qualitative rise in the level of judicial involvement in Canadian decision making in several policy areas including the environment. This high level of judicial involvement is strong support for a major expansion of federal jurisdiction over environmental protection. Whether Ottawa has the political will to pursue such an aggrandizement of its authority at the expense of the provinces is another matter altogether.

The Role of the Courts

Beginning in the late 1980s environmental politics changed in Canada--they became judicialized. Judicial decisions "created new opportunities for increasingly sophisticated environmental groups to use the court system to lobby governments on environmentally related economic developments" (Skogstad and Kopas 1992, 51). The courts filled a governmental void. Political parties, cabinets and parliaments showed little interest in the agenda of such groups (Gibbins and Maher 1993, 20-21). The Supreme Court accommodated the demands of ENGOs not only by relaxing the rules of standing but also by awarding lawyers' fees to them on the theory that they were in court representing the public interest. The environmental movement, thus, has contributed to institutional change in Canada, with the judiciary emerging as an opponent of the executive-dominated legislature, at both the provincial and federal levels. The ability of the courts in Canada to play such an independent and powerful role in the environmental field is circumscribed by two important differences from the United States: Canadian judges lack the broad remedial authority possessed by federal judges in the United States under their power to do equity and Canadian judges must face a hostile legislative-executive alliance alone while U. S. judges frequently can count on Congress as an ally in their confrontations with the administration over decisions with large environmental impact.

Some of the groups which have brought environmental challenges in the name of the