

UC SANTA BARBARA

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## **From Juneteenth to reparations: The ongoing journey for racial justice**

Juneteenth has been celebrated in its home state of Texas since 1866, but it wouldn't become a nationwide holiday until 2021 as racial tensions spiked in the aftermath of the murder of George Floyd. Since then, discussions of race have occupied — and influenced — national discourse at levels unseen since the Civil Rights Movement. And among the most prominent of many topics today: reparations.

“The fact that Juneteenth is a national holiday reflects the same broad changes that have allowed for a public conversation about reparations,” said Giuliana Perrone, an associate history professor at UC Santa Barbara.

Perrone's most recent study of reparations examines lawsuits from the late 1800s in which emancipated people fought for land and money bequeathed to them by their former enslavers. Her work joins that of several dozen scholars in the latest issue of RSF: The Russell Sage Foundation Journal of the Social Sciences, a special double edition co-edited by Daina Ramey Berry, a history professor and the Michael Douglas Dean of Humanities and Fine Arts at UCSB.

In the issue, titled “[Black Reparations: Insights from the Social Sciences](#),” Berry co-writes that the gathered works represent “the most . . . rigorous social science, policy and historical research on the topic” for academics as well as “a roadmap for

readers yet to be initiated into the reparations dialogue.”

Heading into the June 19 federal holiday, The Current caught up with Perrone for details about her research and the latest on reparations in California.

**Among the collection of lawsuits covered in your paper, “Rehearsing for Reparations,” what was the gist of the 1867 case *Hayley v. Hayley*, and how did it impact your thinking?**

**Perrone:** *Hayley v. Hayley* is a lawsuit brought by formerly enslaved people against the executor of their enslaver’s estate. The will of the enslaver, Holiday Hayley, promised land and money to the plaintiffs, but the executor refused to honor the bequests because the plaintiffs had been enslaved. The plaintiffs, Alfred, Octavius, Jackson, Louisa and Paul, won their case and inherited \$700 each, and the land set aside for them.

I began thinking about reparations much more intensively as I was finishing [my first book](#), which argues that abolition has not yet happened. If that’s true, as I believe it is, and if the process of abolition is to succeed, then reparations are required to address the longstanding harm produced not only by slavery, but the failure to fully eradicate it. In that mindset, I began to think about suits involving the wills of enslavers that promised something significant to enslaved people in a new light. I recognized that they shared many of the hallmarks of broad definitions of reparations.

**Your paper states that “*Hayley v. Hayley* is just one in a collection of lawsuits in which Black Americans successfully sued the families of their former enslavers for a variety of things, including land, money, or even control of entire estates — whatever they knew had been promised to them.” Do we know, more or less, how many of these kinds of lawsuits exist?**

This is a tricky question. The most precise answer I can give at this point is a lot, and definitely more than we think. But I don’t know how many. I think we need to know, and I plan to begin this research for my second book.

What we do know definitively is that enslavers continued to free enslaved people and bequeath assets to them despite increasing legal proscriptions against doing so. The fact that a steady stream of enslavers continued to do this tells us something

about the way slavery was being practiced and how some enslavers thought about themselves as the owners of human property — all of which complicates and enriches our historical understanding of slavery in the United States.

**That formerly enslaved people have had to sue for promised reparations suggests that racism and related injustice didn't simply vanish with the Emancipation Proclamation and, in 1865, the 13th Amendment. For the most part, have our courts done their part to honor the reparations intentions of former enslavers?**

The courts did not do their part to address the legacies of slavery or to fully excise it from American law. By extension, racism and injustice have persisted in insidious ways. When it comes to honoring the intentions of enslavers, however, courts were more deferential. Not all freedpeople won their suits and received bequests, but usually that occurred when one of the specific conditions for inheritance laid out in the will had not been met. For example, one will said the bequests would only be paid after the death of the testator's wife; that hadn't happened yet when freedpeople brought the suit, so they lost their case. Otherwise, judges upheld the terms of the wills, and freedpeople were able to inherit.

It is important to recognize that these judicial rulings should not be read as victories for racial justice. The courts in these cases were deferring to the desires of white enslavers to disperse their assets as they saw fit. That was a core prerogative of whiteness and liberal citizenship. So even when freedpeople won and enjoyed the often generational benefits of those victories, neither the law nor the mindset of judges on southern benches transformed in any meaningful way. The racial status-quo antebellum survived despite the victories.

**On campus in May, you moderated [a panel discussion](#) about reparations in California. Any updates from the California Reparations Task Force?**

One of the panelists served on the task force, and he did not offer a very optimistic picture for the future. He argued that the framing of the task force's recommendations in prominent media outlets has made any meaningful progress on reparations in California almost impossible. Reporting has focused on cash payments — which is only one of hundreds of recommendations — in the abstract instead of contextualizing any monetary reparations as a repayment of debts incurred for specific harms suffered by a subset of Americans.

That said, the state legislature has begun moving forward on some recommendations. Late last month, the state senate passed a bill that would compensate people whose property had been taken by the state through eminent domain. I think this is a smart place to start because the harm committed is specific, calculable, and involves state action. It's easier for people to understand why someone would be owed damages for a wrong done to them by the state. It's more difficult to educate people about the harms caused by more abstract things that did not necessarily involve the state, such as wage gaps or discriminatory hiring practices, for example.

### **A rough road. But progress has been made.**

It is important to note that a statewide conversation about reparations would have been unthinkable even 7-10 years ago. So the fact that the state convened a task force that undertook really serious work to document racial harms is incredibly significant. It also provided a model for other localities to follow.

### **Juneteenth isn't about reparations, per se, but learning about it can broaden our understanding of slavery and freedom. How has the establishment of Juneteenth as a national holiday affected discussions surrounding reparations?**

The fact that Juneteenth is a holiday reflects the same broad changes that have allowed for a public conversation about reparations. The protests for racial justice that erupted in 2020 after the brutal murder of George Floyd changed everything. It is no coincidence that within a 12-month period, California created a task force, congressional bill HR 40 (to establish a commission to study reparations) advanced for the first time and Juneteenth became a federal holiday. Popular calls for social justice translated into the political capital necessary to act on civil rights in ways not possible in the years before.

Unfortunately, we are now witnessing some retrenchment on matters of social justice. For example, some southern elementary schools are changing their names back to the Confederate figures whose names had been removed in the aftermath of the Floyd uprising.

Juneteenth, then, should be a reminder of the work that is still left to be done, and a call to action for those dedicated to social justice and abolition. There is no straight

historical line that bends toward progress or justice. People have to purposely and purposefully take up the work to bend it.

### **Anything you'd like to add?**

As a historian, I always remind people that [General Order No. 3](#), which Juneteenth celebrates, was necessary to enforce freedom and instruct white enslavers that they could no longer hold people as property. Black Americans already knew about freedom, and that it was only a matter of time before the peculiar institution was destroyed, even in Texas, on the Confederacy's periphery. Jubilee celebrated the fact that the US Army arrived armed and ready to enforce that freedom. What we're celebrating, then, is the lawful commitment to end slavery. As a nation, however, we're not done with that project, which is why reparations is a growing part of [our conversations](#) about truly enacting freedom and equitable citizenship.

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The University of California, Santa Barbara is a leading research institution that also provides a comprehensive liberal arts learning experience. Our academic community of faculty, students, and staff is characterized by a culture of interdisciplinary collaboration that is responsive to the needs of our multicultural and global society. All of this takes place within a living and learning environment like no other, as we draw inspiration from the beauty and resources of our extraordinary location at the edge of the Pacific Ocean.