

section 8, to regulate "commerce among the states." In the United States any activity, whether commercial in character or not, which affects interstate commerce falls under congressional authority. By sharp contrast, Canadian courts divide commerce into two exclusive categories--intraprovincial, which is exempt from federal regulation, and interprovincial and international, subject to federal control under section 91 (2). The provinces enact laws governing economic transactions occurring within the province primarily under their section 92 (13) jurisdiction over "property and civil rights." Thus, while the regulation of mining and manufacturing have been preempted by the federal government in the United States, these sectors of the economy fall within provincial jurisdiction in Canada. Thus, much of the responsibility for environmental policy making borne by Washington belongs to the ten provincial governments in Canada.

Criminal Law. Efforts by Ottawa to construct environmental rules using its jurisdiction over the criminal law have been unsuccessful. The policy analysis literature indicates that environmental policy makers have fundamentally four strategies from which to choose in their efforts to achieve clean air and water (Holland 1983). First, they can punish undesirable behavior through the criminal law. The costs, however, are substantial. The government must catch polluters, prosecute wrongdoers and prove guilt beyond a reasonable doubt. Scarce enforcement and judicial resources are consumed in the process. Judges, moreover, tend to be lenient on environmental offenders in sentencing in order to leave room in the prisons for violent criminals. Second, policy makers can attempt to root out the causes of environmental degradation by changing the attitudes and values of polluters. This rehabilitative strategy, however, is problematic because we do not really know how to reform offenders, as the disappointing story of Canadian and U. S. efforts to rehabilitate juvenile delinquents attests. A third strategy involves providing incentives for non-polluting behavior--the carrot rather than the stick. Governments