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Beatriz C. Labate  
*Heidelberg University*

Ilana Goldstein  
*Campinas State University*

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# Ayahuasca—From Dangerous Drug to National Heritage: An Interview with Antonio A. Arantes<sup>1</sup>

*Beatriz Caiuby Labate*<sup>2</sup>

Heidelberg University  
Heidelberg, Germany

*Ilana Goldstein*

Campinas State University  
Campinas, SP, Brazil

Translated from the Portuguese by Glenn H. Shephard

Revised by Matthew Meyer

This interview with Antonio A. Arantes, Brazilian anthropology professor and recognized specialist on the topics of intellectual property and traditional knowledge, addresses the 2008 request by Brazilian ayahuasca groups to be recognized as part of the immaterial cultural heritage of Brazil. In the first portion of the interview, Arantes reflects on the challenges of the new conceptions of the Brazilian national immaterial policy program. He discusses several examples of cultural goods recognized by the Brazilian state, such as the *candomblé* and the *samba*, and analyzes the controversial issues involving authenticity and tradition in these and other similar cases. In the second portion, Arantes reflects on the specific case of ayahuasca, the relationship of this cultural heritage request to legal issues, the challenges to define exactly what aspects should be recognized, and speculates on the chances that these religious groups will come to be recognized as a national symbol of Brazil.

In April of 2008, one of Brazil's main ayahuasca centers submitted paperwork to Brazil's Culture Minister, Gilberto Gil, requesting that the Instituto do Patrimônio Histórico e Artístico Nacional (National Institute of Historic and Artistic Heritage; IPHAN) recognize the use of ayahuasca in religious ceremonies as an element of Brazilian national cultural heritage. More significantly, the paperwork was filed with the full support of the government authorities of the Brazilian state of Acre, including Governor Arnóbio "Binho" Marques and Congresswoman Perpétua Almeida. This request is currently being analyzed by IPHAN. Ayahuasca religious groups apparently hope that this registry will reinforce their as yet uncertain social legitimacy. If IPHAN approves the request, it would be a major victory for these groups whose practices, which have been historically marginalized and discriminated, might ultimately be enshrined as part of the country's national heritage.

At the same time, the registry also raises difficult questions, since preserving a cultural practice and traditional knowledge can mean fossilizing it as if it were a pure and timeless form, when in fact the religious and therapeutic practices that involve partaking of ayahuasca are dynamic, syncretic, and at

times even contradictory. As anthropologists Antonio A. Arantes and Gilberto Velho have argued, defining which aspects of cultural heritage should be registered always engenders tensions, negotiations and conflicts of interest. In the words of Velho, "when examining public policy towards national heritage, we are dealing with complex questions that involve emotions, affections, variable interests, preferences, tastes and heterogeneous and contradictory projects.... The heterogeneity of complex modern society...indicates the difficulties and limitations of a public action responsible for protecting a heritage whose selection and definition necessarily imply an arbitrariness, and at some level the exercise of power" (Velho, 2006, pp. 244-246; see also Arantes, 1987).

Ayahuasca is a psychoactive substance used by diverse indigenous populations of the Amazon (Labate, Rose, & Santos, 2009; Labate & MacRae, 2006). Its main psychoactive ingredient is dimethyltryptamine or DMT, which is proscribed by the United Nations Vienna Convention of 1971 of which Brazil is a signatory. Nonetheless, the Brazilian government sanctions the right to religious use of ayahuasca because of its sacramental value in the religious practices of Santo Daime (divided between Alto Santo and Cefluris

traditions), Barquinha, and União do Vegetal (UDV). Whereas Barquinha and Alto Santo have remained restricted to the region around Rio Branco in the state of Acre, where they were founded in the 1930s and 1940s, the Cefluris branch of Santo Daime as well as UDV have spread throughout Brazil, and indeed throughout the world. Cefluris is found in a good number of Brazilian capitals and at least twenty-five other countries. Santo Daime, which has been viewed with as much fascination as repugnance within Brazil, gained a degree of national visibility in the 1980s when several actors from the important Globo television network joined the group. UDV is likewise present in almost all of Brazil's states as well as in Spain and the United States. In the US, UDV recently won a major Supreme Court case, thereby protecting the religious use of this controlled substance. Ayahuasca is also used widely by indigenous groups in Amazonian countries besides Brazil. Ayahuasca shamanism is represented in popular discourse as an ancient and widespread indigenous religious practice. More objective studies date the oldest documented accounts of ayahuasca use to about 300 years ago in certain regions (cf. Gow, 1996); the current widespread use of ayahuasca among Amazonian indigenous groups is probably a more recent phenomenon, dating back perhaps only a century or so (cf. Shepard, 1998).

On the 24<sup>th</sup> of June, 2008, Peru's National Institute of Culture declared the traditional knowledge and use of ayahuasca by native Amazonian communities as part of Peruvian national heritage. This declaration associates it with the traditional medicine of indigenous peoples and the cultural identity of the Amazon, noting its therapeutic virtues. This measure appears intended to empower Peruvian traditional medicine and its practitioners while avoiding the appropriation of ayahuasca for decontextualized, consumerist and commercial Western uses (Instituto Nacional de Cultura, 2008).

In September 2006, the oldest Daime church—the Centro de Iluminação Cristã Luz Universal (Universal Light Center for Christian Illumination) of the Alto Santo tradition, dating to the 1940s and located in an environmental protection area named after the church's founder Raimundo Irineu Serra—had already been declared a state historical and cultural heritage site by Governor Jorge Viana and Rio Branco Mayor Raimundo Angelim. This recognition emerged when long-term militancy on behalf of Daime centers in Rio Branco finally met a favorable political context, since a

number of members and sympathizers were involved in Viana's political party, the PT or Worker's Party. In the case of the Daime church, the heritage registry referred strictly to the material heritage of the center's oldest buildings, and was restricted to the municipal and state levels.<sup>3</sup> In the current case, by contrast, the request is for recognition of immaterial heritage directly at the federal level.

The Peruvian initiative seems to have no connection with the parallel effort set in motion slightly earlier in Rio Branco, on the other side of the Peru-Brazil border. Interestingly, in the Brazilian case, it was mostly urban religious groups of recent origin, and not traditional indigenous communities, who managed to establish formal legitimacy as guardians of traditional Amazonian religious and cultural traditions. However only by assuming the role of the "native" or the "traditional" in the Brazilian imagination were the ayahuasca religions able to successfully achieve government recognition in 1986 (see Labate, 2004; MacRae, 1992). What is new in the 2008 initiative is that it goes beyond a generic Amazonian identity to affirm an identity particular to the state of Acre (even though UDV, the largest ayahuasca religion in Brazil, emerged in the adjacent state of Rondônia).

At this point it seems relevant to present a brief history of the institutionalization and registry of cultural heritage in Brazil. In 1937, Decree Law 25 instituted the Serviço de Patrimônio Histórico e Artístico Nacional (National Service for Historical and Artistic Heritage; SPHAN). According to the law's wording, *patrimônio (heritage)* is defined as "the set of movable and immovable goods existing in the country—such as monuments, buildings and architectural complexes—and whose conservation is in the public interest, either by virtue of their association with memorable events in the history of Brazil, or because of their exceptional archeological, ethnographic, bibliographic or artistic value" (Canani, 2005, p. 170). Initially, the law led predominantly to the registry and preservation of architectural complexes such as colonial Ouro Preto in Minas Gerais and the Pelourinho in Salvador, Bahia.

Through the present, IPHAN maintains within its mission the identification, registry, and preservation of historical, artistic, and cultural heritage in collaboration with state and municipal governments, with the increasing participation of civil society. However, the Brazilian Constitution of 1988 instituted a more sophisticated definition of cultural heritage, including

both tangible and intangible goods, opening the way to the implementation of a more pluralistic understanding of national culture and public interest.<sup>4</sup>

The National Immaterial Cultural Heritage Registry and the National Program for the Safeguarding of Immaterial Heritage were created in 2000, by Federal Decree 3551, to better contemplate cultural diversity as well as the dynamic and progressive nature of intangible heritage. Their innovations proposed the systematic and inclusive identification of cultural goods, opening the way to the possibility of questioning the dichotomy between material and immaterial culture. Regarding the second point, Arantes (2004) has argued that cultural processes and products are inseparable: “Things made bear witness to ways of making things and to knowing how to make them. They also shelter sentiments, memories and meanings that are formed through social relations involved in production, and in this way the work feeds back into life and human relations. The collective heritage produced by the work of generations of practitioners of a given art or craft is something more general than any individual piece produced or carried out, or any given celebration... . Rather, in each work or memory thereof, there is the testimony of that which someone is capable of doing” (p. 13).

IPHAN originally maintained four registry books: Historical Registry; Fine Arts Registry; Archeological Registry; Ethnographic and Scenic Registry; and Applied Arts Registry. To include immaterial heritage, four new registries have been created: Registry of Ways of Knowing, for kinds of knowledge and ways of doing that are rooted in the daily life of communities; Registry of Celebrations, for rituals and festivals that mark the collective experience of work, religiosity, entertainment and other practices of social life; Registry of Forms of Expression, which includes literary, musical, artistic, scenic and recreational manifestations; and Registry of Places, which can include markets, fairs, sanctuaries, plazas and other spaces where collective cultural practices are concentrated and reproduced.

Protected immaterial cultural heritage in Brazil include, for example: Kusiwa, a technique of body painting and graphic art among the Wayãpi Indians of Amapá State, entered in the Registry of Forms of Expression; Círio de Nazaré, a Catholic religious festival in Belém, Pará, entered in the Registry of Celebrations; Jongo, a style of song, dance and percussion music belonging to the Bantu cultural heritage of Africa; the samba-de-roda of Recôncavo Baiano, a music/dance form from Bahia

entered in the Registry of Forms of Expression; and the Iauaretê Falls, sacred sites of indigenous peoples of the Amazon, in the Registry of Places.

A relevant question, then, is whether ayahuasca belongs somewhere in the lists preserved by these registries. The authors conducted a conversation with anthropologist Antonio A. Arantes, a recognized specialist on the related topics of intellectual property and traditional knowledge, about the possibility of safeguarding the religious use of ayahuasca through the registry process. Arantes is Professor of Social Anthropology at the State University of Campinas (UNICAMP). He completed his undergraduate education at the University of São Paulo (USP) and received his doctorate in Anthropology from the University of Cambridge, England. He has been president of IPHAN and of São Paulo State Council for the Defense of Historical, Artistic, Archeological and Touristic Heritage (CONDEPHAAT), as well as the Brazilian Anthropological Association (ABA). He has written and edited numerous books and published articles in Brazil and internationally including *Produzindo o Passado* (Producing the Past; Arantes, 1984), *Paisagens Paulistanas* (São Paulo Landscapes; Arantes, 2000a) and *O Espaço da Diferença* (The Space of Difference; Arantes, 2000b). Articles in English include Diversity, Heritage and Cultural Politics (Arantes, 2007), and Heritage as Culture (Arantes, 2009).

Before discussing the request for IPHAN to register ayahuasca use, we asked Antonio to explain the difference between material and immaterial heritage, and to discuss the main dilemmas involved in the process of protecting cultural heritage in Brazil. The following is a transcript of this discussion:

**BEATRIZ CAIUBY LABATE (BCL) and ILANA GOLDSTEIN (IG): Could you begin by telling us about your career trajectory and how you came to be involved in the issue of cultural heritage.**

ANTONIO A. ARANTES (AAA): I am an anthropologist, during my entire professional career I have worked in this discipline, and for one reason or another, I have ended being drawn towards issues surrounding heritage—especially since 1982, when I was president of CONDEPHAAT in São Paulo. From then on, it became a kind of karma; I kept encountering heritage in various forms. In 1988, for example, I participated in the public hearings concerning changes in the Constitution. One of the articles that most interested me, and that I tried to contribute to—being

at that time president of the Brazilian Anthropological Association—was Article 216, which defines Brazilian cultural heritage. This concept has been used in Brazil since the creation of SPHAN in 1937 (later designated as IPHAN); however it was originally guided by a conception of heritage that referred to aesthetic and historical values of a single, let us say hegemonic, culture in the country: a culture of the elite. There were difficulties in accepting the fact that Brazilian culture was built upon the contribution of different social groups at different times and in different historical contexts. In heritage matters, there was this hegemonic vision of white, Catholic, Portuguese heritage, well-represented by colonial architecture .

**(BCL/IG): What are the major icons within this conception of heritage?**

(AAA): The city of Ouro Preto (Minas Gerais State) is a good example. The city's architectural ensemble and several individual buildings were some of the first items of Brazilian cultural heritage to be protected, and for various reasons: some of its churches exemplify the singularity and high artistic quality of Brazilian Baroque, permitting the demarcation of Brazil's position in relation to world high culture history. But Brazilian society obviously is a much more diverse reality than this notion of heritage allowed for. Thus it was only in the 1980s, with the explosion of social movements and their increasing pressure on the public sphere, that different groups and segments of Brazilian society came to have a fuller voice, expression, and role in Brazilian legislation surrounding cultural rights.

**(BCL/IG): So until this time, Brazilian legislation spoke only of material heritage and goods produced or recognized by elites?**

(AAA): It referred to productions of material nature, artifacts with historical, artistic, ethnological or scenic value, always contemplated in terms of productions whose value as heritage was attributed by academia, which is to say, academic research was the main technical and legal justification for protection by the state.

**(BCL/IG): What was the new discussion that emerged in the 1980s?**

(AAA): In fact, three discussions were at stake. First, there were debates concerning the fact that manifestations of cultural practices are not restricted to artifacts of material nature. There are important activities recognized by the population, like festivals, religious practices or craft techniques which express more effectively than architectural monuments and artistic masterpieces the

values and cultural conceptions of a large number of social groups. Thus cultural heritage cannot be restricted to objects and buildings. Secondly, debates surrounded the idea of hegemony. In a democratic society it makes no sense to restrict state protection only to those cultural productions associated with the dominant groups. The formation of national heritage should include social and ethnic diversity, should address the stratification and plurality that constitute the country as a nation. And thirdly, which is an important consequence of the previous issue, the values attributed to patrimonial artifacts and practices should not be restricted to those recognized by academic knowledge (architecture, ethnology, history, archaeology, etc.) but include as well artifacts and practices recognized by concrete social groups as references to their identities, memories and distinctive practices (i.e., as *their* own patrimony).

**(BCL/IG): How did IPHAN and other government agencies incorporate these discussions?**

(AAA): In 1988, Brazil approved a new constitution containing that perspective. But only in the year 2000 was this conception given the legal wherewithal allowing for the development of policies and actions aimed at safeguarding immaterial heritage in Brazil: namely, Decree Law 3551, elaborated by IPHAN and the Ministry of Culture, with the contribution of various specialists, including myself.

**(BCL/IG): In practical terms, what changes did Decree 3551 bring about?**

(AAA): Most of all, it distinguished between the legal instruments of protection to be used for the conservation of immaterial heritage from those used for material heritage. In the case of material heritage, we are talking about *tombamento* (hereinafter translated as *listing*), a legal institution that implies the maintenance or physical conservation of artifacts, depending on the criteria of value—historic, artistic, scenic—attributed to it in the moment it is transformed into an item of heritage. Obviously, cultural productions are not generated within their original cultural context as heritage: they are only ascribed a distinctive value as heritage *a posteriori*, usually in the context of nation building processes. A work of art that is listed should be conserved, to the extent possible, exactly as its creators envisioned. Listing does not permit, except in unusual cases, any kind of intervention that alters the protected cultural item. A building, on the other hand, constructed for the appropriation in daily life of a population, may be subject to somewhat more flexible orientations,

allowing changes in use that occur throughout decades or centuries. However none of this works for immaterial culture, which is alive and dynamic. It does not make sense for the state to identify an emblematic practice of some segment of the population in a given moment, and demand that it be maintained exactly the same way by its practitioners. Intangible heritage is living culture in permanent transformation. In relation to safeguarding immaterial heritage—and note here the use of the term safeguard (*salvaguarda*), and not listing (*tombamento*)—one of the best definitions I ever heard was given by K. Vatsyayan in her opening address at a meeting in New Delhi. According to her, intangible heritage should be *nourished*, not *preserved*. Which is to say, upon identifying an activity as warranting special attention, the role of the state is to contribute to its vitality and longevity, to guarantee the conditions of its ongoing performance or production for as long as the concerned cultural communities find it meaningful to keep them.

**(BCL/IG): Were you already working at IPHAN when the Decree was being elaborated? How did you become a participant in the process?**

(AAA): During this time, I and a team from my office were working as consultants, and at IPHAN's request we developed a methodology used in the inventory of immaterial cultural heritage in Brazil that serves as a guide in the registry process through today. This methodology considers, above all, that the identification of significant cultural practices should originate from the value attributed to them by the social groups involved. Of course the construction of heritage is an activity that demands collaboration between the state and civil society; but the nomination or selection of practices relevant to the expression and re-elaboration of a given social group's identity should be done by its own members, based on the principles of self-identification and self-determination. The role which various segments of society (associations, cultural entities, etc.) play as protagonists is absolutely fundamental in this process.

**(BCL/IG): It was an innovative approach...**

(AAA): It was totally innovative, because until then, the nomination was made on the basis of academic research—architectural history, art history, archeology. And, by the way, this was not a matter of our own choosing since the new text of the Constitution stated that the productions which constitute national cultural heritage are those which serve as important references to the identity of the social groups that form the nation. Now, the almost insolvable problem the researcher faces

is identifying which social groups form a nation, since these are not fixed and discrete entities . . . .

**(BCL/IG): You mention self-identification and active participation of diverse social groups in the definition of Brazilian cultural heritage. Is there a limit to this? I can nominate my club, my neighborhood, and you can nominate yours, for example?**

(AAA): This is an important question which demands very complex decisions that are not just decisions of a technical nature; they are basically political questions. Certainly a dialog between the state and society is implicated. The groups may nominate their practices, but one must then verify to see whether these practices echo throughout the larger society—if they make sense considering the existing legislation.

**(BCL/IG): You mean the definition of heritage results from a negotiation which can be conflictive, and depends upon obtaining recognition from the state.**

(AAA): Exactly. Even if a segment of the population attributes a special value to a given practice, it only becomes heritage in the strict sense of the term with the legal implications of that new condition, when it is formally recognized by the agency legally responsible for this process. Upon recognizing a given cultural practice or production as being of interest as heritage, the state becomes co-responsible for its conservation, maintenance or “nourishment.” The state becomes yet another actor in the cultural process. One must remember that all actions taken in this regard belong to a broader set of actions adopted worldwide. In 2003, UNESCO approved the Convention for the Safeguarding of the Intangible Cultural Heritage, of which Brazil is a signatory. This convention establishes certain parameters: at the moment this recognition is given, certain responsibilities among all the parties involved are created. Ultimately, the social groups must seek out and desire the partnership of the state, while the state, representing the broader public interest, must evaluate the legitimacy of the request presented and its accordance with the existing legislation.

**(BCL/IG): What were the first requests for registry of immaterial cultural heritage that arrived at IPHAN?**

(AAA): Before 2003, two important requests had already been received, and these were the first to be acted upon: Kusiwa art, of the Wayápi Indians of Amapá, and the ceramic pot production of Goiabeiras, in the state of Espírito Santo. Kusiwa art is a language

of body painting expressed through the combination of a series of Wayápi cosmological symbols, a combination of symbols that is not fixed. Fortunately, there is much high quality ethnographic literature in Brazil, so much of the necessary work for the identification of this and other immaterial cultural productions can take advantage of the available ethnographic information. At any rate, once Kusiwa art was recognized, it was necessary to create a program to safeguard this practice, which includes, for example, the construction of a center for indigenous documentation in the Wayápi Indigenous Land. I was there in December of 2008 and the building was being completed.

**(BCL/IG): So in some sense, the Wayápi's registration of immaterial cultural heritage resulted in the creation of a piece of material heritage.**

(AAA): You see, all immaterial heritage, to be recognized in some form, depends on material documentation, whether they be textual, photographic, aural or in the actual execution of a song, dance, or ornamentation by the stakeholders of that tradition.

**(BCL/IG): And what about the ceramic makers of Goiabeiras?**

(AAA): The Goiabeiras potters make all those pans and plates used in the traditional regional "Capixaba" cuisine. In this case, the technique of ceramic manufacture was registered, and this produced a very important side effect because the artisans were facing a serious problem, the construction of a city dump right next to the clay deposits where they gathered raw materials for making their pots. Recognizing the ceramic technique as national heritage forced the state to take measures to prevent the degradation of the natural resources necessary to produce these wares.

**(BCL/IG): What other requests were recognized by IPHAN, after Kusiwa art and the Goiabeiras ceramics?**

(AAA): Oh, there have been so many—I can't remember them all right now. But it is worth mentioning *samba*, an emblematic Brazilian practice, especially in the international context. At the time, one of the problems we faced at IPHAN was, "Which *samba*?" Because *samba* includes everything from the televised parades in the Marques de Sapucaí *Samba* Stadium, to products of the record industry, to the work of little-known composers and performers, to *samba-de-roda* street dancing, to the improvised drumming sessions in bars. The same cultural practice, or rather the same language, is carried out in different ways in the national territory. *Samba* is

all this. Today, it would be difficult to imagine that any of the different levels of this reality could exist without reference or feedback to the others. It is all interrelated. When the question arose of whether *samba* should be considered a national heritage, and proposed to UNESCO's program of masterpieces of humanity's oral and immaterial heritage, a decision was made to choose the *samba-de-roda* tradition of Recôncavo Baiano in Bahia. Why? Because it refers to a specific community of practitioners, or to various communities in the same region; it refers to a particular mode of expression, with its own instruments, harmonies, repertory, clothing and choreography. It could be interpreted as a contemporary expression of the source that, in some sense, gave rise to various other expressions of *samba*.

**(BCL/IG): Was there much conflict in arriving at a consensus before choosing *samba-de-roda* of Recôncavo?**

(AAA): Not exactly conflict, but there was lots of argument and discussion. A decision was made to work with *samba-de-roda* in Bahia as a point of departure for a work that should later include a whole set of variants of this traditional choreographic and musical expression. It would be the same problem in the case of the *Bumba-meu-boi* performance [from Northeast Brazil, which has now spread as far as the Amazon]. I always defended the position that there exists no variant that is more true or authentic than any others. Nothing is more "original," in the sense of being the same as what was done 70 or 200 years ago. Everything is in dialog with everything else. At most, we can try to find variants practiced by more culturally conservative communities.

**(BCL/IG): You spoke of more "essentialist" variants. In anthropology, the question of essentializing culture – by researchers and by the practitioners themselves—has been thoroughly problematized. Is this the kind of essentialism you refer to?**

(AAA): Essentialism is a perspective that sees cultural identities and practices as things kept in a kind of locked chest. Social groups are seen as if they were—or should be—permanently bound to the same stock of distinctive cultural emblems. From this perspective, the golden age of cultures and of cultural diversity is always in the past, and change is understood as loss of authenticity. Yet this view runs contrary to history; it rejects the dynamism of culture and the ever-changing nature of social identities.

**(BCL/IG): Yet generally this is the "native" viewpoint, which is to say, the discourse of practitioners always**

**affirms that their practice is original, it conserves and follows a certain tradition.**

(AAA): No, I don't think it is always like that. There are many cases in which innovation is valued. Moreover, this is a serious problem in relation to preserving material heritage. For example, it is difficult to preserve architectural ensembles, because the owners or dwellers of the buildings want to change the façade, they want to put in more modern windows, they want to install air-conditioning. Anyway, they want to take advantage of these historic buildings by integrating them into today's way of life. On the other hand, it is true that various social groups reclaim practices and values that they consider to be "traditional." There are groups that seek, for example, to recover pieces that were removed from their villages and taken to museums, to review song recordings or photograph documentations of a certain era, to reconstruct a language. The reinvention of activities that are no longer practiced, through valorizing old or earlier practices—and I didn't say "traditional"—is happening all over the world, not just in Brazil.

**(BCL/IG): Going back to the process of recognition cultural heritage, when the government selects variants that are to be preserved, does this not draw lines between that which is and is not traditional, or considering certain practices more "legitimate" than the rest?**

(AAA): More and more questions are being raised, both in theory and practice, about the forms of safeguarding immaterial heritage that freeze cultural practices in time. As I mentioned earlier, the function of preservation as public policy is to nourish, to aerate and to provide conditions for the cultural practices to continue flourishing, despite the asphyxiating influence of the market economy. It is consistent with this perspective that variation and variability must be included in the safeguarding policies because they are important aspects of the ultimate reality aimed by heritage preservation, namely, cultural history. However in many cases, a choice is necessary as to what to preserve and what not. The construction of cultural heritage is a selective process. So, as this is a process that takes place in the public sphere in name of public interest, the criteria to be adopted for such choosing should be explicitly formulated and politically validated. When we were discussing the UNESCO program, I forgot to explain that one of the main reasons we prioritized *samba-de-roda* in Bahia was that this variant was in an especially precarious situation, not far from extinction, for many

reasons I won't go into here. So it needed an urgent and effective support. But this did not mean that the urban samba in Rio, which is behind the compositions which are recorded by the music industry, could be left aside, and so it too was registered—for a different reason—as a national heritage element.

**(BCL/IG): Can the recognition of cultural heritage generate unanticipated negative consequences for these very practices, like "folklorization"?**

(AAA): Our experience with safeguarding intangible heritage does not yet have enough history to permit a deeper evaluation. Remember that this effectively began in Brazil in 2003. It's now 2008, that's only five years. But I think you are right, it can cause standardization, freezing or folklorization. For example, if *samba-de-roda* turned into a performance exclusively for the stage. When it was decided to safeguard *samba-de-roda*, it was because some communities in particular practiced it in their own midst, their sense of 'community' expressed itself through *samba-de-roda*, they were recognized for this kind of music and dance, this was a practice which nourished their social relations. If this dance were to be taken on stage, and only for the stage, if it were to be performed by professional dancers and presented through contracts with show business entrepreneurs, the original sense of preservation would have been lost, because the ties of the practice with such communities would have been lost. Which is to say: it is not exactly the music and dance, but rather a given social group performing music and dance, which requires protection.

**(BCL/IG): Doesn't restricting recognition of a cultural variant associated with a specific community restrict the scope of heritage protection?**

(AAA): The case of *viola de cocho* [a guitar style] raises interesting questions in this regard. *Viola de cocho* was studied and identified as cultural heritage in the state of Mato Grosso do Sul [South Mato Grosso], however the manufacture and use of this kind of guitar predates the division between southern and northern Mato Grosso. The association of this kind of guitar with South Mato Grosso led to huge protest. They said, "it's from Mato Grosso, period, neither North nor South." But remember, it had been declared a *national* heritage. The fact is that the prestige of the local guitar makers, the *luthiers*, and the interest of this musical genre among guitar players in general has grown with the recognition of the instrument and the associated musical styles as something of value for the nation. This is an important point. All immaterial heritage refers initially to specific

communities of practitioners, but the recognition of this practice, of this knowledge, as being a part of the official heritage gives it a broader value and meaning beyond the local context.

**(BCL/IG): Let's turn to the case of ayahuasca. In 2008, a request was filed for the recognition of ayahuasca as a part of Brazilian immaterial heritage. Do you know of similar petitions from other countries?**

(AAA): Ayahuasca, in my understanding, involves a whole process of preparing the tea, of cultivating and managing the plants, as well as being associated with certain religious practices, world views and forms of sociability. It is necessary to define which of these aspects we are talking about.

**(BCL/IG): That's a good question. There doesn't seem to be much clarity as to exactly what should be safeguarded: the religious rituals, the religions, the substance itself... . The very groups that submitted the petition, articulated through the Garibaldi Brasil Foundation (the municipal cultural foundation of Rio Branco), had to carry out a series of meetings to try to define what should be recognized. We heard from Marcos Vinícius Neves, president of the Garibaldi Foundation, that they are trying to change the focus from the rituals and the religion to the idea of a "culture of ayahuasca." What do you think of this?**

(AAA): I don't remember of an example of a successful registry of this type. Actually, there are a few cases, which I would prefer not to specify, of proposals to safeguard religious "cultures" that did not work out very well, because the efficiency and usefulness of the instrument of heritage safeguarding depends on the specificity of the cultural item and its stakeholders. Anything can be considered "cultural." If there are no limits to safeguarding actions, then we won't know what to do. For the safeguarding of some production or cultural practice to take place, it is not enough to just recognize it publicly, like a kind of "diploma granting." Rather, it is necessary to develop a set of concrete safeguarding actions, a so-called "safeguarding plan." Thus, if what is intended is to safeguard the knowledge of preparing the tea and cultivating the plants, there will be appropriate technical and legal instruments for this; also to be considered are aspects and techniques which should or should not be made public, since the registry of cultural heritage confers tremendous publicity on the practices and knowledge systems involved. If the rituals were chosen for safeguarding, it would also be necessary

to specify which aspects will be safeguarded and made public, and guarantee that they are present in adequate circumstances for their reproduction and vitality, questions that can only be resolved by the practicing community.

**(BCL/IG): Talking of a community in this case might not make sense. Wouldn't it be better to talk about various communities in Rio Branco?**

(AAA): Actually, I find the term "ayahuasca community" to be vague. It would be like saying, "the samba players of Brazil." Vague and overly inclusive categories are not appropriate for elaborating plans of heritage protection.

**(BCL/IG): We don't yet know what the object of the proposed recognition will be, but, supposing it does happen, would protection of the knowledge associated with ayahuasca extend to all practitioners, or would it be restricted to the groups who filed the petition?**

(AAA): It depends on the kind of action that is planned. There are some actions more aimed at specific practitioners, while others reach practitioners as a whole. Let's say there is a group of practitioners that maintains exemplary and exceptional knowledge about the cultivation and preparation of the substance. Some actions could be developed with this group in particular, with the aim of protecting and valorizing their activity. But it is also possible to think in terms of an action plan that would include collecting the available documentation about transformations the practice has undergone through the decades or years, thus systematizing the local variants in order to create a national center of reference about ayahuasca. This center would be a protection measure that would be meaningful to the whole community, and not just for practitioners, but for researchers as well.

**(BCL/IG): From what we have learned to date, Barquinha, the church of CICLU-Alto Santo and União do Vegetal were the authors of the petition filed at IPHAN and the idea is that the knowledge associated with the different groups be safeguarded. However one observes a tremendous variety and a great expansion of the use of ayahuasca: some groups have subdivided and claim to follow a certain lineage, others say they are the legitimate heirs of some Master, and so on. How would government recognition deal with this existing plurality?**

(AAA): One approach to the situation would be classify the various forms, and within each, choose exemplary cases. This happened with the *candomblé terreiros* [Afro-

Brazilian shrines] in Bahia. Anthropological research was carried out with hundreds of existing centers, funded by IPHAN and the state Institute of Cultural Heritage of Bahia. What did they do? They mapped the existing temples in Salvador, identified the various types to which they belonged and for each type they indicated the most significant exemplars. This anthropological classification is a construction, a model—and this is important—that represents the configuration of the practice in that particular moment, not a substantive part of the observed realities. Evidently, if the inventory had been done decades earlier or decades later, the result would have been different.

**(BCL/IG): Did this classification of candomblé made by anthropologists and the government incorporate the “native” viewpoint, which is to say, the traditionalist discourse that recognizes some terreiros as more “authentic” and traditional than others?**

This kind of value judgment was not present, as far as I know. We are talking about differentiation. To say that A is different from B is not to say that it is inferior or superior. Now, it may be that treating A and B as equivalent, in the same system of classification, bothers both A and B, who would prefer not to be identified as belonging to the “same sack of flour.” From the point of view of preserving the practice, what matters is the principle behind the formation of the various temples and religious lineages, the dynamic of fragmentation and fusion. The anthropological study should focus on this dynamic principle, which will help explain the types that exist both prior to and after the typology is formalized. If the idea is to safeguard the practice, then we need guarantees that will maintain an adequate expression of the diversity that constitutes *candomblé*, for example. It makes no sense to “sanitize,” to elevate those aspects considered more “pure”: it would be like trying to preserve plant life by making collections of old leaves.

**(BCL/IG): Do you have any guesses as to what might be the significance or impact of government recognition of ayahuasca and related knowledge?**

(AAA): I believe this would be a significant social fact, which is to say, there are an enormous number of practitioners among indigenous peoples and the Amazonian rural population, even in national and international urban populations. Which aspect should be the subject of safeguarding is a question that can only be answered by a thorough study and, in this process, dialog with the practitioners should be fundamental. It is

totally inappropriate for the state to take decisions about safeguarding that do not emerge from the interests of the practitioners; this would be like forcing them to carry through with something they do not value, or which to which they attribute a negative value.

**(BCL/IG): Ayahuasca contains DMT, a psychoactive substance proscribed by UN conventions and which is criminalized in many countries. Thus, there has been a polemic in Brazil that predates the request for heritage registry with respect to the actual legal status of ayahuasca or, rather, whether its use is legal or not, if it is or is not a dangerous drug, and so on. Today, the Brazilian government does not exactly have a law, but an accumulation of opinions and resolutions recognizing the right to ritual and religious use of ayahuasca. Do you think its recognition as cultural heritage could minimize or even eradicate the persecution and marginalization of this practice?**

(AAA): Yes and no. A lot depends on how things are set into play. If the state recognizes that it is in the public interest to protect a practice that includes the use of a proscribed substance, then it would have to create a legal framework so that the practice can be carried out fully and openly. So, if today there is a certain lack of legal definition in relation to the status of ayahuasca, a safeguarding plan that includes the use of the substance would necessarily create a commitment on behalf of the state to the rights of users. That is the first angle. Now, there is another, more conservative, way of seeing the question: the state follows certain norms, substantiated in the existing legislation, national as well as international in the event that the country has ratified these conventions. From this perspective, practices which violate these norms could not, on principle, be recognized as items of cultural heritage. We know for example that in certain regions of the world female circumcision (or genital mutilation) is a common and acceptable form of expressing, well, social identity. But a proposal for making such a practice into an item of world heritage, or of oral and cultural heritage of humanity, would certainly not be accepted by an institution like UNESCO. Returning to the case of ayahuasca, if Brazilian legislation proscribes aspects of the ritual practice, it could not be proclaimed by that very same state as a piece of national heritage.

**(BCL/IG): It’s not quite like that. There is a 2004 opinion that explicitly affirms the ritual and religious use of ayahuasca as a right. It even recognizes the**

right of a pregnant woman or an underage minor to consume ayahuasca in this context. Only ayahuasca outside the ritual context would be punishable.

(AAA): If there is a legal exception to this prohibition, it would be up to the safeguarding agency to proceed with a public clarification of the issue.

**(BCL/IG): The first reaction of the media has been precisely that: “Oh, now we’re going to recognize cocaine.” Or, “Why not recognize the cachaça” [Brazilian sugar cane liquor]? The problem of the legal status of ayahuasca is that, although there is legal recognition for religious use, there are tenuous boundaries and gray zones that rest in a kind of legal vacuum. In this way, paradoxical situations emerge, for example, in Canada, where the right to religious use of ayahuasca was recognized after years of legal battle led by a Santo Daime group. And so then the Canadian government asks Brazil to provide a document from Itamaraty [the Department of State] officially declaring that ayahuasca can be exported, and the Brazilian government refuses to do so. Another example is Americans who want to come to Brazil to participate in religious rituals with ayahuasca, and upon declaring so, have their visas denied.**

(AAA): Exactly, a safeguarding plan presupposes changes in this context. If ayahuasca use is recognized as an item of natural cultural heritage, it would be hoped the Ministry of Culture, which regulates IPHAN, would act in concert with other federal agencies to guarantee the free use of this substance in the rituals.

**(BCL/IG): We sense a concern among certain ayahuasca groups with what they consider to be inappropriate and vulgar use of ayahuasca, for example, ayahuasca commercialization, ayahuasca tourism, or the excessive diversification of the practices to a point where they lose all connection with the “original” practices. They understand safeguarding in the sense of protecting their practices from this vulgarization.**

(AAA): That’s why I say that the first thing that must be done is talk with the practitioners. It’s not the state that will define the limits of the safeguarding, the practices must say, “there are practices which we consider spurious.” The state is expected merely to mediate the negotiations.

**(BCL/IG): In Peru, the use of ayahuasca is safeguarded, however associated exclusively with indigenous populations and therapeutic use. In Brazil on the other hand, it is associated with rural and urban Christian religions, while government**

**reports condemn the therapeutic use of ayahuasca. Can a practice be recognized as heritage in one way here and another way in Peru?**

(AAA): Well, it’s that the same practice has different values in distinct contexts. UNESCO recognition does not necessarily mean standardization. In this context, immaterial cultural heritage refers to real populations in specific territories.

**(BCL/IG): Is there any chance that efforts by ayahuasca groups to present themselves as representing a genuinely Brazilian religion will go somewhere?**

(AAA): It’s this “genuinely” that gets in the way. I think it could be recognized as *one* of the expressions of religiosity *in Brazil*. It is difficult to talk about Brazilian religiosity in general, since we’re talking about such diverse populations with their respective historical and cultural experiences.

**(BCL/IG): In Acre a tendency is also emerging to associate ayahuasca use with a certain pride in being from Acre, or in Amazonian identity.**

(AAA): Regional value is one of the values ayahuasca takes on. Locally, in the state of Acre, it is being used to construct an identity. It could be that in São Paulo, it does not have this same value: values attributed to practices are always situational.

**(BCL/IG): With regard to the role of indigenous peoples, how might you explain the fact that ayahuasca groups mention indigenous origins in the paperwork for requesting recognition, while in practice they maintain a certain distance from indigenous practices?**

(AAA): I don’t know, maybe the very history of ayahuasca associates it symbolically with indigenous populations. It is probably an appropriation of indigenous practices, a construction of new meanings. In any event, it is up to whoever guides the process of safeguarding to consult with any indigenous groups who might be involved. Because the delimitation of what to safeguard results in a political decision. Moreover, whatever is done in relation to ayahuasca in Brazil will have impacts on its use by diverse groups, those who were included in the registry process and those who weren’t. That’s why I repeat that the inclusion of a social group in the process of registry is a serious political and intellectual decision.

**(BCL/IG): Can a religion be recognized as immaterial cultural heritage?**

(AAA): Not a whole religion. But a divinatory practice such as throwing cowry shells, for example, was presented by Nigeria as traditional knowledge in a program to

proclaim immaterial cultural heritage of humanity, and it was proclaimed as such.

**(BCL/IG): What chance do you give this request for going ahead and achieving recognition by IPHAN?**

(AAA): I think that the institution has to adopt a firm attitude regarding the legal restrictions and social interdictions surrounding the consumption of ayahuasca. As long as there is no clarity in this aspect, I think the process will be long and tortuous. It will be less controversial to gather and conserve the existing documentation about this practice in the country. But is this what the ayahuasca communities really seek?

**(BCL/IG): What about the question of religious secrets, with regard to the request of recognition of ayahuasca use?**

(AAA): This is another important question that must be taken into account. Without a doubt, aspects could be revealed that might not be appropriate to make public, even with regard to the “cultural intimacy” of the group involved. Thus the discussion requires much forethought: what aspects of these practices are going to be revealed? Some might need to remain accessible only to the initiated, to those who have a moral commitment to the continuity of the practice. But the cutoff line should be decided by the practitioners.

**(BCL/IG): To conclude, we'd like to ask a question about intellectual property, a topic we know you have specialized in. Since the mid 1980s, União do Vegetal (UDV), one of the main ayahuasca groups, has registered with the Institute of Industrial Property the names of elements and entities in its pantheon such as Caupuri, Lupunamanta, Chacrona, Mariri, Hoasca, Tiauco and Rei Inca. However some of these terms are common to the whole universe of ayahuasca shamanism in the Amazon. From a legal standpoint, does this mean that other religious groups are prohibited from using in their own rituals names that were registered by UDV?**

(AAA): They can use these terms in the rituals, but they would probably be prohibited in a commercial context. When a brand is registered, what is registered is the denomination of a product in the market. And there cannot be two products in the market with the same denomination. On the other hand, I doubt that proper names and geographical denominations can be used as brand names in this sense. A legal consultation would be required. The fact is, with this kind of registry, there must be proof of priority in the public use of the name or substance to have precedence over others.

**Interview with A. A. Arantes**

**(BCL/IG): Is there anything you'd like to add to finish up our conversation?**

(AAA): I think that the essential thing in this long conversation is that people not forget that tangible and intangible cultural heritage are social constructions that result from the negotiation between society and the state, aimed at developing actions in relationship to which both the state and the society must take responsibility. Thus, it's not just a proclamation, in which something's importance is announced; it's much more than that, because, when the state shines a spotlight on a certain practice and commits itself to its safeguarding, a new fact is created in the cultural universe, on the horizon of wherever that production or practice originally belonged, and this produces consequences. You can never call too much attention to the social responsibility of the agencies which develop programs and activities of heritage protection, as well as of those groups which maintain these practices or productions.

### Notes

1. An earlier Portuguese language version of this paper was published as “A preservação do intangível” in the online journal *Trópico* (November 11, 2009). Available at: <http://p.php.uol.com.br/tropico/html/textos/3140,1.shl>
2. In cases where English versions of quotations from Portuguese references are offered in this paper, translations were done by the authors.
3. A similar request of recognition of cultural material heritage was sent by Alto Santo to IPHAN, together with the requests to the municipal and state authorities. The letter is dated July 14, 2006, but as of the date of publication a response has not been issued.
4. According to article 216 of the Brazilian Constitution, Brazilian cultural heritage consists of “those goods of material and immaterial nature, taken individually or in sets, which carry reference to the identity, action and memory of the different groups that make up Brazilian society.” Eligible forms of expression include: ways of creating, making and living; scientific, artistic and technological inventions; works, objects, documents, buildings and other spaces designated for artistic and cultural manifestations; urban complexes and sites with historical, scenic, artistic, archeological, paleontological, ecological or scientific value.

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## About the Authors

*Beatriz Caiuby Labate, MA*, serves as an anthropologist on the Research Staff at the Institute of Medical Psychology at Heidelberg University in Germany and is a Member of the Collaborative Research Center (SFB 619) "Ritual Dynamics—Socio-Cultural Processes from a Historical and Culturally Comparative Perspective" ([www.ritualdynamik.de](http://www.ritualdynamik.de)). She can be contacted through her website: [bialabate.net](http://bialabate.net)

*Ilana Goldstein, MA*, is a doctoral candidate in Social Anthropology at Campinas State University (UNICAMP) in the state of São Paulo, Brazil. She is one of the founders and a member of the editorial board of *Proa—Revista de Arte e Antropologia* ([www.ifch.unicamp.br/proa](http://www.ifch.unicamp.br/proa)). She can be contacted at [ilagolds@yahoo.com](mailto:ilagolds@yahoo.com)