

# **A Few Good (Adopted) Men: A Renewed Assessment of the Influences for Paul's Adoption Metaphor through an Analysis of Women's Marginal Place in Jewish, Greek, and Roman Adoption Traditions**

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As with the writings of other notable Jewish authors in the first century CE such as Philo and Josephus, Paul's letters to early Christ communities highlight a Jewish identity shaped also by Hellenistic and Roman influences. For example, while Philo is argued to show influence from Plato's *Laws*,<sup>1</sup> and Josephus describes the Essenes from the perspective of Roman values,<sup>2</sup> for his part, Paul draws on the Hellenistic rhetoric of boasting within his hardship lists.<sup>3</sup> Yet debated is the major influence or influences involved in Paul's usage of an adoption metaphor. When Paul uses this language (drawing on the term *υιοθεσία*, *huiiothesia*),<sup>4</sup> intended to describe a transformative process of becoming offspring of God (Rom 8:15, 23;

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<sup>1</sup> Julia Annas, *Virtue and Law in Plato and Beyond* (Oxford: Oxford University Press, 2017), 188–213.

<sup>2</sup> See Steve Mason, "What Josephus Says about the Essenes in His *Judean War*," in *Text and Artifact in the Religions of Mediterranean Antiquity: Essays in Honour of Peter Richardson*, ed. Stephen G. Wilson and Michel Desjardins (Studies in Christianity and Judaism 9; Waterloo: Wilfred Laurier University Press, 2000), 423–455 (449).

<sup>3</sup> See, for example, Christopher Forbes, "Comparison, Self-Praise and Irony: Paul's Boasting and the Conventions of Hellenistic Rhetoric," *NTS* 32 (1986): 1–30 (8).

<sup>4</sup> *Huiiothesia* as a verb is attested from the second century BCE and onward, with a meaning "adoption as a child" or even more literally, "adoption as a son." Older verbal equivalents with a meaning of "to adopt" include *υἰὸν τίθεμαι* and *υἰὸν ποιέομαι*. W. von Martitz, "υιοθεσία. In the Greek World," in *TDNT*, vol. 8, ed. Gerhard Friedrich (Grand Rapids: Eerdmans, 1972), 397–398 (397).

9:4; and Gal 4:5),<sup>5</sup> is he relying on Jewish scriptural, Greek, or Roman adoption traditions? Each among these three traditions holds both merit and criticism as Paul's dominant source of influence in his adoption metaphor. For example, with regard to a Jewish scriptural background serving as Paul's inspiration for adoption, James Scott argues that the Hebrew Bible contains an adoption formula seen in narratives such as Moses's relationship to Pharaoh's daughter as described in Exod 2:10, evident in the formula "to be to x as a son." This phrase, argues Scott, is analogous to a marriage formula evident in 1 Sam 25:42; 2 Sam 11:27; and Ruth 4:13, "to be to x as a wife."<sup>6</sup> Other early Jewish commentators such as Philo and Josephus also refer to the relationship in Exod 2:10 as one of adoption.<sup>7</sup> Paul could well have had such a scriptural tradition in mind as a practicing Jew. On the other hand, Bradley Trick argues that to draw on Jewish scripture would not make sense when attempting to appeal to gentile audiences, for whom this scripture would be unfamiliar.<sup>8</sup>

Trick instead suggests that Paul references a tradition of Greek adoption, and proposes that Gal 3:15–4:11 interprets God's covenant with Abraham as a testamentary adoption. Trick argues that Roman testament could not really effect adoption and is thus an unlikely choice, whereas Athens practiced testamentary adoption and is subsequently a more likely choice to have been used by Paul.<sup>9</sup> Trick concludes that Paul's focus on Hellenistic law may stem from an intended audience in "Hellenistic southern Galatia."<sup>10</sup> This argument falls short when considering Paul's other references to adoption combined, as it seems less likely that Paul would continue to draw on Hellenistic law, when it is Roman law that prevailed in the first century CE throughout Paul's environs.

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<sup>5</sup> Excluded is Eph 1:1–6, considered not to be included among the authentic Pauline corpus.

<sup>6</sup> James M. Scott, *Adoption as Sons of God: An Exegetical Investigation into the Background of ΥΙΟΘΕΣΙΑ in the Pauline Corpus* (WUNT 2; Tübingen: Mohr Siebeck, 1992), 74–75. For an additional argument concerning the view favoring the idea that Paul draws from Jewish adoption tradition, see William H. Rossell, "New Testament Adoption—Graeco-Roman or Semitic?" *JBL* 71 (1952): 233–234.

<sup>7</sup> See Scott, *Adoption as Sons of God*, 75–76. It should be noted that Philo and Josephus use different terminology than Paul; for example, Philo uses υἱὸν ποιεῖται (*Moses* 1.9), and Josephus refers to παῖδα ποιεῖται (*Ant.* 2.232).

<sup>8</sup> Bradley R. Trick, *Abrahamic Descent, Testamentary Adoption, and the Law in Galatians: Differentiating Abraham's Sons, Seed, and Children of Promise* (NovTSup 169; Leiden; Boston: Brill, 2016), 22.

<sup>9</sup> Trick, *Abrahamic Descent*, Ch. 4, esp. 141–143 for an overview.

<sup>10</sup> Trick, *Abrahamic Descent*, 338.

To that end, Erin Heim analyzes metaphors “at the level of a complete utterance,” thus arguing that each occasion of the *huiiothesia* metaphor must be analyzed case by case.<sup>11</sup> Heim concludes that the primary model for Paul’s usage of adoption in both Galatians 4 and Romans 8 is, in fact, Roman adoption.<sup>12</sup> With Paul travelling and reaching out to audiences throughout the Roman Empire, such an influence as a common denominator across all audience contexts makes the most sense.

Indeed, textual similarities lend confirmation to Heim’s conclusions. Consider the following excerpt from Rom 8:15–17:

For you did not receive a spirit of slavery to fall back into fear, but you have received a spirit of adoption as sons/children (*υιοθεσιας*).<sup>13</sup> When we cry, “Abba! Father!” it is that very Spirit bearing witness with our spirit that we are children (*τεκνα*) of God, and if children, then heirs, heirs of God and joint heirs with Christ—if, in fact, we suffer with him so that we may also be glorified with him.

and also Gal 4:5–7:

. . . so that we might receive adoption as sons. And because you are sons (*υιοι*), God has sent the Spirit of his Son into our hearts,

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<sup>11</sup> Erin M. Heim, *Adoption in Galatians and Romans: Contemporary Metaphor Theories and the Pauline Huiiothesia Metaphors* (BibInt 153; Leiden; Boston: Brill, 2017), 322.

<sup>12</sup> Heim, *Adoption in Galatians and Romans*, 324. She makes the caveat, though, that Galatians relates more to the vertical elements of the metaphor, meaning how believers relate to God, while Romans 8 relies more on the horizontal dimension of community membership. For other examples of views favoring the idea that Paul draws from Roman adoption tradition, see Francis Lyall, “Roman Law in the Writings of Paul — Adoption,” *JBL* 87 (1969): 456–468; Trevor J. Burke, *Adopted into God’s Family: Exploring a Pauline Metaphor* (New Studies in Biblical Theology 22; Downers Grove, IL: Inter-Varsity Press, 2006), 47–61; Kyu Seop Kim, “Another Look at Adoption in Romans 8:15 in Light of Roman Social Practices and Legal Rules,” *BTB* 44 (2014): 133–143.

<sup>13</sup> Translations used are according to NRSV, except for two items: first, the translation of the verb *υιοθεσια*, where the NRSV is not consistent, sometimes translating the term as “adoption,” and sometimes as “adoption as children.” A literal translation would read “adoption as sons,” which is the translation this study will use for consistency. Second, in the case of Rom 8:15–17 where Paul combines *υιοθεσια* with the more gender-inclusive term *τεκνα* (“children”), the essay will follow the terminology developed by Heim for these specific verses, namely “sonship/childship” (or, sons/children). See Heim, *Adoption in Galatians and Romans*, 21 n. 109.

crying, “Abba! Father!” So you are no longer a slave but a son (υιός), and if a son (υιός), then also an heir, through God.

In these two excerpts, both draw on three notions within the tradition of adoption in Roman law: that adoption leads to kinship, as an adopted son is in the same position as a natural born son, according to Gaius, *Inst.* 2.136;<sup>14</sup> that adoption of a slave leads to manumission, evidenced in Gaius, *Inst.* 1.97–99 and Justinian, *Inst.* 1.11.12;<sup>15</sup> and that adoption (of either a free man or a slave) is for the sake of continuity of heirship, according to Gaius, *Inst.* 2.185–86. These parallels lean heavily toward the conclusion that it is the Roman legal tradition of adoption that Paul has in view, as opposed to Jewish or Greek traditions of adoption. Nevertheless, the ongoing high level of disagreement regarding the tradition used in Paul’s own adoption metaphor suggests we must find new questions to ask of the text before such a solution may be confirmed.

Instead of looking solely at parallels and similarities that are present among Paul’s usage of adoption compared to adoption from Jewish, Greek, and Roman tradition, examining differences may prove helpful as well. Returning to the passages concerning adoption in Rom 8:15–17 and Gal 4:5–7 once more, something that remains unclear between these two passages is the reason for which Paul chooses different terminologies for those who will become heirs through “adoption as sons” by God: “if a son, then also an heir (εἰ δὲ υἱός, καὶ κληρονόμος)” in Gal 4:7 versus “and if children, then heirs (εἰ δὲ τέκνα, καὶ κληρονόμοι)” in Rom 8:17. Scholars of ancient Judaism and especially the Dead Sea Scrolls often seek historical relevance in texts by analyzing “rewritten scripture,” the scriptural technique in which a recognizable base text is rewritten or reworked in some way.<sup>16</sup> While Paul’s letters were not initially deemed scripture at the time

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<sup>14</sup> Gaius, *Inst.* 2.136. “Adoptive sons are in the same position as natural so long as they remain in adoption.” English translations are according to Francis de Zulueta, *The Institutes of Gaius: Part I: Text with Critical Notes and Translation* (Oxford: Clarendon Press, 1985).

<sup>15</sup> See Gaius, *Inst.* 1.97–99; Justinian *Inst.* 1.11.12 for adoption of slaves.

<sup>16</sup> Sidnie White Crawford writes that “Rewritten Scripture” constitutes “a category or group of texts which are characterized by a close adherence to a recognizable and already authoritative base text (narrative or legal) and a recognizable degree of scribal intervention into that base text for the purpose of exegesis. Further, the rewritten scriptural text will often (although not always) make a claim to the authority of revealed Scripture, the same authority as its base text.” Sidnie White Crawford, *Rewriting Scripture in Second Temple Times* (SDSS; Grand Rapids; Cambridge: Eerdmans, 2008), 12–13. The present study refers to rewritten scripture as a “textual strategy” and not a “genre” or group of texts, following the description of Anders Klostergaard Petersen. See Anders Klostergaard Petersen, “The

of their composition (where scripture is “any text or group of texts considered sacred and authoritative by a particular religious tradition”),<sup>17</sup> we can draw on the same strategy for comparison between these two epistles: Anders Klostergaard Petersen argues that scriptural rewriting is merely one “sub-category of the wider class of intertextuality.”<sup>18</sup> Consequently, we can see that Paul applies a similar technique of rewriting between his letters to the Galatians and to the Romans. Following the general scholarly consensus that Paul composed the letter to the Galatians earlier than the letter to the Romans,<sup>19</sup> the order in the change in terms would have been from “sons” to “children,” between two otherwise very similar phrases, “if x, then heirs.”

What underlying factors may have influenced Paul’s choice in substituting a “son” in Galatians with “children” in Romans? At first glance, a key difference between these terms is that the first is male gender specific, while the second is gender neutral, and by extension, theoretically inclusive of both men and women. This observation prompts two related areas for exploration. The first area is to examine whether there is something particular regarding the inclusion or exclusion of women in the possible adoption traditions used by Paul in his own

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Riverrun of Rewriting Scripture: From Textual Cannibalism to Scriptural Completion,” *JSJ* 43 (2012): 475–496 (484). For example, Cecilia Wassen has compared writings concerning women in the Damascus Document against their biblical antecedents to see how the sectarian movement affiliated with the Dead Sea Scrolls may have viewed and interacted with women. Cecilia Wassen, *Women in the Damascus Document* (SBLAB 21; Leiden: Brill, 2005). Or, in another study, Carmen Palmer compares the *gēr* of the Dead Sea Scrolls against scriptural antecedents in the Hebrew Bible to see in what way the *gēr* may represent a later meaning of “convert,” instead of a “resident alien” as in books of the Masoretic Text such as Deuteronomy. Carmen Palmer, *Converts in the Dead Sea Scrolls: The Gēr and Mutable Ethnicity* (STDJ 126; Leiden; Boston: Brill, 2018).

<sup>17</sup> Molly M. Zahn, “Talking About Rewritten Texts: Some Reflections on Terminology,” in *Changes in Scripture: Rewriting and Interpreting Authoritative Traditions in the Second Temple Period*, ed. Hanne von Weissenberg, Juha Pakkala, and Marko Marttila (BZAW 419; Berlin; New York: De Gruyter, 2011), 93–119 (97).

<sup>18</sup> Petersen, “Riverrun of Rewriting,” esp. 485–486 (citation 485).

<sup>19</sup> Regardless of the actual dates of composition, scholarship acknowledges that Paul’s reference to a collection, mentioned in 1 Cor 16:1–4, 2 Cor 8–9, and Rom 15:25–28, but not in Galatians, suggests that Romans was written subsequently to Galatians. See Joseph A. Fitzmyer, *Romans: A New Translation with Introduction and Commentary* (AB 33; Garden City, NY; New York: Doubleday, 1993), 85–86; and J. Louis Martyn, *Galatians: A New Translation with Introduction and Commentary* (AB 33A; Garden City, NY; New York: Doubleday, 1997), 19–20.

adoption metaphor. And second, is there anything observably different concerning the genders between Paul's letters to the Romans and the Galatians that would provoke Paul to choose a term inclusive of both men and women in his adoption metaphor, to counter-balance an innately male-exclusive nature in the adoption tradition borrowed?

Following in this vein, the present study entertains a renewed analysis of Jewish, Greek, and Roman adoption traditions vis-à-vis the question of women and their role in adoptions. This study will pursue the role that women play, or more accurately do not play, in adoptions within all three traditions: in each tradition, women are generally found to be either absent from or at least diminished in any role pertaining to adoption. Furthermore, the study will argue that the exclusion of women from Roman adoptions, specifically, offers the best match for the adoption tradition that Paul held in view while forging his own teachings on spiritual adoption. Finally, the study will find that in light of the intratextual contexts of Galatians and Romans, the presence of female leadership identified in Romans 16 requires a corresponding purposeful choice in terms that transforms God's adoptions into something inclusive of women as heirs of God, as well, if they are to be leaders within Pauline communities. Meanwhile, the absence of women leaders identified in Galatians requires no such shift. The study will argue that the change in terminology between two otherwise similar concepts of adoption by God for the sake of heirship, as connected to the adoption metaphors of Rom 8:15–17 and Gal 4:5–7, makes the most sense if Paul is drawing on concepts of Roman adoption where these two texts are concerned. In this manner, we can see how Paul both fully relies on Jewish scriptural concepts of rewriting, while veering in a different direction than Jewish scriptural adoption accounts.

In terms of procedure, the study will pursue this argument in three steps. First, the study begins with a comparison between legal stances toward women and adoption within Jewish, Greek, and Roman traditions. Of course, that which is written may not always be that which is practiced. Scholarship recognizes the possibility that biblical law codes may have served a descriptive purpose, instead of a prescriptive one.<sup>20</sup> A possible nonprescriptive purpose may also hold true for

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<sup>20</sup> For example, Michael LeFebvre argues that it is only in light of Hellenistic influence that laws from within the Torah became prescriptive. Michael LeFebvre, *Collections, Codes and Torah: The Re-Characterization of Israel's Written Law* (LHBOTS 451; New York; London: T&T Clark, 2006). Even law codes composed among Jewish circles after this era may not function prescriptively. For example, Sarianna Metso has argued that the law codes in the Rule of the Community from among the Dead Sea Scrolls are meant to serve in an educational role that is not prescriptive: Sarianna Metso, "Problems in Reconstructing the

Roman law.<sup>21</sup> Thus, the second step will highlight case studies from within the three traditions (whether scriptural or inscriptional), in which women are brought into a family by a process that may appear to be “adoption.” As with the legal comparison, the case studies draw on examples available from within Jewish, Greek, and Roman traditions, also recognizing that often these categories are blended. The analysis of the second step will serve to confirm the presence or absence of women from adoptions in the three primary traditions listed in the first step. Finally, in the third step, the study relates back to the intratextual contexts of Galatians and Romans to confirm whether women may be present or absent in the texts, and in what capacity. The analysis of the third step will be assessed vis-à-vis the outcomes from the first two steps: namely, that first-century female leadership in Pauline Christ communities, referenced in Paul’s letter to the Romans, forced an intratextual edit in terminology to fit within Paul’s metaphor of adoption into God’s “family.” Even though women are found to be on the margins of adoption in all three traditions, adoption within Jewish and Greek traditions will prove to be poor matches for the manner in which women’s exclusion from adoption appears to be what Paul is amending.

Before proceeding, one final clarification remains: while this study distinguishes between Jewish scriptural, Greek, and Roman traditions as influences on Paul’s notion of adoption, at the same time it also acknowledges that finding decisive lines of division among the traditions is not always possible. By way of example, Greco-Roman inscriptions in Rome, to be discussed below, pertain to Jewish families. Furthermore, scholarship has rightly argued that “Paul was ... fully Jewish ... and fully a person of Hellenistic culture inhabiting the life of the early Roman empire.”<sup>22</sup> Nevertheless, the present study is arguing that when comparing among Jewish, Greek, and Roman examples of both legal (or legal/scriptural) writings and scriptural or inscriptional case studies, certain

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Organizational Chart of the Essenes,” *DSD* 16 (2009): 388–415. See also the work by Jonathan Vroom, who uses legal theory to assess at what point law codes were interpreted as binding by ancient interpreters: Jonathan Vroom, *The Authority of Law in the Hebrew Bible and Early Judaism: Tracing the Origins of Legal Obligation from Ezra to Qumran* (JSJSup 187; Leiden; Boston: Brill, 2018).

<sup>21</sup> For example, Peter Birks and Grant McLeod are quick to point out that Justinian’s *Institutes* are not a law code, but rather a “compacted law library.” See *Justinian’s Institutes*; with the Latin text of Paul Krueger, trans. Peter Birks and Grant McLeod (London: Duckworth, 1987), 11 (in the “Introduction”).

<sup>22</sup> Stanley K. Stowers, *A Rereading of Romans: Justice, Jews, and Gentiles* (New Haven; London: Yale University Press, 1994), 328.

themes and trends regarding the adoption of women may find a closer rapport to one tradition over the others, assisting readers to follow Paul's gaze in the formation of his adoption metaphor.<sup>23</sup> In other words, the more dominant use of a Roman tradition of adoption does not indicate the absolute exclusion of Greek and Jewish adoption influences. The essay acknowledges these blurred lines at various points throughout.

## **Step I: Legal Stance toward Women and Adoption in Jewish, Greek, and Roman Traditions**

### *Jewish Tradition*

On the whole there are no laws pertaining to adoption within biblical legal materials.<sup>24</sup> Nevertheless, father-son imagery expressed between God and the king becomes woven into an adoption formula between God and David, seen in 2 Sam 7:14 (and similarly in 1 Chr 17:13; 22:10): "I will be his father and he shall be my son (lit. he shall be to me as a son, וְהָיָא יְהוָה לִי לְבֵן)." <sup>25</sup> This formula is similar to that identified by Scott, observed above with regard to the adoption of Moses by Pharaoh's daughter in Exod 2:10.<sup>26</sup> Other adoption formulas argued to exist within biblical literature include the expression "to give birth on one's knees," such as what is found in Gen 30:3 between Rachel and Bilhah, and also the related expression to "lay someone in one's lap," such as what Naomi does with Ruth's son Obed in Ruth 4:16.<sup>27</sup>

Finally, a passage from among the Dead Sea Scrolls has been argued to describe adoption, in a metaphorical fashion of God as adoptive parent: "Truly, my father did not acknowledge me, and my mother abandoned me to you, but you are a father to all the children of your truth, and you rejoice over them as a

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<sup>23</sup> Even Trevor Burke, who writes that Greco-Roman and Jewish "cultural influences" impacting Paul cannot be separated, also argues that "Paul has probably got in view the Roman legal practice of adoption." For the first reference, see Burke, *Adopted into God's Family*, 194; for the second reference, see Trevor J. Burke, "Adopted as Sons (ΥΙΟΘΕΣΙΑ): The Missing Piece in Pauline Soteriology," in *Paul: Jew, Greek, and Roman*, ed. Stanley E. Porter (Pauline Studies 5; Leiden; Boston: Brill, 2008), 259–287 (273).

<sup>24</sup> Shalom M. Paul, "Adoption Formulae: A Study of Cuneiform and Biblical Legal Clauses," *Maarav* 2.2 (1980): 173–185 (173).

<sup>25</sup> Paul, "Adoption Formulae," 177–178.

<sup>26</sup> See above in this study's opening section, and also Scott, *Adoption as Sons of God*, 74–75.

<sup>27</sup> Andries van Aarde, "Side-Notes from Graeco-Roman and Hellenistic-Semitic Literature to the Notion 'Adopted as God's Child' (ΥΙΟΘΕΣΙΑ)," *Acta Patristica et Byzantina* 8 (1997): 150–172 (158–159).



woman who loves her nursing child, and like a foster-father (אומן) you sustain all your creatures in (your) bosom (חיק)” (1QH<sup>a</sup> XVII, 34–36).<sup>28</sup>

Overall, from these examples, we find examples of cases in Jewish scripture and sectarian writings, noted through possible adoption formulas, in which women or men raise (or at least claim) the children born to another. In none of these cases is a female adopted.

### *Greek Tradition*

It is difficult to write of one, uniform tradition regarding adoption generally and adoption vis-à-vis women specifically within Greek tradition, both Hellenic and Hellenistic. In Classical Greece, each city-state had its own rulings.<sup>29</sup> Consequently, certain findings have wider implications than others. Hugh Lindsay describes the three methods of adoptions within the Greek world, which included lifetime adoptions (*inter vivos*), adoption by will (testamentary), and posthumous adoptions.<sup>30</sup> Adoptions were for the purpose of transferring heirship and inheritance within an *oikos*.<sup>31</sup> Women could not write wills, and thus could not adopt.<sup>32</sup> As they could not participate in the *deme*, women were also rarely adopted. Kin were preferred for adoptions, and thus if there was a shortage of

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<sup>28</sup> See Scott, *Adoption as Sons of God*, 84–85. Translation is that from Eileen M. Schuller and Carol A. Newsom, *The Hodayot (Thanksgiving Psalms): A Study Edition of 1QH<sup>a</sup>* (EJL 36; Atlanta: SBL, 2012), 56–57.

<sup>29</sup> Eva Cantarella explains this phenomenon regarding the Greek family. In particular, see the following: Eva Cantarella, “Greek Law and the Family,” in *A Companion to Families in the Greek and Roman Worlds*, ed. Beryl Rawson (Malden, MA: Wiley-Blackwell, 2011), 333–345 (333).

<sup>30</sup> Hugh Lindsay, “Adoption and Heirship in Greece and Rome,” in Rawson, ed., *A Companion to Families*, 346–369 (352–354).

<sup>31</sup> Lindsay, “Adoption and Heirship,” esp. 346–354; E.E. Rice, “Adoption in Rhodian Society,” in *Archaeology in the Dodecanese*, ed. Søren Dietz and Ioannis Papachristodoulou (Copenhagen: The National Museum of Denmark, Department of Near Eastern and Classical Antiquities, 1988), 138–143 (139).

<sup>32</sup> Sabine R. Huebner, “Adoption and Fosterage in the Ancient Eastern Mediterranean,” in *The Oxford Handbook of Childhood and Education in the Classical World*, ed. Judith Evans Grubbs and Tim Parkin (Oxford: Oxford University Press, 2013), 510–531 (513). See also A.R.W. Harrison, *The Law of Athens: The Family and Property* (Oxford: Clarendon, 1968), 151. Isaeus 10.10 specifically writes regarding the topic of women’s prohibition from writing a will; 11.18 writes about the “law” that prefers males to have the preference of inheritance.

males, a niece could be adopted, but only as an heiress (*epiklēros*).<sup>33</sup> Lindsay describes that this act is a temporary insertion into the inheritance line, and that the woman would be married to a male relative to have male children to whom the agnatic succession could be transferred once again.<sup>34</sup> Conversely, A.R.W. Harrison identifies the situation described by the Attic orator Isaeus in which a man with only daughters and no sons could choose a husband for her to marry, whom the father would then adopt.<sup>35</sup> Adoptions carried through into the Hellenistic era, as well: E.E. Rice writes of a total of nineteen cases of female adoption at Rhodes, where adoptions are attested from the mid-third century BCE.<sup>36</sup>

In sum, within the Greek tradition of adoption, women could not adopt, and women were infrequently adopted. On the occasions when women were adopted for the sake of inheritance, it was a usually a “temporary” measure only, to be resolved by birthing a son, to whom succession would be transferred.

### *Roman Tradition*

Within the legal tradition of Roman adoption, adoption was performed by men, and it was primarily adult men or sometimes male slaves who were adopted. Adoption was undertaken primarily as a means to establish continuity of one’s inheritance and family *sacra* (cults). Adoption was performed by means of *adoptio* (by magistrate), if the adoptee was still in *potestas* (meaning a dependent) of the parents, and by *adrogatio* (by the authority of the people) if the adoptee was already *sui iuris* (meaning independent).<sup>37</sup> Women did not adopt, since adoption

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<sup>33</sup> Lindsay, “Adoption and Heirship,” 353.

<sup>34</sup> Lindsay, “Adoption and Heirship,” 353; Cantarella, “Greek Law and the Family,” 338. It should be noted that the situation of Spartan woman may have differed. Sarah Pomeroy hypothesizes that the heiress at Sparta (there identified as a *patrouchos*), was likely “never subject to an inflexible rule that she marry her father’s closest male next of kin.” Nevertheless, she may have been under “some moral and religious obligation” with regard to the continuance of her father’s lineage. See Sarah B. Pomeroy, *Spartan Women* (Oxford; London; New York: Oxford University Press, 2002), 85 (both citations).

<sup>35</sup> The case is found in Isaeus 3.6, and such a situation is described by Harrison, *Law of Athens*, on 82, 85, and 151.

<sup>36</sup> Rice, “Adoption in Rhodian Society,” 139. Rice suspects these adoptions were also a “family concern,” and not for the sake of easy access to office, which was a secondary use of adoptions.

<sup>37</sup> For general background on the purpose and manner of Roman adoptions, see also Hugh Lindsay, *Adoption in the Roman World* (Cambridge; New York: Cambridge University Press, 2009); Lindsay, “Adoption and Heirship”; Christiane Kunst, *Römische Adoption: Zur*

involved the transfer of *patria potestas*, which women did not have.<sup>38</sup> Furthermore, while women could inherit, bias toward patrilineality and a woman's lack of *patria potestas* led to infrequent adoption of women.<sup>39</sup> Women's inheritance rights increased at a later time within the Roman Empire, but beyond the scope of the first century CE when the apostle Paul was writing.<sup>40</sup>

In sum, in Roman law women do not adopt and are rarely adopted. There is no rule that the procedure would be temporary if a woman was adopted.

## Step II: Cases of Female Adoptions Considered

This section assesses cases of what have been considered by some to be possible female adoptions within Jewish, Greek, and Roman traditions. This step takes a look at available texts dealing with female adoptions, since not everything written in law is necessary what is practiced in tradition. Furthermore, some of the cases that have been interpreted by scholars as adoptions may, in fact, be something else.

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*Strategie einer Familienorganisation* (Frankfurter althistorische Beiträge 10; Hennef: Marthe Clauss, 2005); and James C. Walters, "Paul, Adoption, and Inheritance," in *Paul in the Greco-Roman World: A Handbook*, ed. J. Paul Sampley (Harrisburg; London; New York: Trinity Press International, 2003), 42–76 (esp. 51–55).

<sup>38</sup> Gaius, *Inst.* 1.104. See Jane F. Gardner, *Women in Roman Law and Society* (London; Sydney: Croom Helm, 1986), 137.

<sup>39</sup> Gaius's *Institutes* describe regulations involving adopted women, such as in 1.61 (to do with prohibited marriages) and 1.137a (to do with women in *manus*). Women were not adopted by *adrogatio*, see Gaius, *Inst.* 1.101. On women and male succession, see Gardner, *Women*, 190 and 260 (on the latter page reference, Gardner describes the "primary unit for preservation and transmission of property" to be the *familia* with "descent through the *pater*"). On limited ability to contribute to the continuance of succession, see Lindsay, "Adoption and Heirship," 354.

<sup>40</sup> On women's inheritance rights increasing at a later time within Roman tradition, see Lindsay, "Adoption and Heirship," 356.

### *Female Adoptions in Jewish Tradition*

The first example to explore is that of the scriptural narrative of Esther,<sup>41</sup> where we find an action described by some as “adopting”:<sup>42</sup>

Esth 2:7: Mordecai had brought up (וַיִּמְצָא) Hadassah, that is Esther, his cousin, for she had neither father nor mother; . . . Mordecai adopted her (lit. “took her” וַיִּקַּח) as his own daughter (לְבָתוּלָה).

Esth 2:15: When the turn came for Esther daughter of Abihail the uncle of Mordecai, who had adopted her as his own daughter (lit. “took for himself as a daughter” וַיִּקַּח-לִּוּלָהּ) . . .

Step 1 established above that there is no tradition pertaining to adoptions within biblical legal material. Nevertheless, this narrative passage contains similarities with what has been regarded as an adoption formula within the Hebrew Bible, especially concerning Pharaoh’s daughter and Moses in Exod 2:10. There, the adoption formula is reliant upon the expression “to be to x as a son,” using the verb “to be” (היה) and the *lamed* of specification (“When the child grew up, she brought him to Pharaoh’s daughter, and [lit.] he came to be to her as a

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<sup>41</sup> To assess the book of Esther as a case study while exploring the topic of female adoptions does not mean to suggest that the narrative should be viewed historically, but rather that it draws on customs and motifs from within circles as described by Adele Berlin in the following manner: “Esther typifies storytelling about Persia from the Persian period. It takes some of its motifs from biblical literature, and it partakes of many others from the broader literary world of its time, preserved for us most abundantly in the Greek writings.” Adele Berlin, “The Book of Esther and Ancient Storytelling,” *JBL* 120 (2001): 3–14 (14). This comment also calls to mind yet again the often potentially blended influences concerning adoption traditions, although the essay frames this narrative more closely within the perspective of Jewish scriptural tradition, and not Greek.

<sup>42</sup> E.g. NRSV, as used in this text. The JPS Tanakh describes Mordecai as Esther’s foster father in Esth 2:7, and as having adopted Esther in Esth 2:15. The LXX as well as some rabbinic sources have interpreted the passage to mean that Mordecai took Esther to be his wife. Indeed, the verb “to take” is often used in that sense within the Hebrew Bible (e.g. Gen 4:19; 25:20; 26:34; 28:1; 34:21; Exod 2:1; 6:20; 6:23; etc.). Furthermore, according to b. Meg. 13a, per the translation of Jacob Neusner, *Tractate Ta’anit, Tractate Megillah, Tractate Mo’ed Qatan, Tractate Hagigah*, in *The Babylonian Talmud: A Translation and Commentary* (Peabody, MA: Hendrickson, 2005), 63–64: “One taught in the name of R. Meir: Do not read [it] ‘as a daughter’ (*le-vat*), but rather as a wife (*le-vayit*).” This reasoning is because a “house” was representative of a “wife” within rabbinic literature. See Jean-Daniel Macchi, *Le livre d’Esther* (Commentaire de l’Ancien Testament; Genève: Labor et Fides, 2016), 200 textual note 7d, 217.

son” (וְיִהְיֶה לְבִן).<sup>43</sup> One may wonder whether such a formal adoption formula, if it existed, is what is observed in Esther, in variant form.<sup>44</sup> Indeed, a case of manumission and adoption of a slave exists in an Aramaic papyrus from Jews living at Elephantine in the fifth century BCE.<sup>45</sup> The manumission of a young boy named Yedoniah takes on the form of an adoption by his liberator, using a similar formula, repeated on multiple occasions in the document, “my son he shall be” (בְּרִי יְהוּה).<sup>46</sup> Certainly this formula contains similarities with the phrase identified above “to be to x as a son.”<sup>47</sup> Nevertheless, the use of the verb “to take” (לָקַח) in Esth 2:7, 15 instead of “to be” (הָיָה) in Exod 2:10 suggests something different.<sup>48</sup> More likely it is a matter of adapting the phrase used for the taking of a wife to describe a situation that has no other *comparanda* because it does not typically happen, namely legally adopting a daughter. In other words, as suggested by David

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<sup>43</sup> Scott, *Adoption as Sons of God*, 74–75 (e.g. Exod 2:10; Gen 48:5–6). For other biblical texts that allude to adoptive-like practices, see Frederick W. Knobloch, “Adoption,” in *ABD* 76–79.

<sup>44</sup> Harald Wahl has commented that the phrase in Esth 2:7, 15 announcing Mordecai’s action in taking Esther as a daughter “resembles” an adoption formula (English translation that of the present author). See Harald M. Wahl, “Ester, das adoptierte Weisenkind: Zur Adoption im Alten Testament,” *Bib* 80 (1999): 78–99 (89).

<sup>45</sup> This example does not need to imply that Esther is written in the era of Persian dominance. The Book of Esther may be written under Greek influence and be simply set within a Persian context. See n. 41 above and n. 47 below.

<sup>46</sup> Emil G. Kraeling, *The Brooklyn Museum Aramaic Papyri: New Documents of the Fifth Century B.C. from the Jewish Colony at Elephantine*, reprinted ed. (New York: Arno Press, 1969), 224–231 (Papyrus no. 8).

<sup>47</sup> It is unsure whether this passage is reliant upon a specific formula pertaining to Jewish or Persian law. Knobloch observes that “it is not certain that a Jewish practice is reflected” since the individuals within the Elephantine text are living under Persian rule. (Knobloch articulates the same for Esther and Mordecai, although see the work of Jean-Daniel Macchi who argues for a Greek period for the authorship of Esther). Knobloch, “Adoption,” 78; Macchi, *Le livre d’Esther*.

<sup>48</sup> Although Scott argues in favor of a “verbal” comparison between these texts, it is precisely the verb that differs. See Scott, *Adoption as Sons of God*, 74. Wahl notes this difference in verb between Esth 2:7 and Exod 2:10. Wahl, “Ester,” 82. However, where Wahl concludes that in the case of Esther, an adoption is nevertheless “implied” (Wahl, “Ester,” 97), the present essay argues that formulaic differences suggest a different activity than adoption, such as foster care (see below).

Bartlett, Mordecai's actions may indicate a "kind of foster care" in his role as a relative of Esther.<sup>49</sup>

All in all, the example highlights two points. First, where the historical Elephantine document is concerned, there is no mention of any right of inheritance and heirship of the manumitted and adopted boy.<sup>50</sup> And second, even if the expression "to be to x as a son" or "my son he shall be" does indicate a known understanding of formal adoption within circles of ancient Judaism, with known accompanying prescriptive practices such as inheritance, the alteration of the formula from "to be" to "to take" suggests a desire to indicate that "adoption" or even "fostering" is not normal protocol for a female.

As for the other proposed adoption formulas evident in the biblical text, namely the act of "bearing on someone's knees" as in Gen 30:3, and "laying a child in one's lap (lit. bosom חיק)," such as what is evidenced in Ruth 4:16, both cases seem to suggest traditions in which someone other than the birth parent takes responsibility for a child, but not as adoptions, per se. Regarding the former expression and the case of Rachel and Bilhah, the situation seems one of surrogacy and taking a child as one's own. In the latter case of Naomi becoming the "nurse" for Obed, Ruth's child, the case appears more of that of a foster parent. The same root (אמן) for supporting and nourishing is used of Mordecai in Esth 2:7.<sup>51</sup> In all cases of formulaic language, the children in question are boys (Dan, Naphtali, and Obed), and never girls.

Finally, the example from the Hodayot seems to describe a metaphorical situation of God becoming the caregiver for the psalmist. Such an idea is not dissimilar from that of God becoming a parent as evidenced in the writings of Paul. However, the language used in the Hodayot is more reminiscent of the scriptural examples of Esther and Ruth listed above, whereby God is described as the foster parent (אמן) as with Mordecai and Esther in Esth 2:7 and Naomi in Ruth 4:16, and the child resting on the lap (חיק) of the caregiver as in Ruth 4:16.

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<sup>49</sup> David L. Bartlett, "Adoption in the Bible," in *The Child in the Bible*, ed. Marcia J. Bunge, Terence E. Fretheim, and Beverly Roberts Gaventa (Grand Rapids: Eerdmans, 2008), 375–398 (381–382).

<sup>50</sup> Kraeling writes that if there were any right of inheritance, "one would expect it to be specified, as in the Babylonian adoption texts." Kraeling, *Aramaic Papyri*, 225.

<sup>51</sup> The root אמן calls forth a general meaning of "to confirm," "to support," or "to nourish." See Francis Brown, S. R. Driver, and Charles A. Briggs, "אמן," in *A Hebrew and English Lexicon of the Old Testament* (Peabody, MA: Hendrickson, 2003), 52–53. Examples highlight use as foster mother or nurse (e.g. Naomi in Ruth 4:16) and foster father (e.g. Num 11:12; Isa 49:23).

If anything, these scriptural similarities between childcaring allusions in the Hodayot and other examples from the Hebrew Bible highlight the absence of such metaphors in Paul's description of adoption, and should assist in excluding a scriptural tradition within ancient Judaism as the leading template for Paul's own adoption metaphor.

#### *Female Adoptions in Greek Tradition*

The speeches of the Attic orator Isaeus offer a record of various inheritance disputes in roughly the fourth and fifth centuries BCE, in which evidence exists of a few cases where women are included. Harrison refers to instances in Isaeus in which women are adopted as daughters to become heiresses (*epiklēroi*), but notes the rarity of such occurrences.<sup>52</sup> Furthermore, recall from above in the first part of this study that the role of heiress is customarily temporary. Isaeus 11.8 describes the adoption of a niece by Hagnias:

When Hagnias was preparing to set out as ambassador on that mission which had such favourable results for the city, he did not leave his possessions, in case anything happened to him, to us, his nearest relatives, but adopted a niece; and if anything happened to her, he devised property to Glaucon, his half-brother on his mother's side. These dispositions he embodied in a will.<sup>53</sup>

The oration continues with the contestation of the will when the adopted daughter subsequently dies. Had the adopted niece become heiress and lived, presumably she would have been married to a male relative and upon birthing a male son, the estate would have been transferred to him.

A second case occurs later in the same inheritance dispute, Isaeus 11.41: Stratocles, however, happened to receive an addition of more than two and a half talents to his fortune; for Theophon, his wife's brother, at his death adopted one of his daughters and left her his property, consisting of land at Eleusis worth two talents, 60 sheep, 100 goats, furniture, a fine horse which he rode when he was a cavalry commander, and all the rest of his goods and chattels. Having had complete control of this property for nine

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<sup>52</sup> Harrison, *Law of Athens*, 88.

<sup>53</sup> All English translations from Isaeus are according to *Isaeus*, trans. E.S. Forster (LCL 202; Cambridge: Harvard University Press, 1927).

whole years, he left a fortune of 5 talents 3000 drachmae, including his patrimony but excluding the fortune left to his daughter by Theophon.

This example describes the adoption of a daughter upon the death of the adopter (Theophon); the property of Theophon goes to the adopted daughter. That she functions as heiress to hold the estate temporarily until it could be transferred to a son is evident in the fact that she is not in control of the property; rather, her own father is, presumably until such time as she would have been married.

In both of these examples, a woman is adopted, but the cases highlight that the adopted daughter would only have filled the role of heiress on a temporary basis.

### *Female Adoptions in Roman Tradition*

The following two examples both segue between Jewish and Roman tradition. As the inscriptions in question exist within areas under Roman rule, we will categorize them within this section pertaining to Roman law.

The first example of possible female adoption under consideration is that of a text regarding “Irene” from an inscription discovered in the Jewish catacombs of ancient Rome, *CIJ* 21.<sup>54</sup> The passage is complicated because the manner in which to put the phrase together is not clear. One cautious translation is that of David Noy: “Irene, foster-child (?), proselyte, of father and mother, Jewess, Israelite (?). She lived 3 years 7 months 1 day.”<sup>55</sup> However, the term used to describe her status of foster child, *θρεπτή* (*threptē*),<sup>56</sup> can represent a number of meanings, listed by Ross Kraemer as including the following: “a slave raised in the owner’s household,” or “a child given by its parents to be raised by others,” or “a

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<sup>54</sup> For this inscription, David Noy suggests a date between the third and fourth centuries, CE. David Noy, *The City of Rome*, vol. 2 of *Jewish Inscriptions of Western Europe* (Cambridge: Cambridge University Press, 1995), 390.

<sup>55</sup> Noy, *City of Rome*, 390 (inscription is renumbered 489). The fact is that it is difficult to establish the exact identity of the proselyte in the inscription: as a young child Irene would not have made the decision to convert on her own. For additional discussion on this question, see Pieter W. van der Horst, *Ancient Jewish Epitaphs: An Introductory Survey of a Millennium of Jewish Funerary Epigraphy (300 BCE – 700 CE)* (CBET; Kampen: Kok Pharos, 1991), 110–111; and Ross S. Kraemer, “On the Meaning of the Term ‘Jew’ in Greco-Roman Inscriptions,” *HTR* 82 (1989): 35–53 (38–41).

<sup>56</sup> Appearing in the inscription as the term *θρεζπτή*, which is “generally accepted” as a form of *threptē*. Noy, *City of Rome*, 391.



child abandoned and raised by parents who discovered the foundling.”<sup>57</sup> Indeed, Jane Gardner writes of evidence from Roman Egypt of foundling children being taken in to be reared as a slave.<sup>58</sup> Furthermore, Constantine ruled in 331 that any individual who rescues and looks after an abandoned child may “retain the child in the position for which he intended it when he took it in—that is, as child or slave, as he prefers.”<sup>59</sup> While Irene is not specifically identified as a slave child, we do not know the exact relationship she held with her foster parents.

This case calls attention to the difference between Roman adoption and fostering, with the former guaranteeing freedom from slavery, and the latter leaving the matter open. We also know that this fostering was never equated with Roman adoption, evidenced in a Roman inscription dedicated to an individual by his foster mother: “Alexandria for Severanus her own foster-child (θρεπτῶ).”<sup>60</sup> We recall that women could not adopt within Roman law, and so the example of a woman caring for a child described by the term *threptē* would not refer to adoption. Passages that are sometimes described as situations of ancient “adoption” must be differentiated from that legal practice when they describe the practice of “*threptē*,” or “fostering,” instead.

A second example of possible female adoption relating to Roman law is that of the proselyte Sarah, from a grave inscription from the Jewish community of Cyrenaica. The inscription in question falls within a Roman period of provincial rule within Cyrenaica, belonging to present-day Libya.<sup>61</sup> The

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<sup>57</sup> Kraemer, “Meaning,” 39. See also John Boswell, who describes that the *alumnus* (the Latin equivalent to *threptos*) could be treated as a slave, or adopted as heir, or treated as “somewhere between an heir and a slave.” John Boswell, *The Kindness of Strangers: The Abandonment of Children in Western Europe from Late Antiquity to the Renaissance* (New York: Pantheon, 1988), 116–121, citation 118.

<sup>58</sup> Gardner, *Women*, 155–158.

<sup>59</sup> See Boswell, *Kindness of Strangers*, 71, who discusses the matter, quoting Theodosian Code 5.9.1 (*Theodosiani libri xvi cum constitutionibus Sirmondianis*, ed. Th. Mommsen [Berlin: Weidmann, 1905]).

<sup>60</sup> Noy, *City of Rome*, 216 (CIJ 144; inscription is renumbered 246). Cf. Harry J. Leon, *The Jews of Ancient Rome* (Philadelphia: Jewish Publication Society of America, 1960), 286.

<sup>61</sup> Cyrenaica, belonging to present-day Libya, had roughly two waves of Jewish immigrants; the first connected to emigrants from the Jewish community in Egypt in the period of the Ptolemaic Empire, and the second more substantial period starting in the second century BCE. During this second wave, rulership transitioned from Ptolemaic to Roman provincial rule between 96 and 74 BCE. Shim'on Applebaum, *Jews and Greeks in Ancient Cyrene* (SJLA; Leiden: Brill, 1979), 131, 139, 176. William Horbury and David Noy, *Jewish Inscriptions of Graeco-Roman Egypt: With an Index of the Jewish Inscriptions of Egypt and*

inscription is on a marble grave, in the northern necropolis of Cyrene. In the inscription, among other names listed, one finds a reference to “Sarah, the proselyte (προσήλυτος).”<sup>62</sup>

The tradition of taking on a Jewish name, such as Sarah, was common for gentile converts in this period.<sup>63</sup> What concerns us is the manner in which she became a proselyte. Two options for proselytes of Cyrenaica, as identified by Shimon Applebaum, would be “proselytes won over to Judaism by individual influence or by ownership of slaves.”<sup>64</sup> According to Gert Lüderitz, this “Sarah” might have been “a slave (or adopted foundling [adoptiertes Findelkind]) of a Jewish family and proselytized therein.”<sup>65</sup> In other words, Lüderitz hypothesizes that Applebaum’s second option of being converted as a slave is a possibility. Sarah may have been a “*threptē*,” with the meaning of a foster child functioning as a slave. As in the case of Irene, we cannot know for certain whether Sarah was raised as a slave or as a free child, even though it does seem likely that she was fostered in one of these two ways. On the one hand, Sarah is not identified as being “of” anyone in particular, which is the case in two other inscriptions from Cyrenaica of other “Sarahs.” The genitive usage in those cases, as with other individuals identified with the genitive also appearing in the present inscription, suggests that the women may have been slaves to the individuals named.<sup>66</sup> On the other hand, it has been argued by Catherine Hezser that rearing such a foster child as a son or a daughter (instead of as a slave) in both Jewish and Greco-Roman society would

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*Cyrenaica* (Cambridge: Cambridge University Press, 1992), 318; also Gert Lüderitz, *Corpus jüdischer Zeugnisse aus der Cyrenaika; mit einem Anhang von Joyce M. Reynolds* (BzTAVO; Wiesbaden: Reichert, 1983), 26–27.

<sup>62</sup> Lüderitz, *Corpus*, 26 no. 12 (English translation is that of the present author); Applebaum, *Jews and Greeks*, 154.

<sup>63</sup> In particular, Jean Juster calls attention to a sarcophagus inscription dedicated to “Veturia Paula, placed in her eternal home, who lived 86 years 6 months, a proselyte for 16 years under the name of Sara.” The inscription lays out the woman’s birth name, followed by the Jewish nomenclature that she took upon her conversion, namely “Sarah.” Jean Juster, *Les Juifs dans l’Empire romain: leur condition juridique, économique et sociale*, vol. 2 (Paris: Librairie Paul Geuthner, 1914), 234a. Translation from Noy, *City of Rome*, 457 (*CIL* VI, 29756; *CIJ* 523; inscription renumbered 577).

<sup>64</sup> Applebaum, *Jews and Greeks*, 159.

<sup>65</sup> Translation from the German is that of the present author. Lüderitz, *Corpus*, 27.

<sup>66</sup> See Lüderitz, *Corpus*, no. 31d, 48–50, “Sarah of Cartilius, 10 Years,” and no. 43c, 70–72, “Sarah of Scaeva, 17 years.” Referring again to no. 12 (the inscription under present study), there is also a “Jones/Joseph (Ἰωσῆς) of Crispus, 4 years,” a “Quintus of Quintus, 15 years,” and a “Lyka of Gaius, 58 years.”

be “exceptional.”<sup>67</sup> To reiterate, while Lüderitz uses the verb “adoption,” it is important to remember that in fact, Roman “adoption” is not the practice under consideration, but once again that of “fostering.”

Prominent findings from these two passages from within Roman tradition that have been questioned as possible cases of “female adoptions” are that first, neither of them is an actual adoption, but is rather representative of fostering.<sup>68</sup> In cases of fostering, ambiguity remains as to whether the children are reared as slave or free. Second, these examples highlight that when contrasted against fostering, Roman male adoption and/or heirship guarantees that adoption does not entail slavery. Adopted sons were in the same position as natural born sons so long as they remained in adoption.<sup>69</sup> Sons were not adopted for the sake of becoming slaves. The adoption of a male slave led to his manumission, and would presumably be for the sake of inheritance.<sup>70</sup>

#### *Summary of Findings Thus Far*

Overall, this essay attempts to find the best possible adoption practice that would fit not only with Paul’s metaphor of adoption, but that would also explain Paul’s need to choose the specific language of adoption of “children” of God, evidenced in Rom 8:17 as opposed to simply a “son” of God, evidenced in Gal 4:7. If Paul is purposefully trying to alter a metaphor to include women in a vision of adoption as heirs of Christ, then one would anticipate the tradition of adoption practices from which Paul is drawing for his own metaphor would exclude women in some way. The issue is complicated, as looking back at the combined observations from all three traditions of adoptions (or fosterings) vis-à-vis their stance toward women, both in law and in practice or literature, all three traditions of adoption exclude or diminish the place and role of women for the most part, and preference a default position of adoption of men. Nevertheless, based on the cases assessed above, the likelihood becomes evident that Paul draws on notions of Roman adoption over and above Jewish or Greek adoption traditions.

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<sup>67</sup> Catherine Hezser, *Jewish Slavery in Antiquity* (Oxford: Oxford University Press, 2005), 139.

<sup>68</sup> In the case of Esther, the text may relate to a practice of fostering that is not clearly defined. In the cases of Irene and Sarah, it appears a tradition of fostering for the purpose of slavery or raising a child as one’s own had a long existence throughout Roman tradition.

<sup>69</sup> Gaius, *Inst.* 2.136.

<sup>70</sup> Justinian, *Inst.* 1.11.12. On the possibility of the adoption of a slave by his master, see also Jane F. Gardner, “The Adoption of Roman Freedmen,” *Phoenix* 43 (1989): 236–257 (241); Lindsay, *Adoption*, 135–136.

Where women are concerned in the Jewish tradition of adoption, all examples of the use of an adoption formula were used with regard to male adoptees. In the only possible female example of Esther, a variant from a marriage formula was used instead, along with a root (מס) used typically for fostering. In Jewish scriptural tradition, there were no passages in biblical law with regard to adoptions. Nevertheless, a tradition of adoption formulas became evident, such as “to be to x as a son,” “to give birth on one’s knees,” and “lay someone in one’s lap.” However, none of these adoption formulas are evident in Paul’s adoption metaphors in Romans 8 and Galatians 4. Furthermore, the component of continuance of inheritance was not evidenced in the Elephantine papyrus adoption, while gaining inheritance in Christ is a component of Paul’s adoption metaphor, as evident in Rom 8:15–17 and Gal 4:5–7. Certainly, the Elephantine papyrus indicated that adoption of a slave could lead to manumission, suggestive of Paul’s indication that adoption leads to manumission and no longer slavery. Again, though, the instance described in the papyrus was for a male and not a female individual. For these reasons Paul’s substitution of language between a “son” and “children” does not appear to be due to restrictions from a Jewish and scriptural sonship adoption tradition.

In the tradition of Greek adoption, women could not adopt, having no will. On occasion women could be adopted, although there was an understanding that this adoption to “hold” the inheritance of an *oikos* was only temporary, until another suitable male heir became available. It would not make sense for Paul to carefully select gender neutral language for the sake of altering a tradition of Greek adoptions, because the permanence of a woman’s inheritance from adoption would nevertheless remain ambiguous. The Greek rulings concerning adoption furthermore did not substantiate a tradition of adoption of a slave for the sake of manumission, which is a proponent of Paul’s metaphor. Overall, the theory that Paul draws on the tradition of Greek testamentary adoptions is also unlikely.

Finally, within Roman legal tradition, women could not adopt, as they did not have *patria potestas*, and women were rarely adopted. A few cases were seen of women being taken in, although these cases were most likely cases of fostering, rather than adoption. It is furthermore possible that the women “adoptees” (fostered individuals) were taken in and became slaves, which runs counter to the tradition of male Roman adoption. There, adoption was undertaken for the sake of continuance of inheritance, and the adoption of a slave assuredly led to his manumission. As Paul is concerned with forging a narrative of adoption to achieve freedom from slavery, to gain heirship in Christ, then the ideal of Roman male adoption is an appropriate fit. Here, the general exclusion of women from Roman adoptions would provide a sound backdrop from which Paul

would need to make alterations to remove any contradictions between acceptance to heirship in Christ for both men and women, if there was evidence of the express inclusion of women in Paul's letter to the Romans.

### Step III: Women Leadership in Paul's Letter to the Romans

Having discounted the likelihood that a Jewish scriptural notion of "sonship" or that women's exclusion from Greek testamentary adoption are the reasons for Paul's substitution of vocabulary, we are left to verify the final hypothetical reason, namely that Paul seeks to include women alongside men in an adoption metaphor drawing on Roman concepts of adoption. To do this, we must consider whether there is evidence of such a necessity in the context of Paul's letter to the Romans, or general lack thereof in his letter to the Galatians. Indeed, when looking intratextually at Romans 16, we see that Paul gives accolades to multiple women in leadership roles. In particular, Paul introduces and provides a reference for Phoebe, a deacon, in Romans 16:1.<sup>71</sup> Paul also speaks highly of Prisca, who, along with her spouse Aquila, are described as individuals who "work with me [Paul] in Christ Jesus," and who "risked their necks for my life" in Rom 16:3–4.<sup>72</sup> Third, in Rom 16:7 is the case of Junia, who, along with Andronicus, are Paul's "relatives" and imprisoned with him, and are "prominent among the apostles." While some scholarship contests first, whether the name should be translated to reflect a woman ("Junia") or a man ("Junias"), and second, whether this individual is "well-known to" or "prominent among" the apostles, Linda Belleville's reappraisal of the

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<sup>71</sup> Julia Clancy-Smith, *Exemplary Women and Sacred Journeys: Women and Gender in Judaism, Christianity, and Islam from Late Antiquity to the Eve of Modernity* (Washington, DC: American Historical Association, 2006), 12; Joanna Dewey, "1 Timothy," in *Women's Bible Commentary*, ed. Carol A. Newsom, Sharon H. Ringe, and Jacqueline E. Lapsley, revised and updated (Louisville: Westminster John Knox, 2012), 444–449 (446–447); Elisabeth Schüssler Fiorenza, *In Memory of Her: A Feminist Theological Reconstruction of Christian Origins* (New York: Crossroad, 1983), 181–182; Karen Jo Torjesen, *When Women Were Priests: Women's Leadership in the Early Church and the Scandal of Their Subordination in the Rise of Christianity* (San Francisco: HarperOne, 1993), 128.

<sup>72</sup> Dominika A. Kurek-Chomycz observes that all manuscript evidence lists Prisca's name first, and that the nondiminutive form of her name ("Prisca" as opposed to "Priscilla," the latter of which was inserted consistently by witnesses in 1 Cor 16:19) is most likely the original reading in Rom 16:3, since the passage extols the couple to such an extent that a likely derogatory use of the diminutive form could not be inserted here by copyists. See Dominika A. Kurek-Chomycz, "Is There an 'Anti-Priscan' Tendency in the Manuscripts? Some Textual Problems with Prisca and Aquila," *JBL* 125 (2006): 107–128 (113–17).

arguments seems cogent, namely that “the masculine Junias and the attribution ‘well-known to the apostles’ are without linguistic or grammatical foundation.”<sup>73</sup> Thus we find a tradition of women leaders within early Christ communities, the presence of whom would provide ample necessity for Paul to ensure no confusion in their leadership status and inclusion in his metaphorical use of Roman adoption and heirship tradition.

Meanwhile, the letter to the Galatians makes no reference to specific female leaders. The letter addresses an issue pertaining to men, namely physical circumcision,<sup>74</sup> and both sender and addressees are male. Even in the letter’s absence of female leadership or addressees, certain scholarship has proposed that Gal 3:28 (“There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus”) may represent a “radical egalitarianism” on the part of Paul.<sup>75</sup> In this instance, to account for Paul’s seeming about-face in 1 Cor 11:7–8, it has been suggested that Paul’s “egalitarian” view taken in Gal 3:28 is simply too radical to achieve in the long

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<sup>73</sup> Linda Belleville, “Ἰουνιαν . . . ἐπίσημοι ἐν τοῖς ἀποστόλοις: A Re-examination of Romans 16.7 in Light of Primary Source Materials,” *NTS* 51 (2005): 231–249 (232). Belleville argues that when analyzing Ἰουνιαν as a Greek transliteration of a Latin name, there are “hundreds of instances” of the name in Latin anthologies, countering the argument that Junia was “not a common woman’s name in the Greek-speaking world” (234). Furthermore, Belleville finds that all patristic commentators attest to an inclusive reading (“prominent among the disciples,” per Belleville, 248) for the phrase ἐν τοῖς ἀποστόλοις as opposed to the exclusive rendering “well-known to the apostles” (248), as argued by Michael H. Burer and Daniel B. Wallace. See also Michael H. Burer and Daniel B. Wallace, “Was Junia Really an Apostle? A Re-examination of Romans 16.7,” *NTS* 47 (2001): 76–91.

<sup>74</sup> The emphasis is on male physical circumcision, as opposed to, for example, the spiritual circumcision of the heart referenced in Rom 2:28–29.

<sup>75</sup> The term is borrowed from Dennis MacDonald’s description of the scholarly view supporting an egalitarian perspective toward men and women when reading Gal 3:28. Dennis Ronald MacDonald, *There Is No Male and Female* (HDR 20; Philadelphia: Fortress Press, 1987), 1. The only manner in which one could interpret the passage to be “egalitarian” would be to apply the concept to Jennifer Glancy’s argument that “the tropes of slavery and freedom that pervade Galatians 4” are gendered, including male and female, and both negatively so. Glancy argues the male slave is excluded from “systems of paternity or filiation” and that female slaves are sexually vulnerable. In other words, in this construct, male and female slaves are “equal” in terms of their subjugation. The present essay argues differently from Glancy regarding the male slave, as male slaves can become heirs through adoption in Roman law. Jennifer A. Glancy, *Slavery in Early Christianity* (Oxford: Oxford University Press, 2002), 34 and 35, respectively.

term.<sup>76</sup> If such an egalitarian interpretation were to be the case, then the absence of gender neutrality as exhibited in Gal 4:7 when contrasted against Rom 8:17 would seem a puzzling contradiction. However, looking to Paul's use of the practice of rewriting, it becomes apparent that in Gal 3:27–28 Paul is likely reworking a pre-Pauline baptismal formula, that includes the three pairs of contrasting components (Jew/Greek; slave/free; male/female).<sup>77</sup> Dennis MacDonald suggests that the shortened reference to the formula in its subsequent reuse in 1 Cor 12:13, leaving out the reference to male and female, indicates “this pair was the least important for Paul.”<sup>78</sup> Viewing the passage in Galatians through the perspective that Paul was simply drawing on a baptismal formula to “appeal for the unity of Jews and Greeks in Christ,” and not to express a “feminist” perspective, makes more sense in light of an absence of any identified women in leadership in Galatians.<sup>79</sup> Consequently, even though the formula's seeming effacement of gender differentiation is still extant as a vestige in the letter to the Galatians, its presence is not evidence that contemporary women are in view within the content of the letter and the intended audience.<sup>80</sup> Paul's allusions to male-centric Roman adoption in the letter to the Galatians would thus require no modification.

A second and related issue requiring confirmation concerns whether Paul's use of *υἱός* (“son”) to represent Christ-followers in Gal 4:7, altered to *τέκνα* (“children”) in Rom 8:17, is truly instigated by a necessity to transform a Roman adoption metaphor to include women alongside men, and not by other reasons. A comparison between these two passages and environs confirms an otherwise parallel structure and similar use of “son” and “child” language: the term “children” (*τέκνα*) is used when followers are likened to members of the Abrahamic lineage who receive a promise (Gal 4:28; Rom 9:7, 8), and the term “son” or plural “sons” (*υἱός*, *υἱοί*) is used when drawing an analogy between Jesus as God's son with Christ followers as God's adopted sons made possible through the Spirit (Gal 4:4–6; Rom 8:3, 14–15). Following these parallels, one would

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<sup>76</sup> See MacDonald, *There Is No Male and Female*, 1–2, for a comprehensive overview of scholarship that takes this view.

<sup>77</sup> A summary of the proposed distilled components of the baptismal formula used and reworked by Paul can be found in MacDonald, *There Is No Male and Female*, 5–9.

<sup>78</sup> MacDonald, *There Is No Male and Female*, 130.

<sup>79</sup> MacDonald, *There Is No Male and Female*, 130.

<sup>80</sup> Furthermore, the fact that Paul does not seem to be actively taking up an egalitarian cause does not contradict his later, practical recognition that women are able leaders in early Pauline Christ communities.

anticipate that both passages would use the same language of sonship in the subsequent line of argumentation, namely that of linking adoptive sonship with heirship, as in Roman adoptions. While Gal 4:7 uses this language of a “son” as heir, it is only here that Rom 8:16–17 deviates from the pattern with the use of the language of “children” as heirs, instead. Other than the need to recast the Roman adoption metaphor in the context of the letter to the Romans to accommodate adoption and heirship extending beyond solely men, there is no other obvious reason for this change in terminology.<sup>81</sup> This intratextual comparison lends confirmation to the present study’s finding that the change in content and audience described above prescribes Paul’s change in terminology from “son” to “children” in what are otherwise very similar phrases concerning adoption into heirship with Christ.

### **Summary and Conclusions**

This study analyzed Paul’s metaphor of adoption in Galatians and Romans through the lens of the scribal manipulation present in Paul’s own rewriting, altering “if a son, then an heir” to “if children, then heirs” between Gal 4:7 and Rom 8:17. The study questioned for what reason Paul would make a change from a masculine reference to a more gender-inclusive reference. Consequently, the study reassessed the tradition of adoption within the three traditions debated among scholarship as the base for Paul’s adoption metaphor, namely Jewish, Greek, and Roman, with a view toward the place of women within these traditions. Would any of them include or exclude women in a way that would necessitate such a change in terminology? Overall, it was discerned that the tradition of Roman adoption was the best fit. There was no legal tradition of adoption in Jewish tradition, and that scriptural tradition utilized an adoption formula nowhere present in Paul’s writings. Meanwhile, a few scant examples within Greek adoptions did include women for the sake of becoming heirs. Nevertheless, when

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<sup>81</sup> Michael Peppard calls attention to the fact that the parallel passage, as it is rewritten in Romans, emphasizes the “adult-age” or “eschatological-age” time frame of “adoption into God’s family,” over and above the parallel passage in Galatians. Ernst Käsemann, however, suggests that Paul’s use of the term “heirship” in Rom 8:17 indicates an eschatological time frame is already in view, even though Paul fills out this vision in more detail in Rom 8:18–25. In that Gal 4:7 also refers to heirship, the likelihood diminishes of any sort of implied future era to be the cause for the change in terms from “son” to “children.” See Michael Peppard, “Adopted and Begotten Sons of God: Paul and John on Divine Sonship,” *CBQ* 73 (2011): 93–110 (95–97, citation 96); Ernst Käsemann, *Commentary on Romans*, trans. and ed. Geoffrey W. Bromiley (Grand Rapids: Eerdmans, 1980), 229.



they did, holding the heirship was not permanent. Borrowing from such a tradition would be ambiguous for Paul's writings, as such a metaphor might suggest women could become heirs, but whether they could remain so would be questioned. Finally, Roman adoptions suggested that women were rarely adopted, although sometimes fostered. Even then, however, the fosterage may have been to serve as slaves and not as heirs. However, the adoption of male slaves led to their manumission and inclusion as heirs. To invert his notion of adoption for all children to become heirs of Christ based on a Roman notion of adoption would include women as free and manumitted individuals, as men were. And finally, female leadership described in the letter to the Romans would necessitate such a rearticulation of Roman adoption: Paul's leaders, male and female, would need to be clearly included in Paul's vision of heirship in Christ.

Tracing the roots of Paul's adoption metaphor in the manner pursued above highlights an important additional observation: on the one hand, Paul veers from Jewish scriptural formulas and constructs of adoption in pursuit of a Roman model instead. Nevertheless, on the other, he uses a method deeply engrained within Jewish scriptural tradition — rewriting for the sake of adapting to new contexts, in this case entailing the leadership of women in the Roman community.