Research regarding Ambergris (Amber) In Light of the Shari’ah

A while ago, the question was raised at an international forum as to whether or not it is permissible to use Ambergris (Amber) in perfumes. Thereafter, further questions were raised regarding its oral and external use as well, due to which, we reverted to SANHA Pakistan’s Shari’ah Research Department. The members of this department discussed the above mentioned questions from different angles in light of Comparative Jurisprudence, all of which has been presented in the following treatise.

The Department also welcomes the views and research of other scholars.

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Ambergris (عنبر) is an Arabic word on the scale of (عْنْبَر) (1). After the letter (عين) comes the letter (نون), however, when pronouncing it, a (ميم) is articulated (عمبر) (2). The English name is Ambergris. Another name is Ambergris Grasea.

Nature:

What is Amber? It is commonly known that Ambergris is a fragrant, greyish, waxy substance. A poet said:

I enjoyed the scent of ‘Ood and Amber…

I enjoyed the smell of fragrant hair…1

This substance comes from the intestines of a certain whale and floats on the surface of the ocean. For this reason, the whale is also referred to as an ‘Ambar (Sperm Whale), since it swallows and spews out this very substance. This whale is distinguished from other whales due to the size of its head. Sometimes, this whale is hunted and the Ambergris is removed from its stomach. Accordingly, Imam Shaafi’i (3) is reported to have said: “Someone told me that he saw spewed out Ambergris floating on the ocean, looking like the bent neck of a goat. There is also a fish that eats the Ambergris, but it is poisonous and deadly for this fish. Hence, the waves of the ocean push this dead fish to the shore where its stomach is cut open and the Ambergris is extracted.” (3)

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1 1977 - سر كشيه - 131
There are various types of Ambergris, however, as far as colour is concerned, the best Ambergris is the grey one (Grey Ambergris), which is white with light yellow colouration and extremely fragrant. Grey refers to that black in which there is more white. (4)

When it comes to fragrances and perfumes, after musk, the best and most expensive fragrance is Ambergris. There are also various types in this regard, the most expensive being the grey amber, then blue, thereafter yellow and the poorest quality Ambergris is black.

Some experts say that there is a certain plant that grows in the ocean, which marine animals eat and then excrete. It has been narrated from the famous Muslim doctor and scientist, Ibnu Seena (Avicenna) that Ambergris is produced in the ocean. Some have said that it is a type of sea weed and a famous opinion is that it is the vomit (spew) of a certain fish (the Sperm Whale). (5)

**Latest Research:**

New research has been done on Ambergris and the conclusion is no different from that which the earlier scholars of Islam have explained. Accordingly, it has been mentioned by ‘Allaamah Zamakhshari, in the book “Taajul-‘Aroos”, that Ambergris is a substance that floats on the ocean and, sometimes, the excreta of birds also mixes with it.

If one considers the statement of Imam Zamakhshari in light of the latest research, it deserves even more importance. One view is that Ambergris is actually the slime and gum of a certain tree. When sea creatures go close to it in order to eat it, they get stuck to it and, since it is airtight, they remain enclosed and preserved there-in forever.

The great Greek scientist and philosopher, Theophrastus, is the first person to have done research on Ambergris at around 400 BC. His researched proved that Ambergris is more likely to be found along the coast of countries that, at some point in time, had an abundance of pine tree forests. Later on, these
forests were engulfed by the sea and their gum was separated and spread out in swamps and coastal mountains. Thereafter, following a certain chemical process, this gum turned into semi-circular Ambergris “stones” which divers and tradesmen would search for and sell. (6)

Thus far, our discussion has lead us to the conclusion that Ambergris is a sweet-smelling substance. However, what exactly is it made of? There are a number of views in this regard:

1. The slime and gum of trees,
2. A type of plant that grows on the ocean bed,
3. An aquatic herb,
4. The vomit of a certain fish species,
5. The excreta of a certain fish species,
6. A tar-like substance that comes from under-water fountains,
7. The hive of a certain honey-bee species, which breaks and falls into the ocean due to rain storms and typhoons.

**A Detailed Discussion on Ambergris According to Greek Medicine:**

The crux of what Greek medical experts and Hakeems have written in their books is that Ambergris is hot and dry, invigorating to the heart, strengthens the mind, stimulates natural body heat and strengthens the muscles and tendons. Ambergris is generally used to treat muscular and heart diseases caused by cold in the body. It is given to a patient to stimulate and increase natural body heat and its consumption is beneficial for the elderly and aged. It is also used to treat physical weakness and stomach ulcers. One of the special medical properties of Ambergris is that it increases virility in men and maintains natural body heat, however, it is harmful to the intestines and liver. Medicines, which are beneficial for the intestines and liver include Arabica gum and bamboo sugar. Musk and Saffron may be used in place of Ambergris. Some famous medicines which use an Ambergris base include Khameera-e-Ibreesham, Hubb-e-Ambar Maumyai and Khameerah-e-Gaauzaab-e-Ambari. (7)
Since Ambergris is a natural bounty and is extremely valuable, the scholars have also discussed whether or not Ambergris is taxable and, if so, how much tax can be specified.

The scholars have divergent views in this regard as well, however, the vast majority are of the opinion that the government cannot charge tax for Ambergris. This is the view of the Malikis, Shaafi’is, as well as Imams Abu Hanifah and Muhammad of the Hanafi mazhab σ. From amongst the Taabi’een, this was also the mazhab of ‘Ataa (bin Rabaah’), Imam Sufyaan Thauri, Ibnu Abi Laylaa, Hasan bin Saalih and Abu Thaur σ. On the contrary, the Hanbalis and Imam Abu Yusuf of the Hanafi mazhab are of the opinion that Khums (1/5 th) is due to the government. (8)

**Ambergris in Light of the Quran and Hadith:**

Amazing wonders and treasures of the ocean have been mentioned in the Quran Karim. Although, Ambergris has not been mentioned by name, its use in perfume has been mentioned in the Hadith. There is a narration in Nasai Shareef in which it is mentioned that Hazrat ‘Aaishah رضي الله عنها - أكان رسول الله - صلى الله عليه وسلم - يتطيب؟ قالت: نعم بذكارة الطيب : المسك والعنب».

(رواه النسائي والبخاري في تاريخه، نيل الأوطار (1/165)

It has also been narrated from Hazrat Sa’eed bin Jubayr ﷺ that a menstruating woman should wash her clothes if specs of blood touch it and, thereafter, she should apply sweet smelling grass and Saffron or Ambergris to the clothes. There are other narrations besides these two in which the compulsion or non-compulsion of zakaat of Ambergris have been discussed.
The renowned Taabi’I, Hazrat ‘Ataa bin Rabaah’  was once asked whether or not it is permissible to apply musk to a deceased person. He prohibited it. However, when he was asked about Ambergris, he permitted it.

Is Ambergris Halaal and Pure (paak)?

The Views of the Mazaahib

The Hanafi Mazhab:

The same views have been recorded in the Hanafi mazhab as have already been mentioned. ‘Allaamah Kaasaani  has considered Ambergris to be a perfume in terms of its origin. ‘Allaamah Shaami  has preferred the view that Ambergris comes from a fountain in the ocean and is pure. He also ruled that Ambergris is pure and halaal. In another place, ‘Allaamah Shaami  has permitted the use of Ambergris as long as the following two conditions are met: 1 – one should not use so much Ambergris that it causes intoxication and 2 – it should not be harmful to the health. Nevertheless, it is permissible to use Ambergris for external application as well as for oral consumption and medicinal purposes according to the Hanafi mazhab since it is both pure and halaal. The great scholar, ‘Allaamah Shaami  writes:
وَأَمَّا الْعَنْبَرَ فَالصَّحِيحُ أَنَّهُ عَيْنٌ فِي الْبَحْرِ بِنْزِلَةِ الْقِيرِ وَكِلََهُ طَاهِرنِمِنْ أَطْيَبِ الطِّيبِ.

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The Shaafi‘i Mazhab:

It has been narrated from the founder of the mazhab, Imam Shaafi‘i himself, that Ambergris if pure. A weak narration mentions that it is impure, however, Imam Zaynud-Deen, ‘Umar bin Muzaffar Al-Wardi Al-Shaafi‘i has narrated that there is Ijmaa’ (Consensus) regarding the fact that Ambergris is pure. For this reason, the Shaafi‘i fiqh has permitted the buying, selling as well as forward buying (بيع السلم) of Ambergris whereas the trade of impure substances is not permissible according to the Shaafi‘i mazhab.

Imam Maawardi has listed Ambergris as one of those substances which are sometimes used as consumables. Since it is pure, Ambergris may be consumed because, according to Shaafi‘i fiqh, any pure substance may be consumed unless it is detrimental to physical health or mental health or intoxicating or the tanned hide of a haraam/ dead animal (carrion).

As far as the actual nature of Ambergris is concerned, there are three views in the Shaafi‘i mazhab.

1. It is an aquatic plant.
2. It is a solidified substance which a certain fish cannot digest once consumed and, thus, spews it out.

3. It is the excreta of a certain fish.

Just as terrestrial plants are halaal, aquatic plants are also halaal. Hence, there is no objection to Ambergris being pure and halaal in light of the first view. If we had to consider Ambergris to be the vomit (spew) of a whale (as mentioned in the second view), there is also no problem because, due to the internal process of digestion, the nature of the substance has changed due to which an impure substance becomes pure. In the instance of the whale spewing it out as it is (without it undergoing any digestive processes), the substance will remain as it was before the whale ingested it and, obviously, it was a pure substance before it was swallowed and will therefore remain pure and halaal. At most, one will have to rinse the residue that may have collected on it in the whale’s stomach.

As per his habit, Imam Shaafi’i has written a brilliant discussion in this regard, which can be referred to in Kitaabul-Umm. One will find sterling principles regarding current halaal and haram issues in the aforementioned discussion.

The Maliki Mazhab

There are three narrations mentioned regarding Ambergris in the Maliki mazhab:

1. It is a fragrant substance.
2. It is the vomit of a certain fish.
3. It is the excreta of a certain fish.

Some have considered the first opinion to be the correct one. Erudite Maliki scholars have mentioned that Ambergris is an aquatic herb, the most superior quality of which is that which is washed up on the sea shore through the motion of the waves. As for the one which a certain fish vomits out after swallowing it, it is of mediocre quality and the poorest quality is the one which is removed from the stomach of the fish after it dies and rots.
Unequivocal permission regarding the external use of Ambergris is narrated in the Maliki fiqh. Accordingly, Imam Ibnu Qaasim  says that Imam Maalik  was asked whether or not it is permissible to apply Musk and Ambergris. He replied that there is nothing wrong with it. From this we learn that Ambergris is pure because, it is only permissible to apply something to the body externally if it is pure. As for the consumption of Ambergris, the same general preconditions apply as would apply to any other halaal substance. In other words, it is not permissible to use so much of it that it proves to be harmful to the body or intoxicating.

**The Hanbali Mazhab:**

The very same three opinions regarding the origin of Ambergris have been narrated in the books of Hanbali fiqh. The reliable books of the Hanbali mazhab are inclined to the view that Ambergris is an aquatic herb which man acquires through various means. Although it is also used in consumables, it is actually a fragrant substance which is used for external application as a perfume. Ambergris has been declared pure in Hanbali fiqh and, together with this, it has also been declared halaal since, according to the Hanbalis, every pure substance is also halaal as long as it is not physically harmful or intoxicating. Hence, since it is pure and halaal, it is permissible to apply it externally and it may also be consumed.

**Conclusion:**

In short, Ambergris is pure and halaal and may therefore be used externally in cosmetics and personal care products according to all four mazaahib. However, oral use is only permissible as long as it does not lead to intoxication and as long as it is not harmful to the consumer’s health. Hence, it is permissible to use Ambergris in edibles, beverages, pharmaceuticals, fragrances and cosmetics, and, if any new product is...
developed with an Ambergris base or any new Ambergris-based flavouring or essence is developed, it will also be halaal.

And Allah  knows best.

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Glossary:

1. اردو میں لطیف اس نام نیں استعمال بہت ہے اور ویلی کے پہلے 1561ء کو "دیوان حسن شوقی" میں مستعمل ملتا ہے۔ عربوں کا استعمال حسن کے استعارہ کے طور پر کیا جاتا ہے۔ عربوں کے نام سے لے لینے میں ایک تازہ احساسات ہیں: "جہل کا عالم "حبیب عنبر دست" وکا ہے۔ عرب کا انگریزی نام "Ambergris" ہے۔

2. عربوں میں اس لفظ کا استعمال کافی قدیم ہے، اس لیے حدیث کے راویوں کی چھان بین کرتے وقت عنبر کے ساتھ بطور لاحقہ "ین" کے اضافہ سے عمر کے بنے جذبے تھے جہاں امرابور کا اور فؤد طرح استعمال ہوتا ہے۔ عنبرین بنا ہے جو بطور اسم اور صفت د رونوں طرح استعمال ہوتا ہے جیسے "زلف عنبریں"، "خط عنبریں"، غیرہ۔

3. قد ابتدأ من النون الساكنة إذا وقعت قبل الباء نحو عنبر وشنباء هي في اللفظ ميم وفي الخط نون (أصول النحو العربي : 2 / 328)

العنبر كحفر ق - ووزنه قلل - فقال في المصباح: العنبر فقعل - وجمعه ابن جهی على غناير

(نافع العروج من جواهر القاموس : 13 / 147)

4. ع ن ب ر العَنْب َر من الطِّيب معروف (نافع العروج من جواهر القاموس : 13 / 147)

والعنبر من الطيب معروف (المحکم والمحيط الأعظم : 2 / 468)

 Ducks in the water called the sea, and kept him Horrified, and did not agree with the Prophet. They said: (فتح البارى : 3 / 362)
4. أنواع العنبر هو الأشهب القوي ثم الأزرق ثم الأصفر وأقل الأنواع جودة هو الأسود. والعنبر مادة رمادية أو بيضاء أو صفراء أو سوداء يستخدم في تحضير وتصنيع أفضل وأغلى أنواع العطور.

5.قيل أنه نبت ينبت في البحر بنزلة الحشيش في البر، وقيل: إنه شجرة تتكسر فيصلبها الموج فيلقيها على الساحل، وليس في الأشجار شيء، وقيل: إنه خثى دابة في البحر، وليس في أخثاء الدواب شيء.

6. وقال الزمرذي: العنبر يأتي طفلاً على البحر لا يدري أحد مغده، يقدره البحر إلى البر، فلا يأكل منه شيء إلا ما تلدثه وتنبته فليس عليه إلا تصدات أطفايله، والبحريون والطائرون يندهدو في المباني، واللؤلؤ.
تاج العروس من جواهر القاموس - (13/147)

7. وأما الكلام على الزعفران والعذر خصوصًا على طريق العطش فقوله: إن كتبًا الأذوية وأفعاها وحوارها لا تنبت على نذر الإنسان بزهوان إلَّا ولا بزهوان لمن ينبت أفعالها وحوارها بالتجارب، وقد تنبت بالتجربة أن العذر يقوي الحواس قال الشيخ في القانون: عنبر ينفع الدماغ والحواس وينفع القلب جدًا. إنه مختصصًا.

وفي الذكرية للشيخ داود: عنبر ينفع سائر أمراض الدماغ الباردة وح模拟 خاصة ومن الجنون والشجاعة والنزول وأمراض الأذن والأذن وعقل الصدر والسعال شمًا وأكلًا وكيف كان فهم أحل الممرضات في كل ما ذكر شديد التفريق خصوصًا يمثله بنفسه ونصحه صَمِمُ أو في الشراب مفرداً، وينوي الحواس وحفظ الأرواح ينتهي مختصصًا.

8. ما يجب في معادن البحر اختلاف الفقهاء فيما يجيب في معادن البحر.

فذهب المالكيّة والعاشقية وأبو حنيفة ومحمد من الحنفية وبعض الحنابلة إلى أنه لا يجيب في معادن البحر شيء لما روي عن ابن عباس رضي الله عنهما أنه قال في البحر أنه دسرة ألقاه البحر فهذا النص صريح في أن العذر لا شيء فيه، والمعنى مستخرج من البحر فكذذكير غيره من معادن البحر لا شيء فيه إذ لا ورق بين معادن البحر، ويه قال عطاء والوقعي وابن أبي ليلاء والحسن بن صالح وأبو نصر ولأن العذر كان يُخرج على عهد رسول الله صلى الله عليه وسلم وخلفائه فلم يأت فيه شيء عليه ولا عنهم من وجوهه صريح. وإن الأصل عدم وجود شيء فيه ما لم يرد به نص ولا أنه عقوب قياساً على العفو من صدقية الخليل.
وذهب بعض الخنازير وأبو يوسف من الحنفية إلى وجوه الحماس في معايد البحر، وبه قال الحسن البصري وعمر بن عبد العزيز، لينما روى عن يعلى بن أمية أنه كتب إلى عمر بن الخطاب رضي الله عنه يسأل عنه، عن عدة وجد على الساحل فكتب إليه في جوابه أنه مال الله، ينويه من بشر وفيه الحماس.

ولأنه تعالى يتكلم عاجلاً فاقتضى أن يجب فيه الحماس كالركن، ولأن الأموال المستفايدة نوعان من بشر وبحر، فلما وجبت ركائزه ما استفيده من البحر أفتضى أن يجب ركازه ما استفيد من البحر.

الموسوعة الفقهية الكويتية - (38 / 200)