

The Agunah of the Titanic

By: DOVID GERNETZ

The night of April 14, 1912, was dark but clear, and the majestic ship plowed monotonously through the icy waters of the Atlantic at a speed of 22.5 knots (41 km/h). The bright lights of the ship shone in the night, and with the deep blue ocean merging with the dark sky, it looked like a string of lights floating in the darkness. Dinner had been over for some time, and most of the passengers had retired to their rooms. Some had already gone to sleep; others were completing their diary entries or enjoying their nightly reading.

They had been traveling for three days. On April 11, they had left Queenstown, Ireland, their last stop before the long Atlantic crossing. The RMS *Titanic* had begun its maiden voyage at the port of Southampton in Great Britain and was scheduled to arrive in New York on April 17. The ship, which sailed under the British flag and belonged to the White Star Line, was the largest passenger liner of its time, measuring almost 270 meters long and 28 meters wide.

According to Charles Haas, an author of *Titanic: Triumph and Tragedy*¹ and president of the Titanic International Society, there is evidence that there was kosher catering on the *Titanic* with a Jewish cook, Charles Kennel.

The passengers were people from different backgrounds and social classes, with the common goal of reaching New York. One of them was Shimon Maisner. A 34-year-old tailor from the village of Novo-Praga in Ukraine, he wanted to try his luck in the *Goldene Medine*. His young wife, Sara, and three small children would follow later. Shimon Maisner had saved his money to afford the trip, traveling third class.

Another passenger was Yakov Birnbaum, a young and successful jeweler from San Francisco. He had spent Pesach with his family in Antwerp, Belgium, and was on his way back to the United States. He was originally

¹ John P. Eaton and Charles A. Haas, *Titanic: Triumph and Tragedy*, (Patrick Stephens, 1986).

Dovid Gernetz studied at the Gateshead Yeshiva Gedolah and received *semichah* from Rabbi Yitzchak Berkovits. He lectures and writes widely on topics in Halachah and Jewish history. Rabbi Gernetz currently serves as a lecturer at the *Rabbinerseminar zu Berlin* and as the assistant rabbi of Kahal Adass Jisroel in Berlin.

from Krakow, Poland, and was a descendant of Rav Yonason Eybeschutz. His family had moved to Antwerp, the center of the diamond trade, in the early 20th century.

Isidor and Ida Straus, co-owners of New York's Macy's department store at the time, were among the *Titanic*'s most prominent personalities. Isidor was originally from Germany, where his family ran a china and glassware business. In 1852, Isidor emigrated to the United States, and in 1888, he and his brother Nathan Straus took over Macy's after the death of founder Rowland Hussey Macy. Isidor and Ida were among the wealthiest Americans at the time and were returning from a trip to Europe.

However, the *Titanic* never reached New York. At 11:40 p.m., the *Titanic* sideswiped an iceberg and the ship, which had been hailed as unsinkable, sank within two and a half hours. Of the 2,224 passengers, 1,514 died, mostly third-class passengers. It remains one of the worst disasters in maritime history.

A year after the tragedy, in 1913, Yossele Rosenblatt, the world-famous *chazzan*, recorded a special *Kel Malei Rachamim* for the victims of the *Titanic*, one of his first recordings in America. The album grossed \$150,000 (the equivalent of nearly \$5 million today) and the proceeds were donated to the victims' families.

Many of the victims were pulled from the water in the days following the disaster, including Isidor Straus, whose body was found by the search ship *Mackay-Bennet*. He was buried in New York with 40,000 people in attendance. Although they were assigned a place in the lifeboat, Isidor refused to go, insisting that women and children go first. His wife, Ida, refused to leave her husband. Her body was never recovered.

The same was true for Shimon Maisner, a third-class passenger with little chance of survival, whose remains were never found. His young wife, Sara, mother of three small children, was in danger of becoming an *agunah*. In desperation, she turned to the *rav* of her town, Rav Yaakov Meskin, to find a way out of her seemingly hopeless situation.

Rav Yaakov Meskin was born in 1884 in Vilkomir, Lithuania, and studied in his youth in Yeshivas Knesses Yisrael in Slabodka-Kovna, under Rav Yitzchak Yaakov Rabinovitz and Rav Moshe Mordechai Epstein. After Rav Yitzchak Yakov Rabinovitz was appointed *Av Beis Din* of Ponovez, Rav Yaakov followed him there and served as his assistant. In 1908 he received his *semichah* from Rav Meir Atlas (father-in-law of Rav Elchanan Wasserman, *Hy"d*), Rav Yosef Leib Bloch (*Rosh Yeshivah* of Telshe), and his mentor Rav Yitzchak Yakov Rabinovitz, known by now as R' Itzeleh Ponevezer. In 1911, he was appointed *rav* in Nova-Praga (Ukraine). In 1924, Rabbi Meskin immigrated to the United States and first served as *rav* of the Chaye Adam Synagogue in Burlington, Vermont.

Seven years later (1931), he moved to New York, where he led the Beth HaMidrash HaGadol Nusach Sfarad VeTaharath HaMishpachah in the Bronx until his *petirah* in 1956.

Rabbi Yakov Meskin authored a total of eight halachic works, which were highly regarded by halachic authorities such as the *Seridei Esh*, Rabbi Pesach Zvi Frank, and Rabbi Moshe Feinstein.

In one of these works, *Beis Yakov*, is printed the *teshuva* (*Siman* 49) dealing with the question of Sara Meisner. This is what Rabbi Yakov writes in the introduction to this *teshuva*:

A question about the woman whose husband, Shimon Maisner, who comes from our village of Nova-Praga, traveled on the *Titanic* and drowned. He left behind a young woman with three small children, without any means of support. The distraught wife begged and pleaded with me to clarify whether the law of the Torah allowed her to remarry.

Afraid to make a decision on his own in one of the most complex areas of *halachah*, Rabbi Meskin sent his *teshuva* to his mentor, R' Itzeleh Ponevezher, for approval.

He begins his analysis by noting that *Shulchan Aruch* (*Even HaEzer*, *Siman* 17, *Seif* 32) differentiates between two scenarios in the case of a person drowning in a body of water: If it is a small body of water with a visible end, (in the language of the Gemara, *mayim sheyesh lahem sof*), then we assume that the person is dead and his wife is permitted to remarry. However, if it is a large body of water and its end cannot be seen, then we fear that the man survived and was washed out elsewhere (in the language of the Gemara, *mayim she'in lahem sof*).

What if the person did not fall into the water, but may have drowned in the hold of a sinking ship?

Here the *Mabit* (Rabbi Moshe Ben Josef diTrani, 1505–1585), is of the opinion that the walls of the ship are to be considered like *mayim sheyesh lahem sof* and one can assume that the man is dead.

Rabbi Meskin writes:

Everyone knows, from the reports of the surviving passengers, that the *Titanic* struck an iceberg, and the water immediately flooded the ship. The passengers drowned there but did not fall into the water... and he certainly did not emerge elsewhere but sank with the ship...

He argues that one can rely on this opinion because the stringency of *mayim she'in lahem sof* is a rabbinic law, while *mi'de'oraisa*, one would follow the probability that the person drowned.

Another halachic clue was the letter from the Russian consul to Sara Maisner. Because the *Titanic* sailed under the British flag, it was the responsibility of the foreign consuls in Great Britain to inform the bereaved of the death of their relatives. Although the Russian consul is not mentioned by name in Rabbi Meskin's *teshuvah*, it was most likely Alexander von Benckendorff, who served as Russian consul in London from 1903 until his death in 1917. In the letter in question, the diplomat officially informs Sara Maisner of the death of her husband, Shimon Maisner, in the sinking of the *Titanic* and assures her that he will do his utmost to provide financial support for her family. Apparently, Shimon Maisner's sister, who lived in London, had informed him about the difficult financial situation of the young mother with three small children.

For Rabbi Meskin, this letter was an official confirmation from the authorities that Shimon Maisner had perished. From a halachic perspective, *akum masiach lefi tumo*, a non-Jew speaking offhandedly, is reliable for the release of an *agunah* as codified in the *Shulchan Aruch*.

A third argument was that the concept of *majim she'ein labem sof* as such is no longer relevant today, because if the husband had somehow survived, he could have informed his family by express mail, and the absence of such a sign of life is clear evidence that he is no longer alive.

These three arguments taken together were sufficient for Rabbi Yakov Meskin to halachically declare Shimon Maisner dead and allow Sara Maisner to remarry. R' Itzeleh Ponevezher added a few comments, but agreed with Rabbi Meskin's reasoning.

Dayan Yitzchak Grossman of Bais HaVaad adds that there is another (and much stronger) argument. The water temperature of the Atlantic is 2 degrees Celsius and it is possible to survive in the freezing water for a maximum of 30 minutes. Only those who were in lifeboats, or were taken out of the water shortly after, survived. So there are "trey rubey" (two reasons) to assume that Shimon Maisner did not save himself in a lifeboat: he either drowned in the ship or died of hypothermia in the water outside the ship.

Thanks to the *psak* of Rabbi Yakov Meskin with the *haskamah* of R' Itzeleh Ponevezher, Sara Maisner was able to remarry. On October 5, 1915, in New York, she married Jakob Glaser, also a tailor from Russia, who emigrated to the USA one year after the sinking of the *Titanic*. Sara Maisner lived in New York until 1951 and was buried in the Mount Ararat Cemetery.

Unlike Shimon Maisner, Yakov Birnbaum's body was recovered after 12 days and returned to his family in Belgium. However, the law in Belgium stated that the authorities were allowed to dig up a Jewish cemetery after 50 years. It was therefore customary in Belgium to bury their *niftarim*

in Holland instead, not far from the Belgian border. Thus, Yakov Birnbaum was buried in Putte and his *matzeivah* was engraved with the fact that he died when the *Titanic* sank, and a picture of the *Titanic*.

The wreck of the *Titanic* was only discovered in 1985 and the exploration of the wreck, which lay undiscovered for over 70 years on the seabed almost 500 km from Newfoundland at a depth of 3,810 meters, provided many insights into the reason and the way in which the *Titanic* sank. There are also private companies that offer tourists dives to the *Titanic* and one such company was *OceanGate Inc*, founded in 2009 by Stockton Rush.

On June 18, 2023, Stockton Rush, along with four other passengers, set off on an expedition to the *Titanic* with the submersible *Titan*. Contact was broken off shortly afterwards, and after a large-scale search operation, the remains of the *Titan* were found. The submersible, which was known to have safety deficiencies, is said to have imploded underwater, killing all the passengers, including Stockton Rush, founder of *OceanGate* and pilot of the *Titan*. Interestingly, Stockton Rush's wife, Wendy Rush, is a descendant of Isidor and Ida Straus. Their daughter Winnie married Dr. Richard Weil, and their son Richard Weil Jr. was Wendy Rush's grandfather.

On the mausoleum in New York, where Isidor Straus is buried, the *pasuk* (*Shir HaShirim* 8:7) "...מֵימִים רַבִּים לֹא יוּכְלָו לְכַבּוֹת אֶת הַאַהֲבָה" (*Many waters cannot quench the love*) is quoted, in reference to Ida Straus' loyalty in not wanting to leave her husband, and their going to their deaths together. Eyewitnesses are said to have seen the Straus couple, who led a completely secular lifestyle, recite *Shema Yisrael* just before the *Titanic* disappeared beneath the surface. In this case, it was precisely these *mayim rabim* that ignited their *ahavah* toward Hashem. ☰