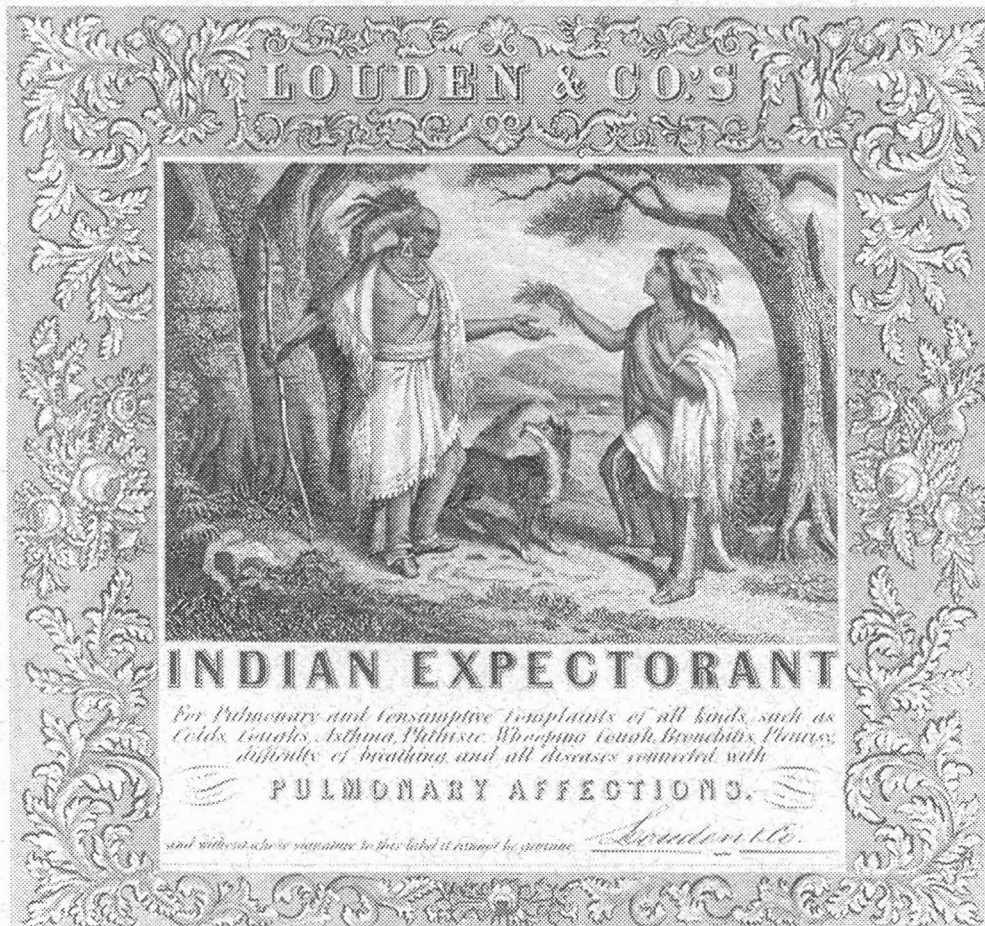


The American Folklife Center at the Library of Congress presents
A Lecture in the Ben Botkin series

FROM PATENT MEDICINES TO PATENTS FOR INDIGENOUS KNOWLEDGE - MATERIAL AND SPIRITUAL ECONOMIES -

Illustrated lecture by Margaret Kruesi, American Folklife Center



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FROM PATENT MEDICINES TO PATENTS FOR INDIGENOUS KNOWLEDGE - MATERIAL AND SPIRITUAL ECONOMIES -

Illness and medical treatment are a primary locus of anxiety in most human societies. People's stories of their illness and healing experiences preserve first-hand knowledge of illness, and address this anxiety within the family and broader community. In many respects, patent medicines of 150 years ago and the search for new drugs to be patented in the twenty-first century have little in common. Now, specific biochemical compounds and genetic materials are sought after for patents. But in both cases, the first-hand knowledge of native people and their narratives about healing experiences may play crucial roles in access to these medicines, and in both cases, issues of the exploitation of various groups are at stake.

The history of patent medicines is associated in popular culture with exploitation and quackery—the exploitation of American Indians and African Americans whose images were featured on product labels, as well as the exploitation of gullible customers who may have been purchasing nothing more than alcohol, sugar, and flavorings when they bought patent medicines from traveling salesmen, from hawkers at medicine shows, or from young women and boys dressed up in Indian costumes.

The hugely profitable U.S. patent-medicine industry of the nineteenth century was based, in part, on people's belief in the efficacy of the inexpensively manufactured products. In the case of this industry the "patent" covered product names and trademarks, but usually not the formulas themselves, which were often closely held secrets. Patent medicines were made and sold in the United States in the eighteenth century, but their use and distribution expanded greatly from around 1840 to 1910 due to successful advertising strategies. The decision in 1905 of Edward W. Bok, editor of *Ladies Home Journal*, to refuse to accept patent medicine advertising in his magazines was an acknowledgement of the power of this advertising.

However, patent medicines were used in the same ways as home remedies, and were evaluated based on empirical knowledge. In many cases patent-medicine formulas or recipes came directly from traditional and folk medicine. For example, the Shaker communities of New York State cultivated tons of herbal materials that were used in making their patent medicines, which were distributed by A. J. White of New York City in the 1850s. For the Shakers, medical knowledge had a spiritual basis that included respect for knowledge acquired from Native American sources. Many other patent-medicine companies started with favorite home remedies passed down

through families. Furthermore, the nostrums were often sold on the basis of narrative testimonies to their efficacy and were promoted through informal social networks.

As contemporary research scientists and pharmaceutical firms (some of these companies began as patent medicine businesses) intensify their search for plant and animal sources for new drugs across the globe, the issue of exploitation and compensation of indigenous people for their medical and botanical knowledge has been at the forefront of discussions at WIPO (World Intellectual Property Organization), and CBD (Convention on Biodiversity), among other international meetings. As David Hufford and other scholars of folk and traditional medicine have pointed out, this indigenous knowledge has developed within complex systems of ritual and spiritual experience. The extractive metaphor of "bioprospecting" for new drugs in no way addresses how knowledge circulates in these complex systems, and overlooks the economies of gift exchange related to the process of health and healing in traditional societies. In spite of the intention to protect intellectual property rights of indigenous people regarding medical knowledge, the transmission of this knowledge through narrative and practice is inevitably disrupted in the process of "protecting" it. Folklorists, who have expertise in narrative and in belief systems, can make important contributions to the discussion on intellectual property.

This illustrated talk explores the marketplaces for patent medicine in the nineteenth and twentieth centuries; the material and spiritual exchanges that take place in illness and healing narratives and rituals in contemporary societies; and reflects on the current economic interest in "indigenous knowledge" as it is related to traditional medicine and healing.

Margaret Kruesi is a cataloger and folklorist in the Archive of Folk Culture, American Folklife Center. She received her M.A. and Ph.D. in Folklore and Folklife from the University of Pennsylvania, where she has taught courses in Migration and Immigration, Folk Narrative: Folk Drama; Festivity and Celebration; Ritual Practices; and Urban Folklore. She has conducted research on illness and healing experiences at Roman Catholic shrines; studied the presentation of rituals on television; and is the author of a recent article on patent medicines for the *Encyclopedia of New York State*.

