

198438 - He was the cause of his grandfather losing his Social Security pension; is he liable for that?

the question

Ten or more years ago, my paternal grandfather was not working because he was old, and he was given a sum of money every year by Social Security. Then I registered a company in his name, and I registered employees too, then after that he lost the Social Security pension that he used to get every year, because of the company I registered in his name. Of course all the money earned by the company was for me, because I was a government employee and I was not allowed to open a company. Hence I had no choice but to use my grandfather's name, which I did with his consent. Please note that my grandfather did not understand anything because of his great age, as he had reached the age of nearly eighty years. Then he died (may Allah have mercy on him) approximately 5 years after the date of registering the company. After he died, I fired all the workers who had been under his sponsorship, and I shut down the company.

My question now is:

Am I liable for his pension during these five years that he used to get from Social Security, that was withheld from him by Social Security because of my registering a company in his name and changing his profession from pensioner to businessman?

Detailed answer

Firstly:

If your grandfather had given you permission to do that, and he was in his right mind and aware of the consequences that would result from his giving you permission, then you are not liable for what resulted from that of his being deprived of his pension.

Al-Kaasaani said: The one who is given permission is not liable for the consequences of an action for which he was given permission.

End quote from Badaa'i' as-Sanaa'i', 7/305

As-Subki said: Approval of a thing means approval of what results from it.

End quote from al-Ishtibaah wa'n-Nazaa'ir, 1/152

Ibn al-Qayyim said: The one who is given permission to do an action is not liable for the consequences result from it.

End quote from I'laam al-Muwaqqi'een, 2/33

Shaykh Ibn 'Uthaymeen said: A person is not liable for anything that may result from an action for which permission was given; if no permission was given, then he is liable.

End quote from Manzoomah fi Usool al-Fiqh, p. 15

Secondly:

If your grandfather was not aware of anything at the time when you registered the company in his name, then his consent is not valid, according to sharee'ah.

As you were the cause of his losing of his Social Security pension, then you are liable for his pension for the five years during which he stopped receiving it. Liability usually occurs when damage is caused to something or its owner is caused to miss out on its benefits.

Shaykh al-Islam Ibn Taymiyah said: Damage is of two types: damaging something that exists or causing the loss of benefits of something that did not come about when it should have been there.

End quote from al-Fataawa al-Kubra, 5/406

The total sum of money should be distributed to his heirs in accordance with the shares dictated by sharee'ah.

And Allah knows best.