

CONTRACTS

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The Use of Form in Contracting

The Bible describes God's Acovenant@ with Abraham as follows:

And now God said to him, I am the Lord, who brought thee out of Ur of the Chaldees, to give thee possession of this land instead. And when he asked, Lord God, what assurance may I have that it is mine? The Lord answered, Bring me a three-year-old heifer, a three-year-old she-goat, and a three-year-old ram, an a turtle-dove, and a pigeon. All these he brought to him, and cut them in half, laying the two halves of each on opposite sides, except the dove and the pigeon; he did not divide these. . . . So the sun went down, and when the darkness of night came on, a smoking furnace was seen, a torch of fire that passed between the pieces of flesh. And the Lord, that day, made a covenant with Abram.@ (Genesis 15:7-10, 17-18)

What is the formality observed by God and Abraham?

Which of the functions of legal formality does this ritual perform?