

Q&A from the Bais HaVaad Halacha Hotline

Relative Terms

December 29, 2022

Q May I honor a distant relative to serve as an *eid kidushin* (witness) at my wedding?



A *Kidushin* is only effective if it is performed before two valid witnesses (Shulchan Aruch E.H. 42:2). Family members cannot serve as witnesses, as it says, “Fathers shall not be put to death because of sons, and sons shall not be put to death because of fathers...” (*Dvarim* 24:16). This also applies to other close relatives.

Some authorities (cited by Rama C.M. 33:2) limit the restriction to paternal relatives and maintain that maternal relatives, e.g., first cousins whose mothers are sisters, are valid *mide’Oreisa*. They also hold the view that relatives through marriage, e.g., a father-in-law, are valid *mide’Oreisa*. Others assert that both maternal and spousal relatives are invalid *mide’Oreisa* (Shach *ibid.*). But even the lenient opinion agrees that Chazal invalidated maternal and spousal relatives (Rambam Hilchos *Eidus* 13:1). Relatives that cannot be witnesses include a father, son, brother, uncle, nephew, and first cousin. (Second cousins are valid; see S.A. C.M. 33:2.) The *poskim* debate the status of a great uncle and a great nephew (*ibid.*); the Rama rules stringently. All agree that a first cousin once removed is valid.

These guidelines apply to virtually all applications of *eidus*, but not *gittin* (divorces). Given the severity of *gittin*, the *poskim* set more restrictive guidelines for who can sign a *get* (Rama E.H. 130:1). Although the *poskim* don’t call for this stringency to apply to *kidushin*, the prevailing *minhag* is that it does. In practice, paternal and maternal cousins—up to third cousins—are invalid (Kav Naki Seder Haget). But note that this brief overview is incomplete, so the specifics should be presented to the *mesader kidushin* (officiant).