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The Making of a Covenant: The Book of Deuteronomy

In the ancient Near East and the Torah, covenants were enacted with both a written text and a series of ritual actions.

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Israel at Mts. Ebal and Gerizim, offering sacrifices and inscribing the Torah on stones (left). Based on a print by Jan Luyken (1683–1762). Rijksmuseum

On its face, Deuteronomy is a book of law. The opening and closing chapters provide a narrative backdrop and setting for the legal material in chapters 12–26. Less obvious is Deuteronomy’s nature as a book shaped by persuasion and ritual.[1]

The book is structured as a set of speeches given by Moses to the people before they cross the Jordan to enter the promised land. In a sense, Deuteronomy is a collection of Moses’s final sermons before he sings his final songs and dies at the end of the book. Like all good sermons, these speeches are intended to persuade listeners, in this particular case, to ensure that the Israelites follow the covenant and its statutes.

Persuasion in Deuteronomy is accomplished not just by the delivery of inspiring words. In order to achieve its goals, Deuteronomy’s authors framed the text as a covenant, following the ancient Near Eastern norms of such covenants by incorporating into the document both text and ritual.[2]

Ritual Accompanied Ancient Near Eastern Oaths

Scholars have long observed that Deuteronomy shares elements with treaties from the world around ancient Israel—from the Hittites, Arameans, and Assyrians. These include: a narrative preamble or pre-history, a set of laws or legal stipulations, an oath or pledge of loyalty, and a long list of curses that would fall upon anyone who violated their oath.[3]

Oath Ceremonies with Ritual Acts

The ratification of such treaties and oaths was an event, a ceremonial enactment in which ritual played a critical role. Letters from the royal archives of Nineveh, the capital of the Assyrian Empire from 705 to 612 B.C.E., indicate that ratifying an an *adê*, an oath-agreement, required at least two stages: entering (*erēbu*) agreement and concluding (*šakānu*) it. The text of Esarhaddon’s Succession Treaty, for example, was apparently incorporated into a multi-day ceremony with a formal enactment of some sort—an event or series of events.

Some Hittite military oaths, and an Assyrian treaty oath between Mati’ilu and Aššur-Nirari V (SAA II 2), suggest that a ceremonial enactment, such as the slaughter of animals and ritual eating and drinking, was part of the oath-making process. Oaths in ancient Greece involved similar elements, such as the building of an altar and the proclamation of blessings and curses.

Curses to (Re-)Enforce Esarhaddon’s Succession Treaty

Ritual enactments could also include reading aloud a set of curses specifying the punishments for oath-breaking. Oath-swearing thus became an act of self-cursing designed to ensure obedience and enforcement of the terms of the oath by instilling fear on the part of the oath-maker.

The persuasive power of the curses was sometimes reinforced by their dramatic enactment as part of the oath ratification ceremony. In Esarhaddon’s Succession Treaty, for example, the ritual expert would speak the following words as part of an animal sacrifice:

Just as young sheep and ewes and male and female spring lambs are slit open and their entrails rolled down over their feet, so may (your entrails and) the entrails of your sons and your daughters roll down over your feet.[4]

The reading and performance of the curses could also be reinforced by the public display of the curses on stelae and tablets.

Thus, these treaty or oath texts were more than just texts. They also essentially served as partial scripts for a physical performance of a series of ritual actions, including an oral recitation of the terms of the treaty, ritual display of the written text of the treaty, animal sacrifice, or the enactment of curses to be meted out upon violators of the treaty. In combination with the written text, the ritual represents the norm by which binding agreements between two parties were expressed and enacted in the ancient Near East. Without these actions, the agreement would not be binding or effectual.

Ritual Accompanied Oaths in the Torah

The biblical authors were familiar with these oath-making norms, as we find several similar rituals in the Torah.

YHWH’s Covenant with Abraham

When YHWH makes his covenant with Abraham, he requires Abraham to sacrifice several animals, cut them in half and place the pieces opposite each other on the ground (Gen 15:9–10). YHWH, in the image of an oven or torch, then passes between the pieces while speaking aloud the words of his covenant with Abraham:

בראשׁית טו:יז וַיְהִי הַשֶּׁמֶשׁ בָּאָה וַעֲלָטָה הָיָה וְהִנֵּה תַנּוּר עָשָׁן וְלַפִּיד אֵשׁ אֲשֶׁר עָבַר בֵּין הַגְּזָרִים הָאֵלֶּה. טו:יח בַּיּוֹם הַהוּא כָּרַת יְ־הוָה אֶת אַבְרָם בְּרִית לֵאמֹר לְזַרְעֲךָ נָתַתִּי אֶת הָאָרֶץ הַזֹּאת מִנְּהַר מִצְרַיִם עַד הַנָּהָר הַגָּדֹל נְהַר פְּרָת.

Gen 15:17 When the sun set and it was very dark, there appeared a smoking oven, and a flaming torch which passed between those pieces. 15:18 On that day YHWH made a covenant with Abram, saying, “To your offspring I assign this land, from the river of Egypt to the great river, the river Euphrates.”[5]

Jacob’s and Laban’s Covenant

When Jacob runs away with his wives and chidren to return to his homeland, Laban chases after him. After being warned by YHWH not to harm Jacob, Laban offers a covenant of peace between them.[6]

בראשׁית לא:מד וְעַתָּה לְכָה נִכְרְתָה בְרִית אֲנִי וָאָתָּה וְהָיָה לְעֵד בֵּינִי וּבֵינֶךָ.

Gen 31:44 “Come, then, let us make a covenant, you and I, that there may be a witness between you and me.”

Their ritual involves setting up a pillar and a mound of stones and sharing a meal:

בראשׁית לא:מה וַיִּקַּח יַעֲקֹב אָבֶן וַיְרִימֶהָ מַצֵּבָה. לא:מו וַיֹּאמֶר יַעֲקֹב לְאֶחָיו לִקְטוּ אֲבָנִים וַיִּקְחוּ אֲבָנִים וַיַּעֲשׂוּ גָל וַיֹּאכְלוּ שָׁם עַל הַגָּל.

Gen 31:45 Thereupon Jacob took a stone and set it up as a pillar. 31:46 And Jacob said to his kinsmen, “Gather stones.” So they took stones and made a mound; and they partook of a meal there by the mound.

Laban then announces the terms of the agreement, and Jacob swears to follow them (vv. 51–53).[7] This oral declaration is followed by a sacrifice and completion of the ritual meal:

בראשׁית לא:נד וַיִּזְבַּח יַעֲקֹב זֶבַח בָּהָר וַיִּקְרָא לְאֶחָיו לֶאֱכָל לָחֶם וַיֹּאכְלוּ לֶחֶם וַיָּלִינוּ בָּהָר.

Gen 31:54 Jacob then offered up a sacrifice on the Height, and invited his kinsmen to partake of the meal. After the meal, they spent the night on the Height.

The Covenant at Sinai

After the theophany at Sinai, Moses writes down the laws that YHWH had given him. According to one source,[8] the next day, he sets up an altar, and the Israelites perform sacrifices:

שׁמות כד:ד ...וַיַּשְׁכֵּם בַּבֹּקֶר וַיִּבֶן מִזְבֵּחַ תַּחַת הָהָר וּשְׁתֵּים עֶשְׂרֵה מַצֵּבָה לִשְׁנֵים עָשָׂר שִׁבְטֵי יִשְׂרָאֵל. כד:ה וַיִּשְׁלַח אֶת נַעֲרֵי בְּנֵי יִשְׂרָאֵל וַיַּעֲלוּ עֹלֹת וַיִּזְבְּחוּ זְבָחִים שְׁלָמִים לַי־הוָה פָּרִים.

Exod 24:4 …Early in the morning, he set up an altar at the foot of the mountain, with twelve pillars for the twelve tribes of Israel. 24:5 He designated some young men among the Israelites, and they offered burnt offerings and sacrificed bulls as offerings of well-being to YHWH.

As part of the ritual, Moses reads the laws—the terms of the covenant—to the people, and people swear to follow these laws:

שׁמות כד:ז וַיִּקַּח סֵפֶר הַבְּרִית וַיִּקְרָא בְּאָזְנֵי הָעָם וַיֹּאמְרוּ כֹּל אֲשֶׁר דִּבֶּר יְ־הוָה נַעֲשֶׂה וְנִשְׁמָע.

Exod 24:7 Then he took the record of the covenant and read it aloud to the people. And they said, “All that YHWH has spoken we will faithfully do!”

Finally, Moses and the elders of Israel share a meal in the presence of YHWH on Sinai (vv. 9–11).

Ritual Accompanies Deuteronomy’s Covenant

In Deuteronomy, immediately after Moses gives the law to the Israelites (chs. 12–26), he provides the instructions for enacting the covenant once the Israelites cross the Jordan and enter into the land.[9] First they are to inscribe the Torah on large stones:

דברים כז:ב וְהָיָה בַּיּוֹם אֲשֶׁר תַּעַבְרוּ אֶת הַיַּרְדֵּן אֶל הָאָרֶץ אֲשֶׁר יְ־הוָה אֱלֹהֶיךָ נֹתֵן לָךְ וַהֲקֵמֹתָ לְךָ אֲבָנִים גְּדֹלוֹת וְשַׂדְתָּ אֹתָם בַּשִּׂיד. כז:ג וְכָתַבְתָּ עֲלֵיהֶן אֶת כָּל דִּבְרֵי הַתּוֹרָה הַזֹּאת....

Deut 27:2 As soon as you have crossed the Jordan into the land that YHWH your God is giving you, you shall set up large stones. Coat them with plaster 27:3 and inscribe upon them all the words of this Teaching…

Then the Israelites must also build an altar and offer sacrifices:

דברים כז:ה וּבָנִיתָ שָּׁם מִזְבֵּחַ לַי־הוָה אֱלֹהֶיךָ מִזְבַּח אֲבָנִים לֹא תָנִיף עֲלֵיהֶם בַּרְזֶל.... כז:ז וְזָבַחְתָּ שְׁלָמִים וְאָכַלְתָּ שָּׁם וְשָׂמַחְתָּ לִפְנֵי יְ־הוָה אֱלֹהֶיךָ.

Deut 27:5 There, too, you shall build an altar to YHWH your God, an altar of stones. Do not wield an iron tool over them…. 27:7 and you shall sacrifice there offerings of well-being and eat them, rejoicing before YHWH your God.

The ritual continues with the Levites reading to the assembled tribes on Mount Gerizim and Mount Ebal twelve curses, including incest, murder, bribery, etc. The first curse prohibits making an idol:

דברים כז:יד וְעָנוּ הַלְוִיִּם וְאָמְרוּ אֶל כָּל אִישׁ יִשְׂרָאֵל קוֹל רָם. כז:טו אָרוּר הָאִישׁ אֲשֶׁר יַעֲשֶׂה פֶסֶל וּמַסֵּכָה תּוֹעֲבַת יְ־הוָה מַעֲשֵׂה יְדֵי חָרָשׁ וְשָׂם בַּסָּתֶר וְעָנוּ כָל הָעָם וְאָמְרוּ אָמֵן.

Deut 27:14 The Levites will then speak loudly and proclaim to each Israelite: 27:15 “Cursed be anyone who makes a carved or cast idol, a thing abhorrent to YHWH, the work of a craftsperson, and installs it in secret.” And the people will respond saying, “Amen.”

The call-and-response format of the ritual enacts the self-cursing of the oath, as the Israelites agree to be cursed should they violate the covenant. The final curse addresses anyone who breaks any of Deuteronomy’s laws:

‏דברים כז:כו אָרוּר אֲשֶׁר לֹא יָקִים אֶת דִּבְרֵי הַתּוֹרָה הַזֹּאת לַעֲשׂוֹת אוֹתָם וְאָמַר כָּל הָעָם אָמֵן.

Deut 27:26 “Cursed be he who will not uphold the terms of this Teaching and observe them.” And all the people shall say, “Amen.”

Blessings and Punishments Read Aloud by the Levites

The Levites were then to read aloud a list of blessings and curses that specify what exactly will happen to the Israelites if they keep or break their oath (ch. 28).[10] For obedience, YHWH will bless them with success in all that they do (vv. 1–14).

Conversely, the curses detail everything that will go wrong should the Israelites break the terms of the covenant (vv. 15–68). They invoke a litany of personal misfortunes, including diseases, natural disasters, and crop failure (see vv. 20–24, 27–29, 35, 38–40, 42–44). They also doom the Israelites to military defeat and destruction at the hands of their enemies (see vv. 25–26, 30–34, 36–37, 41, 47–57).

The curses thus form the capstone of Moses’s persuasive speech and the community’s ritual performance, providing a powerful incentive to abide by the terms of the covenant. The chapter concludes with a statement stressing that what has just been said—including both the laws and the curses—constitutes the terms of the covenant to which the Israelites have bound themselves:

דברים כח:סט אֵלֶּה דִבְרֵי הַבְּרִית אֲשֶׁר צִוָּה יְ־הוָה אֶת מֹשֶׁה לִכְרֹת אֶת בְּנֵי יִשְׂרָאֵל בְּאֶרֶץ מוֹאָב מִלְּבַד הַבְּרִית אֲשֶׁר כָּרַת אִתָּם בְּחֹרֵב.

Deut 28:69 These are the terms of the covenant which YHWH commanded Moses to conclude with the Israelites in the land of Moab, in addition to the covenant which He had made with them at Horeb.

Law, Ritual, and Identity in Deuteronomy

In Deuteronomy, the law represents the common identity and corporate life of ancient Israel. The book then surrounds the laws with rituals that serve to safeguard its preservation and ongoing enactment within the community.[11]

The covenant enactment ritual (chs. 27–28) creates an atmosphere of solemnity emphasizing the finality and consequences of the agreement.[12] It also emphasizes the community’s distinctive ethos and its unique centerpiece: the law. It thus reinforces the identity of ancient Israel as the covenant people and strengthens the communal bonds among the ritual participants.[13]

Enacting the Covenent in Everyday Ritual

In addition to the public covenant enactment ritual, the book also commands performance of ritual practices that are part of the domestic sphere, such as the crafting of *mezuzot* and the recitation of the *Shema*(Deut 6).[14] Such ritual acts serve as reminders, in everyday life, of the covenant enactment and of the curses.

They are perhaps included in and among the legal segments in the structure of Deuteronomy in order that the rituals might be understood to have a powerful and transformative impact on participants, causing them to internalize the social and ethical code of the community so that it becomes a way of life. By means of these ritual acts, participants constantly re-ratify the covenant, but in ordinary moments. After all, without the action, there is no covenant.

[View Footnotes](https://www.thetorah.com/article/the-making-of-a-covenant-the-book-of-deuteronomy)

1. For additional details, see Melissa Ramos, *Ritual in Deuteronomy: The Performance of Doom*(The Ancient Word; New York: Routledge, 2021).
2. Rituals are events rather than things. Ritual tends to be characterized by formality, by a sense of dignity and specialness around a particular event or action or even an object or set of objects that are a part of the experiential enactment. Rituals are also embodied, and are connected to moments where religious or spiritual beliefs involve our physical bodies as well as our minds. Ritual actions, especially when they are community rituals, are usually performed by a special set of experts—persons who have a certain qualification in training and education so that they know how to perform the ritual correctly and avoid violating a religious community’s sense of the sacred. Rituals are essentially ordinary behaviors, involve ordinary objects and words but when brought together and performed correctly they lead to a transformative experience. See the discussion of the social functions of ritual in Ramos, *Ritual in Deuteronomy*, 14–18.
3. For a recent treatment of international treaties and Deuteronomy, see Laura Quick, *Deuteronomy 28 and the Aramaic Curse Tradition* (Oxford: Oxford University Press, 2018). Esarhaddon’s Succession Treaty has garnered significant attention from scholars, in part because multiple recensions, or copies, of this text have been found in various locations in ancient West Asia, including the Levant. This text comes from the Neo-Assyrian period of Mesopotamian military and political hegemony over the ancient Near East during the 7th century B.C.E. Editor’s note: See also the discussion of the connections between Deuteronomy and Esarhaddon’s Succession Treaty in Pamela Barmash, [“The Novel Introduction of Blessings into our Treaty with God,”](https://www.thetorah.com/article/the-novel-introduction-of-blessings-into-our-treaty-with-god) *TheTorah* (2014); and Deena Grant, [“Loving God Beyond the Way You Love Ashurbanipal,”](https://www.thetorah.com/article/loving-god-beyond-the-way-you-love-ashurbanipal) *TheTorah*(2016).
4. Text and translation from Simo Parpola and Kazuko Watanabe, *Neo-Assyrian Treaties and Loyalty Oaths*, SAA 2 (Helsinki: Helsinki University Press, 1988), 52.
5. Biblical translations follow NJPS, with modifications.
6. Editor’s note: See Zev Farber, [“Laban and Jacob’s Covenant at Gal-ed,”](https://www.thetorah.com/article/laban-and-jacobs-covenant-at-gal-ed) *TheTorah* (2014).

בראשׁית לא:נא וַיֹּאמֶר לָבָן לְיַעֲקֹב הִנֵּה הַגַּל הַזֶּה וְהִנֵּה הַמַצֵּבָה אֲשֶׁר יָרִיתִי בֵּינִי וּבֵינֶךָ. לא:נב עֵד הַגַּל הַזֶּה וְעֵדָה הַמַּצֵּבָה אִם אָנִי לֹא אֶעֱבֹר אֵלֶיךָ אֶת הַגַּל הַזֶּה וְאִם אַתָּה לֹא תַעֲבֹר אֵלַי אֶת הַגַּל הַזֶּה וְאֶת הַמַּצֵּבָה הַזֹּאת לְרָעָה. לא:נג אֱלֹהֵי אַבְרָהָם וֵאלֹהֵי נָחוֹר יִשְׁפְּטוּ בֵינֵינוּ אֱלֹהֵי אֲבִיהֶם וַיִּשָּׁבַע יַעֲקֹב בְּפַחַד אָבִיו יִצְחָק.

Gen 31:51 And Laban said to Jacob, “Here is this mound and here the pillar which I have set up between you and me: 31:52 this mound shall be witness and this pillar shall be witness that I am not to cross to you past this mound, and that you are not to cross to me past this mound and this pillar, with hostile intent. 31:53 May the God of Abraham and the god of Nahor”—their ancestral deities—“judge between us.” And Jacob swore by the Fear of his father Isaac.

1. Editor’s note: On the composition and editing of the accounts of the theophany at Sinai, see Baruch J. Schwartz, [“What Really Happened at Mount Sinai?”](https://www.thetorah.com/article/what-really-happened-at-mount-sinai) *TheTorah*(2013).
2. The covenant enactment ceremony in Deuteronomy 27–28 reflects historical ritual performances in ancient Israel, but it is not a script for any specific historical event. These chapters are likely an interwoven composite of elements from various ritual performances knitted together into a single narrative and presented as a single set of ritual instructions. As such, they capture perhaps some of the elements, sequences, symbols, and even some of the language and phrasing of ritual enactments from various moments in the life of ancient Israel.
3. Moses is the speaker in this chapter, but he is speaking the words that the Levites are to recite during the covenant enactment ritual.
4. The importance of the ritual material in Deuteronomy for the life of Israel can be inferred by adaptations of Deuteronomy 27–28 in other narratives of the Hebrew Bible like Joshua 8 and 2 Kings 23, and in Dead Sea Scrolls such as the Community Rule and inscriptions on phylacteries (Serek Hayaḥad [1QS ii]). For a review of phylacteries at Qumran with excerpts from Deuteronomy, see Julie Duncan, “Excerpted Texts of ‘Deuteronomy’ at Qumran,” *Revue de Qumrân* 18/1 (1997): 43–62.
5. Ritual actions can promote social cohesion by providing a communal experience, language, and a common set of meaningful symbols and metaphors. See, for example, Ithamar Gruenwald, *Rituals and Ritual Theory in Ancient Israel*, BRLA 10 (Leiden: Brill, 2003).
6. The covenant was not just for those who were already part of the community, but was a means to include those who might not be otherwise, such as resident immigrants, and immigrants who provided labor to the community:

‏דברים כט:ט אַתֶּם נִצָּבִים הַיּוֹם כֻּלְּכֶם לִפְנֵי יְ־הוָה אֱלֹהֵיכֶם רָאשֵׁיכֶם שִׁבְטֵיכֶם זִקְנֵיכֶם וְשֹׁטְרֵיכֶם כֹּל אִישׁ יִשְׂרָאֵל. כט:י טַפְּכֶם נְשֵׁיכֶם וְגֵרְךָ אֲשֶׁר בְּקֶרֶב מַחֲנֶיךָ מֵחֹטֵב עֵצֶיךָ עַד שֹׁאֵב מֵימֶיךָ. כט:יא לְעָבְרְךָ בִּבְרִית יְ־הוָה אֱלֹהֶיךָ וּבְאָלָתוֹ אֲשֶׁר יְ־הוָה אֱלֹהֶיךָ כֹּרֵת עִמְּךָ הַיּוֹם. כט:יב לְמַעַן הָקִים אֹתְךָ הַיּוֹם לוֹ לְעָם וְהוּא יִהְיֶה לְּךָ לֵאלֹהִים כַּאֲשֶׁר דִּבֶּר לָךְ וְכַאֲשֶׁר נִשְׁבַּע לַאֲבֹתֶיךָ לְאַבְרָהָם לְיִצְחָק וּלְיַעֲקֹב.

Deut 29:9 You stand this day, all of you, before YHWH your God—your tribal heads, your elders and your officials, all the men of Israel, 29:10 your children, your wives, even the stranger within your camp, from woodchopper to water drawer— 29:11 to enter into the covenant of YHWH your God, which YHWH your God is concluding with you this day, with its sanctions; 29:12 to the end that He may establish you this day as His people and be your God, as He promised you and as He swore to your fathers, Abraham, Isaac, and Jacob.

1. Some read הַדְּבָרִים הָאֵלֶּה, “these words, ” in Deuteronomy 6:6 as referring to the Decalogue. The type of object described in the ritual instructions of Deuteronomy 6 was already widespread in the Levant as amulets and household objects (*mezuzot*). Yet, Deuteronomy 6 presents these ritual objects as iconic symbols of the covenant, the central feature of Israel’s unique identity. Thus, the true innovation of Deuteronomy 6 is the re-casting of a longstanding Levantine tradition of crafting amulets and *mezuzot* as ritual practices that embody Israel’s unique identity.