The Gemara first explains: It might have entered your mind to say: What is the meaning of the balcony mentioned in the mishna?

It is referring to the residents of an upper story above the balcony; and if so, why do we call the upper story a balcony? Because the residents of the upper story ascend and descend to and from their apartments by way of the balcony. From here the Gemara infers: With regard to any place that can be used by one set of residents only by lowering an object down to it and by another set of residents only by throwing an object on top of it, we grant Shabbat use of it to those who can use it by lowering, as the residents of the upper story who use the area ten handbreadths high do so by means of lowering. Apparently, the mishna supports Shmuel and presents a difficulty to Rav.

The Gemara rejects this argument: As Rav Huna said with regard to a different issue discussed in a subsequent mishna, that the tanna is referring to those who live in apartments that open directly onto the balcony rather than those who live in an upper story; here too, the tanna is speaking of those who live in apartments that open directly onto the balcony. In this case, the use of an area ten handbreadths high is convenient for the residents of the balcony, as it is on their level; whereas its use is relatively inconvenient for the residents of the courtyard. Consequently, the right to use this area is granted to the residents of the balcony.

The Gemara raises an objection: If so, say the next clause of the mishna: Anything that is lower than this, i.e., lower than ten handbreadths, its use belongs to the courtyard. But why should this be the halakha? This is similar to a case of residents of two courtyards who have equally convenient access to a certain area. The residents of this courtyard access the area through one entrance, and the residents of that courtyard access the area through another entrance. In our case, the use of the area is equally convenient for the inhabitants of both the balcony and the courtyard; why should the latter be granted exclusive right of use?

The Gemara answers: What is the meaning of the phrase to the courtyard? It means also to the courtyard. In other words, even the residents of the balcony can make use of this mound or post, and therefore residents of both the courtyard and the balcony are prohibited. If residents of two domains can conveniently use a single area and they did not establish an irav between their domains, they are all prohibited to carry in that area.

The Gemara comments: So too, it is reasonable to explain the mishna in this manner, as it was taught in the latter clause of the mishna: In what case is this statement said? When the mound or embankment is near the balcony; but in a case where it is distant from it, even if it is ten handbreadths high, its use belongs to the courtyard. What, then, is the meaning of the phrase to the courtyard in this context? If you say it means to the residents of the courtyard, and therefore the use of the mound or embankment is permitted to them, why should this be so? It is the domain of the residents of both the courtyard and the balcony, as the mound or embankment is positioned near enough to the balcony for its residents to use it as well.

Rather, what is the meaning of the phrase to the courtyard? It means also to the courtyard. And, consequently, as the residents of both the courtyard and the balcony can use it, both are prohibited to carry there on Shabbat. Here too, in the earlier part of the mishna, what is the meaning of the clause to the courtyard? It likewise means also to the courtyard, and therefore both sets of residents are prohibited to carry. The Gemara concludes: Indeed, learn from this that this is the correct interpretation of this phrase.
A cistern in a courtyard – If a cistern in a courtyard full of water is located ten handbreadths above the floor of the courtyard and near the balcony, the residents of both the balcony and the courtyard are prohibited to make use of it. If it is full of non-tithed produce or anything else that may not be moved on Shabbat, it may be used by the residents of the courtyard (Rambam Sefer Zemanim, Hilkhot Enufin 4:18).

The Gemara attempts to adduce further proof from the mishna: The embankments that surround a cistern or a rock that are ten handbreadths high may be used by the residents of the upper story, if they are lower than that height, for the right to use them belongs to the balcony. The Gemara assumes that the phrase to the balcony is to be understood here literally as referring to those who live in apartments that open directly onto the balcony.

The Gemara asks: Granted, in the case of a rock, the residents of the balcony can use it conveniently, as its surface is more or less level with the balcony itself. But with regard to a cistern, what can be said? The water in the cistern is lower than the balcony and can be reached only by lowering a bucket down to it. How, then, can it be argued that the cistern is conveniently used by the residents of the balcony but not by the residents of the courtyard?

The Gemara answers: This teaching is referring to the residents of an upper story, who access their apartments through the balcony. The mishna indicates that if one set of residents can make use of a place by lowering and another set of residents can use it by throwing, the use of the place is granted to those who lower their objects, in accordance with the opinion of Shmuel and contrary to the opinion of Rav. The Gemara answers: Rav Huna said that the phrase to the balcony is to be understood here literally as referring to those who live in apartments that open directly onto the balcony.

The Gemara asks: But doesn’t the cistern gradually lose its water as the liquid near the surface is drawn out? Although the water might at first reach the balcony, the water level gradually recedes. Eventually, the only way to reach the water will be by lowering a bucket into the cistern.

The Gemara answers: Since it is permitted to draw water from the cistern when it is full, it is likewise permitted even when it is lacking. The Gemara counters this argument: On the contrary, you should say that since the cistern is prohibited when it is lacking, it should likewise be prohibited even when it is full.

Rather, Abaye said: Here we are dealing with a cistern full of produce, as the upper produce is near the balcony. The Gemara raises an objection: But doesn’t the amount of produce also diminish, as the produce is removed, increasing the distance between the pile and the balcony?

The Gemara answers: This teaching is referring to untithed produce, which one may not tithe on Shabbat. Since this produce may not be used, the height of the pile will remain constant for the duration of Shabbat.

The Gemara comments: The language of the mishna is also precise, as it teaches the halakha of an embankment of a cistern together with that of a rock. Just as in the case of the rock only the upper surface is used, so too, in the case of the embankment of the cistern, the mishna is referring to the use of the surface of the cistern and not its contents. The Gemara concludes: Indeed, learn from this that this is the correct explanation.

The Gemara asks: But if this is indeed correct, and the cistern and rock are similar in all respects, why do I need the tanna to state the case of a cistern, and why do I need him to state the case of a rock as well? The Gemara answers: It was necessary to teach both cases. As had the mishna taught us only about a rock, one might have said that only a rock may be used by the residents of the balcony, as there is no need to decree in case its height is diminished. But with regard to a cistern, perhaps we should decree and prohibit its use, as at times it might be filled with tithed produce, which may be removed and eaten, thereby diminishing its height. It was therefore necessary to teach us that this is not a concern, and a cistern, as well as a rock, may be used by the residents of the balcony.
It is permitted when full – כִּי מַלְיָא שָׁרְיָא
A post in a courtyard – the Gemara counters with the opposite claim: As it will be prohibited
However, if the post belongs exclusively to one group of residents, the
fact that it is foreseeable that the waters of the cistern will recede
more convenient for the other group than its owners.
A cistern in a courtyard – explanation in the Jerusalem Talmud that the residents of both the
other group cannot impose restrictions upon them, even if its use is
halakha

Above and below ten – Walls and ledges – Do not establish an eiruv together, any ledges positioned
within ten handbreadths of the ground are available exclusively to the inhabitants of the courtyard; ledges
within ten handbreadths of the upper story may be utilized exclusively by the inhabitants of the upper
story. Any ledges in the middle are prohibited to both groups (Shulḥan Arukh, Ḥagigah 375:4).

The Gemara infers: Consequently, a ledge situated between this and
between the other, i.e., in-between the courtyard and the upper story, is prohibited. This middle area has the status of a place that can be
used by one set of residents by lowering and by another set of residents by
throwing, and yet they are both prohibited, in accordance with the
opinion of Rav and in opposition to the opinion of Shmuel.

Rav Nahman said: No proof can be adduced from this teaching, as here
we are dealing with a wall of nineteen handbreadths that has a pro-
truding ledge. If the ledge protrudes below ten handbreadths from the
ground, for this set of residents, those of the courtyard, it can be used
as an entrance, and for that set of residents, those of the upper story, it
can be used only by lowering. If the ledge protrudes above ten hand-
breadths, for this set of residents, those in the balcony, it can be accessed
as an entrance, and for that set of residents, those of the courtyard,
it can be used only by throwing. In this case, there is no middle
area between the ten-handbreadths available to each set of residents.
Consequently, this case cannot serve as a proof with regard to the
dispute between Rav and Shmuel.

The Gemara attempts to cite yet another proof to resolve the dispute
between Rav and Shmuel. Come and hear a baraita: If the residents
of houses opening directly into a courtyard and the residents of
apartments in an upper story forgot and did not establish an eiruv
together, the residents of the courtyard may use the lower ten hand-
breadths of the wall near them, and the residents of the upper story
may use the upper ten handbreadths adjacent to them. How so? If a
ledge protrudes from the wall below ten handbreadths from the
ground, its use is for the residents of the courtyard; but if it protrudes
above ten handbreadths, its use is for the residents of the upper story.

Within ten…they render it prohibited for one
another – Abaye introduces
an additional consideration. The status of a cistern
beneath two domains situated within ten hand-
breadths of one another is not determined by the
difficulty or ease of their use. Rather, the two domains
are treated as one, even if one of them can access
the water of the cistern only with great difficulty. For
instance, even if the lower of two balconies requires
both lowering and throwing to use the cistern, they
are considered a single domain in this regard, due to
their proximity.

Returning to the dispute between Rav and Shmuel, the Gemara
suggests a different proof: Come and hear a baraita: If the residents
of houses opening directly into a courtyard and the residents of
apartments in an upper story forgot and did not establish an eiruv
together, the residents of the courtyard may use the lower ten hand-
breadths of the wall near them, and the residents of the upper story
may use the upper ten handbreadths adjacent to them. How so? If a
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ground, its use is for the residents of the courtyard; but if it protrudes
above ten handbreadths, its use is for the residents of the upper story.

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breadths, for this set of residents, those in the balcony, it can be accessed
as an entrance, and for that set of residents, those of the courtyard,
it can be used only by throwing. In this case, there is no middle
area between the ten-handbreadths available to each set of residents.
Consequently, this case cannot serve as a proof with regard to the
dispute between Rav and Shmuel.
Rather, the halakha is the same even if they established a partition for the upper balcony and they did not establish a partition for the lower one, despite the fact that it might have entered your mind to say the following: Since for this, the residents of the upper balcony, its use is convenient, while for that lower balcony, its use is demanding, as the lower balcony can draw water only by hoisting its bucket upward, the use of the hole should therefore be granted to the one whose use is convenient. This reasoning would render the hole permitted to the upper balcony and prohibited to the lower balcony. To counter this hypothetical argument, the mishna teaches us that since the upper and lower balconies are located within ten handbreadths of each other, they render it prohibited for one another.

This is similar to a teaching that Rav Nahman said that Shmuel said: In the case of a roof that is adjacent to a public domain, there must be a fixed ladder from the courtyard to the roof to permit the use of the roof to the residents of the courtyard. The Gemara infers: If there is a fixed ladder, yes, the residents of the courtyard may use the roof; if there is merely a temporary ladder, no, they are prohibited to use it. What is the reason for this distinction? Is it not that since the balcony and the public domain are situated within ten handbreadths of each other, the residents of both render it prohibited for one another, in accordance with the opinion of Abaye? Since the residents of the balcony are located within ten handbreadths of the public domain, the presence of people in the public domain renders the use of the roof prohibited for the inhabitants of the balcony. The only way for the members of the balcony to be permitted to use the roof is by means of a fixed ladder that has the status of a proper door.

Rav Pappa strongly objected to this argument, claiming that this proof can be refuted: But perhaps this applies only to a roof upon which many people place their hats (kumta) and shawls when they are in need of rest. Even if the people in the public domain are not situated within ten handbreadths of the roof, they can still use it conveniently if they wish to place light objects upon it on a temporary basis. If there was not a fixed ladder, the residents of the courtyard would not be permitted to use the roof, as it serves the public domain as well. Consequently, no proof can be adduced from here either. In summary, no compelling proof has been found either for Rav’s opinion or for Shmuel’s opinion.

Rav Yehuda said that Shmuel said:

If a cistern in a small alleyway between two courtyards is separated by four handbreadths from the wall of one courtyard and by four handbreadths from another courtyard, the resident of this courtyard may extend a ledge of minimal size from his window in the direction of the cistern, as a sign that he is not using the domain of the other, and he may subsequently proceed to draw water from the cistern through the window. And the resident of the other courtyard may likewise extend a ledge of minimal size and draw water from the cistern through his window. And Ray Yehuda himself said: An actual ledge is unnecessary, as it is enough even if one merely extends a simple reed.

A cistern between two courtyards

Hats and shawls – kumta: Seemingly related to the Arabic qubba'ah, meaning a cap or a hat. The ge'onim explain that kumta means a soft hat that lies flat on the head.