

Word Study H4464 Mamzir *Bastard*

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Introduction

Document History: On 2015/11/04 this article had content from it removed and saved to another (tentatively named “The-House-of-Israel-and-Illegitimacy-Nailed-to-the-Cross” or maybe “Ephraims-Legal-Status-Change-After-the-Salvific-Work-of-Messiah”).

Word Study

H4464 *mamzir* bastard

ממזר

Strong’s: From an unused root mian. to *alienate*; a *mongrel*, that is, **born of a Jewish father and a heathen mother**: - bastard.

WordStudy: A masculine noun identifying an illegitimate child, a bastard. It specifies a person who does not have a proper pedigree or genealogy and was born out of wedlock ([Deu_23:2](#) [3]). In [Zec_9:6](#), **it is best rendered as a reference to foreign or mongrel persons**.

LXX related word(s) [G241](#) *allogenes* [G4204](#) **porne**

If you limit your search to the Strong’s number H4464, you only get these two verses.

Deu 23:2 (3) KJV A **bastard**^{H4464} (מִמְזֵר) shall not enter into the congregation of YHVH; even to his tenth¹ generation shall he not enter into the congregation of YHVH.

Zec 9:6 KJV And a **bastard**^{H4464} (מִמְזֵר) shall dwell in Ashdod, and I will cut off the pride of the Philistines.

If you search based on the translation of the word, you get this additional verse.

Heb 12:8 KJV But if ye be without chastisement, whereof all are partakers, then are ye **bastards** (*nothos*^{G3541}), and not sons.

Deu 23:1(2) KJV He that is wounded in the stones *patsa*^{H6481} *dakkah*^{H1795}, or hath his privy member *shopkay*^{H8212} cut off, shall not enter into the congregation of YHVH.

¹ Interesting that the number 10 comes up in 1 [Luk 17:18](#) which is about the Ten Lepers Cleansed, Metaphor for Ephraim.

G241 *allogenes* stranger

ἀλλογενής

From [G243](#) and [G1085](#); *foreign*, that is, not a Jew: - stranger.

LXX related word(s) [H2114](#) *zur*, [H4464](#) *mamzer*, [H5236](#) *nekhar*,

KJC: Occurrences: 1 stranger, 1 [Luk 17:18](#)

G4204 *porne* harlot, whore

πόρνη

Strong's: Feminine of [G4205](#); a *strumpet*²; figuratively an *idolater*: - harlot, whore³.

LXX related word(s): [H2181](#) *zanah*, [H2219](#) *zarah*, [H4464](#) *mamzer*, [H6945](#) *qadesh*

KJC Occurrences: 12

harlot, 4 [1Co 6:15-16](#) (2), [Heb 11:31](#), [Jam 2:25](#)

harlots, 4 [Mat 21:31-32](#) (2), [Luk 15:30](#), [Rev 17:5](#)

whore, 4 [Rev 17:1](#), [Rev 17:15-16](#) (2), [Rev 19:2](#)

G3541 *nothos* bastard

νόθος

Strong's: Of uncertain affinity; a *spurious* or *illegitimate* son: - bastard.

KJC Occurrences: 1; **bastards**, 1 [Heb 12:8](#)

² **Strumpet**: n. A prostitute. a. Like a strumpet; false; inconstant. v.t. To debauch. Source Webster's 1828 Dictionary

³ See Word-Study-H6945-qadesh-sodomite-H6948-qadesha-whore-H6942-qadesh-holy

Legal Definitions

IN REM – Bouvier’s 1856 Dictionary

remedies.

1. This technical term is used to designate proceedings or **actions instituted against the thing**, *the res* in contradistinction to personal actions which are said to be [in personam](#). Proceedings *in rem* include not only judgments of property as forfeited, or as **prize in the admiralty, or the English exchequer**, but also the decisions of other courts upon the personal status, or relations of the party, such as **marriage, divorce, bastardy**, settlement, or the like. ¹ Greenl. Ev. 525, 541.

JKM Comments: There is a lot in this definition to sink your teeth into ...the *res*, prize in the admiralty, status (and their relations of the party), marriage, divorce, [bastardy](#).

See also: Word-Study-Jurisdiction-Torah-Author-In-Rem-In-Personam.doc

BASTARD – Bouvier’s 1856 Dictionary⁴

1. A word derived from bas or bast, signifying abject, low, base; and aerd, nature. ^{Minshew, Co. Lit. 244;} *a. Enfant de bas*, a child of low birth. Dupin. According to Blackstone, ¹ Com. 454, a bastard in the law sense of the word, is a person not only begotten, but born out of lawful matrimony. This definition does not appear to be complete, inasmuch as it does not embrace the case of a person who is the issue of an illicit connection, during the [coverture](#) of his mother. The common law, says the Mirror, only taketh him to be a son whom the marriage proveth to be so. ^{Horne's Mirror, c. 2, 7; see Glanv. lib 8, cap. 13 Bract. 63, a. b.; 2 Salk. 427.; 8 East, 204.} A bastard may be perhaps defined to be one who is born of an illicit union, and before the lawful marriage of his parents.

2. A man is a bastard if born, first) before the marriage of his parents; but although he may have been begotten while his parents were single, yet if they afterwards marry, and he is born during the coverture, he is legitimate. ¹ Bl. Com. 455, 6. Secondly, if born during the coverture, under circumstances which render it impossible that the husband of his mother can be his father. ⁶ Binn. 283; ¹ Browne's R. Appx. xlvii.; ⁴ T. R. 356; Str. 940 Id. 51 8 East, 193; Hardin's R. 479. It seems by the Gardner peerage case, reported by Dennis Le Marebant, esquire, that strong moral improbability that the husband is not the father, is sufficient to bastardize the issue. ^{Bac. Ab. tit. Bastardy, A, last ed.} Thirdly, if born beyond a competent time after the coverture has determined. Stark. Ev. part 4, p. 221, n. a Co. Litt. 123, b, by Hargrave & Butler in the note. See Gestation. 3. The principal right which bastard children have, is that of maintenance from their parents. ¹ Bl. Com. 458; Code Civ. of Lo. 254 to 262. To protect the public from their support, the law compels the putative father to maintain his bastard children. See Bastardy; Putative⁵ father.

⁴ For a little more detailed research, see also D:\SkyDrive\Articles\JKM\Word-Study-Divorce.doc

⁵ PUTATIVE: Reputed to be that which is not. The word is frequently used, as putative father, (q. v.) putative marriage, putative wife, and the like. And ^{Toullier, tome 7, n. 29}, uses the words putative owner, proprietare putatif. Lord Kames uses the same expression. Princ. of Eq. 391.

4. Considered as nullius filius, a bastard has no inheritable blood in him, and therefore no estate can descend to him; but he may take by testament, if properly described, after he has obtained a name by reputation. ¹ Rop. Lew. 76, 266; Com. Dig. Descent, C, 12; Ie. Bastard, E; Co. Lit. 123, a; Id. 3, a; 1 T. R. 96 Doug. 548 3 Dana, R. 233; 4 Pick. R. 93; 4 Desaus. 434. **But this hard rule has been somewhat mitigated in some of the states, where, by statute, various inheritable qualities have been conferred upon bastards.** ^{See} 5 Conn. 228; 1 Dev. Eq. R. 345; 2 Root, 280; 5 Wheat.. 207; 3 H. & M. 229, n; 5 Call. 143; 3 Dana, 233.

5. Bastards can acquire the rights of legitimate children only by an act of the legislature. ¹ Bl. Com. 460; 4 Inst. 36.

6. By the laws of Louisiana, a bastard is one who is born of an illicit union. ^{Civ. Code of Lo. art. 27, 199.} **There are two sorts of illegitimate children; first, those who are born of two persons, who, at the moment such children were conceived, might have legally contracted marriage with each other; and, secondly, those who are born from persons, to whose marriage there existed at the time, some legal impediment.** ^{Id. art. 200.} **An adulterous bastard is one produced by an unlawful connexion⁶ between two persons, who, at the time he was conceived, were, either of them, or both, connected by marriage with some other person or persons.** ^{Id. art. 201.} **Incestuous bastards are those who are produced by the illegal connexion of two persons who are relations within the degrees prohibited by law.** ^{Id. art. 202.}

7. Bastards, generally speaking, belong to no family, and have no relations; accordingly they are not subject to paternal authority, even when they have been acknowledged. ^{See 11 East, 7, n.} Nevertheless, fathers and mothers owe alimony to their children when they are in need. ^{Id. art. 254, 256.} **Alimony is due to bastards, though they be adulterous or incestuous, by the mother and her ascendants.** ^{Id. art. 262.}

8. Children born out of marriage, except those who are born from an incestuous or adulterous connexion, may be legitimated by the subsequent marriage of their father and mother, whenever the latter have legally acknowledged them for their children, either before the marriage or by the contract of marriage itself. Every other mode of legitimating children is abolished. ^{Id. art. 217.} **Legitimation may even be extended to deceased children who have left issue, and in that ease, it enures⁷ to the benefit of that issue.** ^{Id. art. 218.} **Children legitimated by a subsequent marriage, have the same rights as if born during the marriage.** ^{Id. art. 219.} ^{See, generally, Vin. Abr. Bastards Bac. Abr. Bastard; Com. Dig. Bastard; Metc. & Perk. Dig. h. t.; the various other American Digests, h. t.; Harr. Dig. h. t.; 1 Bl. Com. 454 to 460; Co. Litt. 3, b.; Bouv. Inst. Index, h. t., And Access; Bastardy; Gestation; Natural Children.}

BASTARDY (1)

crim. law. The offence of begetting a bastard child.

BASTARDY (2)

persons. The state or condition of a bastard. The law presumes every child legitimate, when born of a woman in a state of wedlock, and casts the *onus probandi* ^{the burden of proof} (q. v.) on the party who affirms the bastardy. ¹ Stark. Ev. h. t.

PUTATIVE FATHER The reputed father. 2. This term is most usually applied to the father of a bastard child. 3. The putative father is bound to support his children, and is entitled to the guardianship and care of them in preference to all persons but the mother. ¹ Ashm. It. 55; and vide 7 East, 11; 5 Esp. R. 131; 1 B. & A. 491; Bott, P. L. 499; 1 C. & P. 268; 1 B. & B. 1; 3 Moore, R. 211; Harr. Dig. Bastards, VII.; 3 C. & P. 36.

⁶ is a variant spelling of connection

⁷ **ENURE (TO...)** To take, or have effect or serve to the use, benefit, or advantage of a person. The word is often written **inure**. A release to the tenant for life, enures to him in reversion; that is, it has the same effect for him as for the tenant for life. A discharge of the principal enures to the benefit of the surety.

ILLEGITIMATE

That which is contrary to law; it is usually applied to children born out of lawful wedlock. A [bastard](#) is sometimes called an illegitimate child.

COVERTURE

1. **The state or condition of a married woman.**

2. **During coverture, the being of the wife is civilly merged, for many purposes, into that of her husband; she can, therefore, in general, make no contracts without his consent, express or implied.** Com. Dig. Baron and Feme, W; Pleader, 2 A 1; 1 Ch. Pl. 19, 45; Litt. s. 28; Chit. Contr. 39; 1 Bouv. Inst. n. 276.

3. To this rule there are some exceptions: she may contract, when it is for her benefit, as to save her from starvation. Chit. Contr. 40.

4. In some cases, when coercion has been used by the husband to induce her to commit crime, she is exempted from punishment. 1 Ha1e, P. C. 516; 1 Russ. Cr. 16.

See D:\Documents\Law\Law_C_Drive\Family\Marriage License\coverture01 - Can a Husband Represent His Wife.pdf

FILIUS MULIERATUS

The eldest legitimate son of parents, who, before their marriage, had [illegitimate](#) children. Vide Mulier.

NATURAL CHILDREN – born out of wedlock in contrast to legitimate

1. In the phraseology of the English or American law, natural children are children born out of wedlock, or bastards, and are distinguished from legitimate children; but in the language of the civil law, natural are distinguished from adoptive children, that is, they are the children of the parents spoken of, by natural procreation. See Inst. lib. 3, tit. 1, §2.√

2. In Louisiana, illegitimate children who have been acknowledged by their father, are called natural children; and those whose fathers are unknown are contradistinguished by the appellation of bastards. Civ. Code of Lo. art. 220.

The acknowledgment of an illegitimate child shall be made by a declaration executed before a notary public, in the presence of two witnesses, whenever it shall not have been made in the registering of the birth or baptism of such child. Id. art. 221. Such acknowledgment shall not be made in favor of the children produced by an incestuous or adulterous connexion. Id. art. 222.

3. Fathers and mothers owe alimony to their natural children, when they are in need. Id. art. 256, 913. In some cases natural children are entitled to the legal [succession](#), of their natural fathers or mothers. Id. art. 911 to 927.

4. Natural children owe alimony to their father or mother, if they are in need, and if they themselves have the means of providing it. Id. art. 256.

5. The father is of right the [tutor](#) of his natural children acknowledged by him; the mother is of right the tutrix of her natural child not acknowledged by the father. The natural child, acknowledged by both, has for tutor, first the father; in default of him, the mother. Id. art. 274. See 1 Bouv. Inst. n. 319, et seq.

LEGITIMATE – according to law i.e. a legitimate child

That which is according to law; as, legitimate children, are lawful children, born in wedlock, in contradistinction to bastards; legitimate authority, or lawful power, in opposition to usurpation.

ADOPTION – An adoptee has the rights of a man’s own children

civil law. The act by which a person chooses another from a strange family, to have all the rights of his own child. ^{Merl. Repert. h. t.; Dig. 1, 7, 15, 1;} and see Arrogation. By art. 232, of the civil code of Louisiana, it is abolished in that state. It never was in use in any other of the United States.

SUCCESSION, (1)

in Louisiana. The right and transmission of the rights and obligations of the deceased to his heirs. Succession signifies also the estate, rights and charges which a person leaves after his death, whether the property exceed the charges, or the charges exceed the property, or whether he has left only charges without property. The succession not only includes the rights and obligations of the deceased, as they exist at the time of his death, but all that has accrued thereto since the opening of the succession, as also of the new charges to which it becomes subject. Finally, succession signifies also that right by which the heir can take possession of the estate of the deceased, such as it may be.

2. There are three sorts of successions, to wit: testamentary succession; legal succession; and, irregular succession. 1. Testamentary succession is that which results from the constitution of the heir, contained in a testament executed in the form prescribed by law. 2. Legal succession is that which is established in favor of the nearest relations of the deceased. 3. Irregular succession is that which is established by law in favor of certain persons or of the state in default of heirs either legal or instituted by testament. ^{Civ. Code, art. 867-874.}

3. The lines of a regular succession are divided into three, which rank among themselves in the following order: 1. Descendants. 2. Ascendants. 3. Collaterals. See Descent. Vide Poth. Traite des Successions *Ibid*. Coutumes d'Orleans, tit. 17 Ayl. Pand. 348; Toull. liv. 3, tit. 1; Domat, h. t.; Merl. Repert. h. t.

SUCCESSION, (2)

com. law. The mode by which one set of persons, members of a corporation aggregate, acquire the rights of another set which preceded them. This term in strictness is to be applied only to such corporations. ^{2 Bl. Com. 430.}

TUTOR – lawfully appointed person who takes care of a minor

civil law.

1. A person who has been lawfully appointed to the care of the person and property of a minor.
2. By the laws of Louisiana minors under the age of fourteen years, if males, and under the age of twelve years, if females, are both, as to their persons and their estates, placed under the authority of a tutor. ^{Civ. Code, art. 263.}
Above that age, and until their majority or emancipation, they are placed under the authority of a curator. ^{*Ibid*.}

CURATOR – Legally appointed to take care of the interests of an incompetent

persons, contracts.

1. One who has been legally appointed to take care of the interests of one who, on account of his youth, or defect of his understanding, or for some other cause, is unable to attend to them himself.
2. There are curators *ad bona*, of property, who administer the estate of a minor, take care of his person, and intervene in all his contracts; curators *ad litem*⁸, of suits, who assist the minor in courts of justice, and act as curator *ad bona* in cases where the interests of the curator are opposed to the interests of the minor. ^{Civ. Code of}

⁸ *IN LITEM*: *ad litem*. For a suit; to the suit. Greenl. Ev. 348.

Louis. art. 357 to 366. There are also curators of insane persons ^{Id. art. 31;} and of vacant successions and absent heirs. ^{Id. art. 1105 to 1125.}

3. The term curator is usually employed in the civil law, for that of guardian.

ABSENTEE – A presumption of death after 7 years from one stating a claim

1. One who is away from his domicil, or usual place of residence.

2. **After an absence of seven years without being heard from, the presumption of death arises.** ^{2 Campb. R. 113; Hardin's R. 479; 18 Johns. R. 141 15 Mass. R. 805; Peake's Ev. c. 14, s. 1; 2 Stark. Ev. 457 8; 4 Barn. & A. 422; 1 Stark. C. 121 Park on Ins. 433; 1 Bl. R. 404; Burr v. Simm, 4 Wh. 150; Bradley v. Bradley, 4 Wh. 173.}

3. In Louisiana, when a person possessed of either movable or immovable property within the state, leaves it, without having appointed somebody to take care of his estate; or when the person thus appointed dies, or is either unable or unwilling to continue to administer that estate, then and in that case, the judge of the place where the estate is situated, shall appoint a [curator](#) to administer the same. ^{Civ. Code of Lo. art. 50..} In the appointment of this curator the judge shall prefer the wife of the absentee to his presumptive heirs, the presumptive heirs to other relations; the relations to strangers, and creditors to those who are not otherwise interested, provided, however, that such persons be possessed of the necessary qualifications. ^{Ib. art. 51. For the French law on this subject, vide Biret, de l'Absende; Code Civil, liv. 1 tit. 4. Fouss. lib. 13 tit. 4, n. 379-487; Merl. Rep. h. t.; and see also Ayl. Pand. 269; Dig. 50, 16, 198; Ib. 50, 16, 173; Ib. 3, 3,6; Code, 7 32 12.}