Ruth Okediji, Smith professor of law, traces her enthusiasm for intellectual-property law to a childhood love of literature and storytelling. When she was seven, her family immigrated to New York City from Nigeria. “I had never heard the word ‘race’ and had never been described as a black person,” she recalls. “I just kept feeling this hostility in the private school that my parents sent me to. When I couldn’t make sense of it, I started going to the New York Public Library. The books raised me.” She returned to Nigeria for college, then earned her S.J.D. from Harvard Law School in 1996; she joined the faculty in 2017 and became co-director of the Berkman Klein Center for Internet & Society. Intellectual-property law may sound arcane, but its machinery shapes the most intimate details of our daily lives, Okediji says. Everything from “the moment you wake up—the music on your alarm clock is under copyright—to singing in the shower, to forwarding email,” she explains. “You might watch a movie on Netflix and decide, ‘Oh, I really like this character, maybe I should make a video game of this character.’” Copyright law “transforms who we are as a people.” Okediji is concerned with how intellectual-property law nourishes some types of creation but erases others. “Copyright law is intimately bound up in the invention of the printing press. If you look at indigenous groups all over the world, their lifestyles and works of art and poetry are often not captured by the intellectual-property system,” she says. “It’s as though we’ve created a system that says, ‘it’s only when you come from a Western literary culture that your work matters.’ I feel profoundly moved by that injustice.”

The lawsuit, originally filed in 2014, is organized by SFFA’s founder and president, Edward Blum, a well-known political activist and opponent of affirmative action, who previously initiated Fisher v University of Texas. In that case, ultimately decided in 2016, the Supreme Court upheld the university’s policies in a ruling specifying that college affirmative-action programs must be tailored narrowly and show that they accomplish a specific goal, and also that colleges must prove that race-based admissions policies are the only way to meet diversity goals.

The SFFA case was heard in Boston’s federal courthouse by U.S. District Judge Allison Burroughs, who is not expected to issue a ruling for several months; Harvard and SFFA will file additional documents in the case in December and January, and provide additional arguments in February.

Burroughs has already dismissed SFFA’s claim that race should not be a factor in college admissions, deferring to Supreme Court precedent on the issue; instead, she will rule more narrowly on whether Harvard’s admissions process discriminates against Asian Americans. Nevertheless, the legality of affirmative action may be considered by a higher court if the case is later appealed, as it may well be. Blum may anticipate a favorable audience, given the new majority on the Supreme Court, which he hopes will rule the use of race in admissions unconstitutional. Last summer, the U.S. Department of Justice withdrew Obama administration guidelines on the use of race in college admissions, and filed a statement of support for SFFA in the case. All the other schools in the Ivy League, plus nine other private universities, have filed a joint friend-of-the-court brief this summer defending the use of race in admissions.

On the trial’s first day, the courtroom was