

Judicial document (ca. 1705)

through which the Bethlehemite Order requests His Majesty, King Philip V of Spain, to consider and preserve several privileges of the Order in America

[Señor Fray Miguel de la Concepción, Procurador de la Religion Bethlemitica, puesto a los Reales pies de V. Mag. Dize..., no mention of place and year (but it could not have been printed before 1705)]

[A very rare imprint, written shortly after 1705, that includes a plea under the Spanish Royal Administration, apologetic of the activity and privileges of the Bethlehemite Order in the Americas, in response to the imposition of taxes and restrictions on Bethlehemite Hospitals by the *Consejo de Indias*. Written in Spanish, 4 folia (8 pages, 41 lines each), unbound. The petitioner's name is printed—in a different size and rotated 90°—on the last page: “Sr. Fray Miguel de la Concepcion, Procurador de la Religion Bethlemitica” –Image 1–. The state of conservation is excellent.]

Shortly after the death of Saint Francis of Assisi (1182-1226), the Franciscan brothers entered a dispute over the extent of their poverty. *Observants* held that poverty should be absolute; *conventuals*, that the community could “own” houses, goods, tools, etc. Thus, later on, during the 14th-century Franciscan scholastic debate a theological problem arose: “whether Christ carried or did not carry a bag”, that is, whether he had had any possessions. That issue, with variations and adaptations, is addressed in this document in relation to the financial support of the Hospitals of Peru and Nueva Granada run by the Order of the Brothers of Bethlehem (OFB), also known as Bethlehemites. This is a petition submitted to the Royal Court of Felipe V, (1683-1746; k, 1700-1746), King of Spain, by the Procurator of the Order, Fray Miguel de la Concepción, who, on some date shortly after 1705, calls upon the King, “that in order to favor the hospitalization of the miserable Indians, who due to their useless genius and application live in perpetual poverty and without shelter”, to declare that the income and estates acquired by the Hospitals of the Bethlehemite Order be free of all kinds of taxes and contributions, and also, that no secular or ecclesiastical minister have powers to oversee the income and alms received by the Order.

Interpreting this document, very useful for the examination of colonial economy and indigenous subjection practices during Spanish domination in the Americas, requires previous analysis of some historical elements: namely, the role of the Bethlehemite Order in American colonial society, and, secondarily, the financing mechanisms used by both the imperial structure in the Americas, and the religious corporations tasked with evangelizing and exerting biopower over native populations.

The Bethlehemite Order, also known as the Order of the Brothers of Bethlehem, is a Catholic community that exists to this day. It was founded in Guatemala in 1656 by the Spanish missionary Pedro de San José de Betancur, who was canonized in 2002 by Pope John Paul II, and seconded

by Franciscan tertiaries. The Order was recognized and empowered—three decades after its foundation, while still in full expansion—by Pope Innocent XI in 1687. Its primary activity was the development and support of general hospitals in the main cities of the New World—by the early 18th century, the Order owned convents and hospitals from Veracruz (Mexico) to Buenos Aires (Argentina). The founding group emerged in Central America and then moved to Lima in 1672, from where they expanded to other Peruvian cities, including Cusco. Later on, from 1704 onwards, they continued their work in the *Nuevo Reyno de Granada* (now Ecuador, Colombia and Venezuela), having a special role in Quito and Popayan.

The leader of the settlement process in Peru and Ecuador was Fray Rodrigo de la Cruz, Superior of the Order for several decades. He was seconded precisely by Fray Miguel de la Concepción, head of the Bethlehemites in Nueva Granada, who argues in this document submitted to King Felipe V, the need for the hospitals of the Order to operate with complete independence, both from secular and ecclesiastical jurisdiction, and to be exempt from tax collection, which the Consejo de Indias wanted to impose.

Fray Miguel, in his capacity as Procurator of the Order, argues that the Bethlehemites have rendered services against “extraordinary diseases, which are suffered in one, and another *Reyno*, under a diversity of climates, and the work of the Mines”. He also points out that they aided in the “healing and convalescence of the innumerable Indians, who used to die because of the lack of resources.” As additional grounds, the document points out that the Order’s privileges in exchange for such work and duties had been approved by Pontiffs Clement X (1670-1676), and Innocent XI (1676-1689).

In this document, the Procurator presents, by exalting the Order’s institutional lineage, its vicissitudes in the Americas and the many difficulties it faced and endured. He also recalls that the Order is required in its very own Constitution to cure “contagious diseases, and that the monks have the obligation to carry the sick to hospitals on their shoulders, serve them, and help them heal, even if they are *infieles*, i.e. non-Christians.”

The underlying problem behind the Bethlehemite Order’s request to the King is the interference of secular power, represented by the *Consejo de Indias*, in the accounting records of the Bethlehemite hospitals, which held a special status of autonomy within the ecclesiastical sphere. The very nature of the conflict, however, it is not fully laid out in the document. It can be assumed, in any case, that the Council of the Indies intended to impose tax burdens on the hospitals run by the Bethlehemites, thereby endangering their economic viability. Therefore, the Procurator of the Order begs the King grant the Bethlehemites freedom, according to the tradition, to seek resources for supporting the hospitals through the acquisition of various of productive assets. This was partly justified by citing previous royal provisions in which the Crown had given its consent on the matter, though clarifying that the members of the Order should not be considered in any way the *owners* of such assets and their income, but only their *ministers*. The document also cites a royal mandate from 1696, in which the Bethlehemites were authorized to seek means for supporting the sick, noting, however, that “the only owners and lords of all goods, income and alms are the poor”.

This document for sale, which is clearly a formal petition to the royal authority in the context of a formal dispute, does not mention, however, the assets under dispute. Nevertheless, what we do know about the operation of the Bethlehemite hospitals in Cusco and Quito is revealing of the degree of organization and autonomy they enjoyed. Settled in Peru under the leadership of Fray Rodrigo de la Cruz in 1671, the Bethlehemites provided the first hospital service in Cusco, which was run by Fray Miguel de la Concepción, the petitioner in our document. Efficiently managed, the Cusco hospital's livelihood was based on the collection of alms, masses and rents from land and farms acquired and exploited by the friars—a sugar mill in Abancay, and various pieces of land in Ollantaytambo, Paucartambo, and Urubamba.

The Bethlehemites of Cusco also had a leading role in establishing trade workshops where they catechized the indigenous people, instruct them in letters, and develop preventive medicine actions. They also created a library for the novitiate, and established a pharmacy, which turned out to be very active. After founding the centers in Peru, a small group of friars moved to Quito in 1704, again led by Fray Miguel de la Concepción, seconded by Fray Alonso de la Encarnación. Two years later, after obtaining royal assent, the Quito Hospital opened its doors on January 6th, 1706. Taking possession of the hospital was a significant event that brought together all social forces of the city: a bombastic procession led the friars to the hospital, preceded by the religious corporations, the ecclesiastical chapter, the civil chapter, the *oidores*, etc. Each friar paraded flanked by two *oidores*, while, closing the procession and escorted by the civil authorities, marched Fray Miguel de la Concepción, the highest representative of the Bethlehemite Order that day.

The work of Fray Miguel and his monks quickly transformed a dilapidated hospital in Quito into a dynamic therapeutic center. They divided the space into specialized sections, managed to consolidate a team of nurses, revamped the floor and walls, carefully cleaned the rooms, supplied the dispensary, and managed to buy two neighboring properties. After witnessing this progress, Quito's residents asked the King to definitively grant the concession of the hospital to the friars, but they met resistance from the *Consejo de Indias*, whose intention was that the Order be granted the hospital's *administration*, though not its *possession*. Already a middle-aged man, Fray Miguel de la Concepción, went to Madrid, and then to Rome, charged with responsibilities in the command of the Order up to his final days. He was certainly active at least until 1723, when the *Historia bethlehemitica. Vida exemplar, y admirable del Venerable Siervo de Dios, Pedro de San Joseph Betancur* was printed in Seville, with Fray Miguel being its editor. His work was always considered efficient and judicious. This document is likely to coincide with Fray Miguel's visit to Madrid, on a certain date after 1706, year when we still find him in Quito. The present research has been unable to date the document, but further study should be conclusive, especially if conducted in legal archives in Spain.

To complete the picture, it is worth recalling the duties of the *Consejo de Indias*, an institution made up of various representatives (president, procurator, viceregal secretaries, notaries, cosmographers, chroniclers, defenders for the poor, etc.), who decided the fate of the nascent viceroyalties from Spain. The *Consejo de Indias* dealt with the appointment of colonial government officials, such as viceroys, governors, *oidores*, judges, etc., and it was the King's consulting body for decision-making on indigenous affairs, bureaucracy, territorial organization, patronage, trade,

administration, tax collection, etc., in the Americas. In practice, its power was all-encompassing, since this bureaucratic and voracious control caste would screen matters before they reached the King's ears. However, the colonies' territorial dynamics and social practices permanently limited the scope and efficiency of its civil power.

From a documentary and archival point of view, this request from the Bethlehemite Order to King Felipe V is of great historical value, capable of contributing new aspects of diverse topics: a) acculturation, and symbolic and material oppression of native peoples; b) interreligious disputes within Euro-American Catholicism; c) the legal dynamics of the Spanish Empire; d) the complexity of the Spanish-American political and ecclesiastical framework, e) the history of the Order of Bethlehem and American Catholicism. Its greatest value, however, is that, being a printed text, it has not been adequately studied up to now; hence, whatever is extracted from it will necessarily be original. In any case, the library or collector who acquires it will have access to a virtually unknown primary source on the complex Hispanic-American religious and legal framework of the early 18th century.

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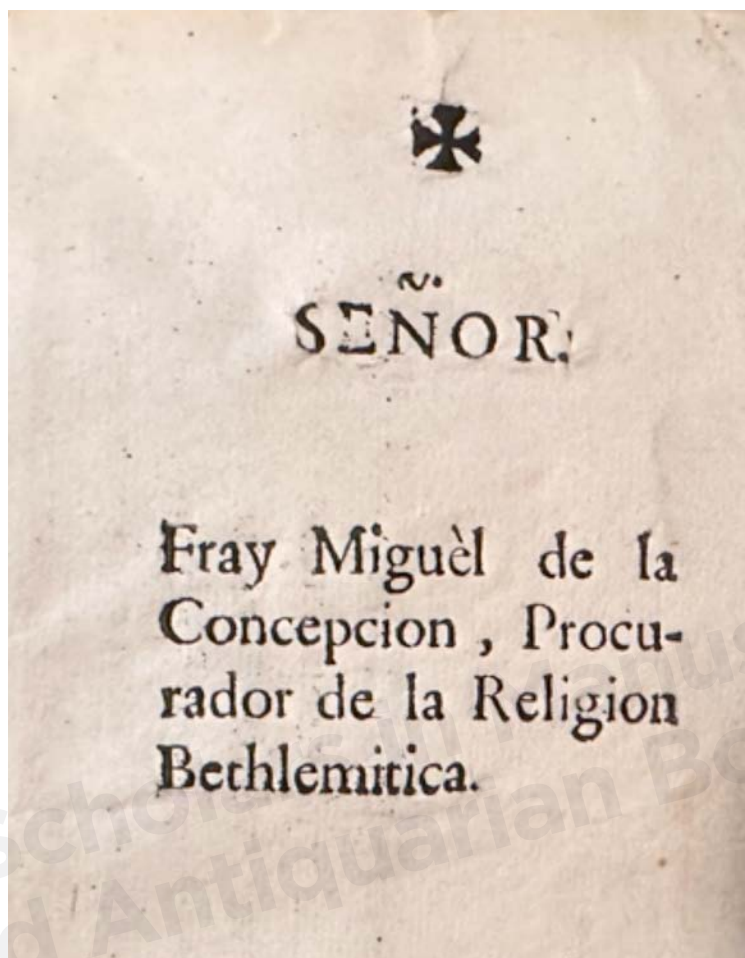


Image 1

Name of the author of the plea printed on the last page