

## THE BEN DAVIS I HAVE KNOWN

*Jordan J. Paust\**

I met Ben at a meeting of the American Society of International Law soon after he joined the faculty at the University of Toledo. “You will really like him,” quipped a friend, because of his commitment to human rights and, what I discovered later, his unswerving commitment to justice and human dignity.

Over the years, we shared these commitments and I learned that Ben would not hesitate to speak out about human rights abuses even if they were perpetrated by persons at the highest levels of our government. Ben did not shy away from criticizing a President of the United States who had been reasonably accused of having ordered or facilitated war crimes and crimes against humanity. He has reaffirmed expectations since the Founding of our country that no one is above the law, and he would include pertinent and salient criticism in law review articles and on-line commentary, as well as speeches and commentary during professional meetings in Washington, D.C. and New York City, where too many remained silent. Ben became known among those who sought justice as a champion for the rule of law—an admirable and needed attribute that young lawyers should seek to achieve, especially today.

When perusing Ben’s lengthy CV, one finds significant scholarly attention to human rights, refugee rights and needs, crimes against humanity, war crimes, absolute prohibitions of torture, related violations of international law during the “war on terror,” military commissions, self-determination, war’s impact on law, speaking truth to power, prosecution of international crimes in US state courts, the need for diversity and racial justice, and, let’s call them what they are, border “concentration camps.” There are also, fully, eight-and-a-half pages of listed on-line commentary. Silence in the face of criminality and abuse has clearly not been part of Ben’s professional make-up.

I had the privilege of meeting Ben’s mother during an international law meeting in New York and I thought that’s who gave Ben that smile—the one that I bet numerous students have seen for many years at Toledo and before, as well as in Poland and Hungary and at other U.S. law schools.

Yet there’s a Ben I know who filmed himself joyfully doing hi chi at Heart Lake up in the beautiful High Sierra canyon above Rock Creek near Mammoth Lakes California (perhaps it’s on-line). Ben visited my wife and me in Mammoth and we sat for quite a while on a hill across from the majesty of the Minarets and mountain peaks that provide awesome views at Minaret Vista above the mountain ski area and an unforgettable sense of spirituality and connection with nature. We

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contemplated life, teaching, and some of the many shared concerns for human rights and human dignity.

When Ben retires, I suspect that he will be busy writing and speaking, but hopefully enjoying moments of hi chi connectedness.