁸ With Communist Party functionaries in governmental positions the nationally organized Party-sponsored campesino organizations experienced a resurgence. The Federacitfn Industrial Nacional de Trabajadores Agrlcolas,¹³⁹ under the leadership of Juan Ahumado Trigo¹⁴⁰ called for expropriation of fundos, and committees formed among smallholders, sharecroppers and agricultural workers exerted pressure at the grass roots. Another rural organization supported by the Communist Party, the Asociacindn Nacional de Agricultores de Chile, attempted to organize the non-hacienda rural labor force, especially smallholders, tenants, colonos and sharecroppers. This organization also pressed for expropriation of rural land. For example, the president of the campesino committee in Fundo Nanco (Collipulli, Province of Malleco) wrote to the Minister of Labor in March, 1947:

The committee Nanco of the Asociacion de Agricultures de Chile, over which I have the honor to preside, decided in a meeting yesterday to request your . . . intervention

in the recently initiated procedures for expropriation of Fundo Nanco

This process is urgent: . . . currently the fundo is dismissing workers, evicting inquilinos and raedieros¹⁴¹

The labor inspector who investigated this case reported that the landowner declared "the only difficulties and problems are those created by Lorenzo Medina with his communist propaganda among the workers, which is causing alarm among the landowners" "¹⁴² . .

This new wave of rural activism and unionization which challenged the Chilean landowners in 1947 was met, initially, with much the same tactics as in the period 1939 to 1941. Initial economic gains through collective action by the workers brought retaliation by the landowners. Union leaders were particular targets for dismissal and eviction but other workers were also persecuted. As usual landowners could almost always find "legal" cause for dismissals. Illustrative is a report from the Department of Maipo (Buin) in the province of Santiago in April of 1947. In nineteen haciendas and fundos, 118 workers, and among them 26 union leaders, were thrown out of work and off the land.¹⁴³ All over Chile landowners reacted in like manner to "extirpate the communist threat."¹⁴⁴

Once again landowners and landowner associations appealed directly to the President to stop the drive against their customary proprietary authority and the menace to political stability. Telegrams and letters to the Labor Department, such as the one reproduced below, arrived from all over Chile.¹⁴⁵

Agricultores [in this] province are justly alarmed [by the] formation of rural unions with intervention [of] representatives of [the] Communist Party who introduce themselves into fundos against the will of owners. Political unions, organized in this fashion constitute constant

danger [to the] tranquility [of the] countryside. Will impede development [of] production. Therefore we direct ourselves respectfully [to] Your Excellency. . . .

We ask that you give instructions to labor inspectors to abstain from facilitating [the] formation of rural unions at the request of persons [who are not] personnel, empleados or agricultural workers and principally at [the] request [of] agents [of the] Communist party.¹⁴⁶

Ernesto Aguirre

Pres. Sociedad Agricola

At first on the defensive, landowners recovered quickly and in unity reacted to the threat to rural proprietorship. Repression by landowners was followed by Gonzalez Videla's turn toward the Right, persecution of the Communists and, as pointed out in the previous chapter, adoption of Law 8811 to "de-legalize" the hundreds of unions which had been formed. Finally the Law for the Permanent Defense of Democracy outlawed the Communist Party and served as a pretext for the repression of the labor movement—especially in the countryside. In 1948 the number of labor petitions presented by rural workers dropped from almost 400 (1947) to 24.¹⁴⁷ The decline continued for the next three years, reaching its nadir in 1951 when rural workers presented only eleven labor petitions in all of Chile.¹⁴⁸ ~~148~~

For the most part the workers who did present labor petitions in the countryside during these years were close to urban areas or concentrations of unionized workers or miners. Examples were the unions in the vineyards of Puente Alto, supported by Socialist politico and later alcalde Manuel Muiioz as well as by Socialist senator Carlos Alberto Martinez; workers in the fundos near Lota and Colcura, linked to the coal miners; El Nilhue in Catemu, San Vicente de Naltagua and the unions in the Valley of Choapa also remained active centers of rural labor conflict. In the case of Choapa, the workers' historical isolation and years of organized struggle against the many proprietors

who rented the valley's fundos from the National Health Service provided the basis for the continued existence of sindicatos libres ["free unions"] after the Liga Nacional de Campesinos Pobres and Communist-created legal unions faded away. Some publicly-owned fundos also maintained de facto workers' organizations. These fundos, especially those of the Health Service like those in Choapa, Hacienda Hospital or El Peral, had been organized by Socialists during Salvador Allende's tenure as Minister of Health and the Socialist-Liga Nacional de Defensa de Campesinos Pobres' penetration into these enterprises.

During the 1948 to 1951 period rural labor and Marxist or leftist labor in general went underground. At best leaders acted covertly. When the elections of 1952 returned Carlos Ibañez to the Presidency, an initial coalition with a majority faction of the Socialist Party brought minimum wage legislation to the campesinos. Quickly, however, Ibañez's anti-party, personalist, and basically conservative orientations drove the Socialists out of the coalition and, by 1956, into an opposition alliance with the Communists. During this period the national labor movement reunified, forming the Confederación Unica de Trabajadores (CUTCH). Severe economic difficulties and mounting inflation brought increasing worker militancy. Ibañez, making use of the Law for the Permanent Defense of Democracy, acted to repress the Marxist labor movement. Sporadic repression under the terms of existing anti-Communist legislation was cause enough (until 1955) for the Communist Party to issue instructions to leaders and functionaries not to make themselves targets for arrest through activism in the countryside.¹⁴⁹ As late as 1956, the Ibañez government sent Juan Chacón Corona and various members of the Party Central Committee

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to detention camps in Pisagua because of a general strike effort. As usual, the weakest link in the party-union network, campesino organizations, were the first to feel the effects of repression.

After 1952, however, a new force made itself felt in the countryside to compete with Marxist labor movements and parties in challenging the traditional prerogatives of rural proprietors: the Catholic left. From 1952 to 1964 the rural labor movement would be more heterogeneous and represent a more diverse ideological and political challenge to the power of landowners in the countryside than before. The attack on the hacienda system was now to be justified not only in traditional Marxist language but as a goal of Catholic exponents of social justice. Not only Marx, but also the Pope would serve as an ideological basis for the campesino's struggle against the political domination of proprietors of rural land.

For the campesino, however, who bore the brunt of the struggle, the reaction of landowners to "Catholic" labor petitions and strikes was not to be markedly different than their reaction had been to "Marxist" labor petitions and strikes. The issue remained the political domination of rural labor by the hacendado and the challenge of an organized labor force to the extensive scope and domain of authority of the rural proprietors.

ASICH AND THE FEDERACION SINDICAL CRISTIANA DE LA TIERRA¹⁵⁰

Catholic social doctrine in the late nineteenth and twentieth centuries has provided the basis for a variety of "Christian" political and syndical movements.¹⁵¹ In Chile, prior to 1953, Catholic-oriented labor leaders or worker organizations had played a very minor

role in the rural sector. In 1938, at the suggestion of Oscar Larson, the Catholic Church created the Secretariado Nacional Económico Social among whose objectives was to "procure . . . the economic well being of the campesino."¹⁵² A "Union de Campesinos" was organized as part of the activities of this Secretariado and by 1941 the Unión de Campesinos had about 300 members in twelve fundos.¹⁵³ **153**

According to Landsberger and Canitrot, Larson and Emilio Tagle also assisted the campesinos in the preparation of a labor petition in Fundo Huelquén (Buin).¹⁵⁴ The landowner, who was also a Deputy from the Partido Conservador, attacked the clerics who had participated in this action, suggesting they leave determination of the workers' salary to God and the conscience of the patron.¹⁵⁵ **155**

At another level this conflict represented the growing rift between the Partido Conservador and its youth organization which split off to become the Falanje Nacional (and eventually the Chilean Christian Democratic Party). Soon the landowners began to complain about falanjista lawyers and priests who assisted the campesinos in their claims against the hacendados: "these falanjistas are worse than the communists, since we know how to defend ourselves against the communists, but not so against the falanjistas who have incited the workers in the fundo."¹⁵⁶ The Partido Conservador, traditional ally of the Church in Chile, demanded that the efforts of Larson and his colleagues be stopped and that the Union de Campesinos be disbanded. The Church accepted this demand and sent Larson on missions out of Chile.¹⁵⁷ **157**

Catholic-oriented rural worker organizations were practically non-existent from this time until the creation of the Federación Sindical Cristiana de la Tierra in 1952. This organization, led by

Emilio Lorenzini, took form in the vineyard region of Molina in the province of Talca. Lorenzini began his work in the countryside of Talca as a Falanje politician. Eventually he linked his activities to the Bishopric of Talca and through the Bishop to the Catholic labor organization, Accion Sindical Chilena (ASICH).¹⁵⁸ Interestingly, the Federacion Sindical Cristiana de la Tierra grew out of Vina San Pedro, one of the first rural properties in which legal rural unions had been created, then broken up in 1932. In addition, the Molina region had been a target of FOCH-oriented rural labor conflicts during the 1920's, and saw renewed unionization drives in the 1939 to 1940 and 1946 to 1947 waves of rural unionization.¹⁵⁹ As recently as 1947 strikes occurred in the area. In this sense the Catholic labor organizers, despite their seeming unawareness of this history, were not working in virgin territory.

The landowners reacted to the organizational efforts of Lorenzini and ASICH in essentially the same way they previously dealt with less "Christian" campesino organizations. The threat to proprietary authority was no more acceptable from Catholic organizers than it had been from Communists or Socialists. The landowners viewed Lorenzini as an "agitator" and the landowner association in Lontue¹ protested his activities to the Minister of Interior.¹⁶⁰ In addition, they dismissed labor leaders and members of worker committees in the farms. The police, as agents of proprietary interests, maintained order by harassing Lorenzini and other leaders when they violated "private property" to meet with agricultural workers.

Gradually Lorenzini connected his activities with ASICH's national office in Santiago. He cemented the relationship in 1953

by sending an ASICH-sponsored delegation of campesinos to the Congress of the Central Unica de Trabajadores (CUTCH) in Santiago.¹⁶¹

ASICH-Federacion Sindical Cristiana de la Tierra performed similar services for the campesinos as had other nationally-linked rural labor organizations: legal advice and assistance in labor conflicts and in the labor courts, preparation of labor petitions, and publicity campaigns denouncing abuses of rural proprietors. But ASICH also provided literacy training, labor education, and spiritual guidance.¹⁶² The campesino leaders trained in ASICH's "syndical school" would later become leaders in the national rural labor organizations created after 1960, especially the Union de Campesinos Cristianos.¹⁶³ These campesino leadership cadres represented, in the long run, the most important contribution of ASICH and Lorenzini to the rural labor movement. In the short run, however, the drama of large-scale labor conflicts in the rural areas clouded the importance of cadre formation.

In October, 1953, Lorenzini organized the Primer Congreso Sindical de los Obreros Campesinos de Molina at which the "workers decided" on the content of labor petitions to be presented in the vineyards and fundos in November. Once the petitions were presented, the landowners sought grounds in the Junta de Conciliacion for declaring them illegal under the terms of Law 8811. Such grounds were not difficult to find given the restrictiveness of legislation governing rural labor conflicts. Under Lorenzini's direction the workers then threatened to strike.¹⁶⁴ The workers made good on the strike threat and the movement led eventually to a campesino march on Santiago which was widely publicized in the Santiago press. This "Molina strike" is

generally cited as the most important rural labor conflict in Chile prior to 1964, both for the numbers of campesinos involved and its psychological impact in the national capital. The eventual "victory" won by the campesinos included the release from prison of Lorenzini and other rural labor leaders who had been arrested under the provisions of the Law for the Permanent Defense of Democracy.¹⁶⁵ **165**

From 1953 to 1957 ASICH maintained its role in the countryside around Molina but had less success in expanding the movement outside this region. Labor petitions and strikes, in gradually decreasing number, were repeated for the grape harvests of 1954-1957. Complaints were registered with labor inspectors and enforcement of existing labor legislation requested.¹⁶⁶ Even in 1955, however, before the organization had seriously declined, landowners could still successfully resist much of ASICH's pressure and retaliated against the rural labor force. When the Labor Department declared labor petitions illegal for any number of possible omissions or errors, ASICH, like the Marxist labor organizations, could not prevent landowners from using any of a variety of pretexts to legally dismiss the campesinos who had signed the labor petition. The Labor Department's agricultural inspector on a special assignment to the zone of Molina in 1955 reported:

The vineyards in the region of Molina are in a state of a continuous tension between two forces, one the Asocia- cion de Agricultores of Molina and the other ASICH (Asociación Sindical Chilena) which, on its own initiative, has taken on the representation of the workers . . . about 70 percent of the labor force in the properties of this region.

. . . in the constant struggle between ASICH and the landowners, it is the workers who are injured, those who have direct relations with this organization [ASICH] being dismissed

Friday the 25th of the past month there was a meeting in the Gobernación of Molina. The meeting had to be held in two sessions. First the named authorities [met] with the Asociación de Agricultores and afterwards with ASICH, since the former refuse to come to a meeting in which ASICH participated.¹⁶⁷

The legitimacy of ASICH and of associations of rural labor were still generally unrecognized by Chilean landowners. At times forced to concede short term gains to organized rural labor, the landowners retained the capability to retaliate shortly thereafter and, in most cases, to break the campesino unions. The rights of private property remained so ample and the provisions of the Unionization Law (Law 8811) so restrictive, that even the "victory" in Molina proved to be no victory for those who subsequently suffered eviction or other sorts of reprisal.

The threat of ASICH to rural proprietors in the Molina region declined after 1955 as the organization's strength decreased and Lorenzini left Molina.¹⁶⁸ Landsberger and Canitrot conclude that it was a movement whose time had not yet come, a "false spring; the delicate shoots came out because of a few temperate days, but then comes the first freeze and they perish."¹⁶⁹ While the authors are correct that "unionization [of the rural labor force], like agrarian reform, is part of a brusque change in the distribution of social power,"¹⁷⁰¹⁷⁰ it would be a mistake to view the movement in Molina as a "false spring" instead of part of a recurring pattern of rural labor conflicts (especially in the zone of Molina) followed by government and landowner repression of the campesinos. The ASICH-Lorenzini-led movement formed part of a larger challenge to the political meaning of property in rural land.

ASICH was explicitly in competition with Communist labor organizers in the countryside. Active in a period when the Communists were still

legally outlawed, ASICH, through its journal *Tierra y Libertad*, carried out a systematic anti-Communism campaign. Typical of this attitude was this commentary in March, 1954:

We won in Molina, and as long as we campesinos are not fools and do not put up with [no le aguantemos la pará] the Partido Comunista or Frente del Pueblo as it calls itself now, we shall win everywhere we are united.¹⁷¹

ASICH's ideological and religious commitment to the campesinos must be seen as a Catholic alternative to Marxist conceptions of property and society. In this respect, also, the movement in Molina formed part of a wider struggle within the Chilean polity between varying conceptions of a "new order" which might replace the capitalist system of exploitation. For the landowners, this meant that the challenge to property in rural land became more diverse and sought legitimacy in a changing Catholic Church which now propagated "radical" social doctrine. For the campesinos, entrance of the Catholic left into the countryside meant the possibility of additional allies in the struggle against the hacendado.

In 1960, ASICH formed the Union de Campesinos Cristianos (UCC) to unite the isolated rural unions and farm committees and to expand the activity of rural labor. The UCC, led initially by urban elements

including Lorenzini,¹⁷² dedicated itself to stimulating syndical organizations grouping all classes of rural labor and small proprietors, promoting the "integral" social, economic, technical and moral development of the campesinos, creating services for its members, and supporting an agrarian reform program that guaranteed the active participation of organized campesinos in its formulation and implementation

From 1961 to 1964 UCC carried on the struggle in the vineyard region

of Molina, founded consumer cooperatives, intensified leadership training efforts and maintained regular publication of the syndical journal *Tierra y Libertad*. UCC also continued the tradition of legal services for members and increased efforts to secure governmental regulation of the hacendados through enforcement of existing labor law and enactment of more favorable legislation. Activities ceased to be predominantly local (Molina), as organizational and service operations were extended from Aconcagua to Linares and then outside of the central valley.

Finally, in 1964, the UCC endorsed the presidential candidacy of Christian Democrat Eduardo Frei in *Tierra y Libertad*. Mass meetings and quickie leadership training courses mobilized rural support for the Christian Democratic candidate. After the election Tierra y Libertad declared "The campesinos gave victory to the Christian Revolution."¹⁷⁴ From the localistic organizational efforts of Lorenzini and ASICH a national Catholic rural labor organization had been created which stimulated labor conflicts, demanded agrarian reform and supported the newly-installed Christian Democratic government.

PARALLEL CATHOLIC RURAL LABOR ORGANIZATION

Parallel to the efforts of ASICH, the Church hierarchy gave a new emphasis to rural activity after 1953. In 1952 the National Council of Bishops made the decision to create *Acción Católica Rural* (ACR). Later this basically apostolic organization gave rise to the *Instituto de Educación Rural*.¹⁷⁵ The first rural activity of ACR was carried out by Humberto Minoz in the district of Maipo (Santiago Province) in 1953. To great extent the ACR represented a counterthrust

to Protestant penetration of the countryside. Initial emphasis was placed on forming local leaders [militantes] "who would work permanently in the rural apostolate."¹⁷⁶ **176**

In March, 1955, the Church, with the assistance of progressive landowners, created the Institute of Rural Education. The IER functioned as a technical-doctrinal educational institution, supporting the work of ACR. The IER formed Centros Campesinos within fundos, in agreement with the hacendados because "the solution to the social and economic problems of the countryside require the cooperation of the patrones in projects of community development."¹⁷⁷ The IER, thus, maintained a much less militant line in regard to agrarian reform than ASICH. Likewise, the IER emphasized the need for labor and capital to cooperate in the agricultural sector.

The increasing militancy of other rural labor organizations from 1958 to 1961 created tactical and moral dilemmas for campesinos trained in the IER centers. In 1962 some leaders within the IER proposed the formation of a syndical department to defend the rights of rural labor in a more vigorous fashion.¹⁷⁸ By uniting the Centros Campesinos and cooperatives that the IER had spawned, these leaders created the Asociacion Nacional de Organizaciones Campesinos (ANOC). ANOC was specifically defined as "an association of organizations, not of persons. This association must be apolitical and neutral in matters of religion."¹⁷⁹ By apolitical ANOC meant that party politics should not intrude in the local organizations. The national organization nevertheless declared; "In the future the Congressmen should listen to campesino leaders before dispatching laws that affect [the campesinos]."¹⁸⁰ It also called for direct representation of ANOC in

national institutions like CORFO, the Banco Central, and private banks and corporations because "up to now only the large property owners have received assistance from [these institutions]." ¹⁸¹---

ANOC spread its resources thinner than UCC, extending its activities from Coquimbo to Valdivia. While retaining a somewhat more conservative orientation than UCC, by 1964 ANOC also prepared labor petitions and stimulated strikes in the countryside. The IER continued to support ANOC activity, paying the salaries of ANOC leaders, training leaders and preparing as well as propagating "radio-school" courses. In 1962 ANOC, along with the UCC and the syndical department of the Christian Democratic Party, sent delegates to the National Congress of the CUT. In a fashion quite similar to the reaction of the Communists in 1939 to Zapata's Ligas de Campesinos Pobres, but this time with success, the Catholic rural labor leaders were denied participation in the national labor confederation because they represented "non-syndical" organizations. Fearful of losing control of the CUT, the Marxists successfully prevented incorporation of the Catholic rural labor movement into the CUT. This rejection explicitly defined the Marxist-Catholic split which was to characterize the rural labor movement for the next decade.

ANOC, UCC, and the smaller groups proceeded to carry out their own congress--Primer Congreso Nacional de Campesinos Libres. A decision to create a coordinating committee between UCC and ANOC "to give impulse to a campaign to realize the aspirations of the campesinos as revealed in this congress" foreshadowed the later unification of ANOC and UCC in the Confederacion Nacional Campesino.

Like the UCC, ANOC gave special attention to training leadership cadres. From 1962 to 1965 ANOC carried out three national training

courses for campesino leaders. ANOC emphasized that it was "formed by authentic campesinos . . . year after year these men have the duty to orient, advise and represent the rural masses They must continue to study the manner to prevail against the egotism of the latifundists and, on the other hand, against the . . . politicians who desire to take advantage of the campesinos' ignorance".¹⁸² To this end ANOC sponsored (1962-1965) twenty-nine provincial and fifty commune level leadership courses. During the same years ANOC assisted campesinos in 131 labor conflicts and made 175 formal complaints to the Labor Department against rural proprietors.¹⁸³

By 1964 the two major groups of Catholic rural labor organizations represented an important challenge to landowners in rural Chile. Adopting tactics of labor conflict which, with the exception of land occupations or "recuperation," were identical to Marxist rural organizations, the Catholic rural labor movement provided an alternative syndical umbrella for non-Marxist campesino organizations.

RESURGENCE OF MARXIST ORGANIZATIONS IN THE COUNTRYSIDE

The presidential elections of 1953 had once again sent leftist political organizers to the countryside. The Partido Socialista which supported the candidacy of ex-dictator Carlos Ibanez combined with the personalist Partido Agrario Laborista in forming committees against "vote-buying" [co-hecho] in efforts to win rural votes from the traditionally patron-controlled rural labor force. During the first months of the Ibanez presidency, ASICH-led rural labor conflicts in Molina further threatened the stability of the domination of the rural proprietors. Minimum-wage legislation, backed by the Socialist

participants in the Ibañez regime, somewhat upgraded the conditions of rural labor. But the Socialist Party soon withdrew from the Ibañez cabinet and the regime gradually moved toward the right of the political spectrum. The Communists and Socialists, in combination with other less important populist movements and parties, formed a "Frente de Trabajadores" and then, in 1956, the Frente de Acción Popular (FRAP). This coalition survived during the next eight years and was almost victorious in the Presidential elections of 1958.

The Communist Party, slowly recovering from the repression of the González Videla period, was able by 1954 to re-activate the Federación Industrial de Trabajadores Agrícolas (FINTA), shortening the name to Federación Nacional de Trabajadores Agrícolas. Juan Ahumada Trigo remained in charge of this organization, assisted by another Communist functionary-politico by the name of César Cerda. A letter to the Special Investigatory Commission of the Chamber of Deputies, a committee appointed to review the conditions of rural labor, provided evidence of this organization's widespread activity on behalf of rural labor. The Federación Nacional de Trabajadores

denounced the dismissals and evictions of campesinos as retaliation by the landowners for efforts to organize rural labor unions, to present labor petitions, or to register formal complaints with the Labor Department in fundos in Aconcagua, Valparaíso, Santiago, O'Higgins, Colchagua and Bio Bio.¹⁸⁵ The letter to the Commission also made general reference to lack of compliance with requirements to pay the family allowance, minimum wage, and social security taxes. The Federación also urged an extensive agrarian reform program, investment in rural education, improved medical services in the rural sector,

and the repeal of Law 8811 followed by application of the Labor Code's unionization provisions in the countryside. Finally, the Federación urged that the number of labor inspectors be increased and that they be provided transportation for making visits to the fundos when complaints were registered.¹⁸⁶ ---

In short, the Communist-dominated Federación Nacional de Trabajadores Agrícolas had a program for the countryside—something lacking even in the case of ASICH. It also had groups of workers organized into committees or sindicatos libres in fundos all over Chile. Some of these fundos had first been organized by FOCH, then again in the 1939 to 1940 wave of unionization, and for a third time in the 1946 to 1947 mobilization in the countryside. In other fundos the organizational efforts went back only to 1947 or even the election campaign of 1953. Nevertheless, in 1953, (and outside of Molina) the Federación Nacional de Trabajadores Agrícolas was the only activist class organization which challenged the authority of rural proprietors on a national scale and attempted to obtain compliance with labor legislation while further delimiting the legal prerogatives of the hacendados. By the presidential election of 1958 the extent of this organization in the countryside—underestimated by the traditional political parties—became apparent as the Socialist-Communist (FRAP) candidate, Salvador Allende, fell only about 35,000 votes short of gaining a plurality (over Jorge Alessandri) with significant vote totals in the rural communes.

After Ibañez's election in 1953, the Federación Nacional de Trabajadores Agrícolas adopted a systematic tactical plan for organizing rural labor. The basic effort consisted in making operational

the slogan "worker-campesino alliance." Explaining this tactic to a group of Marxist experts on the agrarian question in Cuba in 1962, Juan Ahumada stated:

For a long time now the Federación de Trabajadores Agrícolas has relied on the unions of industrial workers and miners and the consejos of the Central Unica de Trabajadores, soliciting their aid which takes many forms. One of the most effective has been that in which an industrial union resolves to take charge of the assistance and attention to a rural union or committee of campesinos. We have called this APADRINAMIENTO. The industrial union becomes a sort of Godfather [padrino] of the campesinos. In this fashion we have industrial workers who go to the countryside and commit themselves to the attention of campesinos or agricultural workers; providing, from the industrial unions, medical attention and legal assistance in the case of labor claims or collective labor conflicts which are not legal

Another manner of helping is that in which industrial unions designate one or two members to participate in the Federación de Trabajadores Agrícolas as activists and in this capacity go out to the countryside and attend to rural organization.¹⁸⁷

The Federación Nacional de Trabajadores Agrícolas, through Communist Party officials, functionaries, urban union leaders, and campesino cadres, organized hundreds of "comités campesinos" (in fundos with less than 25 workers) and sindicatos libres. These organizations transmitted complaints to the national organization or local CUT consejo and were assisted in dealing with the landowners and Labor Department bureaucrats.

Like all Chilean rural labor organizations before and after, the Federación Nacional de Trabajadores Agrícolas served the important function of mediating between campesinos and government agencies, especially in presenting complaints against rural proprietors. The intensity of activity of the Federación reached a peak in the 1955 to 1956 period, but continued into 1958. Public demonstrations, propaganda campaigns, and especially the activism of leftist deputies

and local politicians accompanied numerous formal complaints to the Labor Department against individual landowners for violations of the law. In many cases the Federaci6n obtained visits by labor inspectors to fundos where their members worked in order to insist on compliance with labor legislation. Given the lack of resources and small number of rural inspections carried out by the Labor Department, pressure by organized campesinos, represented at the national level by Juan Ahumada, meant that selective benefits in the form of legal compliance could be provided the Federaci6n membership.

Retaliation by the landowners was, as usual, directed against participants in "subversive" organizations or activities. For this reason campesinos often held meetings at night in out-of-the-way locations. Membership was not always acknowledged. In this sense the activity of the Federaci6n was less overt than in the periods of massive rural mobilization and efforts to constitute rural unions. Legal labor petitions being difficult to present, the campesinos had recourse to other tactics.¹⁸⁹ This also decreased, somewhat, the vulnerability of campesinos whom the law required to sign labor petitions.

The resurgence of rural labor activism combined with "free union" organization formed part of a planned programmatic decision by the Communist Party to renew the struggle in the countryside to coincide with a more general offensive against the Ibanez regime.¹⁹⁰ On the national level this decision brought increased and more vigorous enforcement of the Law for the Permanent Defense of Democracy and sent various party officials to detention camps in Pisagua.¹⁹¹ The Minister of Interior, in a Circular of September 20, 1955, reminded Gobernadores and Intendentes that it was their duty to prevent "Communist"

participation in union leadership. Labor Department personnel also received these instructions with the threat of severe sanctions for those who were not diligent in preventing "communists or members of other anti-democratic factions or movements" from occupying leadership posts in unions.¹⁹²

The Ibañez government, however, did not have consistent policies on this issue. At the same time that the government ordered repression of Communists, the Labor Department formally invited the Federación Nacional de Trabajadores Agrícolas (along with ASICH and SNA) to send representatives to participate in the Department's "Advisory Commission on Agricultural Labor."¹⁹³ The Federación named Cesar Cerda C. and Juan Ahumada Trigo—individuals about whose long-time Party affiliation there was no doubt. Yet they worked within the Commission and were annually thanked by the Labor Department for their participation.¹⁹⁴ **194**

Throughout the 1953 to 1958 period the Federación Nacional de Trabajadores Agrícolas remained active in the countryside. In many cases the Federación's intervention forced landowners to pay back wages, reevaluate regalías, rescind dismissals, update (or introduce) labor contracts, or otherwise respond to campesino demands. In addition, the Federación maintained a center in Santiago to train campesino leadership cadres. Rural labor represented by the Federación Nacional de Trabajadores Agrícolas went on the offensive in an effort to force rural proprietors to comply with labor law and to organize groups of campesinos the length of Chile. Through the Federación's own newspaper, *El Surco*, as well as in *El Siglo*, the Communist Party paper, denunciations of abuses by landowners or non-responsive labor inspectors publicized the campesino's situation and forced remedial action by the

government.¹⁹⁵ The Asociación Nacional de Agricultores (smallholders, colonos, sharecroppers) and the Asociación Nacional de Indígenas (Indians—especially in the southern provinces from Arauco to Valdivia) were also revitalized. These organizations reactivated the struggle for "a real agrarian reform which would provide land for the tiller" and the return of ancestral lands to the Mapuche in southern Chile.

Despite the national scope of the Federación, in each province or rural district its members were isolated on individual fundos. The Federación lacked organizational infrastructure. Provincial federations or regional associations to link the fundos did not exist. Contacts with national headquarters were through Party functionaries, industrial workers and miners, or individual campesino leaders. The movement remained, in this respect, fragile—a skeleton to be fleshed out if a viable national organization was to be constructed.

PRELUDE TO THE PRESIDENTIAL ELECTION OF 1964

The Federación Nacional de Trabajadores Agrícolas and ASICH¹⁹⁶ remained active in the countryside. Neither represented the great mass of rural labor, but their activity in regional and local centers maintained sporadic pressure on rural proprietors. Both were extensions of national political movements—as had been most rural labor organizations before them. As in 1919, the struggle of the campesinos against the landowners was linked to broader questions of national politics. The political power of the hacendados in the countryside remained extensive—as did their capability to influence policy of the national government in matters connected to their position in the

countryside. But by 1958 the challenge to this capability had grown serious. As one of the last acts of his presidency, Ibañez arranged for the repeal of the legislation which had outlawed the Communist Party in 1948. The 1958 presidential campaign, thus, became the first time in a decade in which the Communists could overtly participate in national elections. The Communist-Socialist (FRAP) coalition, through the dispersed organizational contacts of the Federación Nacional de Trabajadores Agrícolas and the smaller Asociaciones, made great electoral gains in rural areas. Only the 41,000 votes received by a "radical" priest from Aconcagua (the so-called cura de catapilco) prevented the FRAP candidate from being victorious.

During this campaign, the Communists distributed an agrarian reform proposal as part of FRAP electoral propaganda¹⁹⁷ and the agrarian question once again came to the forefront of national attention. Shortly after Jorge Alessandri occupied the presidency in 1958, Fidel Castro was victorious in Cuba. Land reform became an issue of principal concern throughout Latin America. Chile was no exception.

Throughout the Alessandri presidency the Marxist-oriented rural labor organizations increased pressure on the government and rural proprietors through labor petitions, strikes, and land occupations. At the same time, ASICH and the Christian Democrats made large commitments in the countryside. The rural sector became the center of national political struggle between the Christian Democrats and the FRAP coalition. Competition between these groups was reflected in efforts to organize rural labor and put pressure on the incumbent government.

By 1961 the principal Communist and Socialist rural labor organizations joined under the banner of the Federación Nacional Campesina e Indígena.

Jose Campusano,¹⁹⁸ long-time Communist Party functionary and activist, headed this organization.¹⁹⁹

From 1960 until 1964 the competition between the Catholic rural labor movement and the Marxist federation placed increasing pressure on the authority of rural proprietors.²⁰⁰ Both Marxist and Catholic organizers opted for illegal tactics and "free unions" or rural committees. Where legal unions still managed to survive, however, the same old struggle between landowners and organized campesinos continued. Likewise, the same pattern of campesino complaints or petitions and landowner retaliation—dismissals, evictions, "changes in modes of production for purely commercial reason," placed even the legal unions (given the restrictiveness of Law 8811) on the defensive. While the Marxist organizations attempted to link rural organizations to urban and mining unions and ASICH maintained strength in the Talca-Curicó region, the results were much the same for the campesinos—intimidation and repression. Illustrative are several case histories from this period.

Case 24: San Miguel, the vineyards of Molina

In 1960, as in almost every year since 1953, the workers in the vineyard Vina San Miguel (Molina) presented a labor petition to the vineyard's administration. These workers had been organized in a legally recognized rural union since 1954 (Sindicato Agrícola Fundo y Vina San Miguel, Decreto 4420, December 7, 1954). The administrator of the fundo, in answering the petition, informed the workers that a plan was under study whereby a "change in the mode of exploitation" of the vineyard would replace the seventy-odd voluntaries and eight

trateros²⁰¹ with twenty-seven voluntarios and twenty trateros. Among the voluntarios to be eliminated were several leaders of the union. The workers wrote to the Minister of Labor in August of 1960, declaring in part:

It is easy to understand the enormous alarm that this attitude has produced not only among the workers of Viña San Miguel, but also among the other campesinos in the region, since it is clear that what is intended is to trample the rights established in the Labor Code and threaten the workers so that they do not formulate petitions for economic improvements to the patrones²⁰²

The Labor Department sent an inspector to investigate the case. The inspector reported that "this change [in the mode of production] has not yet occurred, but when [the fundo] decides to carry it out, it will seek prior authorization as required in Article 86 of the Labor Code."²⁰³ No doubt existed concerning the legal rights of rural proprietors to change the mode of production in their properties in order to avoid the costs of dealing with labor petitions, or to threaten such changes in order to intimidate the workers. Again, the legal rig of the situation placed rural labor at the mercy of landowners—unless they were willing to violate the law by striking or physically resisting evictions. When this occurred the landowners could obtain judicial orders and require carabineros to remove the campesinos from their homes.

Case 25: San Vicente de Naltagua

In San Vicente de Naltagua a legally-recognized rural union had existed since October of 1947, linked to a number of industrial and mining unions in the Talagante region, and affiliated through the years with the various Communist Party-supported federations. In 1961, due to

labor conflicts, the landowner eventually dismissed forty-six workers, including three union leaders. Unlike non-rural labor leaders protected by the Labor Code, rural labor leaders did not enjoy immunity from dismissal [inamovilidad] under the terms of Law 8811.

In a letter to the Director of the Labor Department in August 1961 the "Comité Departamental de Sindicatos Talagante" wrote on behalf of the campesinos as follows:²⁰⁴ **204**

The Comité Departamental de Sindicatos Talagante . . . in light of the grave situation facing Sindicato Campesino San Vicente de Naltagua due to the dismissal of three of its officers, secretary, treasurer and director, in addition to 43 other members, requests the following:

1. That the Director request the representatives of the Firma de Inversiones Agrícola to reinstate the three leaders dismissed, there not existing legal cause for dismissal according to Article 9 of the Labor Code,
2. That the other workers be reinstated since the fundo has work for this year,
3. That the labor petition pending before the labor inspectorate in Talagante be discussed with all the leaders of the union and processed in conformity with the stipulations of the Labor Code,
4. That the conversations to settle this conflict be held in the presence of the Director [of the Labor Department] and our representation be permitted [in these] conversations.²⁰⁵

The Labor Department "solved" the case September 11, 1961, when with the intervention of the local labor inspector, the workers were legally dismissed and paid the appropriate compensation. The union leaders were also fired since "they lack legal immunity [inamovilidad] and they were therefore not reinstated, although the inspector did his best to achieve this end."²⁰⁶

Case 26: Nilhue,
Catemu

In February of 1961 the Sindicato Agrícola del Fundo El Nilhue

(Catemu, Aconcagua Province) complained to the Labor Department about lack of attention by the local labor inspector to their demands for legal compliance by the landowner. The landowner failed to provide the workers with the statutory three percent of total salaries that the law required be turned over to the union. He had also violated the law in several other respects.

In answering the charge against him the local labor inspector did not deny either the impoverished condition of the workers or the landowner's lack of compliance with the law.

I must report . . . that the administrator of the fundo El Nilhue has been denounced for failing to pay the union promptly three percent of the salaries to which the Union is entitled.

. . . it is very probable that the complaints are justified, since it is known that in this fundo the conditions of the workers' lives leave much to be desired. Even if it is true that the minimum salary is paid, the workers do not have any other benefits; they do not have permission to raise a minimum quantity of animals, nor do they have a small plot of land to plant. In addition, the houses they inhabit are inadequate. However, this Inspectorate finds itself incapable of doing anything to help these workers, since the fundo is at a great distance from Catemu and this Office, as you know, has no means of transportation.

I must tell you again that when, in an agricultural province like Aconcagua, we cannot count on our own transportation, the function of the Labor Department will be meaningless [since] personnel must restrict their activity to a reduced area, or as in the present case, to the urban sector, where only a minimal number of workers are employed.²⁰⁷

Even the legal unions had a difficult time defending their interests as long as the Labor Department remained unable to enforce labor legislation. For the landowners this was a "license" to repress the campesinos who challenged their authority.²⁰⁸

During the 1960-1964 period the organizational activity of Marxist and Catholic-Christian Democratic parties and labor organizations in the

countryside intensified the pressure on the Labor Department as well as on the landowners. Agitation in the countryside by Marxist and Christian Democratic labor organizers and politicians often concentrated on the legal violations committed by the landowners. A particularly notorious area of legal evasion was that of family allowance payments. The complicated procedures and restrictive eligibility requirements stipulated in Law 8811 made it quite easy for landowners to "legally" break the law. Pressure on landowners and the Labor Department brought government response in 1960 and again in 1963.

In 1963, Decreto R. R. A. No. 23 established (in conformity with the Agrarian Reform Law of 1962—Law 15.020) a special procedure for dealing with complaints about nonpayment of the family allowance by landowners to the campesinos. Landowners were liable for family allowance payments under conditions specified in Law 8811 of 1947. When complaints about non-payment multiplied after 1958, a special commission was formed by the government (1959) in each Intendencia and Gobernacion to process these claims. Normally this task would have been exclusively handled by the Labor Department and the Social Security Administration. The mushrooming claims, however, quickly revealed the inability of the Labor Department, without substantially increased resources, to handle the case load. These commissions, however, were not entirely successful. They relied to great extent on Labor Department personnel to make inspections to verify claims—thus not resolving the basic problem of insufficient personnel and lengthy claims procedures. In 1963, Decreto R. R. A. No. 23 established new procedures for handling these claims of non-payment of family allowances to the campesinos. That new measures were called

for because of activism in the countryside was made explicit in the Decree's preface which read, in part: "There has existed a veritable 'Black Legend' about the robbery of family allowances by inscrupulous patrones [This] caused not only damage to the affected workers but an ambience of discontent affecting the whole agricultural sector and constituted a gratuitous offense to those patrones who correctly fulfilled their obligations there has also existed a tendency to generalize the ambience of mistrust . . . with evident purposes of political and social agitation among the campesinos"²⁰⁹ ²⁰⁹

By 1962 the Labor Department was simply unable to deal with the mass of complaints coming from newly founded campesino committees, leftist and Christian Democratic politicians, and the national rural labor organizations. Both Marxists and the Christian Democrats began to rally rural labor behind the slogan of "Agrarian Reform," as well as focusing on landowner violations of labor law. The countryside was seen as a crucial sector for the upcoming presidential elections.

In this respect it is important again to qualify the Christian Democrats' claims that there were but twenty-some rural unions in Chile and the rural labor force a "marginal" unorganized mass when they took office in 1964. As José Luis Pistono, long-time Falanjista-Christian Democrat and (in 1955) President of the Departamento Campesino of ASICH remarked in 1971:

Many illegal unions and rural committees were formed between 1959 and 1963. In 1959, in Buin, we went to organize campesinos and they threw them out of the fundos From 1959 until 1963 we organized strikes in Curico, Talca, and Santiago. The claim that there were only a small number of people organized in 1964 is a lie. ²¹⁰

Evidence that Pistono was not exaggerating is not difficult to find.

From 1962 to 1964 strikes and labor petitions, as well as land

occupations, again became more common in the countryside. Campesino farm committees linked together through Marxist or ASICH-Christian Democrat organizers existed all over the countryside.

A typical case is that of the "Comité Campesino de la Hacienda Curillinqui" located in the commune of San Clemente, in the province of Talca. On November 4, 1963, the workers in the hacienda presented a labor petition at the local Labor Department Inspectorate. As in the past, the petitions reflected an effort by rural labor to force the landowners to comply with existing obligations and legislation. The landowner was behind in paying salaries, family allowances and social security taxes. Labor contracts were not in force as the law required. In a session at the Labor Department Inspectorate on February 5, 1964, the landowner admitted in writing that he had been violating the law and agreed to comply in the future as well as pay back salaries.²¹¹ The workers gained a short-term victory.

The competition between Marxist and Christian Democrats in the countryside provided the campesinos new allies at the same time that pressure on landowners and the government increased.²¹² The upcoming electoral struggle of 1964 provided, once again, a critical role for rural labor in the national political arena. As had been the case since the first rural unionization efforts in 1919, the fate of rural activism and rural unions depended upon the resolution of political struggle at the national level. In 1964, whether Marxists or Christian Democrats were victorious, the traditional authority of rural proprietors would be explicitly challenged.

As in previous crises of the Chilean political system, the political meaning of property in rural land came to the forefront

of national politics. This time, however, the ability of landowners to manipulate elections in the countryside had been seriously weakened. At the same time, mobilization of rural labor with slogans calling for agrarian reform was a principal aspect of both Eduardo Frei's and Salvador Allende's electoral strategy. On the outcome of the electoral campaign depended the type of changes which property in rural land would experience and to some extent the role of rural labor in participating in the transformation of the Chilean countryside.²¹³

Manipulation of the electoral process had been an important foundation of the political domination of rural proprietors in the countryside. The electoral reform of 1958 and the subsequent mobilization of rural labor by Marxist and Christian Democratic organizations thus came to play a key role in the challenge to the traditional scope and domain of authority of the hacendados. It is necessary, therefore, before discussing the transformation of the political meaning of property in rural land after 1964 (Chapter IX), to analyze the historical role of political parties and the effect of elections in the Chilean countryside. Political parties and the electoral process, once bulwarks of the rural property system, came finally to be agents in the transformation of the traditional meaning of property in rural land.

FOOTNOTES TO CHAPTER V

1. **Almino** Alfonso, et. al, Movimiento Campesino Chileno 2 volumes (Santiago de Chile: ICIRA, 1970), "Introducción," pp. 1-2.
2. For a bibliography on agrarian reform in Chile see José Besa **García** Tenencia de la Tierra y Reforma Agraria (Buenos Aires: LESAL, Ediciones Troquel, 1968) and the bibliography contained in CIDA, Chile, tenencia de la tierra y desarrollo socio-económico del sector agrícola (Santiago: 1966). Citations for more recent studies can be found in the bibliography included at the conclusion of the present study.
3. Editorial in La Prensa (Santiago de Chile: September 5, 1971).
4. Legislative and administrative reaction to rural unionization is discussed in Chapter IV.
5. **James** Petras, Politics and Social Forces in Chilean Development (Berkeley and Los Angeles: University of California Press, 1969), pp. 256-257.
6. For a discussion of the "social question" in English see **James** O. Morris, Elites, Intellectuals and Consensus, A Study of the Social Question and the Industrial Relations System in Chile (New York: New York State School of Industrial and Labor Relations, Cornell University, 1966), especially Chapter 4, "The Social Question," pp. 78-118.
7. A recent study by Arnold Bauer contains valuable information about the rural sector in nineteenth century Chile but does not deal with labor conflict. Arnold Bauer, Chilean Rural Society in the Nineteenth Century, Doctoral dissertation (Berkeley: University of California, 1969).
8. Manuel José Balmaceda, "Manual Del Hacendado Chileno," Antología Chilena de la Tierra, (Santiago de Chile: ICIRA, 1970): 54-80.
9. **José** Campusano, long-time Communist Party militant and leader in rural labor organizations, suggested that an example of campesino struggle in the late nineteenth century was the conflict between the comuneros at Espirtu Santo and police in 1896. The campesinos attempted to defend their land against usurpation by an hacendado. (Interview with José Campusano, Santiago de Chile, October 15, 1971). Serious historical research is needed to determine the quality and intensity of rural labor conflict in the nineteenth century.
10. The strike was recorded in Los Andes, February 3, 1911. The hacienda involved is not identified.
11. The 1919 to 1921 period seems to have been a critical moment for workers' organizations in Chile. After World War I the "social question" became paramount and the Labor Office data on strikes suggests

a largely expanded movement. From 1911 to 1920 the Labor Office records the number of strikes and workers involved in these conflicts nationally as follows: (Boletín de la Oficina del Trabajo 1922, 263)

<u>Year</u>	<u>Strikes</u>	<u>Number of Workers Involved</u>
1911	10	4,762
1912	18	11,154
1913	17	10,490
1914	5	829
1915	-	-
1916	16	18,523
1917	26	11,408
1918	30	24,392
1919	66	23,529
1920	105	50,439

12. Labor Department statistics generally understate the extent of rural labor conflict and strikes. The data for 1919 to 1920 for example, does not include a strike which took place in Hacienda Colcura (Concepción) in 1920 in which the landowner wrote to the Labor Office as follows: "I acknowledge with pleasure your oficio No. 124 of the 4th of the present month in which you ask me some questions with reference to the strike in this hacienda. Since the current strike is the continuation of a movement latent in this Hacienda for more or less two months, and there is no labor petition on the inquilinos' part, I would ask you to please wait until the end [of the movement] in order to provide you a detailed account . . . which I am sure will be of great use to you since, as I understand it, this is the first agricultural strike in the country." (Letter from representative of Enrique Matthews, Lota, February 7, 1920, Oficina del Trabajo, Comunicaciones Recibidas del Interior 1, 1921).

Note: The letter is dated 1920--apparently a typing error, since it makes reference to the-Labor Office oficio No. 124 of February 4, 1921. No. 124 is directed to Ladislao Munita Rispatron, Administrador de la Hacienda 'Colcura,' and asks for information concerning the strike by inquilinos in the hacienda. A copy can be found in Oficina del Trabajo, 1921, la Cuatrimestre, Comunicaciones Enviadas. Likewise, a strike in Hacienda El Escuadron or 'Coronel' in March of 1921 is ignored in the Labor Office's summary of labor conflict. (See oficio 1391, Santiago, 20 Diciembre 1921, Oficina del Trabajo 3a Cuatrimestre Comunicaciones Enviadas; Inspeccion de Concepcion, oficio sin numero, 20 Mayo, 1921, Comunicaciones Recibidas, 1921; oficio 10, Concepción, 18 Julio, 1921, includes the terms of settlement or acta de avenimiento).

13. 1. 22 Mayo in Valparaiso, solved with arbitration, intervention of Labor Office; 2. 8-22 Agosto in Limache, workers obtained higher salary and better food rations, solved with the intervention of police; 3. 3 Mayo in Quillota, solved through arbitration, workers obtained higher wages; 4. 22-30 Mayo, Vichuquen, strike leaders dismissed. Strike ended peacefully with intervention of the police; 5. 25 Abril, Quillota, solved through arbitration, workers obtained higher salaries.

14. Consejo Federal No. 2, Inquilinos, Iilapel, Los Homos; Consejo Federal No. 1 de Agricultores, Iilapel, Pintacura; Consejo Federal No. 1 de Agricultores, Illapel, Tunga; Consejo Federal No. 1 de Agricultores Los Vilos; Cabilolen; Consejo Federal No. 1 de Agricultores, La Ligua; Consejo Federal de Agricultores, Cocalan; Consejo No. 2 de Agricultores Puchacavi; Consejo Federal No. 2 de Agricultores, El Melon; Consejo Federal No. 1 de Agricultores, Nogales; Consejo Federal No. 2 de Agricultores, Nogales; Consejo Federal No. 1 de Agricultores; Colina; Consejo Federal No. 2 de Agricultores, Quilicura; Consejo Federal No. 1 de Agricultores, Talagante; Consejo Federal No. 1 de Agricultores i Oficios Varios, Peiaflor; Consejo Federal No. 1 de Inquilinos, Nos; Consejo Federal No. 1 de Campesinos, Nipas (Concepcion); Consejo Federal No. 3 de Campesinos, S. Pedro, Concepción; Consejo Federal No. 6 de Campesinos, Escuadrón, Coronel; Consejo Federal No. 8 de Campesinos, Calabozo, Coronel; Consejo Federal No. 4 de Campesinos, Colcura, Lota; Consejo Federal No. 6 de Campesinos, Curanilahue; Consejo Federal No. 1 de Oficios Varios e Inquilinos, Cherquenco (Cautin); Consejo Federal No. 1 de Agricultores La Union, (Valdivia).

15. For example, in 1924 members of the Consejo Federal de Oficios Varios in San Javier, Linares were accused of setting fires to the harvest in this region. See Jorge Barria S., Los Movimientos Sociales de Chile (1910-1926) (Santiago: Editorial Universitaria, 1960), pp. 327-328.

16. The complete text of this letter can be found in El Agricultor (Santiago: Mayo, 1921), pp. 88-91. Parts of the letter are reproduced in Almino Affonso, et. al, op. cit., pp. 17-19.

17. Text of the letter in El Agricultor, ibid., and Almino Affonso, et. al, ibid., pp. 20-23. Robert Alexander (Labor Relations in Argentina, Brazil and Chile (New York: McGraw Hill, 1962), pp. 237-238)) claims that "Alessandri was only allowed to come to office as a result of a tacit agreement that the landlords be left untouched. This meant that there would be no attempt at agrarian reform, and that the government would not allow the organization of agricultural workers into unions."

18. Ibid.

19. Barria Seron (op. cit., 307, 310, 313-314, 324, 327, 336) describes partial successes by campesinos in labor conflicts.

20. By October of 1921 the SNA reported (El Agricultor, Octubre 1921, 206-207) that President Alessandri had constituted a commission with representatives of the SNA and of FOCH to study "the problems derived from the social question in agriculture" and to "attempt to harmonize the interests and aspiration of all to the benefit of the nation." (Cited in Almino Affonso, et. al., I, op. cit., p. 304, footnote 19.)

21. Letter to Pedro Aguirre Cerda, Ministerio del Interior, 3 Mayo, 1921. A copy of this letter can be found in Comunicaciones Recibidas del Interior, 2, 1921.

22. For its part the FOCH Junta Ejecutiva de Santiago added the following complaint: "For the same motives ... in Fundo Lo Herrera, property of señor Eliodoro Yañez inquilinos Rosalindo Salinas (with 20 years of service) Juan B. Lopez (with 27 years of service) and Rufino Lopez, a voluntario who is imprisoned in the police post (Reten) in the fundo have been dismissed. Awaiting justice and support for these humble workers Enrique Diaz Nera, Secretario.

23. Letter from Secretario General of FOCH to Moises Poblete Troncoso, Jefe de la Oficina del Trabajo, 10 Mayo, 1921, Comunicaciones Recibidas del Interior 2, 1921.

24. For a collection of such letters to Chilean presidents from 1939-1970 see Brian Loveman, El Campesino Chileno le Escribe a su Excelencia, (Santiago de Chile: ICIRA, 1971).

25. Another letter to Alessandri in the same year read: "a los reiterados reclamos verbales que a S.E. ha hecho referente a los abusos de los dueños de los fundos de Illapel, Estancilla, Aculeo y Calabozo, para con sus trabajadores tengo que agregar hoy que los patrones señores Carlos Valdés y Esteban J. Echenique, duenos de los fundos Vichucalén y J. Errazuriz V. dueno del fundo La Estancilla han declarado el lockout por el solo hecho de que los trabajadores de estos fundos se han asociado en los Consejos de inquilinos. Todos los trabajadores de las haciendas han sido notificados de que en el termino de seis dias deben abandonar las haciendas so pena de lanzamientos.

Como esta actitud insólita de los hacendados hiere los intereses de las clases trabajadoras federados en los consejos dependientes de esta Federación, es por lo que esta Junta Ejecutiva Federal llama la atención del Gobierno para que este a su vez manifieste a los señores hacendados que el tiempo del feudalismo ya hizo su epoca y que el gobierno actual reconoce el principio de libertad de asociacion sindical." (cited in Barria Seron, Los Movimientos . . . op. cit., pp. 308-309.)

26. Moises Poblete claims that by 1924 604 hacendados belonged to the Liga Agraria [Union Agraria], a landowner association parallel to the SNA which dedicated itself to resistance of FOCH activity and labor organization in the countryside. (Cited in J. Morris, op. cit., p. 202) For further mention of this landowner organization see Chapter II of the present study.

27. Cited in Elisabeth Reiman and Fernando Rivas, La Lucha por la Tierra (Santiago de Chile: Empresa Editora, Quimantu Ltda, 1971), p. 57.

28. Ibid., p. 59. ("por cuanto se trata de una cuestión meramente privativa y personal de el.")

29. "El Paro General en las Provincias, Obreros y Campesinos Ferreamente Unidos" La Federacion Obrera, 9 Febrero, 1922.

30. The labor petition in this conflict and other documentation of interest can be found in the appendix to this chapter.

31. Oficio No. 244, Santiago, 22 Febrero 1924.

32. Analysis for rural labor petitions from 1960-1966 can be found in Almino Affonso, et. al., op. cit., pp. 17-54. Conclusions of this study were that "The orientation of the petitions is markedly economic, with strong pressure relative to salaries, in-kind payments and perquisites [regalias] Orientation toward representation is of least importance." (II, 53) While these conclusions are open to challenge in regard to the authors' interpretation of the meaning of particular kinds of petitions, it is clear that 'during the 1960-1966 period "recognition of union by the landowner" appeared in only about 5 percent of the labor petitions. In contrast all FOCH-oriented labor petitions in the countryside demanded recognition of the local FOCH consejo. The legitimacy of rural labor organizations was a principal issue in this first organized challenge to the authority of rural proprietors.

33. In two respects the petition in El Melón was slightly different than other rural labor petitions of this period. There was no clause asking for a guarantee against retaliation by the landowner. The workers did request, however, reinstatement of workers already dismissed (retaliation had already occurred). Secondly, the proprietor agreed to recognize the FOCH Consejo de Agricultores, a victory for the workers not generally accomplished during this period, although tacit recognition (such as that in the labor conflict in Fundos La Colemna and Ven Hamar in 1924 (Colchagua) did sometimes occur. (See appendix to this Chapter for documentation on this case.)

34. This decree of 1917 called for voluntary submission of labor conflicts to arbitration. For the landowners' reaction to this decree see the case of La Uiguera in 1921 which is discussed in Chapter II. Documents are reproduced in the Appendix to this chapter.

35. See the appendix to this chapter for copy of the original labor petition and settlement.

36. FOCH, as the Gran Federación Obrera Chilena, had received legal personality in 1912. (Decree 2622 of the Minister of Justice.) FOCH's militancy after 1917 caused the government to withdraw the FOCH charter and "cancel its status as a legally incorporated association." (James O. Morris, op. cit., p, 106.)

37. Labor Petition in Hacienda Huemul, 1924. Copy of the original can be found in the appendix to this chapter.

38. Barria Seron, op. cit., p. 153.

39. Jorge Barria Seron, El Movimiento Obrero en Chile (Santiago de Chile: Ediciones de la Universidad Técnica del Estado, 1971), p. 54.

40. A. Chelen Rojas, Trayectoria del Socialismo (Buenos Aires: Editorial Astral, N.D.), pp. 48-49

41. During this period the government sent a number of "subversives" to Isla Mas Afuera. Among these so detained were Emilio Zapata, later to be the founder of the Liga Nacional de Defensa de Campesinos Pobres, and Juan Chacón Corona, life-long Communist rural labor organizer.

42. Before the Ibanez period (prior to 1927) FOCH leaders were also under surveillance but the repression was not as severe. See, for example, the report by Labor Office personnel in Concepcion (No. 781, Concepción, 25 Junio 1925, Dirección General del Trabajo, Varios, 1925, especially pp. 20-23). The report informs, in part; "Tratándose de un informe privado, se puede decir a UD, señor Director, que una acción enérgica del Gobierno para extirpar o poner coto a este mal [FOCH activity] por hoy puede decirse localizada, bastaría para reprimir la concepción de esta obra nefasta y atentatoria en contra de la seguridad del Estado y de sus instituciones y que es lo que pretenden llevar a cabo estos propagandistas de la destrucción.

. . . Es resorte del Gobierno, entonces, arbitrar los medios más eficaces que conduzcan al fin señalado, pues aún es tiempo para arrancar de raíces este virus rojo que empenaña a breve plazo el corazón y el miraje de las clases trabajadoras, tanto más fácil de angustiar y soliviantar, cuanto menos instruidas son las colectividades en que se arroja al surco las finalidades estafalarias de la abolición de la propiedad privada y el reparto de las tierras sin sistema ni control." (emphasis added)

43. FOCH was never completely destroyed. Even in the rural areas some "vestigial" conflicts took place. For example, in the summer of 1928 strikes occurred in several vineyards in the Molina region of Talca. Previously in 1925, FOCH oriented labor conflicts had occurred in Santa Rosa, Los Molinos, Viña Lontué, Viña Casa Blanca, Los Quillayes, Santa Ana, San Javier, Todos Santos, and Santa Trinidad, and inquilinos were evicted from the fundos. (See Oficio 1026, 10 Octubre, 1925, Intendencia de Talca "Sobre un Conflicto entre la Viña Casa Blanca de Lontué i algunos operarios," Oficio 115, Molina, 23 Abril, 1925, Varios, 1925, Gobernación de Lontué, Ibid.; Oficio 71, Santiago, 16 Enero, 1928, Archivo 1-200, 13 Dic. 1927-16 Enero, 1928).

After 1931 FOCH was re-activated and energetically engaged in labor conflicts from 1931-1935. It remained particularly strong in the nitrate fields and coal mines (Lota). The government continued to require reports from Labor Department personnel as well as the "political police" [Servicio de Investigaciones]. See, for example, Oficio 2056, 16 Septiembre, 1931, accompanied by the report entitled "Conclusiones del comicio celebrado hoy en la Plaza Condell por la Federación Obrera de Chile," Providencias 18, 1931, 5741-6000.

44. Also in 1929 a Sindicato Profesional Agrícola de Lonqu' may was formed in the region where Chile's most infamous massacre of campesinos was later to take place--Ranquíl. But the union did not have legal personality in 1931.

45. Sindicato Industrial (S.I.) Viña Casa Blanca; S.I. Viña San Pedro; S.I. Jorque Broquaire; S.I. Viña Lontué. Also formed in the same year were Sindicato Profesional de Pequeños Agricultores, Olmue; S.I. El Vergel (Angol); S.I. Los Perales (Machali).

46. Besides for requests to dismiss Carlos Menzel and Jorge Weltz (inspector in Molina and Provincial Inspector of Talca, respectively) Dussaillant also asked for the dismissal of inspector Amador Julio Navarro who, according to Dussaillant, "frecuenta de preferencia personas de malos antecedentes en la localidad y de ideas subversivas; por lo que no es extraño que el mismo comparta esos propósitos y haya fomentado o provocado desórdenes en el personal de los fundos.

Entre otras faitas del Sr. Navarre recuerdo que provoco un motin o rebelion en los medieros del fundo Trapiche (Letter from Alejandro Dussaillant to Sotero del Rio, Ministro de Bienestar Social, 2 Marzo, 1932 Providencias 19, 1932, 5651-6000.)

47. Alberto León was later to play an interesting role in the development of the Catholic rural labor movement in the region around Molina in the early 1950's. Always an avid anti-Communist, León supported ASICH and even became active in its efforts to unionize the campesinos in the vineyards. The role of ASICH is discussed later in this chapter. See also Henry A. Landsberger and Fernando Canitrot M., Iglesia, Intelectuales y Campesinos, La Huelga Campesina de Molina, (Santiago: editorial del pacifico s.a., 1967).

48. Letter (Manuscript) from Alberto León to the Inspección General del Trabajo, Molina, 12 Octubre, 1932. This letter can be found in Providencias 21, 1932, 6251-6500.

49. The Inspector Provincial in Talca reported in October of 1932 that "Opposition on the part of the patrónes to the constitution of unions in this province has been recently intensified. With the pretext of their unconstitutionality, they allege that the instructions currently in effect have their origin in Decree-Laws" of de-facto governments and that, therefore, they lack any legal status." (Oficio 1519, Talca, 14 Octubre, 1932 Providencias 19, 1932, 5651-6000.)

50. Oficio 834, Molina, 13 Octubre, 1932 "Da cuenta de ultrajes que ha debido de soportar el infrascrito e Inspector Provincial por razones que se expresan" Providencias 19, 1932, 5651-6000.

51. Oficio 6567, Santiago, 24 Octubre, 1932, "Contratos Fundo Casa Blanca de A. Dussaillant," Oficios 15, 1932, 6301-6600. See also: Oficio 1455, Talca, 30 Septiembre, 1932, "Contrato de trabajo de la Vina Casa Blanca," accompanies oficio 6321, Oficios 15, 1932, 6301-6600.

52. Letter to Fernando Garcia Oldini, Ministro del Trabajo, from Domingo Muñoz P., President of the Sindicato Industrial Vina Casa Blanca, Lontue", 11 Enero, 1933, Providencias 12, 1933, 2701-2950.

53. Details on this order and the circumstances under which it was given are treated in Chapter IV.

54. Oficio 1343, Talca, 15 Septiembre, 1932 "Sobre actividades gremiales," Providencias 14, 1932, 4001-4500.

55. For a concise summary of this incident see Almino Affonso, et. al., op. cit., I, pp. 26-30. For background on the conflicting legal claims see Consejo de Defensa Fiscal, No. 165, 4 Mayo, 1933.

56. Individual Communist and Socialist organizers were active in the rural sector but their efforts were not well financed and lacked organizational support. Not even the Communist Party payed much attention in a systematic way to the countryside in this period.

57. The CIDA report on Chile (op. cit., p. 50) reports for the pre-1955 period: Una de las características ya destacadas del sistema de inquilinaje y de la mano de obra campesina en general, es su desvinculación con la marcha del predio. De allí la escasa iniciativa del inquilino derivada de la falta de incentivos. El funciona-miento de esta complicada e inerte estructura de trabajo descansa en el numeroso personal de vigilancia de que dispone cada predio. Ordinariamente, el personal de vigilancia es más numeroso que los obreros especializados.

58. To be noted is the important symbolic role of labor legislation in mobilizing rural labor. Non-compliance by the landowners with legal norms provided concrete goals around which the campesinos could structure their demands.

59. Of course where laws are not implemented, implementation may represent a dramatic, even revolutionary innovation. These concepts are meant to be descriptive rather than evaluative. Where the thrust of the movement is to obtain "what's coming to you" and not to alter existing (formal) arrangements, the label "reactive" is applied.

60. Oficio 970, Linares, 10 Septiembre, 1932, "Amplia detalles del conflicto colectivo del cual se dio cuenta en los telegramas Nos. 478 y 479," Providencias 14, 1932, 4001-4500.

61. This case also is an example of relatively smooth workings of the Labor Department-worker-landowner relationship. This was still quite rare in 1932.

62. "Informe Providencia 1485 y Tel." Peumo, 24 Febrero, 1933, Providencias, 8, 1933, 1751-1950.

63. Oficio 81, Los Angeles, 29 Enero, 1935, "Sobre conflicto colectivo obreros inquilinos Hacienda Canteras," Providencias, 1935, 701-900.

64. At the end of the conflict inquilinos received two pesos a day, pay-day every 15 days, 1/4 cuadra of land of "clase regular," 4 "galletas" or "panes" and pasture rights for two animals. Forasteros received two pesos a day, 4 galletas or 8 panes and a place to sleep in the houses of the fundo. Milkmaids obtained a rate of 15 centavos per "gas can" of milk and 20 centavos a can in July and August, plus

a bonus of 5 pesos per month and one "galleta" per day. (Before the conflict they already earned 15 centavos a day- and averaged 30-35 pesos a month in earnings.) (Oficio 1055, 12 Febrero, 1934, "Sobre visita a fundos Santa Elvira y Lo Prado, Barrancas," and accompanying documents, Oficios 4, 1934, 851-1150.)

65. Much of the material that follows is based on three interviews with Emilio Zapata Diaz by the author in late October, 1971.

66. The police accused Zapata of being drunk. A medical certificate obtained by Zapata demonstrated that this was a fabrication. Like Carlos Alberto Martínez, Zapata had been active, in the anti-alcoholic movement in Chile and, therefore, the charge was not even credible to the rightist politicians in the Congress. In addition, Zapata went to the Minister of Interior to report the incident and demonstrate that he had not had any alcoholic beverages to drink.

67. Interview with Emilio Zapata Diaz, Santiago de Chile, October 22, 1971.

68. Ibid.

69. Ibid., October 21, 1971.

70. Ibid.

71. Ibid.

72. Ibid.

73. Ibid.

74. In an introduction to Atilano Oróstegui, Come Vive El Campesino Chileno Coleccion "Atraves de mi Pais," (Santiago: 1936), Zapata declared: "No deben olvidar los dirigentes de la clase obrera que la tarea de organizar al campesinado, es una tarea indispensable; esto deben comprenderlo especialmente los diversos sectores revolucionarios, puesto, que ningún hecho revolucionario que inicie el proletariado, podra alcanzar el exito, si acaso no se acompaña con la acción del campesinado."

75. This tactic was later adopted by other deputies and senators. It is discussed in more detail and accompanied by analysis of the letters sent by deputies from different parties in Chapter VI.

76. Zapata did not limit his efforts to fundos in the province of Santiago. Valparaiso, Aconcagua, Talca--and eventually all of Chile--were exposed to his "muckraking."

77. Letter from Emilio Zapata D. to Miguel Vivanco, Inspector Provincial del Trabajo, Santiago, 19 Abril, 1934, Oficios 1934, 4626-4900.

78. Oficio 4672, Santiago, 6 Julio, 1934, "Sobre informes solicitados por el Diputado Don Emilio Zapata," Oficios 1934, 4626-4900.

79- Izquierda, 11 Julio, 1934, p. 4. Again on July 25 this call was reasserted in "Hacia la Organización del Campo" (p. 4). On December 26, 1934, Izquierda declared: "Izquierda, que siempre ha luchado por los intereses de los trabajadores campesinos con energía y tesón--los llama nuevamente a organizarse, a formar comités de fundo o hacienda, a luchar por la justicia social."

80. "La Revolución Proletaria y la Tierra," Izquierda, 6 Febrero, 1935.

81. Current wages ranged from 80 centavos to 2.50 pesos a day. The work day was generally "sol a sol"--sunup to sundown.

82. The Liga Nacional de Defensa de Campesinos Pobres eventually used this date on its rubber stamps as the date of foundation of the Liga. In fact, the constitution of the first Ligas in Santiago seems not to have occurred until mid-September of 1935.

83. "La Desidia del Gobierno para Solucionar la Miseria de los Pequeños Agricultores. Se ha Organizado la más Poderosa Colectividad del Campesinado," Izquierda, 15 Octubre, 1935, p. 1 and 4.

84. "Despertar de las Masas Campesinas. El Gran Congreso de los Campesinos Pobres" Izquierda 30 Mayo, 1936, p. 4.

85. Within the Socialist Party there were sectors which did not trust the "Trotzkistas" nor the Liga. A syndicalist current within the party went on forming unions in the countryside. Thus, the Liga was a step-child of the party. In late 1938 in a report by Bernardo Yuras to the Socialist Party, he requested that the Executive Committee of the Partido Socialista concern itself with:

- (1) Providing economic assistance for the national congress that the Liga was going to hold in Santiago in 1939;
 - (2) Organizing campesinos and taking a binding decision, so that only ligas or unions be formed, avoiding the continuous errors that occur in some places where ligas are organized and members of the Socialist party destroy them in order to organize unions (emphasis added).
 - (3) Ordering the unions and campesino organizations controlled by the party to attend the congress of the Liga.
 - (4) Providing speedy and ample economic assistance to the Liga.
- (Copy of a report by Bernardo Yuras to the Socialist Party, approximately September of 1938, provided by Yuras to the author.)

86. The letters from local ligas and members of the National Liga in the remainder of this section are translated by the author from copies provided to him by Bernardo Yuras.

87. Among these lawyers was Oscar Waiss. In 19 71 Waiss was director of the government newspaper La Nacion. On October 17, 1971,

the Socialist Party honored Zapata for his early leadership of the campesinos and Waiss wrote an editorial in his praise to accompany the newstory "Sentido Homenaje Rindio El P.S. a Luchador Social Emilio Zapata" (La Nación, 18 Octubre, 1971, p. 6.)

88. Copy of letter provided to the author by Bernardo Yuras.

89. The text of this law and discussion of the role of Zapata in the legislation can be found in Boletín de la Liga Nacional de Defensa de Campesinos Pobres, No. 3, Enero 1939, p. 2. See also the Boletín, No. 2 Diciembre, 1938, "Prestamos para pequenos agricultores, medieros, inquilinos y parceleros." Law 6290 became effective the 17th of October, 1938 and provided up to thirty million pesos for loans to campesinos whose assessed value in land did not exceed 50,000 pesos (10 hectares, in the case of inquilinos, medieros or parceleros). Loans were to be made preferentially in kind --seeds, work animals, cattle, etc. . . . At the caja's discretion they could be made without collateral. Loans were to be amortized in seven years (maximum) and at an annual interest rate of five percent.

90. Sometimes excerpts from these letters were reproduced in the Boletín of the Liga. For example, such communications were reported in the January 3, 1939 Boletín from Santa Fé, Chincolco, Alto Jahuel, Limache, Salamanca, Curepto, Osorno, Casma, Paine, Nos, Lincantén, Barrancas, San Felipe, Santa Rosa de Lontué, Isla de Maipo and Maipo". The Liga also published reports on its activities from time to time in La Opinion de Santiago.

91. The Socialist Party militants did help to organize the Congress and provide delegates, vis this form used to certify delegates to the Congress:

Partido Socialista
Comité" Regional de
Valparaiso.-
Secretarla de Accion
Campesinar.

Valparaiso 28 de Abril de 1939
Camarada
Bernardo Yuras
Santiago.-

Estimado camarada, de acuerdo con lo que hablamos con el camarado Zapata, los camaradas Oscar Munoz, Eliseo 2º Cordova, Pedro Calderón Lopez, Alejandro Tapia Bernal, Juan de Dios Palma, Juan Sturla, José Espinoza Figueroa,
.....
.....son delegados de la Region de Quillota al Congreso Nacional de la Liga de Defensa de Campesinos Pobres, y llevan sus respectivos poderes, de las Ligas que representan.

Agradeceré al camarada, se entienda con el Jefe de la Brigada de delegados de esta Region, camarada Juan Sturla.
Viva el P.S.

Todo el poder sindical al P.S.

León Vilarin Marin
Sec Reg, de Acci6n Campesina

92. The Circular sent out by the Liga in order to raise money for the Primer Congreso Nacional Del Campesinado is reproduced in the appendix to Chapter V.

93. Interview with Emilio Zapata, Santiago de Chile, October 22, 1971.

94. Interview with Emilio Zapata, Santiago de Chile, October 22, 1971. Zapata, Yuras and Acuãa did sometimes visit the local ligas to provide organizational assistance and to meet the local leaders. Use was also made of local Socialist Party cadres. We have, for example, this letter to the liga in Hacienda Santa Fe (Bio Bio):

Santiago, 16 de Enero de 1939.

Camarada

Alejandro Morales

SANTA FE

Estimado camarada:

Le confirmamos que el Domingo 5 de Febrero irá el camarada Emilio Zapata a la concentración de la Liga de esa Comuna. Les rogamos hacer la propaganda para que concurra la mayor cantidad de camaradas.

Le adjuntamos algunas solicitudes para los préstamos que Uds. desean solicitar y deben entregarlas a la oficina respectiva de la Caja de Crédito Agrario, que creenos corresponde Los Angeles, o en su defecto Concepción. Esto es más fácil que lo indaguen Uds. En la solicitud deben poner todos los bienes que tenga el solicitante, porque mientras mas alta es la garantía o la situación que exprese el solicitante, mas facil sera la tramitacion. Por ejemplo, si un solicitante tiene dos caballos, debe avaluarlos al maximo posible, y asi sucesivamente con todo lo que posea. También deben avaluar lo que tengan por cosechar. En cuanto presenten las solicitudes pueden enviarnos lista de los solicitantes en informes como vaya el trámite por si es necesaria nuestra intervención para apurar el asunto o para obtener su aprobacion.

Asunto Fondos de la Beneficencia

Les comunicamos que tenemos en estudio un proyecto para mejorar la situación del personal que trabaja en los fondos de la Beneficencia y para elevar el standard de vida de los trabajadores. Nosotros necesitamos a la brevedad posible unos datos que son necesarios porque en la Sesión de la Junta C. de Beneficencia deberá tratarse este proyecto y queremos no estar desprevenidos. Los datos deben ser concretos y exactos.

(1) Jornal que perciben los trabajadores y racion, mas la comida y calidad de ella, que se los suministra. Indicar si tienen contrato de trabajo, en que condiciones y quien lo firma como patrón.

(2) Indicar las condiciones de la vivienda.

(3) Precios que pagan por la siega de una cuadra de trigo.

(4) Dar informes sobre los administradores. La forma que procede y si algunos se deben tolerar etc.

Les indicamos que se nos ha informado que en Sta F  se han ejecutado reparaciones de algunas casas, las que han quedado en condiciones higi nicas excelentes. Indiquenos la veracidad de este informe.

Todos estos puntos deben ser enviados muy rapidamente porque nuestro trabajo est  casi terminado y debe tratarlo pronto la Beneficencia.

Sobre el local, influenciaremos ante el delegado que tiene el Partido en la Junta C. de la Beneficencia para que lo obtenga

95. Bolet n de la Liga . . . Diciembre, 1938, p. 3.
96. Ibid., p. 4.
97. Jose Miguel Varas, op. cit., p. 107.
98. Ibid., p. 108.
99. Partido Obrero Socialista.
100. Jose Miguel Varas, op. cit., p. 40.
101. Interview with Emilio Zapata D. Santiago de Chile, October 22, 1971.
102. Interview with Bernardo Yuras, Santiago de Chile, November 5, 1971 (Yuras was appointed to the Departamento Agr cola within the Beneficencia during the Popular Front period when Salvador Allende was Minister of Health. As inspector he had access to all the Health Service's fondos. In 1938 Yuras helped to prevent the parcelization of the fundos in Choapa at the insistence of a Liberal Senator, Abraham Gatica Silva, who owned Fundo San Augustfn and was interested in greater control over the irrigation water in the canal in this area. The Socialist Party gave Yuras instructions to try and prevent parcelization by mobilizing the ligas in the valley. Subdivision of the fundos in Choapa was periodically an issue over the years and came to a "final" head in 1964 when the Christian Democrats also sought to parcel the fundos and the Socialist and Communist unions resisted subdivision through strikes.
103. Discurso Pronunciado por El Compa ero Bernardo Yuras, en la Concentraci n Efectuada en San Bernardo--El D a 2 de Abril de 1939--"De La Liga de Campesinos Pobres" (Copy provided the author by Bernardo Yuras).
104. See the Appendix to this chapter for a copy of Circular 5 of the Liga which gives the schedule and subject matter of the Congress.
105. La Nacion, 29 Abril, 1939, p. 12 cited in Almino Affonso, et. al., op. cit., I, p. 38.
106. Interview with Emilio Zapata, Santiago de Chile, October 22, 1971.

107. Boletfn. Organo Interno del C.C. del Partido Coraunista (Santiago de Chile: 25 Julio, 1939), Ano I, No. 3, p. 6.

108. Arturo Olavarria, Chile Entre Dos Alessandri, (Santiago de Chile: I, Editorial Nascimento, 1962), pp. 452-453.

109. Zapata laughingly told me that he had to take special lessons to learn how to stay on a horse. Yuras provided him technical advice and had a sense of rural production patterns as well as of current cleavages in international Marxism. Acuña was an experienced labor leader within the plasterers' trade. Thus, the three main leaders of the Liga were all of "blue collar" origin.

110. Interestingly, however, rural labor petitions came to be routinely handled by specially created Juntas de Conciliación para La Industria Agrícola. These Juntas were created at the request of the conflicting parties in accord with the Labor Code. In this respect the landowners were quite flexible in using the legal complexities of labor legislation to delay or "de-legalize" rural labor petitions. On the other hand, use of these Juntas legitimized the labor petition in the countryside as a process for adjudicating conflicting claims. I know of no case outside of Chile where such procedures have been used routinely in resolving rural labor conflict. Despite the repression to which the campesinos were often subjected, by 1939 the processing of rural labor petitions began to be institutionalized. After 1939, when rural labor petitions occurred, Juntas de Conciliación commonly provided the formal setting for their resolution at the request of the conflicting parties. (After 1947, legal petitions became more difficult to make. This led to direct "negotiations" in many cases.) The ability of the Labor Department to extend a legal form of this sort from urban to rural setting, and the landowners' acceptance of this procedure, suggests a flexibility in the Chilean political system which is sometimes overlooked. This does not necessarily mean that the campesinos were better off because of this flexibility. But at least the formal use of legal procedures on the part of the landowners sometimes substituted legal and bureaucratic repression for the more direct and violent tactics employed against "peasants" in other historical situations, including the state of California in the United States during the 1930's. For a report on repression of farm workers in California during the 1930's see Jim Dann "Communists Try to Organize •Factories in the Fields," Progressive Labor (Brooklyn, New York: February, 1969): 72-96.

111. See Oficio 251, Gobernacion de Lontue", Molina, 10 Octubre, 1939, "Inf. s/Centro Union del Cap. y Trab. de la Vina Lontue" and the accompanying "Protocolización del acta constitutiva y estatrtos de la Corporación Union del Capital y El Trabajo de la Vina Lontue," Providencias 36, 1939, 8801-9000. In this case the landowner formed a parallel organization by providing concrete benefits to workers who would leave the union already existing in the vineyard.

112. Letter from Agricultores de la Comuna de Pirque to President Pedro Aguirre Cerda, Pirque, 13 Marzo, 1939, Providencias 18, 1940,

5301-5600. The letter is signed by Hector Marchant, Carlos Vial Infante, Maximo Valdes Fontecilla, Oscar Dávila Izquierdo, José Julio Nieto E., Hernan Prieto Vial, Heman Prieto Subercaseaux, Sergio Marabio Ruiz, Vicente Izquierdo P., Francisco Hunneuss G. and Maximo Valdes Vial.

113. For example, from the Intendente of Linares in February came a telegram that read: "An organized movement to dismiss workers has been initiated by landowners. The situation is grave. Indispensable to solve (Telegrama 388, Linares, 3 Febrero, 1940, Providencias 8, 1940, 2401-2650).

114. Intendencia de Curico, oficio 1053, Curic6, 11 Abril, 1939, Providencias 23, 1939, 5551-5700.

115. By March of 1940, a year after the "temporary suspension" of rural unionization, the massiveness of landowner retaliation was so evident and the plight of the campesinos so miserable, that the Communist Party could no longer publicly accept the continued suspension of unionization. Juan Chac6n Corona, as leader of the "Comité Relacionador de Sindicatos Agrícolas de Chile" directed this letter to President Aguirre Cerda (27 March, 1940):

El Comité Relacionador de Sindicatos Agrícolas de Chile, velando por el bienestar y los derechos democraticos de los trabajadores de la tierra, se dirige a V.E. denunciando hechos de extrema gravedad que estan ocurriendo en el campo.

V.E. recuerda que la Comisión Mixta de Obreros y Patrones presidida por V.E., en virtud de elevadas consideraciones de interes nacional, acuerdo proponer al Parlamento la dictacion de una ley que reglamente el derecho de sindicalizacion-reconocido ampliamente por el Código del Trabajo y fortalecido por la afiliacion de nuestro Pais a la Organización Internacional del Trabajo la cual dispone que todo miembro de esta organizacion se obliga a asegurar a todas las personas ocupadas en la agricultura, los mismos derechos de asociacion y coalicion que a los trabajadores de la industria-y, mientras tanto, suspender todos los lanzamientos e despidos de obreros agricolas e inquilinos y respetar la organizacion sindical que se habia constituido hasta este momento

Este acuerdo no ha sido cumplido por los agricultores reaccionarios, los cuales han procedido a despedir a cerca de 12 mil trabajadores e inquilinos utilizando distintos subterfugios.

No escapara al elevado criterio de V.E. las proyecciones que esta situacion puede tener en la vida economica y social del Pais ya que se creara" por los agricultores reaccionarios un ambiente desfavorable al regimen que preside S.E., ademas de sumir en la cesantia forzosa a miles de nuestros conciudadanos que tienen el derecho al trabajo remunerador y honrado.

Para que S.E. aprecie en debida forma la denuncia que le formulamos, adjuntamos una nómina parcial de los agricultores que estan lanzando a sus trabajadores y la cantidad de obreros

que, según nuestro conocimientos han sido ya despedidos. Es necesario comprobar que la gran mayoría de los agricultores cuyos nombres adjuntamos son miembros de la Sociedad Nacional de Agricultura, lo cual puede ser indicio de la actividad francamente subversiva y de sabotaje a la producción en que se encuentra empeñado este organismo.

Hay que hacer notar el hecho de que los funcionarios del Trabajo no han intervenido en la solución de estos conflictos, y aún, en cierto casos, su intervención ha sido manifiestamente parcial en favor de los enemigos de los trabajadores, que lo son también del Gobierno de Frente Popular que preside S.E.

Ante estos hechos el Comité Relacionador de Sindicatos Agrícolas, se atreve a insinuar a S.E. la adopción de las siguientes medidas con el carácter de urgente:

(1) Que el Gobierno de las instrucciones del caso para que, de acuerdo con las claras disposiciones del Código del Trabajo, haya libertad de organización sindical para los trabajadores agrícolas e inquilinos;

(2) Que la Inspección General del Trabajo proceda a tramitar conforme a la ley las solicitudes pendientes sobre personalidad jurídica presentado desde hace tiempo por los Sindicatos de Obreros Agrícolas;

(3) Que las autoridades correspondientes hagan respetar estrictamente el fuero sindical en el campo;

(4) Que se suspendan los lanzamientos y despidos de los trabajadores agrícolas y se repongan todos aquellos que han sido despedidos con posterioridad al acuerdo adoptado entre los representantes patronales, obreros y S.E. En la realización de esta tarea, cooperaran activamente los funcionarios del Trabajo, Intendentes, Gobernadores y Jefes de Carabineros.

Esperando que V.E. prestará debida atención a las denuncias y a las peticiones que se formulan--ya que ellas afectan fundamentalmente a los elementos que con más entusiasmo y desinterés cooperaron al triunfo del Frente Popular y luchan por la consolidación del Gobierno--saludan respectuosamente a S.E. (Letter from Juan Chacón Corona to President Pedro Aguirre Cerda, 27 March, 1940, Providencias 12, 1940, 3501-3800.)

116. The CTCH also provided support for inspectors attacked by proprietors for being too responsive to the workers, and attempted to avoid the transfer of inspectors who they felt were doing their best to insist on legal compliance. For example, this letter from Bernardo Ibañez, Secretary General of the CTCH to the Minister of Labor in 1941:

El Consejo Departamental CTCH de Illapel reunido recientemente en dicha ciudad, acorda dirigirse por nuestro intermedio a las autoridades correspondientes para solicitar se deje sin efecto el traslado del Inspector del Trabajo de Departamento, señor Alejandro Valenzuela, cuya labor funcionaria en esa ciudad ha causado la mayor satisfacción en los diferentes

sectores por su imparcialidad y espíritu de trabajo en el desempeño de sus funciones.

El Consejo Directivo Nacional de la CTCH hace llegar hasta el señor Ministro del Trabajo esta aspiración de los trabajadores organizados de Illapel y le rogamos se sirva dispensarle una favorable acogida. (Letter from Bernardo Ibañez, Secretary General of the CTCH, to the Minister of Labor, April, 1941, Providencias 15, 1941, 4401-4800.)

117. For example, this letter from the technical secretary of the CTCH, Bruno Burgas Jamett, to the Director of the Labor Department (26 October, 1939):

Por encargo especial del camarada Bernardo Ibañez, Secretario General de la CTCH, me permito presentarle al compañero Francisco Alcaino que ha venido hasta nuestra Secretaria General en representación de los obreros agrícolas del Fundo de don Francisco Irarrazaval a presentarnos un reclamo por despido arbitrario de obreros.

Las razones de estos despidos según el reclamante se deben única y exclusivamente a haber organizado un sindicato y haber presentado un Pliego de Peticiones.

Agradecemos altamente al señor Inspector General del Trabajo se sirva atender al camarada Alcaino el que explicara personalmente los pormenores del asunto.

Saluda a Ud. muy atentamente. (Accompanies Oficio 103 0, 27 Octubre, 1939, "Se refiere a denuncia despido de obreros en Fundo Graneros," Oficios 38, 1939, 10101-10500.)

118. We have, for example, this communication by the CTCH to the Director of the Labor Department on behalf of the union in Fundo El Guindo de Longotoma in 1940:

Hemos recibido del Sindicato Industrial Agrícola "El Guindo" de Longotoma, una comunicación adjunta a la cual nos acompañaron copia del Pliego de Peticiones presentado al patron y el cual fue puesto en conocimiento de esa Inspección General. Nos piden estos compañeros solicitar del señor Inspector General se sirva apresurar el nombramiento de la Comisión que debe avocarse al estudio de este conflicto y que le habría sido prometida al Presidente de ese Sindicato, camarada Jose Rojo.

Dada la difícil situación económica porque atraviezan los obreros campesinos del Fundo en conflicto, nos permitimos dirigirnos a Ud. para solicitarle se sirva interponer su alta influencia a objeto de que el Pliego de Peticiones presentado por los campesinos del Fundo "El Guindo" tenga una pronta y favorable solución. ("Solicitando informe sobre presentación de Pliego de Peticiones," Letter from CTCH to Director of the Labor Department, 16 Enero, 1940, Providencias 5, 1940.)

119. Illustrative is this letter which communicates a complaint from a local Consejo in San Fernando in 1940:

Hemos recibido una comunicación del Consejo Provincial CTCH de San Fernando en la que nos denuncia las constantes persecuciones que realiza contra el Sindicato Agrícola de Nancagua el señor Juan de Dios Rivera, dueño de Fundo de esa localidad. Estas persecuciones adquieren mayor gravedad ante el hecho de que habría tenido conocimiento el Consejo CTCH de San Fernando, en el sentido de que este mismo señor, a causa de una visita de inspección que se efectuó a su fundo, a iniciado una serie de tramitaciones en perjuicio de dos Inspectores del Trabajo y del Juez del Trabajo.

Ante esta situación la Directiva Nacional de nuestra Confederación vería con agrado que esa Inspección General, ordenara las investigaciones del caso y tomara las medidas que las circunstancias aconsejen a fin de resguardar, no tan sólo, la integridad del Sindicato Agrícola de Nancagua, sino que la de los propios funcionarios dependientes de esa Inspección General. . . . ("Denuncia persecuciones contra sindicato y funcionarios del Trabajo," Letter from CTCH (Reinaldo Nuñez, Secretario de Relaciones and Arturo Velasquez, Secretario General Ace.) to the Director of the Labor Department, 16 Enero, 1940, Providencias 5, 1940.)

120. Oficio 202, 5 Enero, 1940, Oficios 1, 1940, 1-400. See also oficio 7197, 12 Julio, 1940, "Sobre autorización para que dirigentes de la CTCH pueden asistir a los comparendos ante la Inspección del Trabajo," Oficios 23, 1940, 7101-7400.

121. For example see the request in a letter to President Aguirre Cerda in 1940, transcribed in Presidencia de la República, Secretaría, Oficio 3695, in Providencias 20, 1940, 5701-5950.

122. Illustrative is this case from Curacavi in September of 1941:

ORLANDO PAVEZ, SECRETARIO PROVINCIAL DE LA CTCH

En relación con las informaciones y pedidos que se sirvió traer a esta Oficina, tocante a la materia de la suma, tengo el agrado de transcribir a Ud. el siguiente informe del Inspector agrícola de los Servicios, testimoniando gestiones realizadas y resultados obtenidos sobre el particular:

"Oficio N° 70. Santiago, 13 de Septiembre de 1941. Fundo "Santa Julia." Estaban desahuciados los siguientes obreros: Manuel Gomez, voluntario; Eliodoro Gomez, voluntario; Carlos Escobar, voluntario; Octavio Carrera, voluntario; Antonio Carrera, voluntario; Manuel Carrera, voluntario; José Carrera, voluntario; Juan Carrera, inquilino; Francisco Araya, inquilino; Rosalinda Araya, voluntario; Nicomedes Vásquez, voluntario; Isidoro Araya, inquilino; Carmelo Yáñez, inquilino y Rosalindo Campos, voluntario, lo que hace un total de 14 obreros.

Con la intervención del funcionario infrascrito se logró dejar sin efecto los desahucios y que los obreros volvieran al trabajo a contar desde hoy.

Referente a los feriados legales se darán a los obreros que tengan derecho y en todo caso ya tiene el patrón las instrucciones de una visita minuciosa efectuada con anterioridad. En los precios por quintalaje de leña no existe pronunciamiento de la H. Junta Especial de Conciliación de la Agricultura y el acuerdo existente sobre la base de \$4,50 por quintal fué tomada ante el Subdelegado de Curacavi y uno de los hijos del señor Trinkaus, el que desconoce el padre por cuanto el no fue consultado; me manifestó que la leña había bajado mucho de precio y que no era negocio pagar más de \$3.--por quintal. Le observé que otros vecinos pagaban salarios superiores a \$4,50 y \$4.--por quintal y me dio argumentos en el sentido de que eran montañas escasas en leña y que en Santa Julia era más fácil porque aun había montañas virgen. A pesar de lo difícil conseguí que les pagara en adelante \$3.50 por quintal a lo que ambas partes aceptaron, mientras la H. Junta Especial de Conciliación se pronuncia sobre el pliego existente y fija un salario por quintal equitativo, el cual sería aceptado por las partes para dar un término definitivo a esta situación que ha quedado solucionada en forma momentánea.

En consecuencia, es conveniente citar a los Delegados Obreros y al patrón para fijar de común acuerdo los salarios por quintal y que se adopten a la realidad actual, contemplando los precios actuales de leña en el mercado, por lo que sería conveniente enviar copia de este oficio-informe a la H. Junta Especial de Conciliación de la Agricultura.

En este fundo estaban mal calificados los obreros pues estaban como voluntarios en su totalidad en circunstancias que había algunos inquilinos; de inmediato los calificué de acuerdo con la realidad de las condiciones contractuales en estos casos.

Se puede decir que ha vuelto la calma en este predio.

Fundo "Santa Margarita." No se encontraba el dueño, Sr. Tomás Radic, pero hablé con los obreros reclamantes. Le dejé una tarjeta en la cual lo manifiesto la conveniencia de dar los feriados a los obreros con derecho a él, lo mismo 50% de adelantos semanales y pago no más distanciado del mes. Los obreros quedaron satisfechos de la visita del infrascrito.

También este fundo fue visitado anteriormente por el infrascrito y las instrucciones están pendientes y en caso de no cumplir se le hará la denuncia que corresponde.

Si bien es cierto que este dueño de fundo es un tanto rebelde, tiene temor a que lo denuncien por lo que estimo que la tarjeta dejada dará buenos resultados; por lo demás, no se la dejó con los obreros sino con su vecino de en frente del cual es amigo." (Oficio 9395, 24 Septiembre 1941, "Sobre visita a los Fundos Santa Julia y Santa Margarita de Curacavi," Oficios 29a, 1941, 9301-9700.)

123. This article from El Siglo, November 25, 1941, is indicative:

INSPECTOR DEL TRABAJO SEPULVEDA FALCON PROVOCO UN GRAVE
ESCANDALO CALLEJERO INSULTO Y AGREDIO DE HECHO A UN
DIRIGENTE DE CAMPESINOS

Ayer en la mañana, en los instantes en que el presidente de la Union Provincial de Sindicatos Agricolas, Luis Coray Sanchez, se dirigia al local de la Inspección del Trabajo, fué interceptado violentamente por el Inspector Provincial de los Servicios del Trabajo, Jorge Septulveda Falcon, quien, luego de insultarlo groseramente en plena calle, lo siguio hasta el interior del edificio de la Inspeccion, donde repitiendo sus insultos procedio a agredirlode hecho.

Segun nos informo el dirigente Luis Coray, esta actitud del funcionario aludido, es motivada por la resolucion que hizo cumplir este diregente en el sentido de exigir la salida de Sepulveda Falcon y otros, de acuerdo con el sentir de los obreros del campo.

Ademas, nos expreso Coray, el carabinero placa 1942, que presencio estos hechos, no procedio de acuerdo con las circunstancias; pues en lugar de amparar al agredido, se puso de parte del provocador, procediendo a defenderlo de una posible reaccidn de los presentes.

INTERVIENE LA CTCH

El Subsecretario interino de la CTCH, parlamentario Reinaldo Nunez, se puso de inmediato en contacto con el Inspector Jefe, don Julio Kloques, a quien impuso de los incidentes, yendo, asimismo, en comision ante ese funcionario, los dirigentes de la Confederación. Dominigo Alvarez y Luis Sandoval, quienes presentaron su protesta formal por la insolita actitud de Sepulveda Falcon, individuo que no disimula su espíritu antiobrero, perjudicandolos en cuanta oportunidad se le presenta. (El Siglo, 25 de Noviembre, 1941.)

124. The Department's feelings toward Luis Coray are expressed in Oficio 4319, 27 Mayo, 1942, Oficios 15, 1942, 4301-4600. This oficio sent to the Minister of Labor by the Director of the Labor Department, says, in part:

En atención a la Prov. N° 1045, de ese Ministerio de fecha 18 del presente, recaída en copia de una presentación dirigida al Sr. Ministro del Interior, con motivo de una concentración campesina que se habría efectuado en Colina el 29 de Marzo ppdo., puedo informar a US., lo siguiente. . . .

. . . Me permito hacer presente al Sr. Ministro que analogas presentaciones se seguirán recibiendo tanto en ese Ministerio, como en esta Dirección General mientras siga actuando y teniendo intervenciones con los obreros agrícolas el Sr. Luis Coray, que se dice Presidente de la Unión de Sindicatos Agrícolas de Santiago, ya que, a este señor no se le conoce actividad, ocupación o trabajo alguno, y provoca frecuentemente molestas situaciones al Servicio y a sus Funcionarios con sus desacertadas intervenciones.

Con esta misma fecha elevo original a US., el informe del Inspector Sr. Antonio Barticevic, quien, cumpliendo sus propias instrucciones intervino en situaciones producidas en el Fundo "Santa Adela de Manquehue," de propiedad del Sr. Antonio Rabat, y gracias a la intervención del Sr. Coray se frustraron puntos ya solucionados en forma muy favorables a los obreros.

Por estas consideraciones estimo que esta presentación-denuncia debe de ser considerado con mucho beneficio de inventario, por así decirlo, ya que, el solo hecho que la patrocine el citado dirigente Luis Coray, le resta toda autoridad y prestigio.

125. From 1939 to 1941 approximately 485 labor petitions were presented in the countryside and 71 strikes resulted. For more details see Brian Loveman, "Antecedentes . . ." op. cit.

126. Again, the tendency for labor conflicts to induce changes in modes of production, if only in the short run, should be noted. Whether by replacement of workers with machinery, or shifts from inquilinos to sharecroppers, landowners frequently changed production patterns to decrease dependence on workers and to eliminate labor leaders.

127. Letter from the representatives of the owner of Fundo San Luis de Quilicura to the Minister of Interior, Santiago, 7 Enero, 1941, Providencias 7, 1941, 1651-1900.

128. A. Olivarria, op. cit., p. 505.

129. Florencio Durán Bemales, El Partido Radical (Santiago: Editorial Nascimento, 1958), pp. 268-269.

130. Ibid., pp. 270-271.

131. Gobernación de Petorca, La Ligua, 12 Enero, 1943, transcribing Dirección General de Investigaciones e Identificación, Sub-Inspectoría. Ligua, No. 12, La Ligua; 7 Agosto, 1942.

132. Ibid.

133. Brian Loveman, "Antecedentes . . ." op. cit., p. 12.

134. Province	<u>Unions formed in 1939</u>	<u>Unions Reported Active by Labor Department in Aug. 1945</u>
Coquimbo	12	"algunos sindicatos libres en Copiapo y Ovalle"
Aconcagua	46	1
Valparaiso	15	2
Santiago	55	34 (1944)
O'Higgins	21	0
Colchagua	11	1
Curicó	17	0
Talca	14	0
Linares	5	0
Concepción	1	0

These figures (for 1939) are from Brian Loveman, "Antecedentes . . ." op. cit., Passim. The Labor Department figures for 1945, underestimate union activity but the decline, if less intense, did occur. See Oficio 8185, 31 Agosto, 1945, "Informa sobre numero aproximado obreros de los sindicatos agricolas que se indican," Oficios 29, 1945, 8101-8400.

135. We have, for example, this letter to the Minister of Labor from the union in 'Fundo San Jose' de las Claras (Puente Alto, Santiago Province) dated 18 Enero, 1944:

Cansados ya de tocar todos los resortes que han estado a nuestro alcance con el objeto de solucionar armoniosamente las graves dificultades que aqui denunciamos, nemos decidido recurrir a Ud. con el fin de solicitar su valiosa intervencion en el sanjamiento de tales situaciones.

El Sindicato del Fundo San Jose" de las Claras elevo hace algun tiempo a la consideracion de los duenos de dicho fundo, senores Tocornal Candarillas, un plicgo de peticiones que contenia las aspiraciones de los obreros que alli prestan sus servicios. Con fecha 4 de Noviembre del año . . . ppdo. se soluciono" dicho pliego en la Junta Permanente Especial de Conciliacion para la Agricultura de Puente Alto, contemplandose en el Acta de Advenimiento diversas garantias y franquicias para los obreros, como consta en la copia que acompaÑamos.

Pues bien, es el caso, señor Ministro, que nuestros patrones no han cumplido en forma alguna el compromiso contraido con sus obreros, y no se ha respetado ninguno de los acuerdos suscritos en la referida ocasion. Ello ha producido un profundo malestar entre los obreros de este Fundo, en forma que las circunstancias nos han obligado a recurrir anto UD. como la más alta Autoridad del Trabajo en la Republica.

Y, como *si* tal situacion no bastara para originar un odioso conflicto y un clima de sobresalto entre el elemento trabajador [sic] del Fundo San Jose de las Claras, debemos

agregar un factor que se ha constituido en la eterna pesadilla de los que laboramos en este lugar. Se trata, señor Ministro, de la campana violenta y permanente lanzada por el Administrador General del Fundo, señor Marcos Soffia, y la Visitadora Social, señorita Pisela Reyman, en contra de los obreros que actúan en las faenas del Fundo, no trepidando en echar mano de los más inconcebibles y condenables procedimientos a fin de obtener el logro de sus torpes planes. El señor Soffia, con su actitud marcadamente anti-obrera, ha sembrado el terror y el pánico entre nuestros compañeros, y aun entre los propios empleados del Fundo, de manera que en estos momentos la situación ha adquirido matices de verdadera angustia y seria preocupación.

Este problema, señor Ministro, fué puesto en su conocimiento hace ya más de un año, y se ha ido agravando al paso de desgraciadas y lamentables circunstancias, que es necesario subsanar para llevar la tranquilidad a quienes no deseamos otra cosa que seguridad y garantía en nuestras labores.

Estos lamentables hechos han culminado con el despido del Presidente del Sindicato, compañero Juan Silva Villavroel, ordenado por el señor Soffia con fecha 17 del presente. El compañero Silva no ha cometido otro delito que solicitar el cumplimiento del acta de avenimiento, y es por ello que debe remediarse esta injusticia a la brevedad posible, permitiéndose que el compañero Silva vuelva a sus labores ordinarias en el Fundo.

Por tales razones, la Directiva del Sindicato del Fundo San José de las Claras y la Comisión nombrada por la asamblea de socios para los efectos de representarlos en estos trámites, venimos en solicitar del señor Ministro del Trabajo se sirva abocarse al estudio y solución de los problemas que nos afectan, con lo cual conseguiremos poner fin a un estado de cosas que amenaza gravemente los intereses de los obreros, y comprometer el reconocimiento de los afectados por los hechos que motivan esta presentación. (Providencias, 44, 1944, 1001-1300.)

136. The year 1946 also saw the split of the CTCH into two (Socialist and Communist) factions. This division of the national labor movement persisted until the formation of the Central Unica de Trabajadores de Chile (CUTCH) in 1953.

137. Letter from CTCH to Minister of Labor, Mariano Bustos Lagos, 11 Enero, 1946, signed by Bernardo Araya and Bernardo Ibañez, CTCH oficio num. 22 "ref. Sobre organizacion trabajadores agricolas," Providencias, 7, 1946, 1501-1800.

138. Brian Loveman, "Antecedentes . . ." op. cit., pp. 13-23.

139. This organization was variously called (in Labor Department documents) Federación Nacional de Obreros Agrícolas, Federación Nacional de Asalariados Agrícolas, Federación Industrial Nacional de Asalariados Agrícolas—as well as by its official name.

140. Juan Ahumada Trigo is among the foremost Communist rural **labor** leaders. He also served as a Deputy in the Chilean Congress. In 1971 he worked in INDAP. For Ahumada's participation during the period under discussion see, for example, Oficio 4129, Marzo, 1947, "Informa sobre reclamo por despedidos de obreros agrícolas Hacienda Chalaco Petorca," and accompanying documentation, Oficios 14, 1947, 3901-4200. Also, on April 15, 1947, Ahumada Trigo was named workers' representative for the Junta Especial de Conciliación para la Agricultura, Departamento de Santiago.

141. Letter from Lorenzo Medina Diaz to Minister of Labor, Collipulli, Marzo, 1947, Providencias 35, 1947, 9100-9369.

142. Acta, 16 Abril, 1947, signed by Fernando Landaeta T., Inspector Provincial del Trabajo, Malleco, Providencias, 35, 1947, 9100-9369.

143. See oficio 55, Santiago, 14 Abril, 1947, "Informa sobre cumplimiento orden del servicio No. 10 y providencia No. 3129 Direccion General respecto numerosos despidos dirigentes sindicales y obreros agrícolas en diecinueve predios departamento de Maipo (Buin)" Providencias 20, 1947, 9100-9369. This document is reproduced in **Brian Loveman**, "El Mito . . ." op. cit., pp. 34-35.

144. The following documents are some of the many which contain reports on dismissals, evictions, physical violence, reduction of perquisites, sharecrops, etc. While somewhat lengthy, the list is quite short in relation to the quantity of material of this sort to be found in the Archives of the Labor Department: "Sobre desahucios de inquilinos en provincia de O'Higgins," Santiago, 17 Marzo, 1947, Oficios 9, 1947, 2401-2700 accompanied by a report of complaint by CICH of dismissals in fifteen fundos, No. 303, 7 Marzo, 1947; Oficio Confidencial 1416, Rancagua, 29 Abril, 1947, "Sobre despido de inquilinos," Providencias 35, 1947, 9100-9369 ("Me permito poner en conocimiento de esa Jefatura que en esa provincia se ha registrado durante este ultimo tiempo un numero extraordinario de desahucios de inquilinos") Oficio 2417, Santiago, 19 Marzo, 1947, "Denuncian despido dirigente sindical," Oficios 9, 1947, 2401-2700; Oficio 97, San Bernardo, 14 Abril, 1947, "Sobre despidos obreros agrícolas y dirigentes sindicales," Providencias 35, 1947, 9100-9369; Letter from Sindicato Industrial Agrícola, Fundo Lo Carvallo, Calera de Tango, 14 Febrero, 1947, and accompanying report without number by Jefe de Sec. Inspecciones, Santiago, 26 Febrero, 1947, Providencias 11, 1947, 2401-2700; Oficio 1608, 21 Febrero, 1948, "Informa providencia No. 468 sobre presentacion del Sindicato Agrícola Santa Sara de Batuco," Oficios 6, 1947, 1501-1800; Oficio 536, Arauco, 26 Noviembre, 1946, "Informa providencia No. 357 de esa provincial relacionada con providencia No. 9737 de la Direccion General," Providencias 42, 1946, 10601-10900.

145. See also, for example, Oficio 7303, 8 Agosto, 1947, "Refierese reclamo de la Sociedad de Agricultores de Traiguén, por agitacion en los campos," Oficios 25, 1947, 7201-7500.

146. Telegrama 22, La Serena, to González Videla from Pres. Sociedad Agrícola del Norte, accompanies Oficio 80, La Serena, 18 Enero, 1947, "Informa telegrama de reclamacion de la Sociedad Agrícola del Norte por constitucion de sindicatos agricolas," Oficios 3, 1947, 601-900.

147. As suggested in Chapter IV, the terms of Law 8811 allowed landowners to break existing unions and require them, if they attempted to reconstitute themselves, to conform to the restrictive provisions of the new law. Legal labor petitions also became difficult to present given the law's prohibition on petitions during the harvest or planting season—which in some farms was always. See on this Oficio 9218, 29 Septiembre, 1947, "Los sindicatos agrícolas formados antes de la dictación de la Ley 8811 deben conformarse a sus disposiciones; aquellos que tienen personalidad jurídica pueden ser disueltos si conminados para ello no lo hicieren dentro del plazo que al efecto se les fije; no pueden los obreros agrícolas constituir sindicatos profesionales; . . ." Oficios 31, 1947, 9001-9300; and Oficio 5606, 27 Junio, 1949 "El pliego de peticiones presentado en época de cosecha es nulo y debe tenerse por no presentado para todos los efectos legales" Oficios 22, 1949, 5401-5700.

This meant that if a labor petition were presented during a period which the Provincial Agronomist considered "a time of harvest or planting," then the petition was void and the workers, who could not legally be dismissed while the petition was being processed, could then be dismissed and evicted.

148. Brian Loveman, "El Mito . . ." op. cit., p. 8.

149. Interview with José Campusano, Santiago de Chile, October 6, 1971.

150. For more detailed accounts of Catholic action in the countryside and the activity of the Instituto de Educacion Rural see Oscar Dominguez, El condicionamiento de La re forma agraria (Estudio de los factores económicos, demograficos y sociales que determinan la promoción del campesino chileno) Louvain: Université Catholique de Louvain, Collection de Ecole des Sciences Politiques et Sociales No. 173; Surco y Semilla, Revista de la Familia Campesina, editada por el Instituto de Educacion Rural (From 1955); Landsberger y Canitrot, op. cit., especially Chapters II, VI, VIII.

151. Landsberger and Canitrot, op. cit., has a good discussion of Church social doctrine and its meaning in the Chilean context in their Chapter VI "La Doctrina Social de la Iglesia y El Problema Laboral," pp. 175-212.

152. Oscar Larson and Carlos Valenzuela, Pbros., "Respuesta a Don Rosendo Vial y Carlos Aldunate E." Apendice. Imprenta de Ilustracion, (Santiago: 1940), p. 109, cited in Almino Affonso, el. al., op. cit., p. 40,

153. Ibid., p. 41.

154. Landsberger and Canitrot, op. cit., p. 201.
155. Ibid., p. 157.
156. Oficio 2121, Buin, 23 Julio 1941, "Informa Providencia 172-14-VII-41 . . ." Providencias 24, 1941, 7501-8000.
157. Almino Affonso, et. al., op. cit., p. 41.
- 158.** Ibid., p. 42.
159. FOCH activity in the zone of Molina had resulted in strikes in the vineyards in 1925 and 1928. In 1941, El Mercurio (Santiago: April 4) headlined "Nuevos Movimientos Huelguiticos han Provocado Los Comunistas." The story includes reference to strikes in El C6ndor, Santa Lucía, Santa Elena, Parroncillo, Santa Adela, San Hilario, La Maravilla, Cerrillo Verde, Santa Rosa, Reims, Lontu6, La Estancia, "y otras ocho propiedades m6s." This strike was broken up using police to "contract" non-striking workers from other farms.
160. Landsberger and Canitrot, op. cit., p. 48.
161. This Congreso reunified the national labor movement which had split in 1946 when Socialist and Communist factions divided the CTCH.
162. Landsberger and Canitrot, op. cit., pp. 131-136.
163. Almino Affonso, et. al., I, op. cit., pp. 80-86.
164. Strikes in agricultural enterprises were illegal according to the provisions of Law 8811. Striking workers in the haciendas were thus exposed to the application of the "Law for the Permanent Defense of Democracy"—anti-communist legislation passed in 1948. In fact, during the strike in Molina of 1953, Erailio Lorenzini and other ASICH organizers and striking workers were arrested for violating this law.
165. See Landsberger and Canitrot, op. cit., pp. 11-35.
166. These complaints are analyzed in Ibid., pp. 126-130.
167. Oficio 2472, 19 Abril, 1955, "Sobre visita efectuada por El Ingeniero Agronimo Zonal Del Servicio a Las Viñas de la Zona de Molina," Oficios 12, 1955, 2351-2600.
168. Landsberger and Canitrot, op. cit., call this "La Decadencia." See their Chapter V.
169. Ibid., p. 292.
170. Ibid., p. 293 (Actually Landsberger and Canitrot cite, to this effect, Solon Barraclough, "Lo que implica una reforma agraria," Panorama Econ6mico No. 230, Mayo de 1962, pp. 123-130.)

171. Tierra y Libertad Segunda Quincena de Marzo, 1954.
172. According to Almino Affonso, et al., (I, op. cit., p. 82) seven of the ten national directors [cor.sejeros] were of urban extraction.
173. Ibid., p. 94.
174. Ibid., p. 121.
175. Ibid., p. 165.
176. Ibid., p. 167.
177. Ibid., p. 168.
178. Ibid., p. 177.
179. Ibid., p. 179.
180. Ibid., p. 180.
181. Ibid.
182. Ibid., p. 195.
183. Ibid.
184. This Commission is further discussed in Chapter VI.
185. El Escorial, El Sauce, Viña Errazuriz and Las Bandurrias (Aconcagua); El Molino de Llay Llay (Valparaiso); San Vicente de Naltagua, Santa Laura de Viluco, San Miguel de Colina, Las Lilas and Cuarta Hijuela de Renca (Santiago); Totihue, Carlota, Las Palmas de Cocaian (O'Higgins); La Ramada, El Carmen; Nincullanta, El Medio, San Juan de la Sierra, El Paraiso (Colchagua); La Cantera (Bio Bio).
186. The text of this letter is reproduced in the Appendix to this chapter.
187. Juan Ahumada, pp. 420-433 in La Cuestion Agraria y El Movimiento de Liberacion Nacional Redaccion Alexi Rumiantzev, Praga, Editorial Paz y Socialismo, 1964.
188. An example of the sort of letters written to the Labor Department on behalf of campesinos by the Federacion Nacional de Trabajadores Agricolas is the following communication dated June 22, 1954:
- Nuestra Federacion solicita la intervencion de la Direccion a su cargo ante algunos despidos de trabajadores agricolas que consideramos ilegales, como asimismo del incumplimiento del salario minimo campesino en algunos predios:
- (a) Fundo y vina "Lindenau" de Malloco de propiedad de la sefiora Lisa Viuda de Timmerinan. En ese fundo en el

mes de Marzo se desahució a 11 familias de inquilinos, la mayoría de ellos antiguos trabajadores. En la actualidad, más de la mitad aun no encuentran donde irse y están expuestos a ser lanzados de sus habitaciones.

Frente a ese despido, consideramos que la inspección del Trabajo no debiere haber dado curso a tales desahucios, ya que se trataba de despido en masa y que la ley no faculta a los patrones para despedir de una vez a más de diez trabajadores sin la autorización del Ministerio del Trabajo y Economía.

(b) Fundo "San Miguel" de Colina que hasta hace poco era de propiedad de la Sucedora Ruiz Tagle. A raíz que ese fundo fué subdividido en tres o cuatro partes, se desahucio a todos los inquilinos bajo la promesa que posteriormente se les harían nuevos contratos, según con los patrones que quedarán. Pero luego un señor Letelier que quedó con una parte del fundo no cumplió con esa promesa y desahucio definitivamente a siete inquilinos entre los cuales estaba el inquilino Pelardo Meza Alvarez quien desde Diciembre del año pasado está enfermo (hospitalizado). Consideramos que el desahucio del inquilino Meza es ilegal ya que a un hombre enfermo no se le puede despedir mientras no vuelva a reincorporarse a su trabajo. Aun más, el inquilino Meza hasta el último instante mantuvo un reemplazante.

(c) Hacienda y viña "Codano" de la señora Sara Ossa, Covarrubias, ubicada en la provincia de O'Higgins. En esa hacienda se está pagando al inquilino \$27. diarios con un cuarto de cuadra de tierra [sic], cosa que está muy por debajo del mínimo fijado para esa provincia. En los fundos "San Luis" y "Nogales" de Molina, le pagan a los voluntarios \$50. diarios con dos galletas y una ración de porotos, lo que también está por debajo del salario mínimo. Otro tanto ocurre en la chacra "Santa" Isabel de El Monte de don Miguel Moreira que le pagan a los voluntarios \$55. diarios sin ninguna clase de regalo.

Sin otro particular y en espera que la Dirección General del Trabajo tomará en cuenta estos denuncios, lo saluda muy cordialmente.

[Signed]

Juan Ahumada T.

Secretario de organización (Providencias)

37, 1954, 7501-7750.)

189. This does not mean that legal petitions were completely neglected. But the difficulties of presenting such a petition successfully and complying with all the provisions of Law 8811 made this tactic less common. The difficulties are well illustrated in a case in Viña La Finca (Buin) in 1955. The workers presented a labor petition and the landowner objected on the grounds that the fundo was harvesting grass. The Labor Department agreed that while the grape harvest had not yet begun, "The vineyards in the zone not only cultivate vines, but also animal feed [pasto] and corn in a continuous cycle from January until the end of March." Thus, the petition was illegal because

it was presented in time of harvest. Still, the workers received a 15 peso per day raise in pay (from 140 to 155 pesos) through the "illegal" petition. See Oficio 03597, 2 Junio, 1955, "Sobre rechazo pliego peticiones de los obreros agricolas de la Viña La Finca," Oficios 16, 1955, 3351-3600 and accompanying documents Oficio 3350 25 Mayo, 1955, "Sobre pliegos de peticiones de los obreros de la Viña La Finca," Inspeccion Provincial del Trabajo, Oficio 61, Buin, 14 Abril, 1955, "Contesta providencia No. 362 de 12 de Marzo Ppdo., Sobre Pliego de peticiones obreros agricolas Vina La Finca;" Republica de Chile, Ministerio de Agricultura, Oficio No. 38, 14 Mayo, 1955, "Ref. oficio No. 3022."

190. Interview with Jose Campusano, Santiago de Chile, October 6, 1971.

191. Those detained included Chacon, Luis Corvalan and Volodia Teitelboim.

192. Oficio 41, 20 Enero, 1956, "Instrucciones sobre cumplimiento del Art. 36 de la Ley de Defensa Permanente de la Democracia," Providencias 19, 1956, 3641-3820.

193. See No. 726, Santiago, 26 Septiembre, 1956, "Crea Comision Asesora Agricola en la Direccion General del Trabajo," accompanies Resolucion No. 134, 11 Mayo, 1957, "Designa integrantes de la Comision Asesora del Trabajo Agricola, Resoluciones 2, 1957, 86-188.

194. ASICH representatives to this Comision were Hector Pizarro Acosta and Manuel Silva P. The SNA named Fernando Errazuriz Lastarria and Manuel Maldonado Brand.

195. For example, see Oficio 03727, 7 Junio, 1955, and accompanying documents on Fundo Las Lilas, Oficios 17, 1955, 3601-3850; oficio 08264, "Contesta presentacion de fecha 24 de agosto sobre incumplimiento D.F.L. No.244 en fundos que se indican," Oficios 38, 1955, 8251-8500; oficio 08265, 12 Diciembre, 1955, "Contesta presentacion de fecha 24 de octubre sobre situacion obreros fundo La Palma," Oficios 38, 1955, 8251-8500; oficio 174, 11 Enero, 1955, "Informa presentacion de fecha 24 de noviembre de 1954," [Fundo La Rinconada de Chena] Oficios 1, 1955, 1-250; oficio 1857, 23 Marzo, 1955, "Sobre resultado del reclamo presentado por el obrero agricola Sr. Ramon Ahumada ARAYA," Oficios 10, 1955, 1851-2100; oficio 03229, 14 Mayo, 1955, "Contesta presentacion de fecha 2 de Abril," [Fundo Los Helechos, Bio Bio] Oficios 15, 1955, 3101-3350; oficio 04162, 24 Junio 1955 and accompanying documents, "Se remite a contestacion dadas por oficios No. 3229 y 3727," [Fundo Santa Teresa, Los Valenzuela] Oficios 19, 1955, 4101-4300; oficio 413, San Fernando, 7 Abril, 1956, "Informa oficio No. 1795, sobre reclamo de los obreros del fundo Santa Isabel de Don José D. Moreno," Providencias 13, 1956, 2471-2700; oficio 05635, 27 Agosto, 1956, "Sobre reclamo contra Fundo La Estacada," Oficios 26, 1956, 5501-5700; oficio 368, Santiago, 19 Enero, 1956, "Sobre dificultades existentes en el Fundo 'La Flor del Liano' de San Clemente," Oficios 2, 1956, 201-400; oficio 476, 26 Enero, 1956, "Sobre situacion existente fundos Los

Cristales y Capellania de Pencahue y LaEstrella de S. Clemente," Oficios 3, 1956, 401-600; oficio 186, Chilian, 5 Abril, 1956, "Sobre situacion Fundo Gutierrez en Bulnes," Providencias 9, 1956, 1641-1770; oficio 367, 19 Enero, 1956, "Se refiere a situación Fundo Rucamanqui de Monte Aguila." Oficios 2, 1956 201-400; oficio 155, Angol, 28' Febrero, 1956, "Sobre reelano en el Fundo Santa Catalina de Collipulli," Providencias 12, 1956, 2281-2470; oficio 07325, 12 Noviembre, 1956, "Se refiere a situación Fundo La Estacada y despido obreros Hacienda Maivilla," and accompanying documents, Oficios 34, 1956, 7180-7360; oficio 08020, 7 Diciembre, 1956, "Se refiere a reclamo presentado contra fundos Las Peñas y Reina Norte," Oficios 38, 1956, 7951-8100; oficio 2548, Santiago, 3 Mayo, 1957, "Sobre reclamo presentado obrero vinatero Sr. Luis Cornejo Gatica," Oficios 14, 1957, 2501-2750; oficio 07763, 10 Diciembre, 1957, "Sobre reclamo interpuesto obrero agricola Sr. Rudecindo Arenas Olivos," Oficios 36, 1957, 7701-7925.

196. In the discussion which follows the 1958-1964 period is only briefly summarized. Unlike the pre-1958 period, an authoritative study of the rural labor movement--Almino Affonso et. al, op. cit.,— has been done for this period. See also, for a brief but less reliable survey, Constantine Menges, "Peasant Organizations in Chile," The Rand Corporation, Santa Monica California, n.d.

197. Partido Comunista, Proyecto de Reforma Agraria de la Asociacion de Agricultores de Chile, Imprenta Lautauero, 1958.

198. Campusano was of campesino extraction. He first led rural labor movements in Hacienda Limari in the 1934-1936 period and was a long-time Communist Party member. He is currently (1971) employed by ICIRA and directs the section charged with capacitación [training].

199. For events leading to the creation of FCI see Almino Affonso, et. al, op. cit., I, 125-129.

200. U. S. policy makers also began to take great interest in the rural sector. AID and the International Development Foundation pumped in large sums of money to fund the Catholic rural labor organizations against their Marxist rivals. On this see Almino Affonso, et. al., op. cit., and Punto Final Suplemento de la edicion No. 114, raartes, 29 Septiembre, 1970, "Alerta La CIA Opera en Chile."

201. Trateros refers to workers that contract for a section of the vineyard and then hire other workers to care for it and bring in the harvest. It is a form of indirect management which insulates the landowner, to a certain extent, from labor relations problems.

202. Letter from Sindicato Agrícola Viña San Miguel to the Minister of Labor, Molina, 20 Agosto, 1960, accompanies Oficio 1751, 18 Abril, 1961, Oficios 8, 1961, 1741-1920.

203. Oficio 1751, Ibid.

204. The letter has rubber stamps belonging to (1) Sindicato Industrial Bata, Penaflor; (2) Comité Sederías 'Dunay'; (3) Sindicato

Industrial Obreros Chadwick Herrera y Cia; (4) Sindicato Profesional de Panificadores de Talagante; (5) Sindicato Industrial 'Invasa'; (6) Comité Obreros Campesinos Fundo Santa Elena; (7) Comité de Jubilados del Seguro Social; (8) Sindicato Profesional de Panificadores de Mailoco y Penaflor; (9) Sindicato Agrícola Hacienda San Vicente de Naltagua. This is the tactic of APADRINAMIENTO and the campesino-worker alliance" in action.

205. Letter from Comité Departamental de Sindicatos Talagante to the Director of the Labor Department, 2 Agosto, 1961, accompanies Oficio 5486, 17 Noviembre, 1961, "Sobre reclamo obreros Hacienda San Vicente de Naltagua," Oficios 23, 1961, 5301-5300.

206. Oficio 5486, Ibid.

207. Oficio 1841, 21 Abril, 1961, "Informa sobre presentacion del sindicato agricola del Fundo 'El Nilhue,' de Catemu," Oficios 8, 1961, 1741-1920.

208. See, for example, the case reported from Fundo Pinares in Oficio 103, 10 Enero, 1963, "Informa providencia No. 1812, de 12 de Diciembre de 1962, sobre reclamo por despedido de obreros del Fundo Pinares," Oficios 1, 1963, 1-230.

209. Oficio-Circular 4204, 26 Agosto, 1963, "Transcribe Decreto R.R.A. No. 23 e imparte instrucciones sobre procedimiento en reclamaciones por no pago asignacion familiar," Oficios 18, 1963, 4161-4340. See also Ministerio del Trabajo, Oficio 497, Santiago, 8 Junio, 1960, "Aprueba reglamento para el funcionamiento de la Comision Fiscalizadora del Pago de la Asignacion Familiar a los Obreros."

210. Interview with Jose Luis Pistono, Santiago de Chile, November 3, 1971.

211. Oficio 1139, 28 Febrero, 1964, "Sobre reclamos en contra del representante de La Hacienda Curillinqui, señor Roberto Fernández" Oficios 7, 1964, 1001-1333.

212. This competition sometimes resulted in the Labor Department being used as scapegoat. In one case, in a mass meeting in the plaza of Buin, Communist Deputy Juan Acevedo Pavez and regidor Hugo Leiva J. insulted the labor inspector for the area, accusing her of being dishonest and corrupt--among the lesser of the insults. The inspector asked the Labor Department to initiate a libel suit against those who had offended her. See Oficio 3455, 16 Julio, 1964, "Devuelve antecedentes sobre injurias y calumnias de que ha sido objeto la Inspectora del Trabajo de Buin, y acompaña escrito de denuncia criminal," Oficios 17, 1964, 3601-3800.

213. See, for example, the editorial "Momento Histórico Para Chile," in the IER publication Surco y Semilla (June, 1964), Afio IX, No. 99. In part, the editorial says "Todo el Campesinado inteligente esta" ahora, hasta los dias de la eleccion, en reflexion, consulta

serena y pidiendo a Dios que le ilumine para elegir bien. Esto es **tomar en serio** la eleccion presidencial." All the campesinos knew, of course, that God did not support Marxist candidate, Allende.

Until 1958 the fundo and hacienda workers had always voted for the candidates which their patrones had chosen for them and these workers were always considered part of the inventory of the latifundia that would assume the politics of the landowner. In 1958, however, there was a rebellion of caumpesinos who voted against the candidate of the patrones and for the candidate of the far left. Because of this the latifundia in Chile have been transformed into a political problem.

Carlos Keller, 1963

CHAPTER VI

PARTY POLITICS, RURAL LABOR AND PROPERTY IN RURAL LAND

Dating from the nineteenth century, the Chilean party system has been the most stable and most enduring in Latin America.¹ Nowhere in Latin America have party politics and elections played a more important role in national decision making than in Chile. Since 1932 Chile has been the only Latin American nation in which competitive party politics determined, without the intervention of the military or revolutionary movements, the occupants of the Presidency, Congress, and higher policy-making positions in the national bureaucracy.³ These same parties competing at the national level also vied for control of local governmental institutions as well as for influence in national and regional student federations, labor unions and other community and class organizations.⁴ Not only the durability, but the scope and penetration of the party system in Chilean politics made political parties a key element in the national political system.

The Chilean Constitution of 1925 formally recognized the role of parties as instruments for aggregating interests and representing them in the Chamber of Deputies and the Senate. Article 25 of the Constitution declared: In elections of deputies and senators a method shall be

used that, in practice, will result in giving an effective proportionality in representation to opinions and to political parties. Since 1932 this mandate has been generally carried out in a context involving a full spatial range of competing parties on a Left-Right continuum. Electoral laws and procedures—a modified d'Hondt system of proportional representation--produced results slightly biased against smaller parties and leftist parties prior to 1962.⁵ Elimination of joint party lists pretty much corrected these defects in 1962. In any case, small parties sometimes benefitted from the electoral law's provisions, depending upon the regional distribution of party voting strength. For example, a small party with concentrated regional support in Malleco province might win a congressional seat with 3,000 votes while a congressional seat in Santiago province required six to ten times as many votes.⁶ Likewise, the concentrated strength of Socialists in some regions sometimes produced parliamentary representation in excess of the party's proportion of the national vote. Charles Parrish, et. al., reported that for a forty-four year period average underrepresentation for the Communists, assuming a national constituency instead of regional constituencies, came to .83 deputies per election and for the Socialists to 1.78. The center and right parties obtained average overrepresentation of from 4.45 (Radicals) to 1.3 (Conservatives) deputies per election. Yet all parties except the Communists obtained both overrepresentation and underrepresentation in relation to national vote totals in at least two elections. The worst case of overrepresentation came with the assignment of twenty "extra" seats to the Christian Democrats in 1965; the worst case of underrepresentation occurred in 1941 when Socialist representation was eleven seats below what it would have been with distribution of seats based on national vote totals.'

Electoral reforms in 1958 and 1962 introduced a single official ballot to replace the multiple party-prepared ballots previously used. They also eliminated party control over the order in which individual candidates appeared on party slates. While in the past voters could choose different party ballots for the Chamber of Deputies and the Senate in order to vote for individual candidates on different lists, the 1962 reform made it possible to simply check individual names on a single ballot. This gave congressional elections the additional character of a "party primary." The voters determined not only the party vote totals but selected which candidates on the party slate they preferred. The reform did not eliminate the ability of a particularly popular candidate to amass votes which could then be distributed to other members of the party slate. Thus, a candidate who received 50,000 votes in a district which required 20,000 votes for election provided his party with enough votes for one and one-half additional seats in the parliament. This arrangement also made party discipline somewhat more difficult as personalist campaigns could be useful to the party while the party could not determine the order in which slated candidates would be selected for office.

At first glance the Chilean party system seems to fall neatly into Sartor's discussion of "polarized pluralism" in Western Europe. It is a system which has had a large number of durable parties as well as a number of splinter and "mushroom" [callampaj] parties, a highly dispersed distribution of votes, and, in terms of political cleavage, covered "all the possible distance."⁹ Between 1932 and 1972 the party spectrum has contained over 150 parties including those to the left of the Partido Comunista and as far "right" as Von Maree's Nazis. From

1958 to 1968 the number of parties decreased slightly but a clear right to left spectrum remained and never included less than five major parties—Sartori's minimal criterion for labelling a system "multi-polar polarized."¹⁰ After 1968 the number of parties again increased as the center parties (Radicals and Christian Democrats) experienced several splits. Only in 1938, 1942 and 1964 did even presidential elections take on a bi-polar character, while in 1932, 1946, 1952, 1958, and 1970 the system maintained its raultipolarity even when the tendency to form "presidential election movements" served to reduce the number of alternatives available to voters.¹¹ Municipal and Congressional elections inevitably produced a multi-polar dispersion of votes including an important proportion of suffrages for "anti-system parties." After 1970 some tendency toward a consolidation into a bi-polar system occurred—yet to the end of 1972 leftist critics remained a challenge to the Allende government and some elements in the center parties refused to enter into an explicit alliance with the Right. Despite this reluctance, in late 1972 the opposition parties formed a "confederated" party for purposes of participating in the March congressional election against a united government "party." In effect, this represented a legal circumvention of the law against joint party lists rather than a consolidation of the party system. Electorally, however, this must be seen as an effort to impose a bi-polar distribution of votes in order to resist the Popular Unity Government's "Marxist" program.

Despite many similarities to European polarized pluralism, the generalizations Sartori makes about such systems do not seem to hold for the Chilean case. Sartori claims that such arrangements are "immobile political systems, badly fitted for the absorption of change;"--

that there is only peripheral turnover, limited to some of the smaller parties and which cannot be extended to all the parties;¹³ there is no alternation for the extreme parties which are expected not to govern indefinitely, as long as the system survives.¹⁴ This leads, according to Sartori, to a "politics of outbidding," "a promising of gold for nothing or heaven on earth."¹⁵ Sartori claims that such developments are "the very negation of competitive politics,"¹⁶ because "the system cannot profit from the stimulation of a responsible opposition and, on the other hand, it is largely paralyzed by cabinet instability . . . [thus] the party system is more an agent of disintegration than an instrument of aggregation, and the outcome is either sheer immobility or disorderly change"¹⁷

During the period from 1932 to 1972 the Chilean economy and society underwent extensive change. Increased urbanization, industrialization and bureaucratization left Chile a much more modernized society in 1972 than it had been in 1932. The economic crisis of 1929 induced a process of industrialization aimed at import substitution which, by 1939, included a State Development Corporation (CORFO) dedicated to establishing new industries and supporting the development of private enterprise.¹⁸ By 1960 less than thirty percent of the actively employed were occupied in the primary sector of the economy and only about twelve percent of the gross national product derived from agriculture.¹⁹ Accompanying this economic transformation came changes in government office holders.

Back and forth, from right to left, from center to right, from left to right, the political pendulum has swung Early in the game, in this era of modern mass politics, the three great forces appeared on the scene--the capitalist Right, the reformist Center, and

the socialist Left. Year after year they fought it out,, building up their organizations, spreading their propaganda, counting their votes.²⁰

From 1940 to 1970 the proportion of eligible voters to population increased by about 300 percent. In 1940 approximately 500,000 voters participated in a population of 5,000,000; in 1970 about three million voters went to the polls in a population of nine million. Incorporation of women voters, increased literacy rates, intensified politization of the working classes and mandatory registration and voting did much to elevate the proportion of voters in national elections.²¹ In 1970 elimination of the literacy requirement further expanded the electorate. Thus, during these years the Chilean polity experienced increased "political" participation as well as rapid social and economic change.

Contrary to Sartori's hypothesis, however, "anti-system" politicians of various factions and parties participated in government and parliamentary coalitions. From 1938-1941 a popular front government included representatives at various levels of the Socialist and Communist parties. In 1946 a government coalition contained three Radicals, three Liberals, and three Communists. This coalition included representation from the poles of the right-left continuum while leaving socialists, on the left, and Conservatives and ex-Nazi's, on the right, out of the government. Unlike the earlier Popular Front experience, the Communists occupied Ministries in the 1946-47 period. From 1938 to 1958 turnover in national ministerial coalitions allowed participation, at one time or another, for all major parties and numerous minor parties. Until the period 1958 to 1964 every Chilean president formed a ministerial coalition during his six year incumbency which at some time included Marxists whose express commitment included radical alteration or

destruction of the existing political institutions. Throughout this period, Marxists, including Communists and Trotzkyites, received patronage positions in the national bureaucracies and public enterprises. At one time a Communist even occupied the Ministry of Agriculture and another directed the agency charged with setting agricultural prices--much to the distress of landowners. Even from 1948 to 1958, when the Partido Comunista was outlawed, Communists, under different labels, participated in the parliament and public administration.

From 1958 to 1964 a rightist coalition headed by president Jorge Alessandri governed Chile without the formal participation of any Marxist elements or the Christian Democrats. By 1964 the electoral strength of the Right had so diminished that they withdrew their own presidential candidate and "chose" to support Christian Democratic Senator, Eduardo Frei, against the Marxist coalition's (FRAP) Allende.

During the 1932 to 1970 period the party system continued to function, providing for smooth and legal transfer of governmental authority as well as an ongoing legislative process. The Chilean system could hardly be characterized as immobile. The continuing commitment by the general population as well as the parties to the party system, despite the anti-party rhetoric of the Ibañez period (1952-1958), hardly suggests that the parties represented a source of "disintegration" or "disorderly change"--unless the criterion of integration is non-recognition of conflicting claims and interests and "orderly change" means imposition from above by a governing elite of a "comprehensive national plan." In short, despite "polarized pluralism" the Chilean party system performed better, in terms of institutionalizing transfer of power, representing diverse interests, legislating and

sustaining a formal democracy, than any comparable system in Europe. There existed no comparable experience in Latin America.

In 1970 a Socialist-Communist dominated coalition obtained a plurality in the presidential election after an unbroken electoral alliance of fourteen years. The Chilean Congress, controlled by the Christian Democrats, followed the custom of awarding the presidency to the candidate with the largest plurality and a Marxist legally occupied the presidency for the first time in Chilean history. Since that time, despite severe economic and political difficulties, municipal and Congressional elections have occurred as required by law.

THE BASIS OF STABILITY

The success of the Chilean party system rested to great extent on a growing pride by most Chileans in their formal democracy. No open political system, especially a system that encapsulated as much conflict as the Chilean polity from 1932-1964, could survive without a supportive political culture. But a supportive political culture is not enough, particularly where large segments of the population experience economic and social conditions that provide daily contradictions to the system's formal commitments to equality, decent living conditions and social mobility.

Part of the difference between Chilean polarized pluralism and the European cases can be explained by the lack of any regional, ethnic, or religious cleavages. The party spectrum from 1932 to 1964 was essentially unidimensional, a left to right dimension based on ideological differences concerning the role of the State in society and on the "social question." While some "red zones" existed in elections,

this depended upon the location of mines or industrial enterprises with organized workers rather than on any regionalism per se. Ethnic and religious minorities divided their allegiance among various parties; no exclusively ethnic or religious movements became political parties.

A further important difference is that the Chilean system combines multi-party politics with presidential government. Governments do not "fall." Presidents serve six year terms and during these six years various ministerial coalitions or ministries of "technicians" or even personal friends may develop. Whatever happens in elections the president, with the substantial powers vested in him by the Constitution of 1925 and the subsequent amendments, remains "in charge." But the polarized multi-party system provides a difficult context for presidential dominance. Typically Chilean presidents have even been unable to maintain the total support of their own parties during their six year terms.²² Yet the political struggle between the Congress and the President has not meant immobility—only a certain constraint on the ability of presidential incumbents to impose the electoral platform on which they campaigned. Since generally the presidential electoral platforms contained more "left" or populist planks than the Congress would accept, the growing frustration of leftist members of presidential coalitions has meant the eventual decomposition of these arrangements and a gradual rightward drift during the course of the president's term of office. *This* trend had prevailed universally since 1938.

The Chilean Congress, thus, provided the political Right with an opportunity to constrain the activity of presidential coalitions even

if the Rightists could not elect presidents. As Petras has pointed out, "though the traditional oligarchy did not 'rule' Chile between 1938 to 1958, it did limit the scope of action of the left-center coalitions that elected the president."²³

Control of the votes of rural labor provided the Conservative and Liberal parties, as well as some Radicals, with enough parliamentary seats to retain important veto capabilities. The "stability" of the system depended upon continued dominance of the hacienda system in the countryside in exchange for approval of government programs of industrialization and modernization in the urban areas. In practice the Rightist parties also exacted benefits from the urban and industrial development programs by participating in government supported private enterprises and channeling government credit into "desirable" areas.

Underlying this superficial "arrangement" were important contradictions. The electoral clientele of Socialists, Communists, Radicals and even the Liberals consisted mainly of urban dwellers. A most important element in maintaining this support, especially for the Radicals, Democratas, and Socialist participants in presidential coalitions, was the struggle to keep basic food prices, controlled by government decree, within reasonable limits. Throughout this period the issue of inflation, reflected in the price of flour, bread, cooking oil, sugar, and other staples, was a dominant theme in every election except the presidential election of 1964--which focused on the "danger of communism." After the world depression (1929-1930) the Chilean government began to fix minimum prices for agricultural commodities to defend producers, When the depression ended the government began

to fix maximum prices for a variety of wholesale and retail commodities. This development created a conflict between urban politicians and landowners. The growing militancy of the urban and industrial labor movement made it inevitable that increases in agricultural prices would reverberate to some extent in pressure for higher wages. In addition,

a direct confrontation with the workers would have entailed a loss of electoral support by the reformist bourgeois parties. In these conditions the bourgeoisie decided again and again to oppose increases in agricultural prices The bourgeoisie was disposed to find ways to compensate the landowners. The nature of these measures depended upon political exigencies but there was one means which was almost always constant: repression of the rural union movement.²⁴

It must be added that the Marxist parties, with the exception of the Trotskyite wing of the Socialists, periodically colluded in this repression. Coalition governments headed by Radicals from 1938 to 1952 repeatedly sacrificed the rural labor movement in order to maintain the internal viability of government coalitions and to save programs in Congress where the political Right continued to exercise important veto capabilities. Repression of rural labor combined with non-enforcement of labor law, housing codes, non-collection of social security and health insurance payments represented the most important government "subsidy" to rural proprietors from 1932 to 1964. This compensated farmers for the relatively low prices of agricultural commodities.²⁵ Indeed the real income of rural labor experienced a secular decline from 1940 to 1964.²⁶ Thus, the fundamental basis for maintenance of the existing equilibrium among the parties, that is, the legal participation of the anti-system parties, consisted of their non-intervention in the countryside to challenge the hacendados' domination of the rural

labor force and thereby destroy the sectoral trade-offs that united the rural and urban elites. Maintenance of the hacienda system provided the essential trade-off for the "stability" of the party system which, in turn, prevented radical transformations of the Chilean polity and economy.

For that very reason the limits of tolerance in the system coincided with the intervention of the non-rightist parties into the countryside. Bernardo Yuras perceptively described these relationships in a letter to the Socialist Party in 1938 in which he requested greater support for the Liga Nacional de Defensa de Campesinos

Pobres:

For many years the campesinos have been the electoral reserve and base of domination for the landowners. Presently, and with even less intensive operations than would have been possible with the decided support of the Socialist Party, they [the landowners] understand that this electoral control is escaping their hands, and for this reason they combat—and they will combat—all penetration into their fundos.

This is the reason why they oppose unionization or any form of campesino organizations. This is the truth concerning all the complaints [alharacas] raised in regard to supposed revolutionary agitation, disorganization of production, strikes carried out by professional agitators . . . and the problems which have alarmed some popular front leaders, naturally those with linkages to the hacendados.

But we will not cede even an inch in the race to organize the campesinos in efforts at total penetration. We know that some Rightist sectors have proposed to allow campesino organizations as long as they are given guarantees that there will be no party influence, that is, no influence from leftist parties and especially the Socialist Party. This tactic is clear: They don't want any political penetration other than the 'politics of the priest' and vote-buying or, many times, the simple obligation to vote for the candidate that the patron specifies.²⁷

From 1938 onward middle class and especially Marxist parties challenged the hacendados' control of rural votes. But from 1938 to 1958 the major thrust of the Marxist parties in the countryside was

not electoral politics. Stimulation of class organizations and labor conflicts, agitation for enforcement of labor law and ideological penetration took precedence over the electoral struggle. Even during the most difficult periods for the Marxist parties and their agents in the rural labor movement, including the outlawing of "communists" from 1948 to 1958, some party-linked rural labor organizations survived and served as foci of permanent resistance to hacendado domination. The existence of these organizations provided leftist or populist parties with potential for creating situations of conflict, embarrassing incumbent governments, agitating for improved conditions for rural labor and directly challenging landed proprietors.

Such non-electoral weapons are crucial for parties that openly proclaim their intentions to radically alter the existing formal regime through class conflict which includes electoral politics as well as direct confrontation and violence. Without such an organizational basis anti-system parties are credible neither to the sectors they claim to represent nor to the groups they seek to displace. Thus, the Chilean labor movement, including the relatively weak rural component, represented an important tactical weapon in the arsenal of the anti-system parties. Many campesinos unwilling to join the Partido Comunista or other Marxist parties willingly joined "pluralist" campesino unions and committees supported and maintained by Communists and Socialists when these organizations dedicated themselves to improving the conditions of work and living of the workers and appealed to agrarian reform as a means to reconstitute rural Chile. In this sense, broadly conceived, rural labor activism provided opposition parties with strategic non-parliamentary alternatives for altering the

rural property system, and, thereby, upsetting an important prop of the existing political order.

In part this non-electoral emphasis by the Marxists derived from a realistic assessment of the continued capability of landowners to control rural voters through bribes, particularistic perquisites or coercion. Even in the cities bribery [cohecho] still played an important part in Chilean elections. In 1938 a director of the Popular Front presidential candidate's campaign described the use of smoke bombs to break up the "concentrations of voter bribery on the day of the elections."²⁸ In the countryside the campesino traded his vote for needed income or favors. Failure to vote for the patron's candidate could also bring retribution. For example, the Sindicato Industrial Agrícola in Fundo Miraflores, Cerrillos (Santiago Province) complained in 1940 that:

[the owner] requires the workers to register in the Partido Nacionalista. If they refuse he dismisses them . . . and brings in other workers to replace them.

They are preparing for the elections of 1941 . . . demanding that the heads of family throw their sons out of the houses so that the youth cannot organize nor make electoral propaganda favorable to the Popular Front government. At the same time, they dismiss these workers, other landowners are warned not to hire them.²⁹

This did not mean that the Marxist parties ignored the potential voter gains in the rural areas. Indeed the director of the Popular Front's electoral campaign of 1938 reported:

I have never been able to forget . . . the case of the Communists in the commune of Champa, near Santiago, to whom I gave the task of making electoral propaganda in the fundos in that locality and in the foothills of the Andes. The whole trip had to be made on foot and, fearful that they would object to the small amount of money provided, I gave them 300 pesos for personal expenses. One of them, looking at the money, said "This money is not appropriate to the job you assigned us. Twenty pesos will do for some milk and bread. We can always find lodging."³⁰

But for the Communists, in particular, electoral activity supplemented other patterns of penetration into the countryside. As José Campusano commented in 1971, "We simply did not have good possibilities of electing deputies in most areas. Our task was one of ideological penetration [adoctrinamiento], political education and organization—not the quest for votes. Until recently, we did little electoral work; indeed that may be considered a defect of ours."³¹

This statement is somewhat misleading. Union activity and political education could assist local politicians in electoral matters. In the period 1938 to 1947 Socialist and Communist councilmen [regidores] or would-be councilmen relied on rural and town workers' organizations for voting support. For example, in Quilicura and Quinta Normal (Santiago Province) Socialist regidores Carlos Cortes, R. Sepulveda and José Muñoz had close contacts with the local Ligas de Campesinos Pobres. Communists also used the position of regidor to support rural unions and the rural unions to elect regidores. Illustrative is a case in the commune of Longavi (Linares Province) in 1947 where the president of the campesino union in Hacienda La Tercera became a regidor and used this office to bring the workers' demands to the attention of the Central government.³² Supporting labor organizations against the hacendados in this manner provided local party candidates with good leverage in municipal elections. Paid party activists of the Partido Comunista took advantage of this opportunity to elect regidores in various communes during this period. A typical case from the Province of O'Higgins in 1947 saw party activist Carlos Castillo Reyes sponsor a number of labor conflicts prior to the 1947 municipal elections. This activity "produced good results for Castillo and his

party. He is now regidor in the commune of Rengo, thanks to the fact that when the election occurred various labor disputes pended and Castillo appeared as the only 'defender' of the campesinos" ³³

The interdependence of union organization, labor conflicts and electoral competition was not lost upon the Marxists nor even on the middle-class Partido Radical. The Radicals, especially during the Popular Front period—and at the local level—cooperated with Popular Front committees and union organizations. Demands for enforcement of labor law and defense of the campesinos often included the official stamp of the local Radical party organization.³⁴ But despite this electoral activity, the main focus of party activity in the countryside, prior to 1958, and especially of the Marxist parties, remained in non-electoral efforts to loosen the hold of the landowners on the rural labor force; to embarrass the landowners by publicizing their violations of the law and exploitation of the labor force; to pressure bureaucrats to enforce labor law in the countryside; to stimulate class organizations and labor conflicts; and to spread Marxist ideology in the rural sector. To 1958 the electoral potential of rural votes remained a principal resource of the political Right and the landowners.

PATTERNS OF PARTY ACTIVITY IN THE COUNTRYSIDE, 1932-1958

From 1932 to 1958 various center and leftist political parties made sporadic interventions into the countryside. Only the Communists maintained a constant presence. Even the Communists, however, failed to create an important rural party organization on a national scale. The Communists, like all Chilean parties, maintained essentially an urban organization; rural activities represented high risk, high exposure attacks on the bastion of the Chilean oligarchy.

Yet even this limited and sporadic penetration threatened rural proprietors in a variety of ways. In the first place the recognized legitimacy of party organizations and local party office holders allowed party politicians so inclined to point out the gap between the requirements of labor law, housing codes and social security provisions and landowner performance. In some areas party politicians could pressure bureaucrats to enforce laws and secure respect for the campesinos' legal rights. Parties and party members served as mediators between campesinos, bureaucrats and rural proprietors by registering complaints regarding non-compliance with existing labor legislation. These efforts introduced external (bureaucratic) authority into the hacienda enterprise, which tended to debilitate the legitimacy and effectiveness of the customary authority of rural proprietors over the rural labor force.

This pattern of activity had two basic variants: complaints registered by local or national party organizations or complaints registered by local or national elected officials (deputy, senator, regidor). Supplementing these two basic strategies, parliamentary committees of one party or a group of parties sometimes lodged complaints with the appropriate Ministers or department heads and demanded remedial action.

Illustrative of the first variant is a case from Hacienda Lo Vicuña of Putaendo (Aconcagua Province) in 1934. In late 1934 a group of inquilinos sent a note to the local section [agrupacion] of the Partido Democrata. The inquilinos complained that the proprietor had introduced a new contract that restricted customary grazing rights and imposed new sanctions for missing work. They asked the party to

intervene on their behalf with the local labor inspector so that these measures would be rescinded. During these years the Partido Democrata dominated the Labor Department; this was the patronage pay-off that bound an originally working-class party to the conservative Alessandri government (1932-1938). Control of the Labor Department allowed the Partido Democrata to provide employment for party members and services to urban and, less frequently, rural workers.

The local agrupación forwarded the campesinos letter to the director of the Labor Department in the form of an "inquiry." The Department sent a labor inspector to the hacienda. He reported that the Labor Department approved the new contracts; no innovation had occurred and customary arrangements were merely "formalized." Nevertheless, "in order to take into account some demands of the workers . . . new contracts will be signed and the respective Reglamento Interno adopted" ³⁵

Party action brought intervention of bureaucratic norms and some modification of the conditions of work and wages-perquisite benefits. The local party could later remind the inquilinos of those gains at election time—if the landowner did not control the workers' vote. For the landowner, the years of unilateral determination of conditions of work in the hacienda ended.

On other occasions party leaders attempted to intervene directly to assist workers at the office of the labor inspector, labor court, social security office or health clinic. They accompanied the campesinos to the respective government office and helped them to obtain the attention required, fill out the official forms, or "smoothed their way" by demanding preferential attention for their "clients."

For some bureaucrats this represented an annoyance or a deviation from official procedures. During the Popular Front period this sort of activity by the Popular Front parties expanded greatly causing some bureaucrats to register their official displeasure at serving as leverage for populist or Marxist clientele-building. For example, the labor inspector in San Felipe (Aconcagua Province) complained that "unfortunately, Democrat, Socialist, and Communist politicians are coming to represent the workers. I find this unacceptable and I don't permit it because it . . . means that the functionary serves, indirectly, as an instrument of people desiring to gain political strength from the working masses on the foundation of our efforts [as functionaries in the public service]."³⁶ The inspector's comments accurately reflected the political context of the situation: political parties made efforts to assure bureaucratic responsiveness to campesino demands. If successful, the parties could make electoral, ideological, and organizational gains. But this opportunity for the parties existed only because without party intervention, or intervention of other external agents, the bureaucrats did not generally respond adequately to the campesinos' needs or demands.

Middle class and populist parties (Partido Democrata, Partido Radical, Partido Agrario Laborista and others) as well as the Marxist parties, made intermittent interventions of this sort in the countryside throughout the 1932-1958 period. Only rarely did the center parties get involved in labor conflicts or union organizing.³⁷ In contrast, the parallel operations of the Marxists' local party organizations and the local sections of the national labor confederation (CTCH) gave the Marxist parties advantageous access to information

about labor conflicts or the problems of individual workers. Many times party headquarters and the local CTCH office occupied the same building or even the same room. To some extent, however, the party-affiliation of bureaucrats also played a role in this sort of political entrepreneurship. In the Health Service, doctors assigned to local hospitals or the clerks distributing "numbers" to ration the doctors' time among patients occupied strategic roles. Not infrequently local doctors also became regidores. In the Social Security Administration, processing of applications for pensions, welfare or medical benefits represented other opportunities for party activists to recruit clientele. Where the party could place bureaucrats through patronage this provided added leverage; where they could not, pressure placed on the bureaucrats made the campesinos aware that at least some political party organizations intervened on their behalf. For the middle class parties this could mean votes. For the Marxists, in addition to votes, it could mean the initial bridge between clientelism and ideological penetration. For the campesinos, intervention of the parties on their behalf, whatever the motivation, increased the public exposure of bureaucrats who generally failed to adequately handle campesino demands.

The second variant of party intervention might be labelled "casework." Casework consisted of written, telephoned, or personal requests by deputies or senators for bureaucratic attention to particular campesino demands. Casework took place in regard to various government agencies. Deputies might send a note [recomendaci6n] to a doctor at the health service to obtain better service for "his" clients; requests could be made for prompt processing of applications for pensions; labor problems might bring the congressman's suggestion

that a labor inspector visit a particular farm or pay special attention to the problems of particular workers who registered their complaints at the inspectorate. This type of casework is common in American politics; in Chile it became common in relation to rural clientele after 1958.

In an effort to systematically detail this sort of activity in regard to rural "labor problems" the letters, telegrams and telephone calls from congressmen (deputies and senators) recorded by the Labor Department regarding rural labor problems have been collected. No doubt some loss of material has occurred over the years. Some telephone calls were never recorded and telegrams may have been lost. There is no reason to believe, however, that any systematic loss of material has occurred, that is, that the Labor Department archivists have excluded letters from deputies or senators of particular parties or that in particular years letters were destroyed. In collecting the materials there is also the possibility that some inadvertent omissions have occurred. The cases were collected by a complete search of the Labor Archive volumes from 1931 to 1968; it is nevertheless possible that some cases have been overlooked. Again, however, no systematic bias exists.

The data (see graphs 1-3 below) show that before 1961, with the exception of the deviant case of 1955, very few parliamentarians did casework on behalf of campesinos. In no year, again with the exception of 1955, did the number of congressmen doing such work exceed six. A partial explanation of the deviant case can be found in the planned campaign of agitation by the Marxists against the Ibañez government in 1955. Marxist deputies employed casework as part of a deliberate

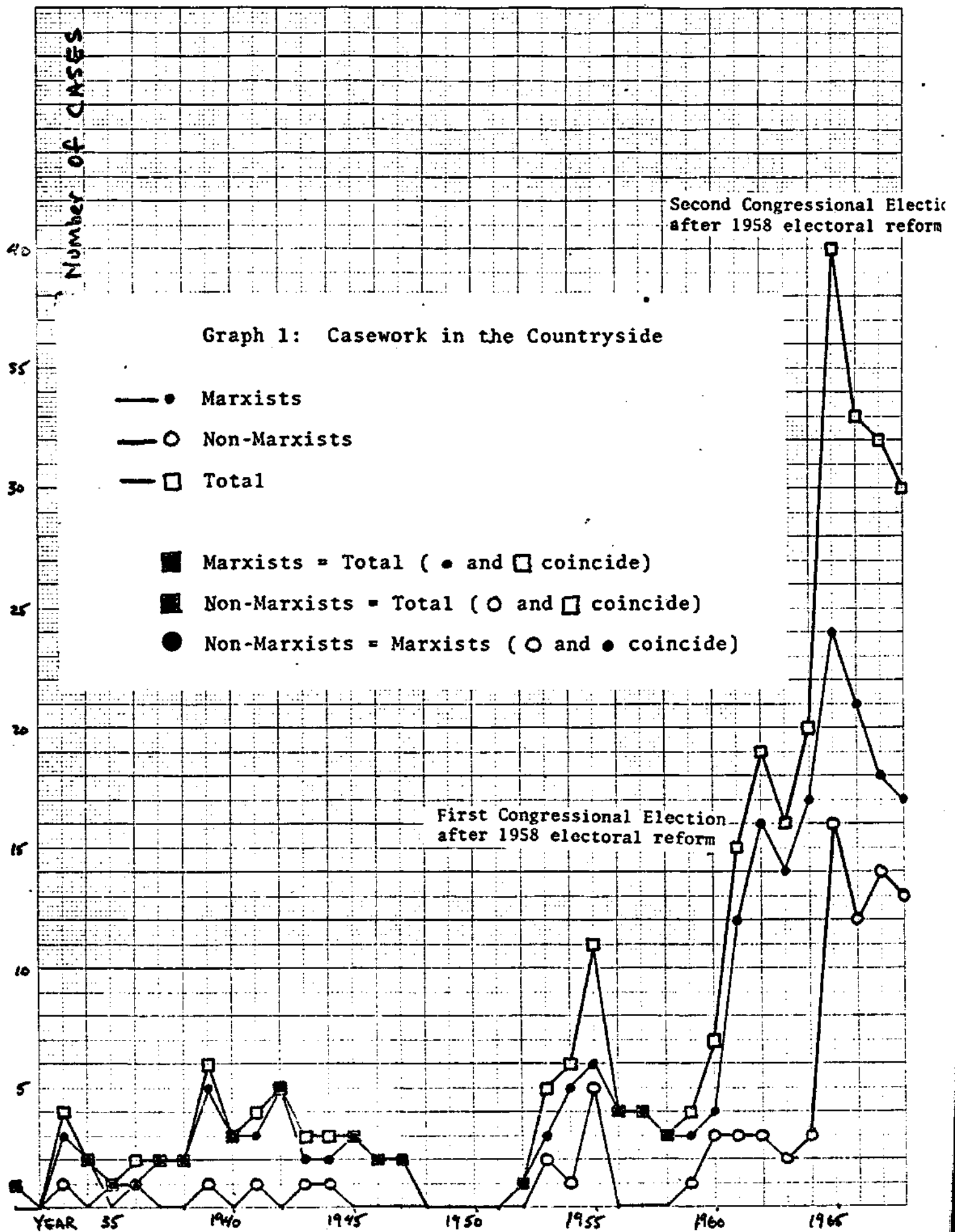
offensive against the regime. This offensive resulted in the reestablishment of detention centers in Pisagua to take agitators out of circulation under the terms of the Law for the Permanent Defense of Democracy. Communist leaders headed the list of detainees. In 1956 casework declined and only one Communist and three Socialists were involved in rural labor casework.

Of further interest is the distribution of casework by party for the 1931 to 1968 period. The data is presented in the two categories "Marxist" and "Non-Marxist" and then further broken down by party in the case of Communists, Socialists, and Christian Democrats. A special category has been created for Emilio Zapata. The label "Zapata" could be changed to read Partido Izquierda Comunista (1932-1936) and Zapata's efforts after 1937 added to the Socialists. But the special nature of Zapata's contribution to campesino organization justifies handling his activities as a separate category. During this entire period only one instance of casework on behalf of rural labor by a member of the Conservative or Liberal parties was encountered; the category "other non-Marxist" refers, therefore, to middle class or populist parties like the Partido Democrata, Partido Democratico, Partido Radical, PADENA, or Partido Agrario Laborista. In any case, with the exception of one member of the Partido Democratico, two interventions by members of the Partido Democrata (1933, 1936) and four by Radical deputies (1939, 1941, 1943 and 1944), all such casework prior to 1953 originated with Marxist politicians.

Indicative of the fact that intervention by the Marxist parties, (especially Communists) and Emilio Zapata's Liga into the rural sector were motivated only partially by electoral ambitions is the relatively greater propensity of these politicians to do casework outside their

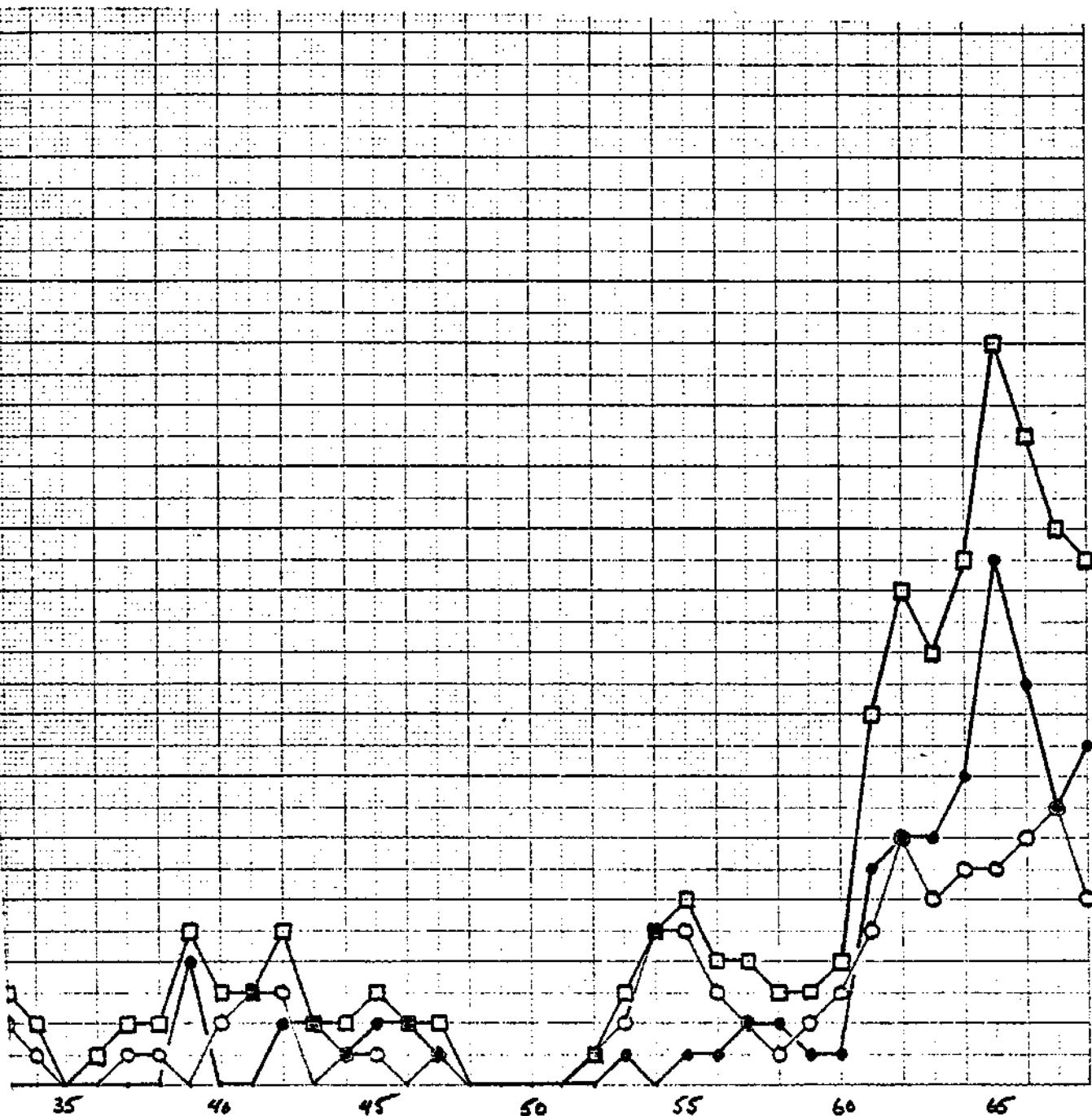
own electoral districts. In the table below the cases are classified by party and then divided into two sub-categories: cases in which the congressman or senator intervened in his own electoral district and cases where the intervention was external to his election district, including cases in which intervention consisted of raising national or regional problems of rural workers with the Labor Department or Minister of Labor. As can be seen there is a marked tendency for Christian Democrats to concentrate on their own electoral domains, while Socialists and Communists tended to pay less exclusive concern to their own electoral districts. The data on "other non-Marxists,"¹ adjusted for one deputy who accounted for 44 percent of all cases, suggests that the small number of "other non-Marxists" who did rural casework from 1931-1968—a total of 27 congressmen—intervened in cases outside their own electoral districts to approximately the same extent as did Socialists. But casework by members of these parties, which dominated the Chilean Congress until 1965, accounted for only six percent of all such interventions documented in the Labor Department Archive from 1931-1968 (again adjusted for the deputy who by himself accounted for 44 percent of all interventions by "other non-Marxists.") Emilio Zapata's ideological commitment to altering the national political order in part through national organization of the rural workers is indicated by the relatively low proportion of his casework in his own electoral district—less than 50 percent.

Parliamentary casework normally "began" with a letter, telegram or personal conversation in which a parliamentarian made known a complaint to officials of the Labor Department. Letters might come directly from the congressmen or from the respective body of the Congress



Graph 2: Marxist Casework in the Countryside

- Communist Party
- Socialist Party (includes splinters like PSP, PST)
- Total Marxist (Communists, Socialists and Emilio Zapata)
- Communists = Total Marxists (● and □ coincide)
- ▣ Socialists = Total Marxists (○ and □ coincide)
- Communist = Socialist (● and ○ coincide)



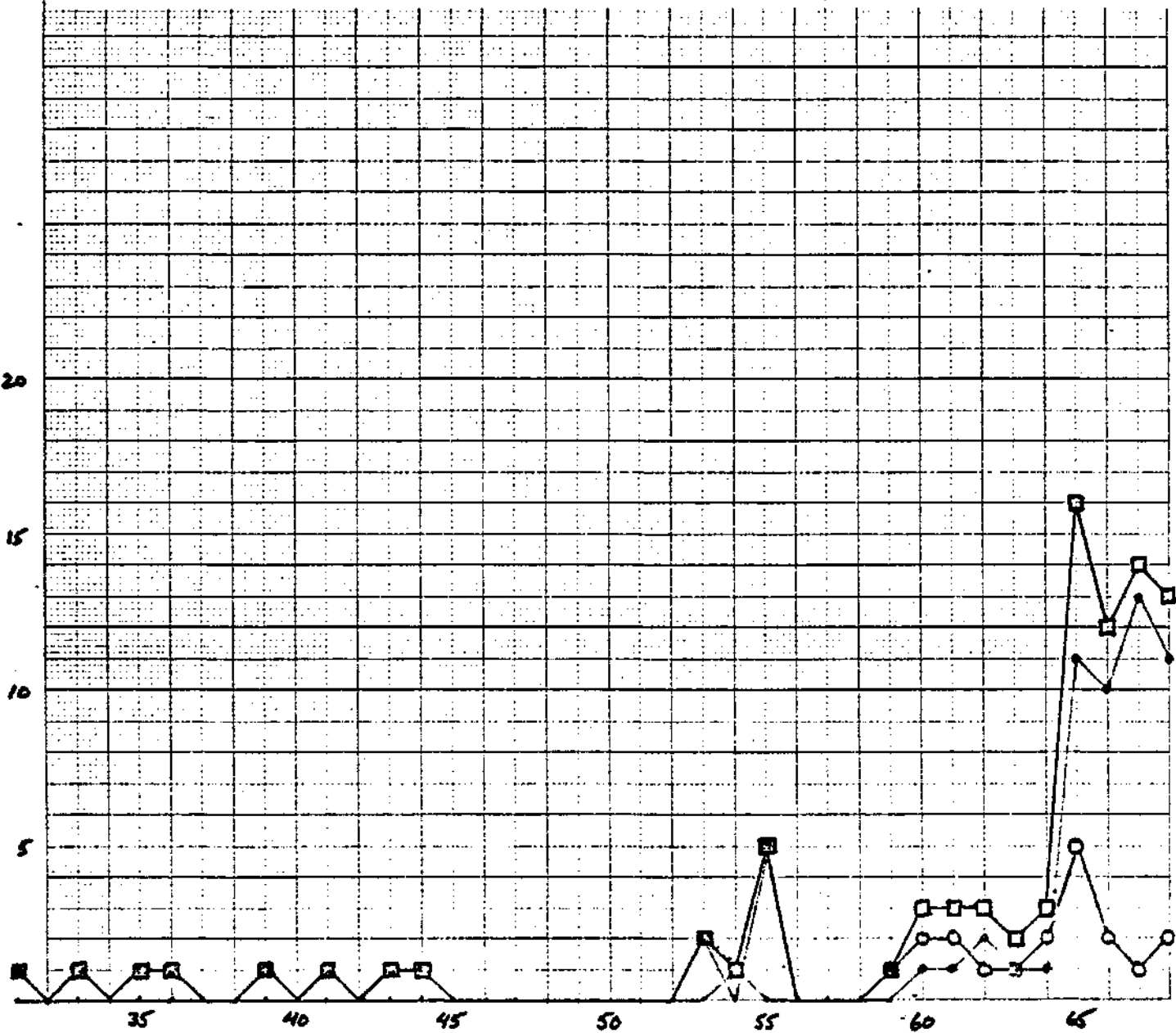
Graph 3: Non-Marxist Casework in the Countryside

— ● Christian Democrats
 — ○ Other Non-Marxists
 — □ Total Non-Marxists

■ Christian Democrats=Total (● and □ coincide)

■ Other Non-Marxists =Total (○ and □ coincide)

● Other Non-Marxists = Christian Democrats (○ and ● coincide)



at the request of a particular congressman or group of congressmen.

For example:

Mr. Minister of Labor

In the session of the 16th of the present month Deputy Zapata requested that a letter [oficio] be sent to you, urging that you order an inspector of your Service to visit Fundo La CÉ in Talagante in order to check the housing which, according to information in the Deputy's possession, is in ruinous and unhealthy condition.³⁸

Upon reception of a letter of this sort the Minister of Labor, or Director of the Labor Department, generally ordered an inspection visit. In this case an inspector visited the farm on January 25, 1940, approximately two months after the Deputy made the complaint, and left formal "instructions" ordering the landowner to provide the workers with potable water and sanitary housing. The proprietor received a sixty day time limit in which to comply or pay a fine of 5,000 pesos for each violation.³⁹

Casework of this kind disrupted routine violations of law or landowner abuses and confronted the landowner with bureaucratic authority. Campesinos saw that the landowner's power and authority had limits. But very practical limits existed for this sort of casework. Given the lack of personnel, vehicles and funds of the Labor Department, parliamentarians could not effectively insist on systematic or massive programs of inspection in the countryside (see Chapter III above). While small numbers of politicians used these tactics some landowners might be forced to alter existing arrangements to the benefit of selected campesinos. When such activity expanded, after the electoral reform of 1958—and especially prior to the congressional election of 1961—the inefficacy of the Labor Department made labor inspectors scapegoats

for demagoguery by both Marxist and non-Marxist politicians seeking votes in the countryside. In perhaps the zone most affected by expanded activity of parliamentarians during the post-1961 period, the province of Colchagua, the Intendente complained to the director of the Labor Department in July, 1962:

We are at the mercy of Senator [Salamon] Corbalán and his satellites. He arrives in a town where his leaders have previously massed the workers. He asks if they have any complaints to make. Rapidly he sends a note to the Minister, creating a scandal. Then comes an order to the local labor inspector "Go as quickly as possible to such and such a fundo to investigate such and such a complaint made by Senator Corbalán. Inform immediately of the measures adopted, etc. etc."

The inspector has no means to transport himself and since he usually is ordered to go to distant fundos . . . he can't get there.

. . . This means that the inspector must use the vehicle of the intendencia in order to stop, at least in part, this action of FRAP [the Communist-Socialist coalition] that is intended only to embarrass the Authorities.

. . . They-try to bring on conflicts for which there is no solution. Then they can shout in the streets and the plazas of the towns that in Chile there is no justice, that the authorities are incompetent, and that they do not concern themselves with the exploitation of the workers by the landowners.⁴⁰

The Intendente finished his letter by requesting a vehicle and an additional six functionaries for the Labor Department in Colchagua that "are neither socialists nor communists like the ones you tried to send me last November."⁴¹ The Labor Department informed the Intendente that efforts would be made to provide one or two additional inspectors but that the Department had no vehicles of its own in all of the country.⁴² In these conditions casework by politicians on a massive scale served to point out the gap between legal norms and compliance in the countryside, embarrass the authorities, and publicize the abuses of the landowners. It could not bring effective enforcement on any wide scale. As an electoral and propaganda tactic it well

served the Marxist and middle class parties. In a small number of farms it could improve conditions for rural labor. But only an adequate budget for the Labor Department could make casework a tactic for bringing generalized compliance with labor legislation in the countryside and defending campesinos against abuses of landowner authority.

Another type of party activity in the countryside more seriously and immediately threatened rural proprietors. This involved stimulation of class organization, labor conflicts, and "class consciousness" among the campesinos. From 1919 onward, Marxist cadres intervened in the countryside to organize rural syndical organizations (see Chapter V above). With the exception of weak Falanxe Party efforts from 1938 to 1941, prior to 1953 rural labor organizations owed their origins to the deliberate intervention of Marxists in the countryside. Communists operated through local cells, paid party organizers, the national labor organizations, and party members in local government offices or teachers in rural schools. Until 1938 even the Partido Comunista did not have an operational rural section [Departamento Agrario], although "encargados agrarios" did do party work in the countryside. These activists were not paid functionaries. As José Campusano put it, "El activista se arreglaba por su cuenta."⁴³ After 1938, however, Communist party organizations consolidated. Rural organizational efforts intensified and "free unions" in the countryside organized by Communists increased in number. Under the direction of Juan Chacón Corona the Party put together a coordinated rural effort.

Socialist efforts were much more disjointed and personalistic. No evidence exists that the Socialist Party or any of its various fragments employed paid functionaries in the countryside. In 1940 the

Liga de Defensa de Campesinos Pobres became the major base organization of a loosely organized agrarian department within the Party [Acción Campesina].⁴⁴ This Department, understaffed, underfinanced, and largely ignored by most national leaders within the Party played little effective role in rural organization until 1962, although it made sporadic efforts at casework and syndical organization. Socialist rural strength remained in the unions and committees in government and semi-public farms. These farms had been organized in the Popular Front years when Salvador Allende, as Minister of Health, provided access for party organizers to the large estates of the Health Service and Socialist officials in other government agencies had access to fundos owned by public or semi-public enterprises, like Hacienda Lipingue in Valdiva.

Typical of the personalistic and localistic tendencies of the Socialist Party's rural penetration in the private farm sector was the group of "committees of syndical unity" in the Santiago area, headed by Manuel Muñoz Bahamondes. Muñoz occupied the post of councilman [regidor] in Puente Alto. In letters from the "committees of syndical unity" which focused on the labor problems in the vineyards of Puente Alto, Muñoz called himself the "legal representative" [apoderado legal] of the campesino unions in various local vineyards. In the Puente Alto area the rural unions maintained a constant struggle against the hacendados and Muñoz acted as political and legal advisor to the unions. His efforts, however, were personal. No organizational commitment by the Socialist Party kept these union activities alive.⁴⁵ As late as 1962 Pedro Correa, head of the party's Departamento Nacional de Acción Campesina, complained that the party "has not developed cadres

with knowledge of the campesinos' problems. We have not been able, for this reason, to . . . take on in decisive form the great task of organizing the campesinos as a pillar of the Chilean Revolution."⁴⁶ Correa requested that the Party "grant adequate economic resources to provide for the needs of the Departamento Nacional de Accion Campesina."⁴⁷ Nevertheless, Socialist rural activity from 1938 to 1961 added support to campesino unions in isolated regions and, because of strength in publicly owned farms, frequently embarrassed the incumbent government.

For all practical purposes middle class parties generally limited their activities in the countryside to casework and clientelistic favors. The Radical Party retained its historical influence in the large rural workers and meatpacking union in Magallanes, but played no role in class organizations and rural labor conflicts in other areas. The Christian Democrats only became interested in the countryside after 1958; even then the Catholic union movement remained independent of the Party. Unlike the Marxists, the Christian Democratic Party only intervened in the formation of union organizations and rural labor conflicts on a minor scale prior to 1964. After 1964 the Party used the State apparatus, particularly INDAP, to create a union movement parallel to the independent Catholic unions and to the Marxist FCI. (This is further discussed in Chapter IX.)

Prior to 1958, thus, with the local exception of Molina and the efforts of ASICH, campesino unions were a product of Marxist and, particularly, Communist penetration into the countryside. The two most important periods of rural labor conflicts and unionization coincided with Marxist participation in coalition governments and an end to the "tolerance" and "stability" of the Chilean multi-party

system. In 1941, after two years of widespread rural labor conflicts, the Chilean Congress moved to outlaw the Communist Party. President Aguirre Cerda vetoed this measure. In 1948, after an even more massive period of labor conflicts and rural unionization efforts, combined with parallel strikes in mining and industry, the Chilean Congress outlawed the Communist Party at the request of President González Videla. In both these instances the Communists combined demands for land reform at the national level with conflicts in the countryside. Some Communist-inspired labor conflicts made expropriation of rural estates an explicit issue.

Illustrative is a conflict in the Villarica region of Cautín Province (Hacienda Trancura) in mid-1946. After listing a number of abuses to which the landowner had subjected them during a lengthy labor conflict (ten months), the campesinos ended a letter to the Minister of Lands and Colonization by declaring: "For this reason the undersigned inquilinos request expropriation of the Hacienda for subsequent subdivision among the inquilinos and sharecroppers. We would also like to tell you, Mr. Minister, that we have requested expropriation of this Hacienda on three previous occasions without favorable results."⁴⁸ To support this petition Bernardo Araya Zuleta, Secretary General of the Communist splinter of the CTCH and deputy in the Chilean Chamber of Deputies, also sent a letter to the Minister of Labor, requesting that the Labor Department force the landowner to pay ten months back salaries which the workers claimed was owed to them.⁴⁹ Combining local conflicts with a national campaign against the hacienda system, the Communists attacked both the power and the legitimacy of the large landowners.

From 1939 to 1947 the national and provincial federations and committees of rural syndicates, with the exception of Zapata's Liga and the small Falanje-supported campesino organization in Santiago Province, were headed by Communist Party functionaries. Party militants like Juan Chacon, Luis Coray, Jose Valenzuela and Juan Ahumada Trigo played prominent roles; Chacón Corona and Ahumada Trigo both later became Communist deputies in the Congress. The overwhelming Communist domination of rural labor organizations after 1941, until the formation of ASICH's rural section in the Molina area, often confused the "agrarian question" with the tactical and strategic goals of the Communist Party itself. For this reason "land reform" meant Communism to many landowners.

Party induced labor conflicts forced landowners to bare the foundations of rural proprietorship: coercion and the State police. The legitimacy of paternalistic authority disappeared. Campesinos recognized that collective action could bring victories if the instruments of coercion at the disposal of the government could be wrested from the landowners. This made the electoral arena even more relevant. Ultimately, if the landowners lost control of Congress they could neither prevent land reform legislation nor prevent liberalized conditions for rural unionization. At the margin the electoral struggle and rural labor organization complemented one another and combined to threaten the existence of the hacienda system in Chile.

A different type of party "penetration" in the countryside-- legislative policy making--embodied a historical and ideological contradiction for the Marxist parties. From the time of the earliest Communist representatives in the Chilean parliament, the Marxists had declared:

To transform the oligarchic regime of this country . . . there is no road open but violent revolution. A tranquil, smooth, transformation cannot occur in these conditions.⁵⁰

From the Legislative Chambers we can and should expect absolutely nothing. The Congress, made up of bourgeois exploiters of the people, will never permit that a working class majority be victorious and still less that laws be passed which effectively provide well being for the multitude . . . All the welfare we hope to obtain must be achieved through our own organized force.⁵¹

This rhetoric conflicted both with the Marxists' use of the legislative arena as a national forum to present their indignant critiques of the existing order and as a source for reformist legislation to benefit the working class. Deputy Cruz, whose bitter denunciation of the legislative process in 1923 is cited above, declared the following year that it was necessary to "squeeze from the laws the greatest benefits possible so as to build up a superior revolutionary potential"⁵² because "It is . . . the proletariat . . . with its organizing activities which causes the Bourgeoisie to legislate with the notion that it is satisfying innumerable social needs."⁵³ Emilio Zapata's organizational successes in the countryside depended initially upon skillful parliamentary maneuvering and forceful oratory. Periodically Socialists and Communists presented agrarian reform proposals in the Congress and carried propaganda concerning these programs to the countryside. The Legislature was more than a group of "bourgeois exploiters of the people." It provided Marxists and reformers with concrete instrumentalities for extending numerous "marginal" benefits to some sectors of campesinos.⁵⁴⁵⁴

Another sort of legislative penetration in the countryside allowed some congressmen to create personalistic "movements" based on legal services to the campesinos. Laws providing benefits to a single individual or small group [asuntos de gracia] allowed individual congressmen

to produce patronage for his clientele and gain publicity for his activities.⁵⁵

A particularly interesting case of this sort of parliamentary tactic occurred in 1954. Ernesto Araneda, a deputy from the province of Malleco in the frontier region, headed up an investigatory commission of campesino living conditions (Comision Especial Investigadora Encargada de Estudiar El Nivel de Vida Del Campesinado Chileno). In the frontier region (south of the Bio Bio River) historical conflicts over public lands, colonized land and illegally occupied land [squatters] dated back fifty or, in some cases, over one hundred years. Obtaining legal title to individual land parcels represented an objective of thousands of campesinos and large landowners with tenuous land claims. Using the investigatory commission to aggregate such claims, and then holding special meetings of the sub-commission in the city of Victoria in the province of Malleco, this particular deputy formed a populist movement called Movimiento de Agricultores y Proletarios Unidos (MAPU). He had himself named national president of the movement. Organized in August of 1954, the MAPU held a "Congreso de la Tierra" in Victoria from September 3-5, 1954. Conveniently, the Congreso de la Tierra coincided with the sessions of the Congressional sub-commission in Victoria. With the participation of deputies, Araneda, Oscar Naranjo, Gustavo Martinez, Haroldo Martinez, and three others the sub-commission allowed campesinos to present their complaints, petitions for land titles, requests for expropriation of fundos for redistribution among the rural workers, and denunciations of hacienda encroachment on private smallholders or smallholder communities. For example, a group of campesinos from Villarica (in Cautin Province) claimed that Alfonso

Recart's Fundo Chaura illegally annexed several hundred hectares of public land.⁵⁶ Another group of workers requested the sub-commission to convince the Minister of Lands to expropriate Fundo Mantilhue in Osorno for distribution among the resident workers and nearby small-holders and squatters. Numerous individuals requested the extension

of legal title to land that they had occupied as colonos for up to thirty years. In short, the sessions provided an opportunity for the campesinos to vent their grievances and for the attending deputies, particularly the deputy from the district, to create a new set of clientele relationships by attempting to distribute individual and group favors.

The commission also served another purpose for some campesinos. The Communist-dominated Federacion Nacional de Trabajadores Agricolas sent a representative to the commission hearings as a "witness." The Federation's representative denounced violations of laws in various rural properties.⁵⁸ In turn, the president of the commission, Falanje deputy Ignacio Palma, sent letters in the name of the parliamentary commission to the Labor Department asking for inspection visits. What this meant, in effect, was that "casework" took on a collective, multi-party character rather than the more common individualistic efforts by single congressmen. A spillover from congressional investigations directed toward eventual legislative efforts involved further intervention of inspectors from the Labor Department, Social Security Administration and even surveyors from the Minister of Lands and Colonization to regulate rural proprietors.

In addition to deputy Arandeda, other members of the parliamentary commission investigating the conditions of rural labor employed the

information garnered to harass the hacendados. In particular, Socialist Deputy Oscar Naranjo effectively denounced abuses against campesinos. Naranjo's rural oriented activities persisted until his death prior to the 1964 presidential election. At that time he was replaced by his son in a by-election that convinced the political Right to withdraw from the presidential contest and support the Christian Democratic candidate against the leftist coalition's (FRAP) Salvador Allende.

Legislation for asuntos de gracia, legislative investigation, committee casework and, more generally, the parliament as a forum to publicize the abuses of the hacendados against the campesinos all made the legislative arena an important one for Marxist and populist politicians alike. Combined with clientelistic intervention of party organizations at the local level, syndical organization, proselytizing, and ideological penetration, this variety of legislative effort began to restrict the political capabilities of the hacendados. After 1958, electoral reforms gave new importance to the legislative arena. Soon the Rightist parties would lose their control and even their veto capability in regard to more sweeping legislative initiatives that affected the fundamental basis of rural proprietorship.

ELECTORAL REFORM AND PARTY PENETRATION INTO THE COUNTRYSIDE:

THE ROLE OF CARLOS IBAÑEZ IN CHILEAN DEMOCRACY

From 1927 to 1931 Carlos Ibañez ruled Chile in an authoritarian, quasi-dictatorial fashion. His government repressed the leftist political parties and labor movement. But this interruption of oligarchic parliamentary rule brought a transition to middle class coalition politics in which the center party (Radicals) dominated presidential

coalitions from 1938 to 1952. In addition to this break with the parliamentary system Ibañez left as a legacy Chile's first agrarian reform law and a labor code. Ibañez's hostility to "politics" separated him from the party system; he governed Chile personally, relying on parties to support him where he could obtain such support but never subordinating his government to the party regime. Unrestrained by a commitment to the organizational infrastructure of the existing order, Ibañez's authoritarianism brutalized working class organizations but also disparaged the traditional political parties.

In his second presidency, twenty years later (1952-1958), Ibañez was elected on a program symbolized with a broom--to sweep the corruption of party politics from government. Paradoxically, Ibañez's campaign and initial ministerial coalition relied on a combination of numerous "mushroom" parties and movements in addition to the main body of a splintered Partido Socialista and the Partido Agrario Laborista. Shortly thereafter the Socialists withdrew from the coalition and Ibañez again moved against the labor movement. Using the provisions of the Law for the Permanent Defense of Democracy, he eventually sent Communists and other leaders in labor conflicts to detention camps in Pisagua (1956). Rampant inflation left Ibañez without any solid party support; again he "governed" Chile personally. This non-commitment to the party system again made it possible, however, for Ibañez to leave important political reforms as a legacy. At the end of his term of office, when he no longer would have to deal with labor conflicts, Ibañez kept his campaign promise of 1952 to repeal the Law for the Permanent Defense of Democracy. This assured that in the presidential elections of 1958 the Partido Comunista could again participate openly.

With the support of the left and center parties, Ibañez also pushed through an electoral law written by Falanje deputy Jorge Rogers Sotomayer. This electoral reform introduced an Australian ballot and increased penalties for electoral fraud and bribery. The introduction of a public ballot meant that landowners could no longer effectively control the votes of rural labor.

These final acts of Ibañez, the legalization of the Communists and the electoral reform, once again made his personal authoritarianism a transitional basis for fundamental alterations in the Chilean political system. Ibanez's electoral reform gave substance to the proposition that sometimes very "small reforms" or tinkering with existing legal norms can produce radical consequences.

Before proceeding further a brief digression is necessary. In the 1952 presidential election many rural districts supported Ibanez. Some authors have suggested this constituted the first election in which campesinos massively defied landowners to vote for a presidential candidate. Carlos Alberto Martinez, a Socialist politician who occupied a ministry in the Ibanez government, suggested that the numerous "Committees against Electoral Bribery" [comité's contra el co-hecho] organized by Socialists and other Ibanez supporters, prevented landowners from exercising as complete and blatant control over rural voters as they had in the past.⁵⁹ To some extent this may be true, but the evidence remains ambiguous. Many landowners supported Ibañez. His personalist, authoritarian, non-ideological and "independent" style appealed to many elements within the political Right. While it may well be that many campesinos did manage to "rebel" against landowners and vote their choice, it must be remembered that Ibañez's personalist

party (Partido Agrario Laborista) was headed by influential landowners, including some who in 1972 held leadership positions in the Partido Nacional (the formal amalgamation of Conservatives and Liberals) and the Partido Demócrata Cristiana.

The electoral reform of 1958 removed this ambiguity. It made voting compulsory. Non-voters could technically be given jail terms, commutable at the rate of .5 Escudos per day. This inducement to electoral participation combined with the official secret ballot "made impossible, at least in the classic fashion, voter bribery practiced by the Rightist parties, particularly in the countryside. This ended the electoral hegemony of the Right in the countryside, giving way to forces that advocated social change in the rural areas, particularly FRAP and the Christian Democrats."⁶⁰ In 1958 the performance of the FRAP candidate in rural districts left little doubt that control over rural votes by landowners had considerably declined.⁶¹ Petras and Zeitlin claim that "significant sectors of the Chilean peasantry shifted their allegiance away from the Right."⁶² Whatever "allegiance" may have existed, the inability of landowners to ascertain how individual campesinos voted made coercive reprisals and bribery next to useless. Admittedly some campesinos sense of "duty" might lead them to vote for a candidate if they received compensation—but how was the landowner to know if they chose to ignore this "duty?"

The electoral success of the FRAP candidate in rural districts in 1958 reinforced and stimulated renewed syndical efforts as well as further electoral efforts by FRAP. José Campusano commented that, the Marxist rural labor movement benefitted greatly from the large campesino vote obtained by FRAP: "These electoral struggles gave great stimulation

to campesino syndical organization."⁶³ Intensified organizational efforts in the rural sector by the Marxists as well as leftist electoral gains made the countryside a focus for the upcoming parliamentary elections of 1961. In these elections the Right (Conservatives and Liberals) failed to gain one-third of the seats in Congress for the first time in the twentieth century. FRAP obtained more votes than any other single party list and now controlled 27.5 percent of the seats in the Chamber of Deputies (40) and elected 13 senators (of a total of 45). The Christian Democrats for the first time received more votes than the Conservatives. The outcome of the election left the incumbent government dependent upon the centrist Radical Party; in exchange for their parliamentary support the Radicals demanded ministerial participation and "Hoping to gain popular backing to win the presidency in 1964 the Radicals were now sponsoring several reforms, including an agrarian reform bill."⁶⁴ The "availability" of the campesino vote contributed to reevaluation of the rural work force by the middle class parties and, therefore, to the reemergence of the "agrarian question" as a central issue in national politics.

After the 1961 parliamentary elections the rural labor movement was courted and stimulated by the middle class parties as well as by the Marxists. In particular, the Christian Democrats sought to capture an important rural voting clientele through contacts with the Catholic labor movement. Unlike the Marxist rural labor movement, however, the various Catholic rural labor organizations and non-syndical campesino organizations retained organizational autonomy. Some Christian Democrats desired party "absorption" of these organizations in the Party's relatively newly created rural department. To 1964 this effort did not

succeed because of resistance even within the party—especially from those ASICH-related party cadres who had worked in the countryside before the Falanje had any notable interest in rural organization.⁶⁵ Nevertheless, the Christian Democrats maintained close ties with UCC, ANCC and later MCL.

Like the Socialists, Christian Democratic efforts in the countryside before 1964 remained highly personalistic and clientelistic. Individual politicians, rather than party financed organizational activities, characterized Christian Democratic rural penetration.

As the 1964 presidential elections approached, a three way battle for the presidency shaped up. FRAP again supported the candidacy of Allende. The Christian Democrats offered Frei. The Right (Frente Democrático) presented Julio Duran, a member of the Radical Party's more conservative wing. In March, 1964, a Congressional by-election to replace a popular Socialist congressman in Curico was interpreted by the three contending forces as an indication of electoral strength for the upcoming national elections. Whatever the validity of viewing the Curico by-election as a national indicator, the decisive victory of FRAP, which elected the deceased deputy's son to replace him (see above), disheartened the Right which finished third to the Christian Democrats. The Frente Democrático dissolved and "The rightist forces, in near panic at the prospect of a FRAP victory, accepted the only alternative: to make a plea for the unification of the non-Marxist forces to fight the strong left and to support the candidacy of Senator Frei."⁶⁶

FRAP's electoral propaganda during the 1964 presidential election (actually the campaign had gotten well under way in 1963) included

promises that all workers would be given the right to strike and to unionize, and that up to thirty-five percent of the arable land would be taken over by the State or collectivized along with expropriation of all the latifundia. A new mixed rural property system would be created consisting of private, collective and State farms. Marxist politicians, party functionaries and FCI campesinos carried FRAP's message to the countryside.

The Christian Democrats also emphasized the need to unionize rural labor and to expropriate the latifundia. Appealing to the Catholic rural labor organizations and, in 1964, stimulating the creation of the Movimiento Campesino Independiente (MCI) as well as MONALICA (Movimiento Nacional de Liberación Campesina) which was an extension of the Departamento Nacional Campesino of the Christian Democratic Party, the Christian Democrats, like the FRAP, actively sought rural votes. "Convinced that the two keys to victory in the 1964 presidential contest were the votes of the women and of rural workers and inquilinos [they] concentrated their most strenuous campaign efforts on these two groups."⁶⁷ Functionaries and campesino leaders from UCC, ANOC, and MCI as well as party functionaries covered the countryside with electoral propaganda for the Christian Democratic agrarian reform and Frei.

Both the presidential candidates promised the campesinos they would soon be owners of the land they worked. Both candidates promised the campesinos the right to organize unions and the right to strike. Both offered improved technical assistance, better access to credit, improved family allowance payments and a government more responsive to "the people." To the landowners the candidates offered a choice between the lesser of two evils. The quest for rural votes no longer

stopped with determining the party identification of the landowner or paying the hacendado for the votes of "his" inquilinos. Now party politicians went directly to the campesinos. The electoral reform of 1958 had thus eliminated a most essential prop of national political power for proprietors of rural land.

SUMMARY

Political parties are usually thought of essentially as vote-aggregating organizations which seek to "win seats in elections, to name deputies and ministers and to take control of the government."⁶⁸ In Chile from 1931 to 1958, however, the role of political parties in the countryside cannot be so neatly summarized. The Rightist parties depended upon rural votes to elect deputies and to control the apparatus of the State, in particular the national Congress. Landowner control of rural votes meant that urban middle class parties made little effort to seek votes in the rural areas. Yet, the Marxist parties, especially the Communists, maintained persistent interest in rural penetration and proselytizing. The most important impact of the Marxists in the countryside consisted of syndical organization, stimulation of labor conflicts, demands for enforcement of labor law, and propaganda which sought to delegitimize the authority of the landowners. To a lesser extent the Marxists also sought rural votes to elect councilmen and deputies who, on occasion, could use the parliament to obtain legislation beneficial to rural labor and small proprietors.

For political parties with little chance to exercise significant legislative power, control over an organized labor movement provided an alternate source of power in national politics. Thus, even when the

Marxists participated in government coalitions prior to the 1950's, they tended to use this leverage in the rural sector to expand labor organizing rather than to focus predominantly on rural electoral struggles. This meant that the Marxists, and later a Catholic labor movement, built and retained a power capability in the countryside external to the institutionalized channels of Chile's formal democratic structures. Control over labor organizations potentially represented an alternative basis for bringing about fundamental institutional changes. Strikes in the rural areas during the harvest represented an economic and political threat to any incumbent regime. Indeed, agricultural strikes were outlawed in 1947 after a wave of Marxist-stimulated rural labor conflicts. Control over a national rural labor movement capable of literally shutting off deliveries of food to the cities potentially represented an important alternative base for anti-system parties only weakly represented in the parliament.

Throughout the 1931 to 1958 period rural labor organizations depended for stimulation and support upon urban political organizations. For all practical purposes the rural unions which so threatened the existing system of rural property were a product of urban party penetration into the countryside. The direct challenge to the authority of rural proprietors contained in labor petitions, strikes, and rural unionization represented a non-electoral thrust of anti-system parties into the rural enclave of the Rightist parties. Unable to redefine the authority of rural proprietors through legislation, the anti-system parties sought to do so through direct confrontations in the countryside. While they did not fail to present land reform proposals for consideration by the Congress on various occasions, the electoral

and parliamentary arena did not represent the most important context for Marxist, and later Falanje, challenges to the political Right in the countryside.

In the 1950's and especially after the electoral reform of 1958, electoral challenges to the Right in the countryside became more feasible. The anti-system parties and the reformist parties, including the Christian Democrats, saw rural votes as a key to wresting national political power from the Radicals, Conservatives and Liberals. Between 1958 and 1964 the countryside occupied a principal place in the electoral ambitions of the Marxist coalition (FRAP) and the Christian Democrats. By 1964, only these two forces remained as participants in the presidential election. Each promised to destroy the hacienda system, unionize rural labor, and redefine as well as redistribute property in rural land. Combining electoral efforts with intensified syndical and para-syndical organization of rural labor, both these political forces sent numerous agents to the countryside in a fierce competition for rural support at the expense of the hacendados. Thus, the party system and electoral system which had served as the basis for landowner dominance in the countryside as well as in national politics became, after 1958, a principal instrument in the eventual destruction of the existing system of property in rural land.

When the Christian Democrats won the presidential election of 1964 and found themselves in competition with the Marxists for rural votes in the upcoming parliamentary elections of 1965, the viability of the newly installed Christian Democratic government came to depend upon greatly increasing party representation in the Congress. In order to do so the Christian Democratic candidates sometimes adopted

the most dramatic tactics previously used by the Marxists in the rural sector. The quest for rural votes now led the Christian Democrats to support land occupations and illegal strikes in order to outdo their Marxist competitors.

In December, 1964, a labor inspector in the region of Molina (Talca Province) reported to his superiors in a confidential memorandum that

Extreme alarm exists in this province due to the agitation by diverse political parties, especially in the department of Lontué-Molina. This agitation has gone to the extreme of illegally occupying an agricultural property with some 550 residents.

Administrative efforts to explain to the workers the inconvenience of illegal strikes and labor petitions . . . have been completely unsuccessful since these "false leaders" promise them they will soon be owners of the fundos where they work.⁶⁹

On December 10, 1964, the local newspaper La Mañana (Talca) headlined "Agricultural workers from Lontué Occupy Fundo Bascunan 520 workers led by the Christian Democratic candidate for deputy occupied the land." The rural votes that had guaranteed the political power of the hacendados in national politics now provided the impetus for vote-oriented populist, reformist and Marxist parties in their frontal attack on the hacienda system.

But the struggle of rural labor from 1939 to 1964 as well as the gradual penetration of political parties into the countryside were part of an even broader social and political transformation taking place in Chile during these years. This broader transformation derived from the development of a more urban, modernized polity. The encroachment of this process of modernization on the rural sector contributed greatly to the gradual alteration of rural proprietorship which would culminate in the decade of land reform from 1962 to 1972. Thus, before

continuing with the radical transformation of the system of rural property which took place beginning in 1962, and intensified after 1964, it is necessary to once again return to 1931 and take a broad view of the "urbanization of the countryside" that occurred from 1931 to 1964 as a by-product of urbanization, modernization and industrialization of the Chilean polity.

FOOTNOTES TO CHAPTER VI

1. Frank Mazzella, "Party-Building in a Modernizing Society: A Study of the Intermediate Leaders of the Chilean Christian Democratic Party," Ph.D. dissertation (Bloomington: Indiana University, Department of Political Science, 1972): I, 131.
2. Ronald H. McDonald, Party Systems and Elections in Latin America (Chicago: Markham, 1971), p. 116.
3. The Mexican case is an exception to this statement but the extent to which a competitive party system has existed in Mexico during this period is debatable.
4. For discussion of party activities in student organizations and trade unions see, respectively, Frank Bonilla, "The Student Federation of Chile: Fifty Years of Political Action," Journal of Inter-American Studies II, no. 3 (July, 1960); and Robert Alexander, Labor Relations in Argentina, Brazil and Chile (New York: McGraw Hill, 1962) as well as the same author's Communism in Latin America (New Brunswick, New Jersey: Rutgers University Press, 1957). On the scope of the Chilean party system see Arturo Valenzuela, "The Scope of the Chilean Party System," Comparative Politics 4, no. 2 (January, 1972): 179-199.
5. Charles J. Parrish, et al., "Electoral Procedures and Political Parties in Chile," Studies in Comparative International Development VI, no. 12 (1970-1971), New Brunswick, New Jersey, distributed by Sage Publications.
6. Federico Gil, The Political System of Chile (Boston: Houghton Mifflin, 1966), pp. 215-216.
7. C. Parrish, et al., op. cit., 258.
8. Giovanni Sartori, "European Political Parties: The Case of Polarized Pluralism," in J. Palombara and M. Weiner, eds., Political Parties and Political Development (Princeton: Princeton University Press, 1966), pp. 137-176.
9. Ibid.
10. The major rightist parties, Conservatives and Liberals, amalgamated to form the Partido Nacional after 1965. Radicals and Christian Democrats constituted the two major center parties. Socialists and Communists formed the principal left parties. For overviews and more detailed studies of the Chilean party system see, Peter G. Snow, "The Political Party Spectrum in Chile," South Atlantic Quarterly (Autumn, 1963): 474-487; R. H. McDonald, op. cit., pp. 116-151; German Urzua Valenzuela, Los Partidos Politicos Chilenos (Santiago: Editorial Juridica de Chile, 1968); F. Gil, op. cit., pp. 206-297.

11. F. Mazzella, *op. cit.*, pp. 131-141.
12. G. Sartori, *op. cit.*, p. 161.
13. Ibid., p. 157.
14. Ibid.
15. Ibid., p. 158.
16. Ibid.
17. Ibid., p. 175.
18. See Herman Finer, The Chilean Development Corporation (Montreal: International Labor Office, 1947).
19. W. Thiesenhusen, Chile's Agrarian Reform (Madison: University of Wisconsin Press, 1966), p. 4.
20. Richard E. Feinberg, The Triumph of Allende: Chile's Legal Revolution (New York: Mentor, 1972), p. 42.
21. Jacques Chonchol, "Poder y Reforma Agraria en la experiencia chilena," Cuadernos de la Realidad Nacional (Santiago), no. 4, Junio 1970, 57.
22. See Frank Marshall Lewis, "The Political Effects of a Multi-Party System upon the Presidential Form of Government in Chile," unpublished Ph.D. dissertation, University of Texas, 1955.
23. James Petras, Politics and Social Forces in Chilean Development (Berkeley: University of California Press, 1969), p. 100.
24. Sergio Aranda and Alberto Martinez, La industria y la agricultura en el desarrollo economico chileno (Santiago: Universidad de Chile, Instituto de Economia y Planificación y Departamento de Sociologia, Publicacion 122, 1970), 78-79.
25. The CIDA study on Chile, *op. cit.*, claims that from 1947 to 1964 agricultural prices maintained themselves with reference to other sectors; no relative deterioration of prices occurred. The report recognizes, however, "subperiods" of unfavorable changes in relative prices. The CIDA report, thus, rejects the landowners' contentions that price levels negatively affected agricultural production. Yet throughout this period the SNA argued that government price policy discriminated against agriculture. A more precise study of the price variable, R. Echeverria, "The Effect of Agricultural Price Policies on Intersectoral Income Transfers, Ph.D. dissertation, Cornell University, 1969, p. 107, concluded that, "Although the price controls on farm products at the consumer level tended to depress farm profits, this was offset by large subsidies in the use of inputs and transportation, in addition to quasi-subsidies derived from credit and the privileged tax situation." It must be remembered, of course, that

the quasi-subsidies of credit and privileged tax status did not benefit agriculture per se — but rather landowners. Precisely because agriculture was not an attractive investment landowners utilized much of the credit they obtained in non-agricultural pursuits. Discrimination against agriculture could occur while large landowners did not necessarily suffer the consequences.

26. Jose Cademartori, La Economía Chilena (Santiago: Editorial Universitaria, 1968), 109, citing Oscar Dominguez in La Nación, July 7, 1965, further claimed that the aggregate loss to rural workers (1953-1964) exceeded the assessed value of Chile's 261,000 rural properties. M. Mamalakis and C. W. Reynolds, Essays on the Chilean Economy (Homewood, Illinois: Richard D. Irwin, Inc., 1965), p. 144, estimate the decline in real income for unskilled rural labor at twenty per cent between 1940 and 1952.

27. Letter from Bernardo Yuras to the Partido Socialista (page 2, of two page letter, page one lost). Copy provided the author by Bernardo Yuras.

28. A. Olavarria, Chile Entre Dos Alessandri, I (Santiago: Editorial Nascimento, 1962), 344-45.

29. Labor Department document without number. Reports on rural labor unions and political activities in Fundo Cajon de Zapata and Fundos Miraflores, Cerrillos, San Joaquin, La Laguna, and Santa Ines. Signed by Ezequial Sepulveda, Luis Gonzalez and Moises Muñoz, 16 Agosto, 1940, Providencias 33, 1940, 9501-9900.

30. A. Olavarria, op. cit., p. 347.

31. Interview with Jose Campusano, Santiago de Chile, op. cit.

32. Oficio 24123, 10 Diciembre, 1947, "Informa termino comision Hacienda La Tercera de Longavi," accompanies oficio 254, 9 Enero, 1948, Oficios-1, 1948, 1-300.

33. Oficio 486, Rengo, 16 Junio, 1947, "Informe sobre actividades del ciudadano a que se refieren los antecedentes que devuelve," Providencias 24, 1947, 6251-6600.

34. See for example the telegram from Deputy Hugo Arias, et al., to the Minister of Labor, 9 Marzo, 1944, Oficios 11, 1944, 3001-3300; oficio 54??, 14 Agosto, 1940, "Sindicatos de campos y...", Providencias 24, 1940, 7331-7700.

35. Oficio 75, San Felipe, 28 Febrero, 1935, "Sobre contratos de inquilinos...", Oficios, 1935, 1701-1900; oficio 31, San Felipe, 26 Enero, 1935, ibid.; Letter from Carlos Galdames Lémus (presidents) and Juan de la C. Vera (secretario) Agrupacidh Democrata, Putaendo, to the Director of the Labor Department, 9 Enero, 1935.

36. Oficio 702, San Felipe, 2 Octubre, 1939, "Sobre presencia de elementos extraños a los interesados en los reclamos y comparendos en esta Inspeccion," Providencias 1, 1940, 1-400.

37. For an exceptional case see the participation of a Radical deputy in cooperation with CICh leaders in Linares in 1944. Oficio 3013, 20 Marzo, 1944, "Informa denunció...", Oficios 11, 1944, 3001-3300 and the telegram cited in note 32 above.
38. Camara de Diputados No. 112, 20 Noviembre, 1939.
39. "Instrucciones" left by Inspector Luis A. Baharondes Cespedes, 25 Enero, 1940, Providencias 8, 1940, 2401-2650.
40. Intendencia de Colchagua, oficio 532, San Fernando, 27 Julio, 1962.
41. Ibid.
42. Oficio 4416, 3 Septiembre, 1962, "Refierese a falta de personal...", Oficios 21, 1962, 4301-4530.
43. "The activist looked out for himself." Interview, with Jose^m Campusano, Santiago de Chile, op. cit. It is possible, of course, that Campusano was not aware of the existence of some paid rural organizers. Since he had no hesitancy about confirming party support for functionaries in the rural areas after 1938, there is little reason to suppose that he deliberately misinformed the author concerning the pre-1958 period.
44. See, for example, oficio 5134, 19 Junio, 1940, Providencias 17, 1940.
45. Oficio 7585, 18 Noviembre, 1954, "Sobre reclamo formulado por el seflor Manuel Munoz Bahamondes...", and accompanying documentation, Oficios 38, 1954, 8901-9100.
46. Pedro Correa, "Las tareas de los Socialistas en la direcci6n del Movimiento Campesino," Arauco (Tribuna del Pensamiento Socialista), no. 31 (Agosto, 1962), 10-11.
47. Ibid., 11.
48. Letter from campesinos in Hacienda Trancura to Minister of Lands and Colonization, 10 Junio, 1946, Providencias 27, 1946, 7201-7300.
49. CICh, oficio 592, Santiago, 3 Julio, 1946, Providencias 27, 1946, 7201-7300.
50. Deputy Victor Cruz, as cited in A. Chelen Rojas, op. cit., 66.
51. Deputy Luis Recabarren, as cited in ibid., 67.
52. Justicia (journal of the Partido Comunista), November 24, 26, 1924, cited in James O. Morris, op. cit., 245.
53. Ibid., November 27, 28, December 3, 4, 5, 1924 cited in James O. Morris, op. cit., 245.