The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תקנ"ד סעיף כ"ב-כ"ה

Overview

Siman 554 Seif 22:

In places where the custom is to work on Tisha B'Av, it is permitted and in places where the custom is not to do work, it is prohibited. In all places Torah scholars should refrain from working and anyone who wants to act like a Torah scholar for this matter may do so. Even in those places where they do not work it is permitted for a gentile to work, even in a Jew's home. Selling merchandise for a profit is prohibited in places where they refrain from working and in places where they do not refrain from working it is permitted but one should minimize the selling that he does since one should minimize the work he does already from Rosh Chodesh. The restriction against work is limited until chatzos. The custom is to refrain until chatzos from any melacha that takes time, even if it does not require expertise. Those activities that do not take a long time, e.g. kindling a light, tying a knot etc. are permitted. It is best to arrange for a gentile to milk a cow if it could be done by a gentile.

- The goal is not to become distracted from the mourning. Melacha that does not take time is permitted since it is not distracting. (M.B. 43)
- In our countries the custom is to refrain from working. (M.B. 45)
- Construction which is very public and loud is prohibited even if done by gentiles. (M.B. 46)

Siman 554 Seif 23:

Performing melacha to prevent a loss is permitted similar to the allowance on chol hamoed.

- If there is a sale or a caravan it is permitted to have a gentile purchase from them [but one should not do it himself since it will distract him from the mourning] even before chatzos and certainly it is permitted to sell. (M.B. 48)

Siman 554 Seif 24:

Someone who performs melacha on Tisha B'Av will not see blessing from that melacha.

- This applies even in a place where the custom is to permit work and even after chatzos. Although business is permitted after chatzos one should not become too involved lest he become distracted from the mourning. (M.B. 49)
- In other words, from the money that one earns from that melacha. (M.B. 50)

Siman 554 Seif 25:

One who eats or drinks on Tisha B'Av will not see the joy of Yerushalayim and anyone who mourns Yerushalayim will merit to see its joy. The pasuk ותהי עונותם על עצמותם applies to one who eats meat or drinks wine during the seudah hamafsekes.

- This applies even to a pregnant or nursing woman or other person who is weak and suffers from fasting. (M.B. 51)

Halacha Highlight

Performing melacha on Tisha B'Av

Shulchan Aruch Siman 554 Seif 22

מקום שנהגו לעשות מלאכה

In those places where the custom is to perform melacha

Shulchan Aruch (סע' כ"ב) presents two different customs related to performing melacha on Tisha B'Av. Some places have the custom to perform melacha on Tisha B'Av, and in those places melacha is permitted; other places have the custom to refrain from performing melacha and in those places one must refrain from performing melacha. In all places Torah scholars refrain from performing melacha and anyone who chooses to adopt the practice of Torah scholars and refrain from performing melacha on Tisha B'Av may do so and it does not appear as though he is acting in a haughty manner. Rema clarifies that even in those places where the restriction against melacha applies it applies only until chatzos. Rema writes that the custom is to refrain until chatzos from any melacha that takes time to perform, but those activities that do not take time to perform, for example, kindling a light or tying a knot, are permitted. Biur Halacha (ד"ה במקום שנהגו) confirms that the widespread custom is to refrain from performing melacha. The rationale behind the restriction is that performing melacha can easily distract one from the mourning of the day and it is for that reason that melacha that does not require attention or occupy a significant amount of time is permitted on Tisha B'Av.

Poskim write that included in this restriction is engaging in business transactions even though they may not involve melacha that extends for lengthy periods of time. However, stores that sell food items may open and customers may purchase food related items even before chatzos. Aruch HaShulchan (סע' כ"א) maintains that nowadays the restriction applies only until the completion of the recitation of kinos. Although it would be proper to extend the recitation of kinos until chatzos, nevertheless, the pressure to earn a living is too great and since the matter is dependent on custom if this is the current custom it may be followed (פסקי תשובות אות כ' והע' 91).