

Bullfry in Shanghai

By Lee Aitken

The doors of the antiquated lift clanged open and Bullfry, full of dumplings and Tsingtao, staggered forth into the tropical gloaming. A judicial apparition, clutching a luncheon voucher, appeared before him. 'Good afternoon, Jim' slurred Bullfry. The senior jurist, caught unawares, regarded our hero with the usual composure and courtesy he displayed when presiding over the highest tribunal – 'Bullfry, yet again, like the proverbial bad penny – will no-one rid me of this turbulent priest?' – was there to be no escape from him even on a conference jaunt?

The day had started badly for Bullfry – it is always a mistake to eat at a place called 'Mom's' or stay at somewhere called the 'Golden Lotus'. Although the travel agent had made the place sound attractive ('only a short cab-ride to the Shangri-La and your conference'), Bullfry's sleep had been interrupted twice by invitations to try out the hotel's in-house 'hairdressing and massage' facilities. He was past all that – did that mean that he was finally maturing? He hoped not.

As he fought his way aboard a taxi, Bullfry considered the vicissitudes of human affairs. He had lost a lot of money on an informal wager with a close companion on the next appointment to the Supreme Tribunal. He had been absolutely sure that true merit would be recognised and that the run of Executive preferment long enjoyed by his home state would continue. Look how wrong you can be! And was it a sensible idea to promote the notion, a little like Continental Europe, that judicial office had its own career ladder, which one began to climb at the age of forty? There was a large danger if the possibility should ever arise that judges could be scrutinised by the Executive over a long period of time, and their respective careers advanced or delayed.

In olden times, judicial office was normally undertaken by those long in years and experience who succumbed to the blandishments of the attorney after they had cleaned up at the bar. Appointment to certain posts had always been rightly considered as a possible prerogative of success for fighting difficult cases for years before the busiest tribunal. Now it seemed a matter of indulging in worthy causes, a little like bolstering one's Blake's internship application with a gold Duke of Ed. Perhaps all that was an inevitable result of needing to demonstrate one's community relevance.

The English, of course, had always had the right idea! To ensure a steady flow of applicants for judicial office they offered a 'positional good', which the limited money available to a senior counsel could not buy. This was especially so when operating in a socially stratified system where an honorific might appeal particularly to the second



Mrs Bullfry. High Court – 'Sir Jack Bullfry'; Court of Appeal – 'Lord Justice Bullfry'; House of Lords – 'Lord Bullfry of the Gorbals'. Using just such a stratagem they had even managed to continue the flow of Privy Council appeals from the seventh state by co-opting the most dangerous member of its Court of Appeal by making him a lord for part of the year in South London! There was no putting it past them. And what was the local equivalent? – not even a handful of silver, just a riband to put in your coat – and a riband which looked like a failed version of its French progenitor.

The taxi took Bullfry slowly up Nanxing Lu toward the Bund. The pace of building was incredible but what of the judicial structure which underlay it? The local judiciary operated as a part of the state and aimed first and foremost to maintain social stability. Was it likely even with a new law in place that a large steel enterprise would be allowed to fail and thus deprive its workers of their iron rice bowl, not to speak of the schooling and housing benefits, which it provided to its workforce? And was not that system at least as effective as one in which employees and unsecured creditors could be tossed aside when an enterprise completely failed? The Tribune that morning had been full of talk of a mooted bail-out of a large number of former financial wizards.



Bullfry thought back to all of those who had left the M & A branch of his old firm to join one of the many clients who specialised in ‘financial engineering’. Much of it involved the profitable leasing of bits of aircraft in one jurisdiction where the fiscal regime was most favourable; much of it involved hours on the telephone to inconvenient time zones and a large rush at the end to document the transaction. Not nearly as pleasant as a plea in Orange, and a quiet drink at the Canobolas.

The hotel loomed up. Bullfry gathered his shopping – he hoped his mother would like the stuffed Panda. He would have to give serious thought to its packaging to avoid the unwonted attentions of Customs and the Australian Quarantine Inspection Service. It used to be an anchor client when Bullfry commenced at the bar – would he ever forget the ‘extension’ case, which had taken him over three months with a bibulous instructor to every single-malt distillery in the Western Isles? Or better yet, the film classification brief when he had sat sequestered

with a young instructress watching imports for hours on end to opine on his own view of Hicklin in the light of contemporary mores!

He had however, noticed a disturbing trend at Mascot. A flight arriving from the East always necessitated an endless passenger queue at Customs, and zealous scrutiny of luggage by a pack of Beagles. Bullfry normally avoided this by going straight into the red lane and ‘declaring’ a packet of Tim Tams. It seemed to Bullfry that the delays faced by a Far Eastern flight must mean that some sort of impermissible ‘profiling’ of relevant passenger groups was going on. Profiling wasn’t permitted in relation to any question of terrorists else Bullfry would not have been subjected so frequently to a ‘full body’ search! So why was it permitted with respect to lichees? In the temper of the modern times Bullfry thought of the appropriate organ to whom to complain on behalf of his fellow passengers – perhaps, with an appropriate contradictor, this might be his forensic entree to judicial life.

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