
On 23 October 2007, a woman called Mazoltuv Borukhova walked into a playground in the suburb of Forest Hills, New York, to visit her daughter who had recently been transferred to the sole custody of her father. As the four-year-old child, Michelle, was lifted up by her father to be placed in the arms of her mother, he was shot. In the police investigation and criminal trial that followed it was alleged that Michelle’s mother, who would henceforth be known simply as ‘Borukhova’, hired a hit man to murder her husband.

Borukhova was a physician; her murdered ex-husband, Daniel Malakov, an orthodontist. Borukhova and Malakov are Bukharan Jews, an obscure sect whose origins lie in central Asia, in Borukhova’s case legendary Samarkand. The hitman, Mikhail Malleyev, is also Bukharan. Bukharan Jews came to America from the 1970s onward and settled in great numbers in Forest Hills. The women dress in long skirts and cover their heads with wigs or turbans. The group is often stereotyped by other Russian Jews as ‘not proper Jews, more like Muslims than like Jews’ (31).

Janet Malcolm, the famous *New Yorker* critic, who was born in Prague and has lived in the United States since the 1930s, was intrigued by this trial as there is an enigma that lies at the heart of the case: ‘She (Borukhovha) couldn’t have done it and must have done it’ (32).

Malcolm has written about court cases before, notably in *The Journalist and the Murderer* (1990) and was herself involved in a lengthy court proceedings when psychoanalyst Jeffrey Moussaieff Masson, brought an action for libel against her after publication of her book *Psychoanalysis: The Impossible Profession* (1981).

In *Iphigenia in Forest Hills* Malcolm presents the court case that took place in Queens during the early months of 2009 as a gladiatorial contest where the opposing attorneys present their competing narratives in front of a despotic emperor (the judge) who then directs a jury to take note of some parts of the narrative while ignoring others. In the trial of Mazultov Borukhova and her co-defendant, Mikhail Malleyev, the man accused of killing her husband, the presiding judge was Robert Hanophy, known as ‘Hang ’em Hanophy’ a man Malcolm describes as ‘seventy-four with a small head and a large body and the faux-genial manner that American petty tyrants cultivate’ (7). The prosecution was directed by Brad Leventhal; the defence by Stephen Scaring, depicted as a lawyer with a reputation for taking on unwinnable cases and winning them.

Although Borukhova and the co-defendant, Malleyev, were found guilty on circumstantial evidence, the case against them was strong. Another judge, Sidney Strauss, had ordered that the child Michelle was to be handed over to the sole custody of her father because ‘she cries hysterically when threatened with separation from her mother’ (47). Remarkably, none of the social workers involved in ‘helping’ Borukhova and Malakov resolve their issues had requested a change of custody order. Neither had the father. An appeals court upheld Judge Strauss’s decision and six days before the murder Michelle (screaming hysterically) was handed over to her father.

This miscarriage of justice gives prosecutor Leventhal the mythic underpinning to explain Borukhova’s decision to have her husband executed.

It was as inevitable that Borukhova – ‘her’ – would revenge herself on Daniel for the loss of Michelle as that Clytemnestra would revenge herself on Agamemnon for the loss of Iphigenia. (16)

The person making this observation is not Leventhal, however, it is the author Janet Malcolm. Nevertheless, the jury ‘got’ the mythic dimension of the case. Defence lawyer Scaring tried to point out that ‘gentle, cultivated’ Borukhova could not possibly have arranged to have her husband executed in front of the child. Indeed, Michelle could have been injured or worse if the bullet had wavered slightly. But Scaring never offered an alternative scenario, another plausible narrative of who might have killed Daniel Malakov.

During the divorce proceedings of her parents Michelle/Iphigenia came under the supervision of a law guardian called David Schnall. He is Borukhova’s nemesis, a man who sent the mother exorbitant bills she had to pay or risk losing her child, who did not bother to interview Michelle until some eighteen months into his guardianship. Schnall almost becomes Janet Malcolm’s nemesis. In a telephone conversation with her he describes the world as a place of hidden evil under the control of communists who own the banks, the police department even the city of New York. He alleges that the government knew the 9/11 attacks were going to happen and ‘same thing with Katrina’ (68). Schnall is a nutcase and Malcolm tells us that after listening to his diatribe she did something she has never done before: ‘I meddled with the story I was reporting. I entered it as a character who could affect its plot’ (69).

Malcolm calls defence attorney Scaring, and if this plot were part of a movie the case would have been dismissed and mother and daughter reunited. Amazingly, despite Malcolm’s interference Schnall’s exposure as a venal nutter did not affect the plot one iota. The case against Borukhova continued. Borukhova’s ‘contained, Cordelia like demeanour’ alienated the jury. ‘She looked like a captive barbarian princess in a Roman triumphal procession’ (59). She does not make eye contact with the jury and they do not look at her.

The subtitle of this book is ‘Anatomy of a Murder Trial’ and there is no doubt that Malcolm’s scalpel dissects and lays bare extraordinary injustices. From the point where Malcolm inserts herself into the story there is a discernable distancing, a disdain for the Bokharan community creeps into her commentary. She repeats that the Bokharans are exotic – Russian rather than Jewish. The neighbourhood where the murdered man lived has, ‘the slightly tacky look of Imperial Russian splendour’ (108). The murdered man’s nephew tells Malcolm that the last time he spoke to his uncle, Daniel was eating a pomegranate.

Malcolm retorts: ‘Of course he was eating a pomegranate. Characters in Russian literature are always eating (or offering) fruit at significant moments’ (114). Thus, Chekhov’s Gurov in Lady and the Lapdog brings his mistress a slice of watermelon when they have slept together for the first time. Tolstoy’s Oblonsky brings his wife a pear when she confronts him with his infidelity. The pomegranate with its Arabian Nights connotations reminds us (again) that the Bokharans are regarded as ‘almost Muslims’ by other Jews. Malcolm adds, gratuitously in my opinion, ‘It is in the lifeblood of Russian storytelling to take note of the fruit’ (114).

And what of Iphigenia? Her mother, Borukhova, is sentenced to life imprisonment without parole. Borukhova’s sisters want custody of Michelle, but she is passed around her father’s family like a human parcel straight out of a Dickensian nightmare. Malcolm is able to observe the child one last time before leaving the story and observes that she is bruised about the neck, supposedly from a fall, yet somehow Michelle has fitted into her paternal uncle’s family and might almost be happy.

Elisabeth Holdsworth