38890 - Is it permissible to step over people in order to go back to one’s spot?

the question

During Taraweeh prayers, some brothers come shortly after Maghrib and sit in the front rows, then they want to go to the back, to do wudoo’ or for some other reason. Can they go back to their spots after that? Is that regarded as stepping over people? I hope that you can explain the subject of stepping over people.

Detailed answer

Praise be to Allah.

Firstly: Whoever sits in a place in the mosque and gets up for a reason, such as doing wudoo’ etc., then returns to it, has more right to it, because the Prophet (peace and blessings of Allah be upon him) said: “Whoever gets up from his spot then returns to it is more entitled to it.” Narrated by Muslim, 2179.

And he (peace and blessings of Allah be upon him) said: “A man is more entitled to his spot; if he leaves for a reason then comes back to it, he is more entitled to his spot.” Narrated by al-Tirmidhi, 2751; classed as saheeh by al-Albaani in Saheeh al-Jaami’, 3544.

We have already explained this in the answer to question no. 66279

The one who sits there must get up if the first person comes back.

Al-Nawawi (may Allah have mercy on him) said: This is the correct view according to our companions, and the one who has sat there must leave if the first one comes back to it. Some of the scholars said: This is mustahabb and is not obligatory. This is the view of Maalik. But the former view is the one that is correct.

Sharh al-Nawawi ‘ala Muslim, 14/162.

This applies if he leaves his spot for a reason, then comes back to it. But if he leaves it for no reason, then he forfeits his right to it, and there is no scholarly difference of opinion on this point. This was stated by al-Nawawi in al-Majmoo’, 4/420.

Secondly: If returning to his spot means that he will step over people, then the ruling should be based on the ruling on these two matters: stepping over people, and stepping over people in order to reach a gap in the front row.

As for stepping over people, the scholars differed and there are two views. Some scholars were of the view that it is makrooh, and others are of the view that it is haram.

In the answer to question no. (41731), we have discussed that, and stated that the correct view is that it is haram.

This is the first issue. The second issue is the ruling on stepping over people in order to reach a gap in the front row.

Ibn Qudamah said in al-Mughni (2/101):

If he sits in a place, then he leaves it because he wants to do something or he needs to do wudoo’, he may leave [i.e., even if that means that he has to step over people] ‘Uqbah said: I prayed ‘Asr behind the Prophet (peace and blessings of Allah be upon him) in Madeenah, then he said the salaam then he got up quickly and stepped over the people until he reached the apartment of one of his wives, and he said: “I remembered some gold nuggets that we had and I did not want to be distracted by it, so I gave instructions that it be shared out.” Narrated by al-Bukhaari… If he gets up and leaves his spot then comes back, he has more right to it… The ruling with regard to stepping over people in order to reach one’s spot is the same as one who sees a gap in front of him. End quote.

He also said:

If he sees a gap which he can only reach by stepping over people, two views have been narrated concerning this. According to one view, he may step over them. Ahmad said: A man go forward as far as he can, and he should not leave any empty space in front of him. If he is unaware of that and he leaves an empty space in front of him, one who comes after him should fill it and pass by him to reach the empty space. There is no “sanctity” for one who has left an empty space in front of him and has sat elsewhere. Al-Awzaa’i said: He should move past them to the space. Qataadah said: He may move past them to the spot where he wants to pray. Al-Hasan said: Step over those who are sitting at the doors of the mosque, for they have no sanctity. Another report was narrated from Ahmad, according to which there is nothing wrong with stepping over one or two, because it is an insignificant matter and may be overlooked, but if one steps over many people, we regard that as makrooh. This was also the view of al-Shaafa’i. But if there is no other way to reach the spot where one will pray, then he may step over people, in sha Allah. Perhaps the view of Ahmad and those who agreed with him in the first report applies to those who have left a wide space, like those who form rows at the back of the mosque and leave empty rows in front of them, who have no sanctity as al-Hasan said, because they have gone against the command of the Prophet (peace and blessings of Allah be upon him) and have turned away from the best rows and sat in the worst, and because there is no option but to step over them; and his other opinion has to do with those who have not been heedless, because the rows in front of them are full, and they sat wherever they could. If it is not possible to pray without squeezing in and stepping over them, then it is permissible, because that is a case of need. End quote.

Al-Nawawi said in al-Majmoo’ (4/420):

If he sees a gap in front of them, and he cannot reach it except by stepping over them, then our companions said that it is not makrooh to step over them, because those who are sitting behind it have been negligent in not filling the gap, whether there are other gaps or not, and whether it is close to them or not. But if there is another spot available, it is better not to step over them. If there is a closer spot and he can reach it without stepping over more than two men, then he may go there. If it is far away and he hopes that they will move forward and fill it when the iqaamah for prayer is given, then it is mustahabb for him to sit where he is and not step over people, otherwise

he may do that. And it is narrated that Qataadah said: He may step over them to reach his spot. It was narrated from Abu Nasr that it is permissible to do that with their permission. Ibn al-Mundhir said: It is not permissible to do any of that in my view, because it is haram to cause annoyance, whether a lot or a little. End quote.

Al-Haafiz narrated in Fath al-Baari (2/433) that Imam al-Shaafa'i (may Allah have mercy on him) said:

It is makrooh to step over people, except for one who cannot find a place to pray except by doing that. End quote.

Then al-Haafiz said: This includes the imam and anyone who wants to reach a broken row if those who came before him refuse to do so, and one who wants to reach a spot that he left for a necessary reason. End quote.

Shaykh Ibn 'Uthaymeen (may Allah have mercy on him) said in al-Sharh al-Mumti', 5/70:

If someone were to say: the hadeeth "Sit for you have caused annoyance" is general in meaning, because the apparent situation is that there was a gap, because people do not usually step over others unless there is a gap, our response is that:

The fuqaha' (may Allah have mercy on them) made an exception in this case and said: Because if there is a gap, they are the ones who have wronged themselves, because they have gone against the command to fill the gaps in the rows, and in that case the negligence is on their part, and is not the fault of the one who steps over them.

But what I think is that he should not step over them even if there is a gap because the reason, which is annoyance, is still present. There may be some reason why they did not go forward and fill the gap, such as if the gap is not large but it became larger as people shifted position. In that case it is not negligence on their part, so it is better to follow the general meaning which is that he should not step over people to reach the gap. But if he steps over some people and asks permission to do so in order to reach this gap, then I hope that there is nothing wrong with that.

End quote.

The point is that with regard to stepping over people, one of the following two scenarios must apply:

1 – That it is done for no reason. This is haram because Allah says (interpretation of the meaning):

“And those who annoy believing men and women undeservedly, they bear (on themselves) the crime of slander and plain sin”

[al-Ahzaab 33:58]

And the Prophet (peace and blessings of Allah be upon him) said to a man who stepped over people: “Sit down, for you are causing annoyance.”

2 – That it is done for a reason, in which case there is nothing wrong with it in sha Allah. This includes a number of things such as:

-The imam, if he cannot find a way to reach his place except by stepping over people

-One who wants to leave his spot for a reason, because of the hadeeth quoted above

-If a person is sitting in a front row then he gets up for some reasons and then comes back, it is permissible for him to step over people.

To sum up our answer:

There is nothing wrong, in sha Allah, with stepping over people in order to return to a spot which one has left, so long as that is done in a polite manner, asking people’s permission. People are usually tolerant of one who is stepping over them to return to a spot that he had left.

And Allah knows best.