

Cultural observer Joseph Epstein wrote a wonderful satirical column in the Wall Street Journal a few weeks about the "Good Intentions Paving Company," a riff on the old cliché, "The road to hell is paved with good intentions."

The Good Intentions Paving Company does not confine its activities to the U.S. In fact, it had one of its representatives in Calgary this week, Judge Peter McIntyre, handing a sentence of 18 months in prison and three years' probation to Meredith Borowiec, who admitted to throwing three newborn babies, successively over several years, into dumpsters immediately after birth. (Two died, the third was rescued alive).

"This is a terrible case," Judge McIntyre told Borowiec. "You've shocked the community and you've shamed yourself. I have to remind myself to be dispassionate about this case." The judge then proceeded to be anything but dispassionate – dispassion would have had him accepting the prosecution's demand for at least eight more years in prison on top of 18 months served in custody – as he reflexively adopted a compassionate default attitude to Borowiec's case that should have been jettisoned decades ago.

There was a time when becoming pregnant "out of wedlock" – how quaint the phrase now seems – could ruin a young woman's life. The shame of their predicament sometimes drove such women to extreme measures of concealment – elaborate lies, flight, dangerous illegal abortions and even infanticide.

It was because the stakes were so high and the social judgment so severe that courts – first spontaneously, then as a matter of policy – went easy on women who killed their infants. They saw the mothers' desperation as the equivalent of a mental fugue that rendered them less culpable than normal killers. Later, the discovery of "post-partum depression" further entrenched the idea that new mothers must be given latitude for abuse, abandonment or the killing of their newborns ("new" now stretches to years in some cases).

As a result, today, when there is no shame in single motherhood or in seeking free, effective treatment for depression, we are witnessing the "hell," to which these superannuated good intentions have led, of women getting away with pure and simple murder.

Let's look at Borowiec's case with no intentions at all beyond seeing justice served for the deaths of those innocent babies.

Borowiec's babies all have the same father. He improbably claims not to have known about the pregnancies or births (he is also the father of her fourth child, born while she was in custody), but the relevant point is that Borowiec was not alone or abandoned or shunned or forced into prostitution.

And forget about postpartum depression. Mothers with postpartum depression want to love and care for their children, but can't. In Borowiec's case(s), there was neither evidence of love nor attempted care. She disposed of the babies so quickly after birth that she "didn't even look to see whether it was a boy or a girl" before wrapping and discarding them.

What normal mother would wait until she is in court to express remorse?

Judge McIntyre noted that Borowiec had shown "genuine remorse." Really? "One must take responsibility to feel remorse and she rejected personal responsibility: "It was like something took over me. It was like I wasn't in control. I wasn't normal." This last is true. What normal mother would not take steps to prevent a recurrence of such a tragedy after the first incident? What normal mother would wait until she is in court to express remorse? But not acting normally does not mean she had no choice.

And "out of control"? Borowiec was certainly in control enough to lie to her co-workers about her pregnancy, explaining

away her swelling torso as uterine cysts (which also blows holes in her claim not to have known she was pregnant). As the prosecution noted with actual dispassion: “These are all aggravating factors that increase her moral blameworthiness.”

But the judge bought Borowiec’s story. He said: “All three offences were committed while your mind was disturbed while giving birth.” If this decision stands, it’s open season on unwanted infants. Let’s hope this precedent is overturned on appeal by a court that doesn’t set its moral compass according to the Good Intentions Paving Company handbook.