

	JUDICIAL ACTIVISM	JUDICIAL RESTRAINT
FEDERAL CONFLICT	Conservative judiciary defends or expands state or provincial powers over the environment in conflicts with the federal government	Social democratic judiciary sustains federal power over the environment in conflicts with the state or provincial governments
DEVELOPMENT CONFLICT	Social democratic judiciary supports challenges from public interest groups to environmentally harmful projects	Conservative judiciary defers to government decision makers in conflict with public interest opponents

From the table it is clear that with regard to environmental disputes, both right- and left-wing judges engage in judicial activism when such a role would further the interests favored by their ideological preferences. The four-cell schematic is complicated, however, in Canada by the Québec issue. Progressive judges on the Supreme Court of Canada must always consider the reaction of Québec to any decision favoring federal power. Francophone judges from Québec will usually oppose expansions of federal power over the environment even if they are sympathetic to the concerns of the environmental lobby.

ENVIRONMENTAL POLICYMAKING IN CANADA

The Constitutional Allocation of Powers

Two variables closely associated with judicial power are the separation of powers and federalism (Holland 1991, 7-9). When a constitution divides governmental power among three branches (legislative, executive and judicial) it guarantees institutional conflict, as each