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BAIS HAVAAD HALACHA CENTER
105 River Ave. #301, Lakewood NJ 08701
1.888.485.VAAD (8223)
www.baishavaad.org
info@baishavaad.org
Lakewood • Midwest • Brooklyn • South Florida

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INTO THE DEPTHS: THE AGUNAH OF THE TITANIC

Adapted from the writings of Dayan Yitzhak Grossman

Our previous article discussed Isidor and Ida Straus, two Jewish passengers who perished in the sinking of the RMS *Titanic*. The article we cited there mentions a Jewish passenger that survived, Sarah Roth:

Thought to be unsinkable, the luxury steamship on its maiden voyage struck an iceberg on the evening of April 14, 1912, four days after departing from Southampton, England. When it foundered in the wee hours of the next morning, more than 1,500 of the 2,240 aboard died.

Third-class passengers were the least likely to survive. But one who did was Jewish passenger Sarah Roth, who was able to get on what was known as Collapsible C.

One Jewish passenger whose fate was never established with certainty was Simon Meisnere:

Mr. Simon Meisnere¹ was born in Kiev, Ukraine, then part of the Russian Empire, around 1878. Details about his early life remain unknown.

He was married to Sarah Jenahofsky (b. January 15, circa 1880), presumably also a Ukrainian, and

they had three sons, all born in Kiev: Ira "Morris" (b. 1901), Raymond Bennett (1902-1977) and Harry (1903-1972).

Mr. Meisnere, a tailor, boarded the *Titanic* in Southampton as a third-class passenger. He was headed to New York City, perhaps with his wife and children to follow when he had established himself.

Mr. Meisnere died in the sinking, and his body, if recovered, was never identified.

His wife Sarah and his sons eventually made the crossing to America the following year, seemingly spending time in New York. Sarah was remarried in Manhattan on October 4, 1915 to Jacob Glaser (1888-1966), also a tailor originally from the Russian Empire, who had come to the USA in 1907...²

The above article (from *Encyclopedia Titanica*) asserts that "Mr. Meisnere died in the sinking," although it immediately proceeds to acknowledge that "his body, if recovered, was never identified" and thus there would seem to be no absolute proof that

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PARSHAS VAYISHLACH

DOUBLE JEOPARDY

Excerpted and adapted from a shiur by
Rav Moshe Yitzchok Weg

And Hashem said to Yaakov, "Arise—go up to Bais El and dwell there, and make an altar there to Hashem Who appeared to you when you fled from Eisav your brother."

Bereishis 35:1

The Netziv in Hameik Davar notes that Hashem told Yaakov to build a *mizbeich* in Bais El, but he was not to construct a *matzeivah* to fulfill his promise to thank Hashem until later (see Bereishis 35:14). He explains that Yaakov was still in danger at that time,¹ so he was told to build a *mizbeich* for the purpose of davening to Hashem and wait until his difficulties had passed before constructing a *matzeivah*.

The Netziv derives from here that if one becomes obligated to recite *birkas hagomel* (e.g., he recovered from a serious illness), he cannot recite if another danger has arisen and not yet been resolved. But R' Shlomo Zalman Auerbach (Halichos Shlomo 23:7) indicates that one is obligated to say *hagomel* even in such a case,² so if someone flies overseas for a medical procedure, he must make *hagomel* for the journey though he has not yet undergone the procedure.

Perhaps this *machlokes* stems from divergent understandings of the nature of *birkas hagomel*:

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¹ The people of Shechem still wished to kill him at that time following the incident with Shimon and Levi. Yaakov was also still in *oveilus* for his mother Rivkah (*hagahos* to the Hameik Davar).

² R' Shlomo Zalman says that because of such a case, it is preferable never to say "shegemalani kol tov," but rather "shegemalani tov."

¹ Spelling of surname varies. Frequently listed as *Maisner* and sometimes *Meisner*. Current family spell the name *Meisnere*. (Note in the original)

² Simon Meisnere, *Encyclopedia Titanica*.

Q&A from the
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Beyond the Scope

Q May I use mouthwash or whiskey on Shabbos to soothe the pain of a canker sore?

A Chazal forbade medical treatments (*refuah*) on Shabbos lest one inadvertently transgress the *melacha de'Oreisa* of grinding while preparing medicine (S.A. O.C 328:1). Even a nonmedical remedy, like rinsing the mouth, is forbidden, as the Mishnah teaches (Shabbos 111a): "One whose teeth hurt may not sip vinegar through them (to soothe the pain)." Rinsing your mouth to salve canker sores is therefore forbidden.

But that is only if the liquid is spat out. If it is swallowed afterward, it is permitted, because the *refuah* intent is not evident (S.A. *ibid.* 32).

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he did actually die in the sinking. The question of Simon Meisner's death was actually considered at length in the one known halachic discussion of the laws of agunah pertaining to a *Titanic* passenger.

The *Encyclopedia Titanica* article mentions that Sarah Meisner remarried several years after the sinking of the *Titanic*; it does not mention that she did so only after consultation with her rabbi, R' Yaakov (Jacob) Meskin. Rav Meskin was a Lithuanian-born and -educated *talmid* chacham, a close disciple of R' Yitzchak (Itzeleh) Yaakov Rabinowitz of Ponevezh. At the time of the sinking of the *Titanic*, Rav Meskin was the *Rav* of Nova Praha in Kherson, Ukraine, where the Meisners resided. (He later immigrated to the United States, where he served as *Rav* first of the Chaye Adam Synagogue in Burlington, Vermont and subsequently of the Beth Hamidrash Hagadol Nusach Sfarad Vetaharath Hamishpacha in the Bronx.)³

A question in the matter of an agunah whose husband traveled overseas on the ship *Titanic* and drowned...leaving behind a young wife and three young sons without any means of support. The wretched woman implored me with frequent requests to rule for her as to whether or not she is permitted to remarry according to the law of the Torah. She also cried out as to why I ordered her sons not to recite kaddish.⁴ I said to her that I was afraid to get involved in such stringent matters, but since the Chachamim were assiduous in seeing to the well-being of Jewish women,⁵ I took the time to look into the matter and to seek out the power of leniency.⁶

The problem with simply presuming (as *Encyclopedia Titanica* does) that Simon Meisner died in the sinking, since he was known to have been on board the ship when it sank and was never heard from thereafter, is that the Gemara explicitly rejects such a presumption:

Mishnah: If a man fell into the water and did not come out, whether the body of water has a visible end or does not have a visible end, his wife is prohibited from remarrying (there is no absolute proof that the man died, as it is possible that he emerged from the water some distance away)...

Gemara: ...Rav Ashi said: That which the Chachamim said that if a man fell into an endless body of water, his wife is prohibited from remarrying, applies only to an ordinary person (who is not well known and could slip away secretly and live in anonymity, hiding the fact that he survived). But it does not apply to a *talmid* chacham, because if he would emerge from the water, publicity would be (generated

and the news of his survival would spread. The Gemara rejects this; That is not so. An ordinary man and a *talmid* chacham do not differ in this. It is taught in a *breisa*: Rabban Gamliel said: Once I was traveling on a boat, and I saw a boat that shattered and sank. And I was aggrieved over the *talmid* chacham who was on board. And who was it? Rabbi Akiva. But when I disembarked on dry land, he came, and sat, and deliberated before me about halacha. I said to him: My son, who brought you up from the water? He said to me: A plank from the boat came to me, and I bent my head before every wave that came toward me. The waves did not wash me off the board, and I reached the shore.⁷

As is generally the case with responsa on the topic of agunah, Rav Meskin engages in a careful and intricate analysis of the particular case before him with the goal of finding distinctive aspects of it that justify a presumption of death, despite the Gemara's rejection of such a presumption in general. He ultimately does justify one on various grounds, including the claim that

Everyone knows, from [the reports of] the surviving passengers, that [the *Titanic*] broke apart upon an iceberg, and the water immediately entered the ship, and the passengers drowned there but did not fall into the water...and he certainly did not emerge elsewhere but sank with the ship...⁸

Based on this factual assumption, Rav Meskin concludes that Simon Meisner may be presumed dead. Rav Meskin's great teacher, R' Itzeleh Ponevezher, apparently agreed with this reasoning, and he endorsed his disciple's lenient ruling largely on these grounds.⁹

The assertion that the passengers all remained on the ship "but did not fall into the water" and "certainly did not emerge elsewhere" is, however, quite problematic, being entirely at odds with the actual facts:

In the immediate aftermath of the sinking, hundreds of passengers and crew were left dying in the icy sea, surrounded by debris from the ship. *Titanic's* disintegration during her descent to the seabed caused buoyant chunks of debris—timber beams, wooden doors, furniture, paneling, and chunks of cork from the bulkheads—to rocket to the surface. These injured and possibly killed some of the swimmers; others used the debris to try to keep themselves afloat.

With a temperature of -2°C (28°F), the water was lethally cold. Second Officer Lightoller described the feeling of "a thousand knives" being driven into his body as he entered the sea. Sudden immersion into freezing water typically causes death within minutes, either from cardiac arrest, uncontrollable breathing of water, or cold shock

3 R' Yaakov Meskin, Kevarim.com. See also his son's biography of his father here and a brief biography (including a photograph) here (both cited in the comments to his Kevarim entry).
4 See Shu"t Shvus Yaakov cheilek 1 siman 102 and cheilek 2 siman 114. (Cited in Ba'er Heiteiv E.H. siman 17 s.k. 2); Shu"t Mishkenos Yaakov Y.D. siman 77, Pis'chei Teshuvah Y.D. siman 375 s.k. 3; Sdei Chemed (Vol. 5) *Asifas Dinim Ma'areches Aveilus* os 200; Chevel Nachalaso 2:56.
5 Ksubos 3b.
6 See *Ko'ach deheitera adif*. (September 4, 2022). In Wikipedia, The Free Encyclopedia. https://en.wikipedia.org/w/index.php?title=%D7%9B%D7%95%D7%97_%D7%93%D7%94%D7%99%D7%A8%D7%90_%D7%A2%D7%93%D7%99%D7%A3&oldid=34614406.
7 Yevamos 121a.
8 Shu"t Bais Yaakov (New York 5690) siman 49 p. 65a [129].
9 Ibid. p. 136.

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The Netzv understood that the *bracha* thanks Hashem for the fact that one is no longer in

peril, so if he is still in danger from another source, he may not make it, but R' Shlomo Zalman held that the *bracha* thanks Hashem for salvation from a particular threat.

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But this varies by time and place, and since today people don't generally drink vinegar, it is forbidden even if it will be swallowed (see M.B. *ibid.* 105). But whiskey is permitted even today if it will be swallowed.



RAV ARYEH FINKEL

Still, one should not slosh the whiskey around in his mouth, but immediately swallow it, so the *refuah* objective remains unnoticeable (M.B. *ibid.* 101). If one is significantly irritated and will not be soothed without sloshing, he may be lenient with whiskey (*ibid.* 102).

Mouthwash, in this respect, is far more lenient, because it is normal for people to use it for non-remedy purposes. The Mishnah (Shabbos 109b) permits eating foods for healing purposes, because the act of eating is not indicative of medical treatment (Shabbos 109b). One may even spit out the mouthwash afterward, as that is the normal practice in its usual, non-remedy use. It is akin to eating foods for medical purposes.

The prohibition of *refuah* on Shabbos does not apply when one is strongly affected by the pain. This might happen if one has several sores and is in too much discomfort to go about his day. In that case, *refuah* is permitted even when it is evident (M.B. *ibid.* 100), and one may even instruct a non-Jew to perform a *melacha* (S.A. *ibid.* 17).

(not, as commonly believed, from hypothermia); almost all of those in the water died of cardiac arrest or other bodily reactions to freezing water within 15-30 minutes. Only 13 of them were helped into the lifeboats, even though these had room for almost 500 more people...Only a few of those in the water survived...After about twenty minutes, the cries began to fade as the swimmers lapsed into unconsciousness and death.¹⁰

Indeed, a much stronger argument for the presumption of death than the one made by Rav Meskin and R' Itzeleh Ponevezher would seem to follow from the fact that survival in the "lethally cold" water without rescue by a lifeboat was virtually impossible.

In any event, Rav Meskin (as is typical in responsa on the topic of agunah) advances a number of other arguments for leniency as well; these arguments, as well as a more detailed and rigorous treatment of the argument that we have outlined, are beyond the scope of this article.

¹⁰ Wikipedia contributors. (November 21, 2022). Sinking of the Titanic. In Wikipedia, The Free Encyclopedia. https://en.wikipedia.org/w/index.php?title=Sinking_of_the_Titanic&oldid=1123116533.

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