

Marriage is not a requirement for a Muslim man to have sex with a non-Muslim woman.

From the Tafsir Ibn Kathir regarding **Quran 4:24**: *Also (forbidden are) women already married, except those (slaves) whom your right hands possess. Thus has Allah ordained for you. All others are lawful, provided you seek them (with a dowry) from your property, desiring chastity, not fornication. So with those among them whom you have enjoyed, give them their required due, but if you agree mutually (to give more) after the requirement (has been determined), there is no sin on you. Surely, Allah is Ever All-Knowing, All-Wise. [1]*

The Ayah means, you are prohibited from marrying women who are already married, except those whom you acquire through war, for you are allowed such women after making sure they are not pregnant. Imam Ahmad recorded that Abu Sa'id Al-Khudri said, "We captured some women from the area of Awtas who were already married, and we disliked having sexual relations with them because they already had husbands. So, we asked the Prophet about this matter, and this Ayah was revealed, "Also (forbidden are) women already married, except those whom your right hands possess." Consequently, we had sexual relations with these women." This is the wording collected by At-Tirmidhi An-Nasa'i, Ibn Jarir and Muslim in his Sahih. [2]

Sahih Muslim, Book 008, Number 3371:

*Abu Sirma said to Abu Sa'id al Khadri (Allah he pleased with him): O Abu Sa'id, did you hear Allah's Messenger (may peace be upon him) mentioning al-'azl? He said: Yes, and added: We went out with Allah's Messenger (may peace be upon him) on the expedition to the Bi'l-Mustaliq and took captive some excellent Arab women; and we desired them, for we were suffering from the absence of our wives, (but at the same time) we also desired ransom for them. So we decided to have sexual intercourse with them but by observing 'azl (Withdrawing the male sexual organ before emission of semen to avoid-conception). But we said: We are doing an act whereas Allah's Messenger is amongst us; why not ask him? So we asked Allah's Messenger (may peace be upon him), and he said: **It does not matter if you do not do it**, for every soul that is to be born up to the Day of Resurrection will be born. [3]*

Sunan Abu Dawud, vol.2 no.2150 p.577:

*Abu Sai'd al-Khudri said : The Apostle of Allah (may peace be upon him) sent a military expedition to Awtas on the occasion of the battle of Hunain. They met their enemy and fought with them. They defeated them and took them captives. **Some of the Companions***

of the Apostle of Allah (may peace be upon him) were reluctant to have intercourse with the female captives in the presence of their husbands who were unbelievers. So Allah, the Exalted, sent down the Qur'anic verse: (Sura 4:24) "And all married women (are forbidden) unto you except those captives whom your right hands possess." That is to say, captive women are lawful for them when they complete their menstrual period. (1479)" [4][5]

Abu Dawud, vol.2 footnote 1479 p.577-578:

"After the distribution of the spoils of war a man may have intercourse with the female slave after passing one menstrual period, if she is not pregnant. If she is pregnant one should wait till she delivers the child. This is the view held by Malik, al-Shafi'i and Abu Thawr. Abu Hanifah holds that if both the husband and wife are captivated together, their marriage tie still continues; they will not be separated. According to the majority of scholars, they will be separated. Al-Awza-i maintains that their marriage tie will continue till they remain part of the spoils of war. If a man buys them, he may separate them if he desires, and cohabit with the female slave after one menstrual period. ('Awn al-Ma'bud II.213)" [4][5]

Sahih Muslim, Book 008, Number 3432: *Abu Sa'id al-Khudri (Allah her pleased with him) reported that at the Battle of Hanain Allah's Messenger (may peace be upon him) sent an army to Autas and encountered the enemy and fought with them. Having overcome them and taken them captives, the Companions of Allah's Messenger (may peace be upon him) seemed to refrain from having intercourse with captive women because of their husbands being polytheists. Then Allah, Most High, sent down regarding that: " And women already married, except those whom your right hands possess (iv. 24)" (i. e. they were lawful for them when their 'Idda period came to an end). [3]*

Sahih Bukhari, Volume 7, Book 62, Number 137: *Narrated Abu Said Al-Khudri: We got female captives in the war booty and we used to do coitus interruptus with them. So we asked Allah's Apostle about it and he said, "Do you really do that?" repeating the question thrice, "There is no soul that is destined to exist but will come into existence, till the Day of Resurrection." [6]*

Sahih Bukhari, Volume 5, Book 59, Number 459: *Narrated Ibn Muhairiz: I entered the Mosque and saw Abu Said Al-Khudri and sat beside him and asked him about Al-Azl (i.e. coitus interruptus). Abu Said said, "We went out with Allah's Apostle for the Ghazwa of Banu Al-Mustaliq and we received captives from among the Arab captives and we desired women and celibacy became hard on us and we loved to do coitus interruptus. So when we intended to do coitus interrupt us, we said, 'How can we do coitus interruptus before asking Allah's Apostle who is present among us?" We asked (him) about it and he said, 'It is better for you not to do so, for if any soul (till the Day of*

Resurrection) is predestined to exist, it will exist." [7]

Malik's Muwatta, Book 29, Number 29.32.95: Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman from Muhammad ibn Yahya ibn Habban that Ibn Muhayriz said, "I went into the mosque and saw Abu Said al-Khudri and so I sat by him and asked him about coitus interruptus. Abu Said al-Khudri said, 'We went out with the Messenger of Allah, may Allah bless him and grant him peace, on the expedition to the Banu al-Mustaliq. We took some Arabs prisoner, and **we desired the women as celibacy was hard for us. We wanted the ransom, so we wanted to practise coitus interruptus.** We said, 'Shall we practise coitus interruptus while the Messenger of Allah, may Allah bless him and grant him peace, is among us before we ask him?' We asked him about that and he said, 'You don't have to not do it. There is no self which is to come into existence up to the Day of Rising but that it will come into existence.' " [8]

Malik's Muwatta, Book 29, Number 29.32.99: Yahya related to me from Malik from Damra ibn Said al-Mazini from al-Hajjaj ibn Amr ibn Ghaziya that he was sitting with Zayd ibn Thabit when Ibn Fahd came to him. He was from the Yemen. He said, "Abu Said! **I have slave-girls. None of the wives in my keep are more pleasing to me than them, and not all of them please me so much that I want a child by them, shall I then practise coitus interruptus?**" Zayd ibn Thabit said, "Give an opinion, Hajjaj!" "I said, 'May Allah forgive you! We sit with you in order to learn from you!' He said, 'Give an opinion!' I said, '**She is your field, if you wish, water it, and if you wish, leave it thirsty.** I heard that from Zayd.' Zayd said, 'He has spoken the truth.' " [8]

From the Tafsir Ibn Kathir regarding **Quran 23:1-7**: *Successful indeed are the believers. Those who with their Salah are Khashi`un. And those who turn away from Al-Laghw. And those who pay the Zakah. **And those who guard their private parts. Except from their wives or their right hand possessions, for then, they are free from blame.** But whoever seeks beyond that, then those are the transgressors.* [9]

In other words, believers are those who protect their private parts from unlawful actions and do not do that which Allah has forbidden; fornication and homosexuality, and do not approach anyone except the wives whom Allah has made permissible for them or **their right hand possessions from the captives**. One who seeks what Allah has made permissible for him [wives or **slave girls**] is not to be blamed and there is no sin on him. [10]

See also **Quran 70:29-30**.

From the Tafsir Ibn Kathir regarding **Quran 33:50**: *O Prophet! Verily, We have made lawful to you your wives, to whom you have paid their due (dowery), and **those (slaves)***

*whom your right hand possesses -- whom Allah has given to you, and the daughters of your paternal uncles and the daughters of your paternal aunts and the daughters of your maternal uncles and the daughters of your maternal aunts who migrated with you, and a believing woman if she offers herself to the Prophet, and the Prophet wishes to marry her -- a privilege for you only, not for the (rest of) the believers. Indeed We know what We have enjoined upon them about their wives and **those (slaves) whom their right hands possess**, in order that there should be no difficulty on you. And Allah is Ever Oft-Forgiving, Most Merciful. [11]*

"those (slaves) whom your right hand possesses whom Allah has given to you," means, 'the slave-girls whom you took from the war booty are also permitted to you.' He owned Safiyyah and Juwayriyah, then he manumitted them and married them, and he owned Rayhanah bint Sham'un An-Nadariyyah and Mariyah Al-Qibtiyyah, the mother of his son Ibrahim, upon him be peace; they were both among the prisoners, may Allah be pleased with them. [12]

Online Sources:

[1] <http://www.tafsir.com/default.asp?sid=4&tid=10797>

[2] <http://www.tafsir.com/default.asp?sid=4&tid=10803>

[3]

<http://www.usc.edu/schools/college/crcc/engagement/resources/texts/muslim/hadith/muslim/008.smt.html>

[4] <http://www.sanghparivar.org/blog/bharatbhakta/islamic-law-on-sex-with-female-captives-from-war>

[5] <http://muslimhope.com/AbuDawud.htm>

[6]

<http://www.usc.edu/schools/college/crcc/engagement/resources/texts/muslim/hadith/bukhari/062.sbt.html>

[7]

<http://www.usc.edu/schools/college/crcc/engagement/resources/texts/muslim/hadith/bukhari/059.sbt.html>

[8]

<http://www.usc.edu/schools/college/crcc/engagement/resources/texts/muslim/hadith/muwatta/029.mmt.html>

[9] <http://www.tafsir.com/default.asp?sid=23&tid=34722>

[10] <http://www.tafsir.com/default.asp?sid=23&tid=34728>

[11] <http://www.tafsir.com/default.asp?sid=33&tid=41927>

[12] <http://www.tafsir.com/default.asp?sid=33&tid=41951>