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Sarah Harvey: Ayahuasca in Limbo: The UK Situation

At Inform, an educational charity based at the London School of Economics which provides information on minority religious movements,¹ we occasionally receive enquiries about religious groups that use the plant-based brew Ayahuasca as a sacrament, or about the legal status of Ayahuasca in the UK or elsewhere. In the UK, the legal status of the sacrament has been challenged for the first time in recent years. Whilst DMT (Dimethyltryptamine), the psychoactive component of Ayahuasca, has long been categorised as a Class A drug in the UK,² the DMT component of Ayahuasca is so small (between 0.1 and 0.66%) that it was perhaps not considered of great concern by the authorities. This somewhat laissez-faire attitude has changed in recent years, with two legal cases challenging its use in different ways and with different outcomes. In this short paper, I will briefly discuss Ayahuasca use with a focus on Santo Daime, one of the most well-known Brazilian religions using this sacrament, before turning to the two UK legal cases. I will conclude with some thoughts and questions as to the potential implications of these cases for religious groups using Ayahuasca in the UK.

What is Ayahuasca?

Ayahuasca ('the vine of the soul') is the common name for a preparation made from a combination of plants found in South America; other names include Huasca, Yagé, Daime ('give me'), Brew, The Tea, and La Purga, with the last referring to the emetic effect of the preparation. The plants are broken down and boiled creating a thick brown brew. The preparation is made from the Ayahuasca vine (*Banisteriopsis caapi*) and other plants, most frequently the leaf of the Chacruna plant (*Psychotria viridis*). It is the leaves of the Chacruna plant which contain the psychoactive substance, DMT. However, this is not active on consumption unless it is combined with MAO (monoamine oxidases) inhibiting harmine alkaloids (also known as MAOI) which are found in the Ayahuasca vine. It is the MAOI which causes the DMT to be active when taken orally, that is, not immediately broken down in the stomach. It is possible to create brews which do not contain the Chacruna plant, and hence the DMT component, but these are not usually known as Ayahuasca.³ In academic terms, Ayahuasca can be considered an entheogen ('generating the divine within'), a term for a

¹ Website at www.inform.ac All websites cited in this paper were last accessed in May 2014.

² The United Kingdom (UK) Misuse of Drugs Act (1971) created three categories of drugs, Class A, Class B and Class C, with 'Class A' drugs assumed to cause the most harm and to come under the harshest legal sanctions. However, there is debate about the extent to which the classifications correspond to the harm caused by the various substances listed under a particular class. Dimethyltryptamine has been listed as a Class A drug under this law since 1971.

³ It is interesting to note that Ayahuasca is the name of both the brew and the vine. This implies that the vine is of greater importance in the brew and yet it is the leaves which contain the psychoactive component, DMT. The Chacruna plant is also considered sacred however and the real power lies in the combination of the plants. It is not known how Amazonian Shamans discovered the effect of the combination of the two plants; oral history attributes the discovery to the guidance of plant spirits. A useful collection of sources on Ayahuasca can be seen at <https://www.erowid.org/chemicals/ayahuasca/ayahuasca.shtml> an American drug information website.

range of substances used as sacraments which is generally considered more neutral a term than hallucinogen or psychedelic.

Ayahuasca Use

It is possible to identify at least three different forms of Ayahuasca use: 1) traditional / indigenous, 2) explicitly religious and 3) western neoShamans, seekers and experimenters. All three forms consider Ayahuasca a sacrament (perhaps with the exception of some western experimenters), that is, a symbol through which spiritual power is transmitted, and in all three contexts it is taken to connect with the divine, for personal growth and for healing.

1) Indigenous use. Archaeological evidence suggests that indigenous Amazonian Shamans have ingested Ayahuasca for centuries, but such use first became known outside of the Brazilian context through the writings of nineteenth century explorers and missionaries.⁴ Within the indigenous context, Ayahuasca use is tied to an animistic worldview in which consumption is believed to tie the individual to the whole universe and allow them to see the connection of all things. It is also tied to the belief in the reality of positive and negative spiritual forces and that negative forces cause bad health. Ayahuasca is taken for healing, both physically and mentally, and purging is seen as purifying.

2) Religious use. Whilst indigenous use is obviously part of a religious worldview, there also exist new South American religious movements which explicitly focus on Ayahuasca ingestion. Such religions began in Brazil which has been a culturally mixed country since the fifteenth century when it became a colony of Portugal. New settlers and missionaries introduced Catholicism to the country, whilst African slaves brought their own local religious and cultural traditions. The new traditions mixed with local Shamanic traditions creating much syncretism. Ayahuasca religions retain this syncretism, being a mix of indigenous Shamanism, African traditional religions, Catholicism, the Spiritism of Allan Kardec⁵ and more. Santo Daime was the first Ayahuasca religion to emerge in Brazil, in the 1930s, and I will discuss this in more depth below. Uniao Do Vegetal (UDV), whose name means 'the union of the plant' is another important Ayahuasca religion, founded in Brazil in 1961 which, like Santo Daime, has spread worldwide and has been involved in numerous legal cases to protect the religious use of Ayahuasca.⁶

3) Western seekers and neoShamans. From at least the 1960s onwards, some westerners have been interested in indigenous religious practices as well as in psychoactive substances, especially in the counter culture of America and the UK with figures such as Timothy Leary encouraging people to 'turn on, tune in, drop out', as well as the interest of the Beat Generation, including William Burroughs and Allen Ginsburg, and many musicians. Experimentation with Ayahuasca continues today amongst some western authors, actors and musicians.⁷

4 Melton, J. G. and M. Baumann (2002).

⁵ Kardec was a French spiritualist writing in the nineteenth century who added his own beliefs, including those of reincarnation, to Spiritualism. His work was translated into Portuguese and became popular in South America, particularly in Brazil.

⁶ UDV will not be discussed in this paper, but for further information on this group see Dawson, A. (2007) and Labate, B. C. and E. MacRae, Eds. (2010).

⁷ For instance, LA Weekly Blog, in November 2013 listed "Ten Celebrity Ayahuasca Users", including the musicians Sting and Paul Simon. See <http://www.laweekly.com/westcoastsound/2013/11/22/ten-celebrity-ayahuasca-users?showFullText=true>

Today's seekers and 'psychonauts' (those who explore the mind/soul through altered states of consciousness including through the use of entheogens) may be influenced by 1960s counter culture, contemporary popular culture, popular psychology, indigenous traditions, neoShamanism, Paganism, 'New Age' traditions and more. Individuals may consider themselves a member of one of these religious traditions, or of no tradition at all. They may use Ayahuasca alongside other substances, they may create rituals around its ingestion or they may incorporate it into pre-existing practices.

There are also, of course, some westerners who are simply interested in experimenting with different types of drugs and in recent years there seems to have been a rise in what the media has termed 'Ayahuasca tourists' - those who travel to South America, most often Peru or Colombia, to take part in retreats which include the ingestion of Ayahuasca. Such retreats are openly advertised on the Internet and, according to media reports, in the tourist information of South American hotels and hostels.⁸ Individual's experiences of such retreats are described in numerous blogs, journals and media articles, and have been the focus of numerous documentaries. Popular media coverage has tended to focus on the deaths of a number of individuals who have taken Ayahuasca in this context, most recently the death of British teenager, Henry Miller, in April 2014.⁹ It has been reported that some indigenous Shamans are involved in and encourage such retreats, either to spread their worldview and/or as a form of income, whilst others are strongly opposed to the retreats as a form of commercialisation and exploitation.

Santo Daime

Santo Daime was founded in Brazil in 1930 by Raimundo Irineu Serra (known as Master Irineu), who was born in Brazil of African parents and who was a rubber tapper. The founding narrative of the movement states that Irineu learnt about Ayahuasca from indigenous Shamans and that he first took the brew in an eight day vision quest. During this quest, he had a vision of a female being – identified both as the Queen of the Forest and as the Virgin Mary – who gave him teachings and instructed him that he was to take up the role of a spiritual leader. The teachings included hymns addressed to various Christian figures and African deities which have different purposes from healing, to celebration, to connection with the divine, as well as different dances, the steps of which are believed to facilitate the flow of divine energy. From these teachings, Irineu developed the new religion of Santo Daime, sometimes called the Religion of the Rainforest.

Santo Daime describes itself as "essentially Christian, combined with elements drawn from the spiritual traditions of the Amazonian rainforest and from the religion of the enslaved African people brought to work in South America".¹⁰ As such, it is a syncretistic, Christian religion with a focus on the natural world as sacred and the individual's ability to connect with the divine through Ayahuasca. Santo Daime material states that Ayahuasca is taken "to give effect to a powerful and potentially transformative experience... It operates on all levels of the individual: spiritual, intellectual, emotional, energetic and physical." Ingestion has both a divine/spiritual and individual dimension and these can be looked at in more depth: A primary purpose is connection with the divine, with God, Jesus and the natural world, which

⁸ See, for instance, <http://ayaadvisor.org/>, a database of retreats, and search 'ayahuasca' on Tripadvisor, <http://www.tripadvisor.co.uk/>

⁹ See, for instance, <http://www.theguardian.com/uk-news/2014/apr/27/british-backpacker-dies-hallucinogenic-drug-colombia> and <http://www.bbc.co.uk/news/magazine-27203322>. These media articles report that Miller died after suffering a reaction to Ayahuasca. For information on other Ayahuasca fatalities see https://www.erowid.org/chemicals/ayahuasca/ayahuasca_death.shtml.

¹⁰ The Santo Daime quotes in this paper are from material held in the Inform archive.

is also a connection of the individual with the life force; ingestion also entails a journey to a higher spiritual or astral realm in which real spiritual beings are believed to exist – hostile forces must be battled whilst beneficial forces can be petitioned for assistance; ingestion is a transformative experience - the ceremony can reveal hidden parts of the mind and show people how to work through a particular problem; it is taken for physical, mental and emotional purification; as well as for healing - Santo Daime claims to have benefits in the treatment of serious health conditions, including cancer.

Ayahuasca is never taken by Daimistas (members of Santo Daime) in an individual context. It is only consumed in a formal and highly structured religious ceremony known as 'the works'. This is the primary ritual practice of Santo Daime which takes place roughly once a fortnight, with each ceremony lasting for several hours from late afternoon into the evening – sometimes lasting all through the night in South America. The works begin with the separation of men and women into two groups in the meeting hall. Two lines are formed, the Ayahuasca is received, and then the hymns and dance steps begin. Participants aim to stand throughout the ceremony and additional sips of Ayahuasca are taken every few hours. The ceremony opens and closes with Christian prayers, including the Lord's Prayer and the Hail Mary. There is also ritual around the preparation of Ayahuasca, which is only harvested during the full moon, and around preparing the body for its ingestion - dietary requirements are followed for a certain period beforehand as is abstinence from alcohol and sexual relations. Daimistas taking medications such as anti-depressants and antibiotics cannot participate in the ingestion of Ayahuasca.

Master Irineu died in 1971 and Santo Daime split into a number of different factions. CEFLURIS (Culto Eclético da Luz Universal - Eclectic Center of the Universal Flowing Light) which was founded in Brazil in the early 1970s by Padrinho Sebastião has emerged as the main organising body to which individual churches worldwide affiliate.¹¹ It has a permanent settlement in the Brazilian rainforest at Mapiá. Padrinho Sebastião died in 1990 and his son, Padrinho Alfredo, took over. Alfredo is seen as responsible for spreading the religion outside of the Brazilian rainforest, including to the UK, which he has also visited.

CEFLURIS has been active in the UK since at least 1998 when three members returned to the UK from the Brazilian headquarters at Mapiá (although of course there may well have been individual members or members of other branches in the UK before this date). In 2007, two separate CEFLURIS churches were established in the UK; the Church of the Eternal Heart in Devon, led by Adrian Freedman and the Church of the United Kingdom of Light in London, led by Jane Liddell. These churches represented around 200 members in total. Santo Daime in the UK did not advertise events or seek to recruit new members, although some inevitably found their way to the group where they would undergo a gradual and controlled introduction to the ceremonies. The London Church had more Brazilian members and consequently was more traditionally Brazilian, with members wearing the traditional Santo Daime uniform of white with a green sash, songs sung exclusively in Portuguese and the calendar of ceremonies following closely the traditional Brazilian calendar of holy days and festivals. The Devon Church did not have many Brazilian members; hymns and prayers were said in Portuguese and English and full uniform was not worn. Santo Daime in the UK is currently largely defunct, or rather in stasis, due to the recent legal case which will be described below.

Legal Cases in the UK

There have been numerous legal cases around the world challenging the use of Ayahuasca and other entheogens as sacraments and involving Santo Daime, UDV and other religious

¹¹ Website at <http://www.santodaime.org/indexy.htm>

groups. There are also a number of countries where Ayahuasca use has not been tested legally despite DMT being an illegal substance. This was the case in the UK until 2011 when the first court case involving Ayahuasca was brought.

The first court case involved a western Shaman called Peter Aziz. On his website,¹² Aziz describes himself as a Shaman and a healer, drawing on indigenous and magickal¹³ traditions from all over the world. It states, "Peter Aziz trained in shamanism for 35 years, including Hungarian, Pueblo Indian and Kahuna Shamanism, and spent several years in the jungle of Peru training to be an ayahuascarero. He has also been initiated into Vodou, and attained the highest level of Priesthood; Houngan Asogwe". The website also states that Aziz practices yoga, transcendental meditation, homeopathy, acupuncture, kinesiology, Reiki, Vodou, ancient Egyptian mystery traditions, various forms of martial arts and communication with the faerie realm, with tree spirits and dragons. He runs workshops on most of these practices and offers healing ceremonies for groups or individuals. He also offers empowerments and sells magickal items through his website.

In 2007, Aziz ran a retreat in a disused hotel in Somerset in which the participants ingested Ayahuasca. There were twenty participants who, according to the BBC, paid £100 each for the retreat. Aziz was arrested after being exposed in a BBC television programme in which an undercover GP posed as a patient seeking a treatment for cancer – and the BBC's undercover footage of the ceremony shows Aziz telling participants that Ayahuasca can cure many serious illnesses including cancer.¹⁴ In September 2011, Aziz was sentenced to 15 months in prison by Bristol Crown Court for two counts of supplying DMT and one of producing DMT. In a statement written by Aziz in February 2012,¹⁵ he claimed to have been the victim of persecution by a group of doctors opposed to alternative healing (called Health Watch).¹⁶ He claimed that this persecution first began after he appeared on a different BBC programme ('Trust Me, I'm a Healer') in which he claimed that he cured a crippled boy. Aziz did have some support; there was an online petition for his release and a couple of letters of support on the website of the Guardian newspaper, including one written by an academic of Paganism, Andy Letcher (Oxford), which repeated the persecution theme.¹⁷ But there was also some criticism of Aziz as a 'lone Shaman'.

Aziz sought to appeal his conviction on three grounds: that he was not involved in production of a drug as DMT is a naturally occurring substance; a religious exemption under Article 9 of the Human Rights Act; and that because of Article 9 his conviction was an "abuse of process". His application for appeal was rejected on all three points:¹⁸ the court ruled that brewing Ayahuasca out of the two plants amounted to production; it ruled that Article 9 is a "qualified right", subject to conditions including the laws of the land and that production and

12 Website at <http://www.azizshamanism.com/>

¹³ The preferred spelling amongst many western Esotericists, following Aleister Crowley, to distinguish their practices from stage magic.

14 The undercover footage can be viewed at <http://www.bbc.co.uk/news/uk-england-bristol-14762782>

15 Online at <http://www.enlighteningtimes.co.uk/2012/02/modern-day-witchhunt-by-peter-aziz-2012.html>

¹⁶ This is a charitable organisation which 'promotes evidence-based health care', website at <http://www.healthwatch-uk.org/>

17 The Guardian 5 Sept 2011 www.theguardian.com/politics/2011/sep/05/psychedelic-therapy-war-on-drugs.

18 The document is online at <http://www.bialabate.net/news/azizs-in-the-uk-dismial-of-his-application-for-leave-to-appeal>

distribution of the class A drug is against the Misuse of Drugs Act 1971, which hence supersedes the religious exemption argument; and that there was not enough evidence that consumption of DMT was integral to the religious ceremony (stating that Aziz could have brewed Ayahuasca without the plant containing DMT). Aziz has since been released from prison and is continuing to practice as a Shaman and healer – without using Ayahuasca. But his legal case is likely to set a precedent for others using Ayahuasca in the UK.

Turning now to the second case, in September 2010, Freedman and Liddell, the two leaders of the UK Santo Daime Churches, were arrested on suspicion of importing Ayahuasca from Brazil between January and September 2010. Their arrest was dictated by Customs and Excise, and the formal charge was, “fraudulent evasion of a prohibition on the importation of a class A substance”,¹⁹ quite a different charge to that faced by Aziz. In December 2011 the pair were charged at a brief hearing at Southwark Crown Court (London) and were released on bail after pleading not guilty. In October 2012 the trial was dropped. As a result no evidence was brought against Freedman and Liddell who were found not guilty by default. Some Daimistas have speculated that the dropping of the case and hence the unresolved legal situation has been a strategic move on the part of the authorities as it means there is no formal ‘not guilty’ verdict. It also means that whilst the confiscated sacrament has not been returned, neither can it be destroyed as the pair were not found guilty. The Daimistas are still seeking its return as they cannot import anymore which effectively means that they cannot practice their religion – as, perhaps unlike Aziz, they will only use plants which have been ritually harvested and prepared by specialists at their headquarters in Brazil. The London Church has been dissolved as a registered company (the Devon Church was not formally registered) and the religious group in the UK is in limbo.

Concluding Thoughts

In conclusion, I would like to provide some thoughts and questions (but unfortunately few answers) as to the future of Ayahuasca use in the UK. It is interesting to note that from the two recent test cases in the UK there was one guilty and one not guilty (by default) verdict. It must be noted that these were quite different cases, however; one a police charge of production and supply of a class A drug, the other a Customs and Excise offence of importing a class A drug. It is perhaps not surprising that the first case was treated more severely than the second, but are there further reasons for the different outcomes of the cases? I think that there are at least two interlinked factors which could have played an influential role: Aziz’s status as a ‘lone Shaman’ compared to the organised religious movement of Santo Daime and the nature of the health claims made by the two parties.

Whilst Santo Daime could be seen as a more visible target than Aziz and some of the other individuals and groups still advertising Ayahuasca practices in the UK, as it is an organised religious movement which needs to operate in society in the sense of importing Ayahuasca from Brazil and leasing public halls for ceremonies, its status as an organised religious movement with legal protection for its Ayahuasca practices in various countries worldwide (including Brazil, the USA, Canada and the Netherlands) could also have offered it some protection. Hence whilst Aziz’s appeal under Article 9 of the Human Rights Act was rejected for the numerous reasons outlined above, the Daimistas might have had the resources to offer a legitimate defence and a sustained public debate about Ayahuasca use. A cynic might hypothesise that the Santo Daime case was dropped in order to avoid such public debate and a potential legal precedent for Ayahuasca use in a religious context. As it stands, the legal precedent from the Aziz case is that the Misuse of Drugs Act supersedes the religious exemptions of Article 9. However, the UK legal system does tend to apply the law,

19 See <http://www.westernmorningnews.co.uk/Church-pair-charged-drug-smuggling/story-14123709-detail/story.html>

particularly in cases of religious 'persecution', on a case-by-case basis and to avoid overarching rulings. It remains to be seen whether future cases will determine a religious exemption for psychoactive sacraments containing DMT or other Class A categorised substances.

The second factor which I think was influential in the case outcomes was the specific health claims made by Aziz as compared to Santo Daime. As stated above, the BBC filmed undercover footage of Aziz telling participants, including an undercover GP, that Ayahuasca could cure cancer. In this claim, Aziz was recorded as violating the Cancer Act (1939) which prohibits advertising cures for cancer, as well as potentially violating The Consumer Protection from Unfair Trading Regulations (2008). Whilst Santo Daime material has made claims about the beneficial healing properties of Ayahuasca (including for cancer) and 'the works', these claims are carefully worded and are likely to not take the form of public statements. Hence it could be the case that the crackdown on Aziz, as an example of 'medical quackery', was a wider expression of some people's dissatisfaction with the lack of regulation of Complementary and Alternative Medicine (CAM) more generally. Opposition to CAM amongst some sectors of the population, including amongst influential lobbying and campaigning groups, means that periodic crackdown on individuals offering alternative treatments is likely to continue into the future.

It must also be noted that these cases cannot really be considered a 'crack down' on Ayahuasca use in the UK in general as there are still UK-based groups advertising Ayahuasca practices online. It remains to be seen whether the 2014 death of British backpacker, Henry Miller, will lead to further legal cases or to governmental attempts to dissuade the practice of Ayahuasca tourism. It will be interesting to see when ayahuasca use is next challenged in the UK courts and just how individuals and groups using and advertising Ayahuasca practices will fare in the meantime. It also remains to be seen whether Santo Daime's sacrament will be destroyed or returned and just how long their religious practice will have to remain in limbo.

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