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The Debre Bill: Immigration Legislation or a National "Front"?

SHELESE EMMONS

INTRODUCTION

France has absorbed more immigrants than any other European country. Even today, forty percent of all French people have at least one foreign grandparent. The number of foreigners migrating to France declined by forty percent between 1992 and 1995 and the proportion of immigrants in the French population has remained the same for the past twenty years. It is important to keep these statistics in mind when examining the controversy surrounding the adoption of a controversial French immigration bill, the Debre bill, named after its sponsor, Interior Minister Jean-Louis Debre. This bill does not address an actual immigration problem nor does it offer solutions to illegal immigration in France. This suggests that forces other than a governmental desire to curb illegal immigration were present in the formation of the Debre bill.

First, this paper will discuss the internal social, monetary, and political forces present in France. Next, it will discuss the existence of and French reaction to the larger outside force of globalization. Lastly, this paper will explain how the French National Front political party was able to combine a fear of globalization with the internal forces present in France to advance its political agenda of racism and xenophobia through the Debre bill. The Debre bill is not only immigration legislation, but is the centerpiece of an intense emotional and political debate over the influence of xenophobia, racism, and the National Front Party in French politics.

* J.D., 1998, Indiana University School of Law, Bloomington; B.A., 1994, Purdue University. The author would like to dedicate this paper to her father, Ronald Emmons.
4. Id.
On March 26, 1997, the French Parliament passed the Debre bill, which was designed to close "loopholes" in already existing 1993 immigration laws.\(^5\) Ironically, the authors of the original 1993 legislation claimed that the new law is defective and not needed.\(^6\) The bill, as passed, includes several measures intended to curb immigration. It creates a national registry of French citizens and their foreign guests and permits officials to take the fingerprints of anyone from outside of the European Union applying for a residence permit.\(^7\) Currently, would-be visitors from many developing countries who do not have enough money to fund a long visit to France are denied visas unless they can provide a certificate showing that someone will provide them with lodging.\(^8\) The approved bill also allows the police to keep the passports or travel documents of illegal immigrants and to search commercial vehicles within twenty miles of the border.\(^9\) The bill attempts to enhance already existing laws and grants police extended powers to track immigrants in France.\(^10\)

I. INTERNAL FORCES SHAPING SOCIETAL ATTITUDES TOWARD IMMIGRATION

During the months before the Debre bill was passed, thousands of protestors took to the streets of France calling for its removal. The uprising was unusual because it included many diverse groups. Actors, directors,
artists, cartoonists, writers, musicians, scientists, lawyers, mayors, and judges all announced that they would disobey the law and risk going to jail if the bill was passed.\textsuperscript{11} Even the European Parliament called for the bill’s withdrawal claiming that it would require denunciations like those made against Jews during World War II.\textsuperscript{12}

Despite this level of opposition, three out of four French citizens say that there are too many foreigners in France and that the government is not doing enough to curb immigration.\textsuperscript{13} Sixty-nine percent of French citizens approved of the Debre bill, even when it contained its most controversial “reporting” clause.\textsuperscript{14} The strength of French opinion against immigrants and immigration is slightly baffling when one considers that the numbers do not support its intensity. In France, foreigners account for only six percent of the total population and six percent of the working population. Of those numbers, half of the workers are from inside the European Union, not Africa or the Middle East.\textsuperscript{15} Given a French history rich with immigration and the recent decline of immigration to France, the fact that feelings against foreigners are continuing to rise indicates that other forces are influencing French sentiment.

The figures indicate that the real problem in France is not an influx of foreigners, but internal economic and social problems, exacerbated by the political rise of the extreme-right National Front Party.\textsuperscript{16} The French economy grew only one percent between 1996 and 1997, leaving the unemployment rate at 12.7 percent, more than double the rate in the United States.\textsuperscript{17} The National Front Party has exploited the current economic situation and has made significant political gains by telling French citizens that there would be enough jobs for everyone if only all of the foreigners were sent home.

For more than two decades, the National Front Party has campaigned against immigration and immigrants.\textsuperscript{18} Mainstream political parties have

\begin{itemize}
  \item Simons, supra note 10, at A6.
  \item Chaddock, \textit{Anti-Immigrant Plan}, supra note 3, at 5. More specifically, 61% think that there are too many Arabs, 58% think that there are too many Muslims, and 38% think that there are too many Africans in France. \textit{Study: French “Hatred of Foreigners” on Rise}, \textit{Chi. Trib.}, Mar. 23, 1997, at C11.
  \item James, supra note 2.
  \item J.J. Masse, \textit{Le Pen’s Party Makes Headlines with Big Win}, \textit{NEW STRAITS TIMES} (Malaysia), Feb.
largely ignored the National Front since it has traditionally been considered a far right-wing and extremist party. Conventional wisdom was that a vote for the National Front was merely a message to "real" candidates and that no extreme-right candidate could win a majority of French voters—until 1997. On February 9, 1997, a National Front candidate won the mayor's office in the small, southern city of Vitrolles.  

Although National Front members already controlled the mayor's office in three other towns, the Vitrolles election marked the first time that a National Front candidate was successful in obtaining an outright majority of the vote. Until this vote, mainstream parties continued to think that if their parties joined forces behind a single candidate, the National Front candidate was bound to lose. The mainstream parties were wrong. Instead, the National Front Party continues to gain influence despite efforts on the part of mainstream politicians to portray it as a racist party with no place in politics. Although the Front has never obtained seats in Parliament, its leaders believe that it will do so in the near future, especially after taking over four town halls in two years. This prospect is not unlikely—the National Front is now the third largest political party behind the Socialist and Gaullist parties.  

The National Front has been successful in exploiting the declining economic and social conditions in certain French towns, particularly in southern France. Mr. Bruno Megret, a National Front tactician and husband of the newly elected mayor of Vitrolles, Catherine Megret, explains, "[w]here things are going badly, we will be there." This phrase explains the Party's political strategy, a strategy that has been quite successful. In the 1995 presidential election, National Front candidate Jean-Marie Le Pen won fifteen percent of the vote and was the top vote-getter among blue-collar workers.

20. Id.  
22. Id. As evidence of the party's growing strength, 3,000 Front candidates ran for the 100 seats on the central committee in March 1997. Id.  
and the unemployed. Vitrolles, Marignane, Orange, and Toulon, all now controlled by National Front mayors, are cities marked by an industrial economic base, high unemployment, rising crime, and large immigrant populations. Vitrolles was previously run by a Socialist mayor accused of corruption and of mismanaging the town’s high-rise, public housing. All of these factors have contributed to the Front’s ability to persuade voters that mainstream political parties are ignoring their concerns and that immigration is the central cause of their woes.

The Front has also managed to extend its political base by "banalizing" its message and convincing voters that it is not an extremist group, but just another political party. The National Front, once known as a group of "neo-nazis", has taken a distinctive shift in its demographics. Although the traditional "skinheads" are still in evidence, they have been quietly taken over by a new generation of Front members—"young, well-educated, middle-class activists wearing expensive suits and carrying cellphones."

Still, the National Front continues to frighten France’s political establishment, anti-racist organizations, and other observers around the globe. As the Front celebrates its new-found respect, mainstream parties, newspapers, and broadcasters anxiously debate how to deal with the situation. Despite its xenophobic, racist, and anti-immigrant background, the Front has managed to govern three French towns without actually persecuting immigrants. However, behind its new respectable facade, National Front leaders continue to build


Mayor Catherine Megret, who has been arrested and fined for promoting racial hatred has also stated, "[e]very halfway reasonable person would agree there are differences between the races. There are simply genetic differences. Jean-Marie Le Pen explained it well when he said the blacks were more talented for sports and dancing than whites and that whites had other strengths." Megret has also stated that she perceives her purpose as mayor of Vitrolles is "to scare people who don’t belong."

Even more alarming than the racist language used by Front members are the actions the Party takes once it comes into power. In Toulon, Orange, Marignane, and Vitrolles, there have been incidences of censorship and racial insensitivity. For example, in Marignane, one of the National Front mayor’s first acts was to abolish pork-free school lunches previously provided for Muslim and Jewish children. In both Marignane and Orange, National Front controlled town halls have ordered local libraries to cancel subscriptions to allegedly leftist newspapers and replace them with Front newspapers. Megret, the mayor of Vitrolles plans to ban performances by black rap musicians. The mayor of Orange has used his police powers to halt the distribution of anti-National Front literature.

In Toulon, the town has sponsored a traditional Christmas distribution of toys to poor children, many of whom come from immigrant families. When a National Front mayor was elected, he created a new organization, one that gives presents "to French children only." The mayor of Toulon also banned French-Jewish author, Marek Halter, from the city’s annual book fair because the author was born abroad. Jewish leaders in Toulon, who protested the National Front by boycotting contact with it entirely, found themselves under pressure from the local government to end its boycott. One of the mayor’s

31. Id. 32. Catherine Megret was given a three-month suspended sentence and was fined 50,000 francs (8,000 dollars) for stating in a newspaper interview her belief that blacks are genetically different than whites and that immigrants are often synonymous with crime. The court did not, however, hold Megret ineligible for public office. Far-right Mayor Fined Over Racist Comments, AGENCE FR. PRESSE, Sept. 8, 1997.

33. Megret Says NF to “Scare” Immigrants in France, Reuters World Service, Feb. 24, 1997, available in LEXIS, World Library, ALLWLD File [hereinafter Megret Says]. Bruno Megret has stated that “[i]f we want to send Arabs and Africans and Asians back to where they came from, it is not because we hate them, it is because they pollute our national identity and take our jobs.” Cohen, supra note 17.


36. See Violence After National Front Poll Victory, supra note 34; Lichfield, supra note 28.
deputies made a surprise safety inspection of the synagogue then threatened to close it down for minor infractions. A police officer later reported that no church in the city would have survived the inspection.\textsuperscript{37}

Residents of National Front controlled cities also complain that there is a rising mood of racial and political intolerance.\textsuperscript{38} The number of racist attacks and threats in France doubled in one year—rising from 207 in 1994 to 454 in 1995. The number of deaths attributed to racist anti-immigrant violence increased from two deaths in 1994 to six deaths in 1995. Most incidents involved attacks by "skinheads" on members of Arab, Muslim, and African communities.\textsuperscript{39} Residents in Toulon report that after the National Front was victorious there, more people began to freely take an anti-foreigner stance. Ethnic slurs and insults have become more common in public, causing many North African Jews there to consider leaving.\textsuperscript{40}

It is even more frightening that mainstream French political parties have been unwilling to stand up to the National Front. When the Debre bill was first presented to the French National Assembly by the Interior Minister, Jean-Louis Debre, the opposition Socialist party allowed it to slip through without any debate. It was only when the National Front won the mayoral election in Vitrolles and citizens began to publicly protest the Debre bill that the French political establishment woke up.\textsuperscript{41} Even then, the mainstream Socialist party remained absent from the large-scale protests against the Debre bill while former Conservative Prime Minister Alain Juppe actually stood by the bill.\textsuperscript{42} Juppe initially defended the original draft of the bill as "perfectly well-balanced,"\textsuperscript{43} but later withdrew the most offending "reporting" provision.\textsuperscript{44} Juppe's ministers and political allies argued that not addressing widespread concerns about immigration would only play into the hands of the National

\textsuperscript{38} Lichfield, supra note 28.
\textsuperscript{39} HUMAN RIGHTS PRACTICES, supra note 35.
\textsuperscript{40} Beck, supra note 37.
\textsuperscript{41} Lara Marlowe, \textit{France Finally Wakes Up to the "Le-Penisation of Minds"}, IRISH TIMES, Feb. 26, 1997, at 8.
\textsuperscript{42} Theirry Cayol, \textit{National Front Officially Takes Over French Town}, Reuters N. Am. Wire, Feb. 16, 1997, available in LEXIS, World Library, ALLWLD File. To have supported the protest against the Debre bill would have aligned mainstream political parties against combating illegal immigration, a move sure to be unpopular with white voters in poorer suburbs and industrial towns where the Front is gaining popularity. Therefore, the Socialist Party neither fully supported the protest nor fully opposed it. John Lichfield, \textit{So Why Can't Lionel Be More Blair-ish?} INDEPENDENT (London), Mar. 16, 1997, at 13.
\textsuperscript{44} See Whitney, supra note 12.
Conversely, critics of the bill claimed that the mainstream parties' proposal and support of it only succeeded in pandering to the National Front and its agenda.

Socialist Prime Minister Lionel Jospin, in his campaign, swore that he would repeal the Debre bill if elected. However, since his election in June 1997, Jospin has yet to fulfill his campaign promise. Although Jospin now promises to revise the Debre bill, he states that he will not throw it out; much to the dismay of the League of Human Rights and anti-racist organizations, all supporters of the Socialist Party. Abolition of the Debre bill seems out of the question because the immigration issue has been so heavily politicized by the National Front.

II. GLOBAL FORCES SHAPING FRENCH ATTITUDES TOWARD IMMIGRATION

"Globalization" has become a slur in France, symbolizing a destruction of French national identity and an "Americanization" of the world. As American mass media, pop culture, and industrial clout increase, other major countries, namely France, see "their very souls in peril." Concepts of change, adaptation, and modernization do not mesh well with France's self-image and identity and have led to a sense of "gloom and bewilderment." Prime Minister Jospin has stated that "[t]he feeling of uncertainty drives many people to despair."

The June 1997 Socialist victory in France has been touted as a "victory of traditionalism and national consciousness over globalization and Europeanization." While campaigning, Socialist leader and Prime Minister

46. Debeusscher, supra note 23.
47. Alain Navarro, France Politics, AGENCE FR. PRESSE, Sept. 9, 1997.
48. Nicholas Powell, Left-Wing Revolt Looms as Good Intentions are Confronted by Reality, HERALD (Glasgow), Aug. 30, 1997.
49. Debeusscher, supra note 22.
52. James Walsh, America the Brazen, TIME, Aug. 4, 1997, at 22. The popular French publication Le Monde ran an article titled "Imperial America" while Prime Minister Jospin has deplored "the hegemonic tendency of the United States." Id.
54. Adam Sage, Hoping to Regain Idealism, French Teach Children Civic Morality, MILWAUKEE J’NL SENTINEL, July 6, 1997 at 15.
Jospin stood against globalization and market reform and urged the creation of an "alternative model in an American-dominated world." Unfortunately, this rhetoric echoes that of the increasingly successful National Front party. By combining both France's internal strife with the strengthening fear of global forces, the National Front has been successful in advancing its agenda. Exploiting globalization, the 12.7 percent unemployment rate, and France's plans to join a common European currency in 1999, the National Front suggests that French Gallic sovereignty and history are soon to be lost and that they are the only party who can save France from globalization.

In addition to invoking feelings of a loss of national identity, globalization has also become equated with France's high unemployment rate. Ironically, the same forces that have contributed to great economic success in the United States—rapid technological innovation, the Internet, and an increasingly global market—have caused French citizens to panic, leading the way for "peddlers of xenophobia" like the National Front party. The National Front has stated its plan to fight against a "United Europe" and the idea of "globalization dictated by the United States." The Front, building on already existing fears concerning unemployment, has advanced the argument that France is unable to keep out illegal immigrants because it is dismantling its border controls in order to build a "united Europe." Indeed, critics of globalization and "Europeanization" claim that they rob states' control over their economies, making people customers of privatized state services and enterprises. This then has the effect of undermining peoples' belief that their government is still "in charge", thus diminishing confidence in citizenship. Henri Mendras, a sociologist at the Paris Institute of Political Studies, argues that this phenomenon explains the success of the National Front Party. This argument appears particularly compelling when examining the recent successes of the National Front Party in French politics and its growing ability to influence "mainstream" French political parties, as evidenced through the adoption of the Debre bill and its ability to capture votes from other political parties in national politics.

59. Cohen, supra note 17.
60. Le Pen and Lebed Invited to Romanian Ultra-Nationalist Conference, AGENCE FR. PRESSE, Aug. 19, 1997 (quoting National Front Vice-President Dominique Chaboche).
61. Whitney, supra note 12.
elections. By attacking globalization, the National Front blames high unemployment on increasingly permeable market forces and immigration.63

CONCLUSION

There is no doubt that French voters are concerned about immigration and that this concern stems from social and economic forces and political persuasion. The National Front Party was able to seize the immigration issue and use it to advance their own political agenda and to capture votes from other parties. The Debre bill has thus opened the way for more success for the National Front Party. Although the bill was supposedly designed to prevent illegal immigration, it offers no solution to that problem. It was instead aimed at proving to French citizens that the mainstream parties are as willing as the National Front to come down on people who “do not belong”, whether they be citizens, legal residents, or illegals.64 In this sense, the Debre bill has successfully forced the anti-immigrant agenda of the National Front to the forefront of French politics. As Front leader Le Pen observed, "[p]ut forward by the . . . government much more to fight the National Front than to control immigration, the Debre law will come back like a boomerang to strike its authors."65 Mainstream political parties have been reluctant to defy the National Front on an issue that they feel may lose them votes, thus allowing the National Front to engage in and legitimize racist rhetoric and tactics. As mainstream French political parties continue to stand by and watch, one wonders how long Le Pen’s party will be able to hide behind its respectable "front".

63. This tactic is particularly effective when France is on the verge of two steps that will push it further toward globalization: 1) it is scheduled to adopt European currency by 1999 and 2) it has indicated that it will soon return to the integrated military command structure of NATO. Cohen, Liberty, supra note 58.
64. France’s Sound of Silence, supra note 6.
65. Chaddock, Anti-Immigrant Plan, supra note 3.