

Beit Midrash Yeshivah AI

Daily Study of Rashi's Commentary

Lot's Shepherds and Shem's Inheritance

Why not claim through Shem?

A question in Rashi on Lech Lecha



Booklet (27)

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A Question About Grazing Rights

“This is not theft.” That was how Lot’s shepherds justified grazing their animals in other people’s fields. They argued that the land had been given to Abraham; Abraham had no son, and Lot would inherit from him. In their view, the animals were therefore eating what belonged to them. The verse says that the Canaanites and Perizzites were still living in the land, and Rashi explains that Abraham had not yet acquired it.¹

But why did the shepherds need this argument? Rashi had already taught that the land had fallen to the share of Shem, Noah’s son, and that the Canaanites were gradually conquering it from his descendants. Rashi also identifies Malki-Tzedek, king of Shalem, as Shem himself. Shem was still alive and ruling, and Lot was his descendant. Why did they not claim an existing right through Shem?²

The answer in brief: A connection to Shem’s inheritance does not establish that Lot may graze animals in every field in the land. We must establish the status of the particular fields and Lot’s permission to use them. Shem’s kingship in Shalem does not prove that these fields were still his, and Lot’s ancestry does not prove that he had been given permission there.

We can understand why the argument through Abraham might have seemed more useful: by the shepherds’ reckoning, the whole land had already been given to one household, to which Lot belonged as heir. But Rashi rejects that premise: Abraham had not yet acquired it. This is a possible explanation of their choice of argument; Rashi does not say that they considered and rejected the claim through Shem.

¹ Rashi on Genesis 13:6–7; Bereishit Rabbah 41:5, the passage beginning “Vayehi riv.”

² Rashi on Genesis 12:6; 14:18.

A Guide to the Booklet

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A. The Question in Rashi

On the quarrel, Rashi says:

“For Lot’s shepherds were wicked and grazed their animals in other people’s fields. Abram’s shepherds rebuked them for the theft, but they said: The land has been given to Abram; he has no heir, and Lot is his heir, so this is not theft ... Yet Abram had not acquired it.”³

On this account, the shepherds seek to turn the promise to Abraham into present permission to graze. Rashi answers that the acquisition on which they rely had not yet taken place.

Yet an earlier comment says that the Canaanites were conquering the land from Shem’s descendants, since it had fallen to his share in Noah’s division. If Shem was alive and Lot was his descendant, it seems possible to bypass the question of when the promise to Abraham would be fulfilled: they could argue that the land already belonged to Shem’s family (Rashi on Genesis 12:6; 14:18).

It is not enough to answer that Lot was not Abraham’s son. The question proposes a different right: Lot was Shem’s descendant, even if he was not among the children promised to Abraham. We must therefore explain why descent from Shem does not establish permission to graze.

B. From a Family Inheritance to Grazing Rights

Imagine a family estate containing two fields. In one, family members have been granted shared grazing rights; the other has been set aside for one member’s use. A relative may

³ Rashi on Genesis 13:7. The beginning and end of the comment are quoted in translation, with the omission marked.

graze in the first under that permission, but his ancestry does not grant the same permission in the second. He belongs to the same family in both cases; the difference lies in the right to use the field.

This is only an illustration of the distinction, not a description of how Shem's inheritance was divided. It shows what is missing from the claim "Lot descends from Shem": we must establish the right in the particular place, not merely the family connection.

1. To whom was the land originally allotted? Rashi says that it fell to Shem's share. That is the starting point of the question.

2. Who holds the rights in the disputed fields now? Lot's ancestry does not identify those who hold rights in these fields.

3. On what basis may Lot graze there? Appropriate ownership, shared rights of use, or permission from the rights holder could permit grazing. Ancestry alone does not prove that any of these exists in this case.

Gur Aryeh, a commentary on Rashi, discusses the shares of the other descendants of Shem and each one's entitlement to his share. This supports the distinction: being "a descendant of Shem" does not mean owning every plot in the land. Applying this distinction to our question is a proposed explanation, rather than an answer Gur Aryeh expressly gives about Lot's shepherds.⁴

Rashi describes the places where they grazed as "other people's fields." Descent from Shem does not, by itself,

⁴ Gur Aryeh on Genesis 1:1, paragraph 5; Malbim on Genesis 12:7. The discussion concerns the shares of Shem's descendants; its application to Lot's shepherds is proposed here.

cancel those other people's rights. To permit grazing, we must show what gives Lot permission in this particular place.

C. Shem in Jerusalem and the Canaanites in the Land

Malki-Tzedek, king of Shalem—Jerusalem—is Shem, Noah's son. Does this mean that the whole land was still under his control? Maskil LeDavid, another commentary on Rashi, explains Rashi's wording about the Canaanites: the conquest advanced little by little. Shem could thus still be ruling in Jerusalem while the Canaanites conquered other places.⁵

This reconciles the two pictures. Shem's kingship does not mean that no conquest had taken place; the conquest does not mean that Shem had already lost his rule over Shalem. We cannot derive a map of all the plots from this, nor conclude that Jerusalem alone remained in Shem's hands.

The quarrel is described after Abraham returned to the area between Bethel and Ai. The verse emphasizes that the Canaanites and Perizzites were living in the land. Shem's kingship in Shalem does not itself prove that the disputed fields were still his, much less that Lot had been granted grazing permission there.⁶

A further approach enters here: conquest can change rights in land. Parashat Derakhim discusses the rights of the other descendants of Shem and concludes that Canaan's conquest affected those rights as well. The original division should therefore not be treated as a state of ownership frozen for all time.⁷

⁵ Maskil LeDavid on Rashi, Genesis 12:6, the comment beginning "Veha-Kena'ani ... holekh vekhovesh."

⁶ Genesis 13:3-7; Rashi there, verse 7; Genesis 14:18 and Rashi there.

⁷ Parashat Derakhim, discourse 7, the conclusion of the discussion of the other descendants of Shem; Gittin 38a, and Tosafot, s.v. "Ammon u-Moav taharu be-Sichon."

We need not turn this into a claim that every seizure by force transfers ownership, or settle the status of every field in the land. For our question, this is enough: **it has not been shown that Shem's ancient entitlement gives Lot a present right to use the fields over which they quarreled.**

D. Why the Promise to Abraham?

Rashi reports that the shepherds relied on the land's being given to Abraham and on Lot's inheritance. We can suggest why this claim might have seemed more useful to them than descent from Shem, even though it too was rejected.

The difference lies in the scope of the right they claimed. Descent from Shem connects Lot to a large family with different branches and shares. It does not, by itself, identify permission in the disputed fields. By contrast, on the shepherds' reckoning, **the whole land had already been given to Abraham.** The disputed fields were consequently included in that gift; they did not need to identify them as the share of a particular branch of Shem's descendants. They linked Lot to Abraham as his heir, according to their understanding.

This is a proposed explanation of their choice of argument. Rashi does not say that they compared the two claims; he reports the argument they made and its rejection.

Here we must distinguish the terms. A **promise** states that the land will be given. A **transfer of ownership** actually takes effect; **acquisition** describes the recipient's gaining that ownership.

Permission to use means permission to do something specific now. A promise for the future does not, by itself, grant present permission to use something.

Gur Aryeh explains that the shepherds thought Abraham had already acquired the land when he arrived. Had he acquired it, he could have permitted their grazing. This explains why Abraham's acquisition would matter even during his lifetime: anticipated inheritance alone does not permit eating now, and there is no evidence here that he actually gave permission.⁸

The mistake is the leap to “now.” The shepherds based their permission on a gift they believed had already taken effect. Rashi rejects that basis: “Yet Abram had not acquired it.”

One might think that the claim of acquisition rested on “Arise, walk through the land.” But that command came after Lot's separation, whereas the quarrel preceded it. The shepherds could not base their argument at that time on a command that had not yet been given.⁹

E. Another Midrashic Approach: Land and Crops

So far, we have clarified the claim through the explanation of Rashi presented above. We now turn to another approach to the Midrash, found in Parashat Derakhim. **The Rebbe qualifies its application to Rashi's plain meaning**, as we shall explain. It adds a distinction between rights in the land and rights in what grows there.

Imagine a gift of a field whose terms leave the existing crop with the person who planted it. The recipient owns the land

⁸ Gur Aryeh on Genesis 13:7, paragraph 6. He also explains why Abraham, had he already acquired the land, could have permitted their grazing.

⁹ Genesis 13:7–17. The sequence distinguishes the quarrel, the separation, and the command to Abraham.

but may not eat that crop. This illustrates a separation of rights: who owns the field and who owns the grain are not necessarily the same question.

In the approach of Parashat Derakhim, the land itself was given to Abraham, but the inhabitants retained rights in what they had sown until the nations were removed. Consequently, even the gift of the land did not permit eating crops that belonged to them. In this explanation, Abraham owns the land itself by virtue of the gift; it is not a statement that Shem holds title to the fields and Lot may use them.¹⁰

This differs from Gur Aryeh's explanation above. According to Gur Aryeh, had Abraham acquired the land, he could have permitted their grazing. According to Parashat Derakhim, even after the land itself was given, others retained rights in what they had sown. The practical conclusion is similar, but the explanations rest on different assumptions.

This also explains the Rebbe's qualification. Parashat Derakhim assumes that the land itself had already been given to Abraham, whereas in Rashi's plain meaning Abraham had not yet acquired it. In Likkutei Sichos, the Rebbe distinguishes a promise from an actual transfer of ownership and questions applying this resolution to Rashi, while allowing it as an explanation of the Midrash. It is therefore another approach to the Midrash, not an agreed explanation of Rashi's plain meaning.¹¹

The discussion concerns what was sown. Grazing grass is not always planted, and natural grass is not necessarily ownerless

¹⁰ Parashat Derakhim, discourse 9, the passage on Lot's shepherds and "ettalennah min ha-din"; Tosafot, Rosh Hashanah 13a, s.v. "Velo ketzir nokhri."

¹¹ Likkutei Sichos, vol. 15, Toldos II, section 3, pp. 204 and 205; note 38 and the note marked *** on p. 204.

either. The useful distinction is that rights in land and rights to eat what grows there require separate examination.

F. Custodianship: Entitlement and Handover

A further approach describes the Canaanites' status differently from the conquest approach in chapter C. There, we considered whether conquest changed rights; here, they are described as custodians of the place. We should present this picture on its own terms.

Sifra, the halakhic Midrash on Leviticus, describes the land as Shem's share and the Canaanites as custodians until Israel's arrival. There is an earlier entitlement alongside a future handover to Israel.¹²

The exposition rests on the land's being theirs, not merely on its becoming theirs in the future. Yet waiting for Israel's arrival is part of the description itself. The earlier entitlement does not automatically become Lot's immediate permission to use every field.

Ramban compares Canaan's residence to guarding the property of the master's son until he grows up. In the illustration, the son has an entitlement to the property, but there is also a time for its actual handover. This is a different picture from the conquest described in Rashi's wording.¹³

Here too, the distinction returns: **an entitlement to the land and the exercise of a particular right within it are not always the same thing.** To permit Lot's grazing, we must still explain what that entitlement grants him in these fields, at that time.

¹² Sifra, Kedoshim, chapter 12, on Leviticus 20:24, the passage beginning "Va'ani ettenennah lakhem lareshet otah," also numbered 126.

¹³ Ramban on Genesis 10:15; 14:18.

G. Three Shortcuts to Avoid

Three brief answers might be offered to our question. Each contains a valid point, but none completes the explanation on its own.

First: Shem was still alive. On his identification with Malki-Tzedek, Shem was alive and ruling. Lot was not inheriting from a Shem who had already died. But a living person can grant permission or transfer a right; Shem's being alive does not by itself prove that Lot had no permission at all. The shepherds' claim through Abraham was also made during Abraham's lifetime.

Second: Shem had many other descendants. Ancestry therefore does not assign the entire land to Lot. But having many co-holders does not, by itself, forbid all use: some use might have been permitted to everyone. We must establish the extent of the particular right, rather than stop at the number of family members.

Third: Abraham was also Shem's descendant. One might argue that if ancestry permitted grazing, it would equally empower Abraham's shepherds; their protest appears to show that it did not. Yet a protest does not prove the law—that is precisely what is disputed. Moreover, the question concerns “other people's fields,” not merely the relationship between two family branches.

All three checks bring us back to the central issue: what permission did Lot have in these particular fields, and what establishes it?

H. The Answer in Two Parts

Descent from Shem does not establish grazing permission in the disputed fields. Lot was indeed his descendant, but a connection to a broad inheritance does not itself tell us who holds rights in each field now or what Lot may do there. Shem's kingship in Shalem is not a map of the fields, and it does not establish whether they remained in his hands. Even if a right through Shem remained, we must still determine what it gave Lot.

Why was the claim through Abraham made?

We can understand why the shepherds might have viewed it as stronger: by their reckoning, the whole land had already been given to Abraham, so these fields were included too. Lot was linked to him as heir, in their understanding. This is a possible explanation of their choice of claim, not an explicit account of their reasoning in Rashi.

But the basis for present permission is missing. Gur Aryeh explains that they thought Abraham had already acquired the land and that, had he acquired it, he could have permitted the grazing. Rashi answers: "Yet Abram had not acquired it." The promise is not a completed transfer of

ownership, and anticipated inheritance does not itself grant permission to use it now.

The further approaches sharpen additional distinctions, each in its own way. Parashat Derakhim discusses the power of conquest to change rights. Sifra and Ramban present a picture of custodianship and future handover. These are different accounts of entitlement to the land.

The distinction between land and crops in Parashat Derakhim is another approach to the Midrash: the land itself belongs to Abraham, while rights in what was sown remain with the inhabitants. **The Rebbe qualifies the application of this approach to Rashi's plain meaning.** We must not transfer ownership of the land in this explanation to Shem or present it as the agreement of all the commentators.

The answer therefore does not deny Lot every possible right in the land. It rejects the leap from descent from Shem alone to established permission in other people's fields. Nor does the claim the shepherds actually made permit grazing: it relies on an acquisition that, according to Rashi, had not yet taken place.

An Argument Map

1. Shem's inheritance—the question. Lot descends from Shem; the answer must address that claim as well as inheritance from Abraham.

Chapter A · p. 4

2. The particular field—the key distinction. Ancestry alone does not identify a right of use. Establish who holds the right and what Lot may do.

Chapter B · p. 4

3. Kingship and conquest—the situation. Shem remains in Shalem while conquest advances. This gives no map of rights in the disputed fields.

Chapter C · p. 6

4. The claim through Abraham—a possible explanation. The whole land was given to him, by the shepherds' reckoning. Rashi rejects present acquisition.

Chapter D · p. 7

5. Land and crops—another Midrashic approach. Abraham owns the land itself. The Rebbe qualifies applying this distinction to Rashi.

Chapter E · p. 8

6. Custodianship—entitlement and handover. Sifra and Ramban present custodianship, a different picture from conquest.

Chapter F · p. 10

7. Returning to the answer. Descent from Shem alone is no established permission. This does not deny Lot every possible right.

Chapter G · p. 11 Chapter H · p. 12

For Further Study

Genesis 12:6–7; 13:3–17; 14:18. Read the conquest, quarrel, separation, and appearance of Malki-Tzedek in sequence. Notice when “Arise, walk through the land” was said.

Sifra, Kedoshim, chapter 12, on Leviticus 20:24, unit 126; Bereishit Rabbah 41:5. Compare custodianship until Israel’s arrival with the shepherds’ claim and the rights remaining with the inhabitants.

Rashi, Genesis 12:6; 13:6–7; 14:18. The question’s three foundations: Shem’s share, the prohibition on grazing, and the identification of Malki-Tzedek.

Tosafot, Rosh Hashanah 13a, s.v. “Velo ketzir nokhri.” How do rights in what was sown differ from rights in the land?

Ramban, Genesis 10:15; 14:18. The illustration of custodianship, the division of the land, and the evidence from Malki-Tzedek.

Gur Aryeh, Genesis 1:1, paragraph 5; 13:7, paragraph 6. The shares of Shem’s descendants, contrasted with the shepherds’ claim that Abraham had already acquired the land.

Parashat Derakhim, discourses 7 and 9. Discourse 7: the other descendants of Shem and the effect of conquest. Discourse 9: the land itself, what was sown, and Lot’s shepherds.

Maskil LeDavid, Genesis 12:6; Malbim, Genesis 12:7. Conquest advancing little by little, and the distinction between branches of Shem’s descendants.

Likkutei Sichos, vol. 15, Toldos II, section 3, pp. 204 and 205. Promise and transfer of ownership; note 38 and the note marked *** on p. 204 qualify the resolution of Parashat Derakhim as an explanation of Rashi.