Throughout cultural history the illegitimate child has been a source of concern to societies. In accordance with its needs, each society defined the illegitimate child or bastard; in most cases the illegitimate offspring was stigmatized. In fact, the word “bastard,” which embodies this concept of the stigmatized individual, comes from the old French ba(s)t, translated as “baggage.” Though it is unclear why an illegitimate child is called “baggage,” various explanations suggest that this may represent the father’s short stay in town, or the mother’s “baggage” or burden.

Anthropologists define illegitimacy as a child whose conception and birth do not conform to the institutional rules governing reproduction in the community to which its parents belong. In most western societies the basic conceptual distinction between legitimacy and illegitimacy is an outcome of the institution of marriage. Sociologists also understand the phenomenon of stigmatization of the bastard as demonstrating the need for society to control the purity of the group. The question of who is recognized from birth as legitimate has significant economic ramifications, for example, (in tribe or clan situations), inheritance and food distribution. In other words, the idea of illegitimacy is bound up with concepts of property, inheritance, domicile, lineage, naming, marriage portion and dowries. This is especially relevant in patriarchal societies (cf. the Jewish tradition). In addition, when society or religion place strong emphasis on the importance of family structure, any deviant activity threatening this unit is discouraged.

In Jewish literature, the first reference to the illegitimate child or bastard (mamzer) is found in the Torah Deuteronomy 23:2: “No mamzer shall be admitted into the congregation (assembly or community)
of the Lord; even to the tenth generation none of the decedents shall enter the congregation of the Lord.”

No definition is given for such a person. We are not informed of his place and obligations in the Israelite nation, or of his status in the nuclear family. Does he receive an inheritance from his father? Is he obligated in mitzvot (Jewish laws and rituals)? The Torah does not inform us of the parameters of congregation of the Lord (khal Hashem). The significance of the sanctions against the sinner is not stated. All that is clear is that the stigma and restrictions incurred by such offspring who are members of the Jewish people are transmitted genetically to future generations. In Zechariah 9:6 the word mamzer appears again; “A mamzer shall dwell in Ashdod and I will make an end to the pride of Philistia.” It is not clear if the reference is to a Jew born as a mamzer or to a member of a foreign nation. Here the mamzer is placed in a group of with the negative stance and status discussed in the prophecy of Zecharia. Implied in the passage is that this person or group will be separated from the rest of Israel and will not be part of the community of the Lord, thus supporting the assumption that the mamzer was physically separated from the clan of Israelites. Epstein (1942, p. 279) suggests that both the book of Deuteronomy and Zechariah are referring to a foreign nation, most probably “despised by the Jewish people for sex irregularities, promiscuity or incest.” In post-Biblical times these foreigners remained unidentified.

Suggested meanings of the word mamzer include: 1. mam zar—from an alien folk. 2. The word is also explained as derived from the root mzt, meaning “he is deprived of seed.”

3. mum zar (B. Yebamot 71a) translates as a strange defect. 4. ish muzar signifies a strange person (Ramban commentary on the Torah Deuteronomy 23:3).

All of these, however, suggest that such a person is to be considered liminal to Israelite society. Bar Ilan (2000, pp. 135, 139–141) argues that in pre-Mishnah times the mamzer was physically restricted from engaging in certain specific activities within the congregation of Israel. These included entering Jerusalem, learning or being taught Torah. Applications of social and religious ostracism, continues Bar Ilan, included singling out the house and the grave of the mamzer

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3 All Bible translations are from The New Oxford Annotated Bible, 1971.
4 See Bar Ilan, 2000 ff. 5.