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***Shikkul ha-da'at* (Judicial Discretion): A Talmudic
Concept from a Jurisprudential Point of View**

The problem of judicial discretion is one of the main problems in modern jurisprudence. In what circumstances is a judge allowed to exercise discretion? Is he always allowed to exercise discretion or only where there is no clear answer in the law? Is a judge allowed to exercise full discretion or is he always bound by legal norms? The Hebrew term for judicial discretion—*shikkul ha-da'at*—appears in both Talmuds Yerushalmi and Bavli. In the various *sugyot* one can find different opinions with regard to the circumstances in which a judge is allowed to exercise discretion and with regard to his responsibility in a case of error. This article analyzes the *sugyot* that use the concept of *shikkul ha-da'at* and the various opinions that appear there in light of the modern discussion.