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Adoption Metaphor and the Security of the Believer

Francis Lyall, Professor of Public Law
University of Aberdeen, Scotland, U.K.

Introduction

The New Testament uses many similes, metaphors and other figures of speech.¹ These are ways of thinking of profound truths, and are given to us so that we can both comprehend and appreciate certain matters. They are not to be taken as precisely accurate technical explanations, but draw on known ideas so as to allow an understanding and a grasp of theological truth. They are ‘as if’ statements.² For example, in Heb. 12:1 we are exhorted to run the race setting aside everything that would hinder us – compare athletic meetings every summer – but how many of us strip off and run? ‘Adoption’ is one such figure of speech, and is a very clear legal analogue communicating valuable truths. It has produced sundry theological musings,³ and appears compactly in some Reformation confessions of faith, but these latter conceal something rather strange.

¹ Of course there are figures of speech also in the Old Testament, as well as the ‘acted parables’ of the prophets, which serve a similar function.

² J.D.M.Derrett, *Jesus’s Audience*, (London: Darton, Longman & Todd, 1973) 101-106.

³ I am reluctant to cite any, as in the main their well-intentioned musings are undercut by their patent ignorance of law.

The Confessions⁴

While dealing with Predestination, the Thirteenth Chapter of the Thirty-Nine Articles of Religion of the Church of England of 1571 says that by predestination Christians are made sons of God by adoption. The Canons of Dordt of 1618, Article Seven ‘On Election’, states *inter alia* that God predestined those ‘whom he adopted as his children through Jesus Christ’. The fullest treatment, however, is in Chapter Twelve of the Westminster Confession of Faith of 1647 which states ‘Of Adoption’:

All those that are justified, God vouchsafeth, in and for his only Son Jesus Christ, to make partakers of the grace of adoption: by which they are taken into the number, and enjoy the liberties and privileges of the children of God; have his name put upon them; receive the Spirit of adoption; have access to the throne of grace with boldness; are enabled to cry, Abba, Father; are pitied, protected, provided for, and chastened by his as by a father; yet never cast off, but sealed to the day of redemption, and inherit the promises, as heirs of everlasting salvation.⁵

The Source

There are many places in the New Testament in which the author uses the language of law to put across the message.⁶ Slavery, freedmen, citizenship, earnest (arrha), marriage and inheritance all provide images: adoption is one among many. The strangeness of the Reformation confessions is that at the time that they were being drafted there was no contemporary law of adoption to provide meaning for the concept of adoption they refer to, and there had not in law been a concept of adoption for centuries.⁷ What was relied on

⁴ Conveniently available at the website of the Center for Reformed Theology and Apologetics:

www.reformed.org/documents/index.html.

⁵ See also Question 74 of the Larger Catechism, and Question 34 of the Shorter Catechism, both adopted by the Westminster Assembly.

⁶ See F. Lyall, *Slaves, Citizens, Sons: Legal Metaphors in the Epistles* (Grand Rapids: Academic Books, Zondervans, 1984).

⁷ The first British law on the matter was the Adoption Act of 1930. In the British Empire the first was the New Zealand Adoption of Children Act of 1881. In the US the Massachusetts Adoption of Children Act of 1851 takes precedence. On the Continent, adoption fell into oblivion as a legal process with the fall of the Roman Empire. It reappears in the French *Code Civile* of 1793: see J. Carbonnier, [Footnote continued on next page ...]

was the use of the word in the New Testament, as that was understood by their drafters. We do not know what that understanding was,⁸ but later theologians have written about ‘adoption’, using ideas of their own times, not always illuminatingly.

That is not good enough. Any attempt to read modern ideas into the concept of adoption hides the depths of the truth the analogy contains. Modern adoption is not adoption as known in New Testament times. Properly, to appreciate what was being said, we need to understand the legal notion that is being drawn upon by the writer. We have also to consider the likelihood that the author himself knew both what he was talking about and how the recipients of his letters would understand the concept.

To take the latter point first: ‘adoption’ is a term employed only by Paul among the New Testament writers. Paul uses it five times: three times in Romans, Romans 8:15, 8:23 and 9:4, and once each in Ephesians 1:5 and in Galatians 4:5. In Rom. 8: 15, Eph. 1: 5 and Gal. 4:5 the adoption metaphor points to the selection of believers as members of God’s family and under the guidance and authority of the Father. In Rom. 9:4 the place of the Jews as the chosen people is underlined. Last, the allusion in Rom. 8: 23 to waiting for the adoption refers to the final transformation, when we will totally pass from our former state into something wholly new.

In terms of Paul’s audience, those in Rome would certainly have known Roman law. It was the law ruling in their community. There is reason also to believe that those in Ephesus, a major city in Asia Minor, though not itself a Roman colony, would have sufficient knowledge to decode the imagery. The churches in Galatia, if they were Derbe and Lystra, would also have known the idea, and if Galatians was written to churches in North Galatia, these were even

Droit civil, 2/ La Famille, 18th ed., 1997, 479-498, in *Themis: Droit Prive*, C. Labrusse-Riou ed., (Paris: Presses Universitaires de France, 1997); and H. and L. Mazeaud, J. Mazeaud and F. Chabas, *Lecons de Droit Civil: La famille*, Tome 1, vol. 3. (Paris: Monchrestien, 1995) 443-445.

⁸ Calvin’s *Institutes* makes frequent reference to adoption, but without elaborating its legal basis. See John Calvin: *Institutes of the Christian Religion*, J.T. McNeill, ed., F.L. Battles, trans., (Vol. XX of The Library of the Christian Classics) (Philadelphia: Westminster Press, 1960) 2 vols., vol. 1, 555, n. 25. Calvin trained as a lawyer before entering the Church.

more Romanised. Apart from some sort of personal knowledge, adoption was the way in which the Imperial family was perpetuating itself and so would have been known to non-Romans throughout the Empire.⁹ As for the writer, Paul himself was born a Roman citizen (Acts 22:28), and therefore both a subject of and able to use Roman Law. That was the basis of his appeal to Caesar (Acts 25: 10-12). He was also legal trained – a lawyer – and therefore his knowledge of law (whether Jewish or Roman) and use of its terms would have been more informed than that of an ordinary person.¹⁰ In short, on these grounds alone it seems most likely that one should look to Roman Law to round out the concept of ‘adoption’ in the New Testament.

But what of other possibilities? Was Jewish law, Greek law or any other a contender for the origin of Paul’s words? Within the Roman Empire there were many laws, not just Roman law. One was subject to the law of one’s province or nationality, or even of one’s home city. Whether within any given community one could rely on these other laws for protection depended on whether that law was recognised and was permitted its own system of enforcement.¹¹ Roman law was the superior law, would take precedence for those entitled to its protection, and was therefore highly valued by its citizens, and an object of envy to others.¹² But, as said, other laws existed within the Empire and might be thought to provide some basis for Paul’s language. However, for adoption, the long and the short of

⁹ See Lyall, n. 6, Appendix 4, ‘The Epistles’, 223-238.

¹⁰ I assert this through my own experience. Whatever one’s original basic legal training one picks up all sorts of knowledge about how this and that legal system do certain things. Paul was a trained Jewish lawyer, but as a citizen he would have known the law of his citizenship. See Lyall, n. 6, Appendix 5, ‘Paul’, 239-249.

¹¹ This could happen where there was a sufficient community of the particular ‘nationality’, and the local ruling authority was agreeable.

¹² Cf. the changed attitude of the Roman centurion and others in Acts 22: 29 after learning that Paul was a Roman citizen, and the similar reaction of the authorities in Philippi (Acts 37-39).

the matter is that Jewish law did not have a concept of adoption.¹³ In Greek law adoption was not common and was used as a testamentary device – you ‘adopted’ by will the person whom you wanted to inherit your estate.¹⁴ In the Near East, Babylonian law used adoption as a way to place a son for apprenticeship purposes, he returning to your family when he had served his time and learned his trade.¹⁵ None of these provide as satisfactory as full meaning for ‘adoption’ as does Roman law.

Accordingly I refer ‘adoption’ as used by Paul to Roman law as its origin and therefore explore its meaning within that context.

The Meaning

In all legal systems that have the concept, adoption involves a change of formal legal relationship between people.¹⁶ As a matter of law someone leaves his or her family and becomes part of another family – in law one can only be part of one family at a time. Adoption is therefore an element of Family Law, and involves fundamental personal relationships. It also is a matter of status.¹⁷

¹³ Lyall, n. 6, 70 – 81.

¹⁴ Cf. D.M. MacDowell, *The Law in Classical Athens*, (Ithaca, NY: Cornell UP; London: Thames and Hudson, 1978) 99-108. Of course other Greek cities might have had different adoption law and practice, but nothing is known of these.

¹⁵ See Lyall, n. 6, ch. 4, ‘Adoption’, 67-99, with Notes at 259-263

¹⁶ As a formal legal matter, Islam does not have the concept of adoption although it recognizes as it as a form of words giving an indication that someone is treated as ‘family’. However, there is no formal legal process and the relationship with the old family remains, and there is no legal relationship as son or daughter with the new family: see Koran 33: 4-5.

¹⁷ In law ‘status’ involves rights and duties, privileges and immunities, abilities and disabilities that can not be altered by negotiation or agreement.

In Roman law, assuming that you were a citizen and not a slave, there were different possibilities as to family status.¹⁸ You were either *sui iuris*, that is independent and not controlled as a matter of law by another. As such you might be single, but if you were married or had lawful children you were yourself a head of a family – a *paterfamilias*,¹⁹ - with others subservient to your authority. If you were under the family authority -- under the *potestas* (power) -- of a *paterfamilias*, you were *alieni iuris* (sc. under the law of another). Different adoption procedures applied in the two fundamental cases; *adrogatio* of someone *sui iuris*, and *adoptio* of someone *alieni iuris*. Over the centuries both procedures mutated. For our purposes what is important is what they were and their effects in New Testament times.²⁰

Adrogatio was in a sense of greater significance in the social structure of the community. For Romans the *paterfamilias* was extremely important. As the head of the family he was responsible for the family cult, performing the ritual worship of the family gods,

¹⁸ Generally: W.W. Buckland, *A Textbook of Roman Law from Augustus to Justinian*, 3rd ed. rev. P. Stein (Cambridge: Cambridge UP, 1963), 101-141; H.F. Jolowicz, *Historical Introduction to the Study of Roman Law*, 2nd ed., (Cambridge: Cambridge UP, 1961), 242-268. The *Institutes of Gaius* I. 97 – 107, 134 – 135a, deals with adoption. Gaius, who had a historical bent, wrote c. 161. a.d.. See F. de Zulueta, trans and ed., *The Institutes of Gaius*, 2 vols. (Oxford: Oxford UP, 1946) (text and translation in vol. 1; commentary on adoption in vol. 2, 33 - 34, 42 – 44) which uses the most up-to-date text, or J. Muirhead, trans. and ed., *The Institutes of Gaius and Rules of Ulpian* (Edinburgh: T&T Clark, 1880) (commentary in footnotes).

¹⁹ As '*pater*' = '*father*' implies, only males could be heads of families. Women could be *sui iuris*, but if married were under the *manus* of the husband and so were *alieni iuris*.

²⁰ Both Buckland and Jolowicz (n. 18) outline and discuss adoption law as at different times from Republican times, through classical law, the Dominate and down to Justinian. Roman legal history develops over some 1100 years, from the Twelve Tables of 450 bc to Justinian's codifications and revisions of c. 560 ad.

and in particular of the *genius* or tutelary spirit of the family. The adoption of the *paterfamilias* of another family therefore involved the termination of his family cult. This was obviously a serious step involving religion and therefore originally there was a preliminary inquiry by the pontiffs into the motives and desirability of the adoption. If they approved the matter went to an official body of citizens²¹ in a procedure chaired by the *pontifex maximus*. If the assembly approved the adoptee denounced his family cult – the *detestatio sacrorum*. The adoptee (and all those of whom he was formerly the *paterfamilias*) was then placed under the authority of the new *paterfamilias*. By analogy, becoming a Christian can be thought of as being called by one's new 'Father' to deny and depart from the gods that one previously worshipped and become part of a new family.²²

Adoptio was the adoption of someone who was part of, but was not the head of, another family – someone who was *alieni iuris*. Here only the person being adopted was involved, not his children or wife if any, and what happened was that the new 'Father' asserted his right as a *paterfamilias*, the adoptee having gone through a fictitious sale procedure by his former *paterfamilias*.²³ The analogy of one's being 'bought by the blood of Christ' is obvious.

21 Originally this was the *comitia curiata*, but they seem to have been replaced by thirty lectors by the time of Cicero.

22 Obviously as the *adrogatio* procedure involved officials in Rome, originally it could take place only there. Under the Empire *adrogatio* was allowed by imperial rescript, and therefore could take place anywhere.

23 Buckland, n.18, at 121, outlines the procedure which derived from an old rule that if a father sold a son three times, the son was free from his *potestas*. The intention is that X, son of A should be adopted by C. A, the father sold X the son to B, who 'freed' him, but that put X back under A's *potestas*. A second sale from A to B then occurred, and again B freed X. Then A sold X to B again. However, this time B did not free X. C, the real adopter, then brought an action to recover 'his' son from B. B did not defend the action, and X was adjudged to belong to the *potestas* of C, claiming *paterfamilias* status
[Footnote continued on next page ...]

In both *adrogatio* and *adoptio* all of the adoptee's legal ties with his former family were terminated, and he was placed under the full authority of his new Father. Adoption therefore has significance for us not in its detail but in the concept of someone originally not part of particular family leaves his or her former family and becomes part of that new family and comes under the authority of its *paterfamilias*. The authority of the *pater* was absolute in private law.²⁴ The *pater* had powers of discipline, up to death. The *paterfamilias* owned the 'property' of all members of his family, and so on. Although the *pater* could give monies to a son or daughter to trade with, he ultimately benefited or lost by their transactions. He could arrange marriages, and even divorces. On the other hand he had duties to look after all those in his family, supporting them financially and otherwise. Indeed in the matter of responsibility, things went further. For example, if a son injured another person it was the *pater* that was responsible in damages.

All these elements contribute to the assurance that the Christian can have in appreciating his salvation as becoming one of the sons or daughters of the Father, making one able to call him 'Abba, Father' (Rom. 8:15²⁵).

But some may query whether there is not in all this the threat that an adopted child,²⁶ under the *potestas* of the heavenly Father, could

and therefore all family rights over X. As this procedure only required a magistrate, not one in Rome, it could occur anywhere here there was a Roman magistrate available. See also for an almost contemporary account *Gaius* cited above n. 18.

²⁴ As a matter of public law, for example a son becoming a magistrate, the paternal authority was limited.

²⁵ Actually Rom. 8:15 speaks of going from slavery into sonship – an even starker transformation.

²⁶ I use the word 'child', but the Roman adoption procedures could occur at any age. I have also been using male language. *Adoptio* of a female was possible. Until classical times, however, *adrogatio* of a female would not happen as a female could not be the priest of a family cult – though priestesses of various public gods certainly existed.

have that status revoked or lost by the Father either by him freeing that son, making him *sui iuris*, by allowing his adoption by another, or even by selling him as a slave? Later Roman law did restrict what an adopter might do – usually in relation to matters of succession -- but in New Testament times that had not happened. So it must be agreed that the analogy of adoption is not cast-iron. My personal response to this point is that it is always an error to push analogies too far. Analogies are given to allow us to grasp and believe truth, not to provide blueprints. There is no biblical evidence that God does cast off his children.²⁷ ‘Abba, Father’ may be difficult for those whose

²⁷ Prof. Doug Kennard, *Predestined to Adoption* (Eph. 1:4–6, 11–12) (modified): God predetermined before we were here that we would be a divine family through the adoption process. This adoption process implies that we Gentiles were not initially experientially in this condition of blessing and inclusion (Eph. 2:11; Rom. 9:4; Gal. 4:5). However, the fact that this adoption was predetermined shows that our inclusion was within the divine plan all along. The active verb “chose” extends the divine activity into the aorist participle “predestined” much like it had accomplished in the previous aorist participle “blessed” (Eph. 1:4–5). This active choice is further applied into real life as grace freely bestowed (ie. another supporting active verb; Eph. 1:6). This divine activity is motivated and accomplished in the sphere of God’s love (Eph. 1:4); so that one aspect of adoption is to make us family with all the benefits of love that this relationship entails.

This adoption relationship also works on the level of Greco–Roman adoption which provides inheritance and the authority of the relationship (which could frame a political network by serving in office). The inheritance is mystically identified as in Christ (Eph. 1:10). The expression of inheritance is in the near context also identified as predestined, and thus making us heirs of God and fellow heirs with Christ (Eph. 1:11; Rom. 8:15–17). So we share in the privilege and wealth of Christ’s inheritance. This inheritance stretches out into the future thus guaranteeing our security of salvation. If such inheritance includes a role of responsibility (as it usually does in that context)[1] then the Greco–Roman practice of adoption to develop political allegiance may serve as a foundation for

[Footnote continued on next page ...]

relationship with their human father has been imperfect. My father was killed in the Second World War when I was only one year old, and I only began to see what the fatherhood of God really meant when I became a father myself. So, for those troubled I would say, hold on to your ‘adoption’. It will mean more as time goes on. You may lack the referents fully to appreciate what this metaphor implies. Indeed, I suppose some may never do so. Nonetheless, grapple with it. Extraordinarily, for I do not believe that the Westminster divines knew Roman Law, their summation of the biblical teaching is an accurate reflection of the Roman law of New Testament times. It indicates ways to grasp how, in Christ, having been one of a different family, one becomes one of the family which has God as its *paterfamilias*. Whether one likes to think of oneself prior to conversion as independent (*sui iuris*) or under the authority of another (*alieni iuris* to Satan) adoption indicates the security inherent on now through adoption by him having God as our Father. To him we owe obedience, and from him we gain everlasting privileges. But it all goes further than that bald statement: in the very best sense, by adoption we become sons and daughters of God, joint-heirs with Christ (Rom. 8: 17). Families are societies, not groups of individuals bound together only by rights, duties and rules.

service on two levels: 1) in this age, authoritative people in distinctive roles are then given to the church (Eph 4:11–13 grounded in the soteriology of Eph. 1), and 2) in the age to come, we will eventually reign with Christ (Rom. 8:15–17; cf. Mt. 19: 28; Lk. 19:14–15, 17, 19; Rev. 20:4, 6).

The goal of this inheritance with Christ is that in our being adopted, God is glorified (Eph. 1:12). Likewise, the predestination extends to all aspects of the counsel of God’s will (Eph. 1:11–12). At this point Paul breaks out in praise and reminds us that our salvation goes beyond us to include God’s glory.

Footnote: In second temple Judaism reward includes increased responsibility (*m. ‘Abot 4.2; b. Ber. 11b*) and Greco–Roman adoption was one of the main political mechanisms to build a political power base (cf. Lily Ross Taylor, *Party Politics in the Age of Caesar* [Berkeley, University of California Press, 1971], pp. 34, 91, and a prime example of Clodius is discussed on p. 88).