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0521534496 - Whitehall and the Jews, 1933-1948: British Immigration Policy, Jewish Refugees and the Holocaust

Louise London

Excerpt

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1 Introduction

Nazi persecution of European Jews confronted the world with an unprecedented humanitarian challenge. The extraordinary circumstances of the plight of the Jews called for a response that was also out of the ordinary. But countries around the globe resisted the pressure to take special measures to relieve Jewish suffering. The United Kingdom was no exception. It opted for caution and pragmatism, subordinating humanitarianism to Britain's national interest. Nor, when the crisis of the Jews became yet more grave, did the British approach change fundamentally. During the Holocaust, Britain's policy – much of it made in conjunction with the United States government – continued to put self-interest first, leaving minimal scope for humanitarian action.

The rationale for such policies is now seen as highly questionable. Even at the time, however, many believed that greater generosity was possible in British and American policy. Within the United States government, the aspiration that policy should have a humanitarian dimension received its most resolute expression in mid-December 1943, when a select group of senior US Treasury officials met to formulate demands that American refugee policy be taken out of the hands of the State Department, which was hostile to rescue. The Treasury group officials wanted rescue efforts to be given top priority. In the course of their discussions the Treasury group analysed a recent message from the British government, objecting to the recent authorisation by the US Treasury of licences for the remission of funds in connection with a large-scale rescue project. The funds had been raised by American Jewish organisations. Their intended use was to rescue some 70,000 Romanian Jewish deportees in Transnistria, a part of the Soviet Union then occupied by Romania. The fundamental British objection was explained as 'the difficulties of disposing of any considerable number of Jews should they be rescued from enemy-occupied territory'.¹ The

¹ Quoted in J. G. Winant (London) to US State Department, 15 Dec. 1943, USNA 840.51 Frozen Credits 12144, cited in Bernard Wasserstein, *Britain and the Jews of Europe, 1939–1945* (Oxford, 1979), p. 247.

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group of Americans felt they were at last seeing the true face of British policy. One US Treasury official, Josiah DuBois, exclaimed, ‘Their position is, “What could we do with them if we got them out?” Amazing, most amazing position.’ Minutes later, DuBois returned to the British telegram, saying, ‘For instance, take the complaint, “What are we going to do with the Jews?” – we let them die because we don’t know what to do with them.’² The shock DuBois voiced is still palpable. His characterisation of British policy was melodramatic and oversimplified. But his comments pinpoint a key element in the rationale of the British government’s approach to Jewish suffering, namely that the problem of what to do with the Jews took precedence over saving them, whether from Nazi persecution or mass murder.

The necessity for such an order of priorities was apparent to the politicians who decided British policy and the officials who upheld it. To make sense of it, at this distance, we must investigate the process which produced British policy. A balanced account needs to track its development in response to each new twist in the predicament of the Jews. It must examine the policy process and the officials and ministers who were responsible for it. It must also give due weight to the context and underlying rationale of British policy towards persecuted Jews.

This book investigates British refugee policy towards European Jewry from 1933 to 1948. During this fifteen-year period, British policy passed through several phases. But, though its emphasis changed as did the details, the principles and preoccupations that guided it remained remarkably constant. The government assessed the question of helping Jews primarily in terms of British self-interest. Humanitarian aid to the Jews was assigned much lower priority than, for example, the maintenance of severe restrictions on alien immigration to the United Kingdom. It was such concerns that created the context for decisions concerning the Jews. Thus, while the particulars of refugee policy varied according to the ever-changing circumstances of the Jews, its limits were defined by self-interest. It follows that the central question for this investigation of British policy-making is this: how did ministers and officials in Whitehall balance their perceptions of national interest against humanitarian considerations?

This study aims to show what Britain’s policies towards Jews attempted and what they achieved. It assumes that the British response to the plight of Europe’s Jews cannot be understood without an appreciation of the frame of reference within which this issue was perceived. It

² Record of meeting on 18 Dec. 1943, Morgenthau Diaries, Franklin D. Roosevelt Presidential Library, Hyde Park, New York, vol. 688II, pp. 84–5.

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finds that the plight of the Jews ranked low on the British government's scale of priorities.

The leading scholarly monographs concentrate on the content of British policy towards the Jews, to the comparative neglect of both the context of that policy and its administration. They give insufficient emphasis to the British government's perception of the Jewish problem. They place it at the heart of their studies but neglect to explain that it was not a central preoccupation of the British government. At times, British policy comes across as a series of inexplicable interventions in the fate of the Jews by a succession of indistinguishable bureaucrats and politicians.

The first monograph on British refugee policy was A. J. Sherman's *Island Refuge: Britain and Refugees from the Third Reich, 1933-1939*, which appeared in 1973. Sherman charts the development of policy before the war, devoting most space to the depressing tale of British involvement in international discussions of the refugee problem. Sherman also brings out the important role of Anglo-Jewish leaders in shaping the policy and operation of controls on refugee immigration to the United Kingdom.³ Bernard Wasserstein's *Britain and the Jews of Europe, 1939-1945*, published in 1979, the leading study of British policy during the Second World War, recounts, in devastating detail, a succession of episodes which demonstrate the ungenerosity of British policy towards the Jews. Much of the book is concerned with the continuing contest over the entry of refugees to Palestine during the war.⁴ Martin Gilbert's *Auschwitz and the Allies*, published in 1981, discusses Allied inaction in response to the Holocaust, putting particular emphasis on incomplete comprehension of the true nature of Auschwitz.⁵

By the time these first accounts of British policy were published, the study of refugee policy in the United States was well under way. In 1967 *While Six Million Died* by Arthur Morse appeared, followed in 1968 by David Wyman's *Paper Walls*, the first monograph by a historian. Wyman covered American refugee policy between 1939 and 1941 and demonstrated how the State Department tightened its visa procedures to deny refuge to Jews.⁶ Henry Feingold's *Politics of Rescue*, which was published

³ A. J. Sherman, *Island Refuge: Britain and Refugees from the Third Reich, 1933-1939* (London, 1973).

⁴ Wasserstein, *Britain and Jews*; see also Wasserstein, 'The British Government and the German Emigration, 1933-1945', in Gerhard Hirschfeld (ed.), *Exile in Great Britain: Refugees from Hitler's Germany* (London, 1984), pp. 63-81.

⁵ Martin Gilbert, *Auschwitz and the Allies* (London, 1981).

⁶ Arthur D. Morse, *While Six Million Died: A Chronicle of American Apathy* (New York, 1967); David Wyman, *Paper Walls: America and the Refugee Crisis, 1938-1941* (Amherst, 1968).

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in 1970, offered a balanced analysis of the Roosevelt administration's failure to do more to rescue the Jews of Europe. Feingold's study remains important and has been supplemented by further reflections since the first edition.⁷ In 1984 Wyman produced a second major book, *The Abandonment of the Jews: America and the Holocaust, 1941-1945*, which documents the making of American policy in exhaustive detail and offers a highly critical assessment of the US government's failure to take more substantial and more urgent action to rescue Jews.⁸ In 1987 the most complete study to date of the policy of the US government appeared, Richard Breitman and Alan Kraut's *American Refugee Policy and European Jewry, 1933-1945*.⁹ All of these works are valuable for understanding British policy, because the two governments often confronted many of the same questions and in close conjunction with one another.

The approach of this book places it squarely within an emerging tendency in the study of refugee policy: the belief that for a balanced account of the responses of bystanders it is vital to distinguish the centrality of the Jewish experience for Jews themselves from its relative unimportance for the rest of humanity and to locate the response to refugees within its political and institutional context. Breitman and Kraut's study is an outstanding example of this approach.¹⁰ And Feingold's articles on why American Jewry did not put more pressure on President Roosevelt's administration to rescue Europe's Jews show the value of such an approach in the analysis of Jewish responses.¹¹

Feingold concludes his book with the suggestion that, by the inter-war period, it was incorrect to assume that nation-states would be prepared to act on the basis of humanitarian concern.¹² British immigration restrictions on refugees reflected not only economic considerations and the concern to control numbers, but also the established policy that the United Kingdom was not a country of immigration. The British position formed part of an international pattern of immigration restriction which

⁷ Henry L. Feingold, *The Politics of Rescue: The Roosevelt Administration and the Holocaust 1938-1945* (New Brunswick, NJ, 1970; paperback edn, New York, 1980).

⁸ Wyman, *The Abandonment of the Jews: America and the Holocaust, 1941-1945* (New York, 1984).

⁹ Richard Breitman and Alan Kraut, *American Refugee Policy and European Jewry, 1933-1945* (Bloomington, 1987).

¹⁰ *Ibid.*; see esp. Introduction, pp. 1-10.

¹¹ Henry L. Feingold, 'Courage First and Intelligence Second: The American Jewish Secular Elite, Roosevelt and the Failure to Rescue', *American Jewish History* 72 (June 1983), 424-60; Feingold, 'Was There Communal Failure? Some Thoughts on the American Jewish Response to the Holocaust', *American Jewish History* 81 (Autumn 1993), 60-80.

¹² Feingold, *Politics of Rescue*, pp. 329-30.

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was already in place before this wave of persecution of the Jews began. Herbert Strauss, in two long essays, has provided a commanding overview of this climate of restriction and its impact on prospective Jewish emigrants from Nazi Germany.¹³ Britain resembled other western European countries, such as France, the Netherlands and Belgium, in its determination to operate principally as a country of temporary refuge, not settlement.¹⁴ These countries offered refugees only a conditional welcome. In contrast, other countries, such as the United States, Palestine and the dominions, still saw themselves as countries of immigration and, to the extent that they accepted Jewish refugees, did so on a permanent basis. Notwithstanding this difference, there are suggestive comparisons with the British experience in Wyman's study of the restrictive operation of US visa policy.¹⁵ The record of the Canadian government, which has been documented by Irving Abella and Harold Troper, stands out as particularly ungenerous.¹⁶ But all the democratic countries where Jews sought refuge found ways of manipulating immigration procedures to exclude them. It is all too obvious why Michael Marrus's sweeping survey of twentieth-century responses to refugees is entitled *The Unwanted*.¹⁷

The international organisations concerned with refugees largely reflected the policies of the governments that controlled them. Tommie Sjöberg's examination of the record of the Intergovernmental Committee on Refugees (IGC) shows how the British and United States governments manipulated the IGC largely for their own ends, especially to deflect humanitarian pressure away from themselves.¹⁸ Claudena M. Skran uses an international relations perspective to evaluate the refugee work of both the League of Nations and the IGC. Skran investigates the connections between the failure of these agencies to do more for refugees and nation-states' intolerance of minorities and ethnic diversity, raising important issues to which we shall return at the end of this book.¹⁹

¹³ Herbert A. Strauss, 'Jewish Emigration from Germany: Nazi Policies and Jewish Responses', (I) and (II), *Leo Baeck Institute Year Book* 25 and 26 (1980 and 1981), 313–61 and 343–409.

¹⁴ Louise London, 'British Immigration Control Procedures and Jewish Refugees, 1933–1939', in Werner E. Mosse (ed.), *Second Chance: Two Centuries of German-Speaking Jews in the United Kingdom* (Tübingen, 1991), pp. 485–518.

¹⁵ Wyman, *Paper Walls*.

¹⁶ Irving Abella and Harold Troper, *None Is Too Many: Canada and the Jews of Europe, 1933–1948* (Toronto, 1983).

¹⁷ Michael Marrus, *The Unwanted: European Refugees in the Twentieth Century* (Oxford, 1985).

¹⁸ Tommie Sjöberg, *The Powers and the Persecuted: The Refugee Problem and the Intergovernmental Committee on Refugees* (Lund, 1991).

¹⁹ Claudena M. Skran, *Refugees in Inter-War Europe: The Emergence of a Regime* (Oxford, 1995).

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To escape from the Nazis, resourcefulness and money and support from family, friends and strangers were necessary, but rarely sufficient. Jewish organisations played the major part in organising emigration, raising funds and persuading governments to expand the possibilities of asylum. The organisation that was most active in aiding Europe's Jews, the American Jewish Joint Distribution Committee, has been the subject of two authoritative studies by Yehuda Bauer.²⁰ In Britain, Anglo-Jewry played the key role in underwriting and facilitating the pre-war admission of Jews.²¹ But, as the Nazi trap closed around the Jews, the limited ability of the leaders of Britain's small Jewish community to influence government policy became plain, as Bernard Wasserstein has emphasised.²² Richard Bolchover's highly critical verdict on Anglo-Jewry's attempts to influence government policy is unsatisfactory, since it does not take sufficient account either of the constraints under which they operated or of their achievements.²³

The leaders of British Jewry were inhibited from doing more to aid endangered Jews abroad by their own fear of anti-semitism. The fear of stimulating anti-semitism was also a factor in the government's refugee policy. As the leading studies note, both before and during the war home secretaries cited the need to contain the growth of political anti-semitism as a self-evident argument for constraint on the admission of Jewish refugees. Wasserstein notes the tendency of policy to bend with the wind of hostility to refugees, but concludes that 'conscious anti-Semitism should not be regarded as an adequate explanation of official behaviour'.²⁴ He thus allows that conscious anti-semitism may provide a partial explanation, but he considers other, political factors to be the crucial determinants of British policy.²⁵

In British society anti-Jewish hostility typically manifested itself in forms which fell short of political extremism. Indeed, British anti-semitism could coexist with liberal convictions. Tony Kushner, the leading scholar of British anti-semitism, emphasised the ambivalence of British attitudes to Jews and pointed to this ambivalence as the root of Britain's contradictory responses to refugees and the Holocaust.²⁶

²⁰ Yehuda Bauer, *My Brother's Keeper: A History of the American Jewish Joint Distribution Committee 1929-1939* (Philadelphia, 1974); Bauer, *American Jewry and the Holocaust: The American Jewish Joint Distribution Committee 1939-1945* (Detroit, 1981).

²¹ London, 'Jewish Refugees, Anglo-Jewry and British Government Policy', in D. Cesarani (ed.), *The Making of Modern Anglo-Jewry* (Oxford, 1990), pp. 163-90.

²² Bernard Wasserstein, 'Patterns of Jewish Leadership in Great Britain during the Nazi Era', in Randolph L. Braham (ed.), *Jewish Leadership During the Nazi Era: Patterns of Behaviour in the Free World* (New York, 1985), pp. 29-43.

²³ Richard Bolchover, *British Jewry and the Holocaust* (Cambridge, 1993).

²⁴ Wasserstein, *Britain and Jews*, pp. 351-2. ²⁵ *Ibid.*, p. 353.

²⁶ Tony Kushner, *The Persistence of Prejudice: Antisemitism in British Society During the*

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Scholarship in this field suffers from relative isolation from the mainstream of British history. Perhaps this partly explains the silence surrounding the publication in 1985 of Michael Cohen's *Churchill and the Jews*, which challenges established views of Churchill, arguing that in practice he was far less concerned to aid the Jews than other authors, notably Martin Gilbert, have been prepared to acknowledge.²⁷ Growing interest in the Holocaust is reflected in the greater attention paid to William D. Rubinstein's *The Myth of Rescue*, published in 1997, which poses pertinent questions, but fails – partly because the argument is not always underpinned by archival evidence – to prove its hypothesis that the democracies could not have saved more Jews.²⁸

The conviction on which *Whitehall and the Jews* is based is that the study of British refugee policy needs to take a more comprehensive approach than that adopted in the existing literature. Too often, discussion is confined to the level of counterblasts between those who condemn the alleged inhumanity of British policy and those who seek to defend it and apologise for it. This is partly the outcome of a narrow focus on the detail of policy towards the Jews and a corresponding neglect of the circumstances in which it was made. The belief in the necessity of transcending these limitations is fundamental to this book. It argues that to understand how a nation acted in a time of catastrophe we must take adequate account of the context in which those actions occurred.

Whitehall and the Jews is the fullest exploration of British refugee policy to date. It examines British policy towards the Jews from 1933 to 1948. It places much greater emphasis on the context of policy than previous studies have done. It seeks to investigate the government's position and actions in more depth. Its scope embraces a wider range of departments and it places greater emphasis on the policy process.

Throughout, the book concentrates on the detailed workings of British government and on the small group of individuals who left their mark on British policy. It explores how particular departments, officials

Second World War (Manchester, 1989); Kushner, 'The Paradox of Prejudice: The Impact of Organised Antisemitism in Britain During an Anti-Nazi War', in T. Kushner and K. Lunn (eds.), *Traditions of Intolerance: Historical Perspectives on Fascism and Race Discourse in Britain* (Manchester, 1989), pp. 72–90; Kushner, 'The Impact of British Anti-Semitism, 1939–1945', in Cesarani, *Making Anglo-Jewry*, pp. 191–208; Kushner, *The Holocaust and the Liberal Imagination* (Oxford, 1994); Kushner, 'The Meaning of Auschwitz: Anglo-American Responses to the Hungarian Jewish Tragedy', in D. Cesarani (ed.), *Genocide and Rescue: The Holocaust in Hungary 1944* (Oxford, 1997), pp. 159–78.

²⁷ Michael J. Cohen, *Churchill and the Jews* (London, 1985).

²⁸ William D. Rubinstein, *The Myth of Rescue: Why the Democracies Could Not Have Saved More Jews from the Nazis* (London, 1997).

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and ministers responded to the Jews' plight. Often these reactions were triggered by the interventions of Jewish leaders, especially over the operation of immigration controls.

This study deals with refugee policy towards Jews, but does so in a period when Britain had no refugee laws and in which the government was reluctant to formulate specific policies on refugees in general, and unwilling to concede the need for special policies to aid Jews to find refuge.²⁹ Consequently, an important element in this story is the government's efforts to ensure that the Jewish refugee problem did not compromise concerns to which it attached higher priority.

Chapter 2 outlines the legal and administrative framework of British policy. By the 1930s the United Kingdom's tradition of granting asylum to refugees had been relegated to the background. Still the source of much national pride, the humanitarian tradition had little impact on practice and had been largely superseded. The inter-war system of immigration control contained no trace of any legal obligation to admit refugees. In fact, government policy stringently ruled out the entry of aliens for permanent settlement. Thus, in the period covered by this book, to gain entry alien refugees needed to qualify for entry under the existing immigration law and practice. Failing this, their only hope was that the government would exercise its discretion to treat their case as exceptional.

As far as refugees were concerned, the government consciously avoided articulating clear and comprehensive policies. Intent on preserving sovereignty and freedom of manoeuvre on all aspects of the refugee issue, it operated on the principle that the more policy the United Kingdom had on this problem, the more it would be pushed into responsibility for solving it. Minimising policy on refugees was seen as a way to minimise British involvement in action on refugees. The government was nervous about international action. As late as the year 1938 it hoped that the refugee problem would be disposed of through the efforts and funds of private organisations. The British government never considered trying to solve the Jewish refugee problem nor did it believe that to do so would be in the interests of the United Kingdom.

Jews seeking a haven in the United Kingdom found that persecution alone was no passport to refuge. As the pressure for refuge grew, increasing significance was attached to the refugee's identity, profession

²⁹ In the years examined here, the term 'potential refugees' denoted persons who remained in territory where they faced Nazi persecution. It was used with particular frequency by British policy-makers to refer to Jews in enemy and enemy-occupied territory. In this book, the term 'refugee policy' is used in a broad, non-legalistic sense, to cover not only policy towards 'actual' refugees, who had already fled abroad, but 'potential' refugees as well.

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and ultimate destination. Throughout, obtaining refuge depended on the availability of resources to maintain the applicant. Since the number of refugees in Britain was not allowed to exceed the available financial support, only a fraction of all candidates succeeded in gaining admission.

Britain's policy of operating predominantly as a country of transit for Jewish refugees meant that entrants needed to have prospects of re-emigration. However, the settlement opportunities overseas were limited. Governments outside Europe showed little disposition to accept refugee Jews for settlement. The one exception, the USA, initially admitted many more refugee Jews than Britain. Over the period 1933 to 1945, it allowed in perhaps three times as many. Britain made repeated efforts to persuade the USA to increase its admission of refugees from the United Kingdom. But the Americans would admit Jews for settlement only on their own terms and at their own pace. As for the empire, Whitehall did not envisage doing battle with the dominions or colonies over their reluctance to offer settlement opportunities for refugee Jews. Only in Palestine, which it governed under a mandate from the League of Nations, did Britain allow permanent settlement of Jews. Until 1936 the government facilitated refugee admissions under Palestine's existing immigration procedures. But, thereafter, Arab objections led to a policy of restriction, culminating in Britain's controversial White Paper policy of 1939, which set a ceiling of 75,000 admissions over the next five years, after which Jewish immigration would be permitted only with Arab consent.

The Home Office studiously avoided keeping its own statistics on the highly sensitive issue of Jewish immigration to Britain. This saved it from having to give precise answers to embarrassing questions asked in Parliament and the press about the numbers of Jewish refugees in the country. Of course, the government was keenly interested in such information and when Home Office officials required figures for their own use they obtained them from the organisation which the Jewish community had set up to deal with the refugees.

Each time the Nazis stepped up their persecution of Jews on the continent, the pressure for admission increased and further adjustments were made to British policy and procedures. These successive cycles of crisis and response up to the outbreak of war are documented in chapters 3 to 6. In the first cycle – from 1933 to early 1938 – Jewish leaders and Home Office officials evolved ways to accommodate much of the pressure for entry within the existing system of immigration control. For this reason, even though refugees were seen as a threat to jobs, the authorities turned back relatively few Jewish refugees from

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British ports. Anglo-Jewish leaders negotiated terms and conditions for refugee admissions – primarily by guaranteeing the living costs of Jewish refugees during their stay in Britain. The government, in accordance with its established ban on permanent settlement of aliens, would offer only temporary refuge. The immigration authorities kept refugees under severe restrictions both on employment and on the length of their stay.

As the refugee problem became more urgent, the matter of selection of refugees for admission became all important. Chapter 4 deals with the second cycle, the crisis period immediately following the *Anschluss*, Germany's annexation of Austria in March 1938, when a sudden, savage and unrelenting onslaught of persecution against Austrian Jews made the majority desperate to escape. The British government acted swiftly to restrict the influx of refugees from Austria and Germany by reviving visa requirements, which mandated pre-selection abroad and introduced strict new selection criteria for the precious British visas. Under the new rulings, most would-be refugees from Austria were ineligible for admission, but the British still made exceptions for certain categories, for example, people with guarantors and women who were prepared to become domestic servants. Chapter 5 continues the story through the further cycle following the Nazis' *Kristallnacht* pogrom in November 1938, when ministers decided to modify British policy to facilitate the temporary entry of several categories of refugee. Chapter 6 examines British selection of refugees from Czechoslovakia during the year following the crisis produced by the Munich Agreement of September 1938. It focuses in particular on selection policies which discriminated in favour of 'political' refugees and against non-political Jews, who were categorised as 'racial' or 'economic' refugees.

Throughout the period, little of the policy for managing the refugee influx was formally articulated. The lack of definition at the level of formal policy allowed officials to use discretion to resolve day-to-day policy issues as well as individual cases. A clearer policy approach, based on detailed directives, or perhaps quotas, as in the United States, would have been less flexible. Quotas enshrined in law could have been altered only by legislation. The British system allowed officials wide scope for decision-making in line with their perceptions of departmental objectives. Thus, they interpreted employment regulations generously in response to proposals from Jewish refugee organisations. They also developed new policies in the course of administrative practice. For example, in 1938, in order to reduce the time consumed by considering individual applications, officials acted to lighten the immigration conditions imposed on thousands of refugee domestics.

These officials concentrated on the management of their own case-