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DISSECTING A TRIAL OF LOVE, HATE AND HUMAN DESPAIR

Janet Malcolm Investigates a Bukharan Tragedy in Queens
Iphigenia in Forest Hills: Anatomy of a Murder Trial
By Janet Malcolm
Yale University Press, 155 pages, \$25

In October 2007, a crime rocked the clannish, insular community of Bukharan Jews settled in the Forest Hills section of Queens. Bukharan Jews, descended from a mysterious Asian potage of influences, are thought by some to be a lost tribe of Israel, and speak a language called Bukhori, of Tajik-Farsi origins. After the dissolution of the Soviet Union, they immigrated, en masse, to Israel and New York from Uzbekistan, and it was at the epicenter of their community, on a playground in Forest Hills, that a kindly 40-year-old Bukharan orthodontist named Daniel Malakov died in a hail of bullets. The murder took place within sight of not only his 4-year-old daughter, Michelle, but also his estranged physician wife, the winsomely named Mazoltuv.

The crime was sloppily committed — a bottle of bleach used by the shooter as a rudimentary silencer fell from the gun, and the fingerprints on it led to a bearded, heavysset Bukharan named Mikhail Mallayev, and from there, directly to Mazoltuv — and the two of them were shortly charged with murder. The trial drew heavy press attention, with a handful of reporters attending daily. Among them was journalist Janet Malcolm, whose coverage eventually became an article in *The New Yorker*. A year or so later, that article has arrived in an extended-play version titled “*Iphigenia in Forest Hills: Anatomy of a Murder Trial*,” and the result is a curious, compelling and somewhat bedeviling book.

Among all judicial spectacles, murder trials are probably the most inherently interesting. To the theater of the law is added the tingling real-world consequence that the accused might end up rotting in jail or being dispatched to eternity, courtesy of the state. And Malcolm is wonderfully equipped for the task of anatomizing the dynamics of the legal process. Her oeuvre of books has mixed clear-eyed reporting with rigorous investigations into the lures and snares of narrative, and she writes a precise, unflappable prose that seems purpose-built to chart the inflationary theatrics of a high-stakes trial.

The book opens with the trial already under way. Swiftly, Malcolm lays out the principals, using as her favored method the doubled descriptor. The lead prosecutor is a “short, plump man”; the defense attorney is a “tall, slender man”; the father of the slain man is a “tall, vividly handsome man.” Malcolm has practiced journalistic objectivity for so long that her natural inclination is to the value-free. For that reason, on the rare occasions when she does take swipes, they are done with a quiet ferocity. The presiding judge, a man named Robert Hanophy, whom she clearly dislikes, is described as “a man of 74 with a small head and a large body and the faux-genial manner that American petty tyrants cultivate.”

As for the trial itself, it opens with the evidence against the wife, Mazoltuv, stacked as far as the eye can see. Not least are the 90 calls between her and the triggerman in the three weeks preceding the murder (somewhat laughably passed off by the defense as medical in origin), along with the litany of threats issued by the sisters of the defendant against the husband and his family. There is also — alas for Mazoltuv, with whom Malcolm is clearly sympathetic and whom she describes memorably as looking during the trial like “a captive barbarian princess in a Roman triumphal procession” — a ton of motive.

The subtitle of the book might be: “What drives an admittedly volatile but still loving, cultured person to commit unspeakable acts?” The answer, if there is one, would lie within the vagaries of the criminal justice system itself and, more specifically, that sad post-marital firefight called a custody dispute. The fuse to the murder was lit about a month before its commission, by a New York State Supreme Court judge named Sidney Strauss. He issued a decision that the daughter, who had lived her life — during a stormy marriage, with several separations and reconciliations — entirely with her mother, be forcibly removed and that custody be given to the father. The stunned mother appealed the decision and was turned down. As she does occasionally, and to good dramatic effect, Malcolm interjects herself personally into the narrative here, explaining that when Strauss’s remarks were read at the trial, they made him “seem petulant and irrational.” She goes on to say: “Courts routinely remove children from homes where they are neglected, abused, malnourished, traumatized. I know of no other case where a well-cared-for child is taken from its mother because it sits on her lap and refuses to bond with [the ex-husband].”

Incredibly, this judicial folly was based nearly entirely on the fact that, during court-ordered family visits at a private agency, run by social workers, the child was viewed as clingy and dependent on the mother, and unwilling or unable to relate to her biological father. The result — that the child should be removed permanently from the mother and sent to live with the father — flies in the face of reason, for even the father himself didn’t want full custody. Apparently, plans were underway for him to try to mitigate or reverse the decision. But before he could act, or have his plans made known to his ex-wife, something evidently snapped in Mazoltuv’s mind, and she set out on her bloody revenge.

To its credit, this is a slender book that resonates equally in many directions. There was something about the aloof, chilly self-containment of Mazoltuv Borukhova that irrationally irritated the male members of the legal and child-care galaxies who came into contact with her, and this weighed heavily against her in the end. There was also evidence that the secularized Jews of the legal community — because nearly all the actors in this drama, with the exception of the irritating Hanophy, and possibly one of the lawyers, were Jewish — felt deeply uneasy around the somewhat alien and mysterious sect of the Bukhari, who were often viewed stereotypically by Russian-Jewish émigrés and seen (according to a Russian translator employed at the trial) as a “savage, tribal people.... more Muslims than Jews.”

Malcolm, as is her way, destroys those stereotypes by particularizing individuals of the dead man’s family in extended interviews and home visits. A tireless reporter, she visits the Rikers Island cells in which the defendants were confined during the trial, and she digresses, with sparkling expository brio, on all the bit players involved in the judicial process. Along the way, she provides masterful portraits of the main lawyers, and of the cut and thrust of high-stakes litigation.

The book, finally, is a confirmation of the memorable phrase of Hannah Arendt that “truth is an acoustic phenomenon.” Malcolm shows how normative truth — or, more specifically, justice — is merely another narrative among many, while the Law, that living mosaic confected of hundreds of small human decisions, is as susceptible to the daily vagaries of bad moods, weather, lack of sleep and ego as the individuals who practice it.

Yet, in part because she never manages to interview or draw close to either of the two principals in this narrative, and because, despite her insight and industry, the end of their story, with its guilty verdict, was foretold in the beginning, not all the most clear-headed, sympathetic reporting in the world can entirely animate its telling.

Even in a brief book, a modicum of suspense or revelatory pressure is needed to keep the reader firmly bolted to his seat. So a slightly airless, potted feeling intrudes as the text moves along, a sense of disjunct parts marching not entirely in unison.

By the end, “Iphigenia in Forest Hills” comes to resemble the whirling, many-figured courthouse mural she describes in a typical off-topic foray dedicated to enlivening the narrative. “Is this a comment on the weightlessness of the law?” she asks, apropos, “Or is it just [the muralist] exercising his gravity-defying artist’s imagination?”

Eli Gottlieb’s new novel, “The Face Thief,” will be published by William Morrow in April 2012.