

# State-corporate Crimes and German Occupation of Greece (1941-1944). A Case Study

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**Abstract:** The present case study is included within the context of the study of the participation of businesses in international crimes and the overlap of the criminological study of international crimes and the study of state-corporate crime. Business involvement in international crimes is defined as a business behavior that allowed, aggravated, or facilitated international crimes committed by the Nazi regime and its agents. Involvement is defined as an enterprise that contributes to committing these crimes by the primary perpetrator or perpetrators while knowing (or should have known) that its conduct contributed to committing these crimes. With raw material from the Report of the relevant Greek Parliamentary Committee on the German occupation, we interact with the respective (few) international publications on the state corporate crimes of World War II, but we will also submit thoughts and suggestions for the concept and the view of state corporate crime.

**Keywords:** state-corporate crime, Nazi, Behemoth, war crimes

## Introduction

A few years ago, I fell “accidentally” on a local website and an article, written by a historian (Galetsas, 2012) on the company “ELAION” (lit. olive oil, the main product of the island till the present day). What had happened in Lesvos, more specifically, had begun in the early summer of 1941 when the occupying German forces, through Tsolakoglou’s dictatorial government, by law 779/41, banned the export and trade of olive oil. That measure, despite the strong protests of local authorities and agencies, would lead an overwhelming part of the olive oil production, both the previous and the new harvest (1941-1942) by the medium and small producers, to the warehouses of about 100 black marketeers, filling in at the same time the producers’ pockets with

inflation money that was losing its value at a dizzying pace every day, while food from the market had disappeared, raising the prices of basic food products to alarming heights. Since the German occupation forces had already secured the mechanism of collaborationists in the conduct of trade and had maintained the ban on the export and trade of olive oil, they established SA ELAION in Mytilene in the summer of 1942, a company that was established by German nationals and that was monopolizing each trade inside and outside the island while capturing 75% of production. The devastating exchangeable value of olive oil for the people of Lesbos, which in any case was 4 to 8 times lower than that in the real market, would lead to the loss of the basic and only resource for the survival of the vast majority.

This case was not the only one in occupied Greece. But any other cases that have already been known or will have emerged in the future from the obscurity and oblivion of history, should be part of a whole that should aim to understand the criminal connection mechanisms of state, war, and businesses, with victims all of humanity. And this is the purpose of the present study.

### **Relevant literature**

In recent years the international academic community has tried to define and scientifically test the term “state-corporate crime”, which may replace and be more specific than the term “white-collar crime”. It is a term that, from a political and a research point of view, corresponds to what we narrow down as “corruption”, but with two important differences: The first difference lies in that there is an effort to criminalize this act from the point of view of protecting human rights from social harms. Crimes are not only the known “street crimes”, but these acts as such, which, according to studies, involve much more loss of life, physical or other harm, loss of property, money, from respective registered murders, attempted murders, theft-robbery, etc. The need for criminalizing these acts is connected with the need for appropriate orientation of formal criminal policy (law, police, administration of justice), and for the awareness of citizens, consumers, workers, and social movements. The second difference lies in the revelation of the true nature of this crime and thus in the orientation of crime prevention and political and social action. The interdependence of the state and corporate capital, either by converting public money into private directly (i.e. contracts) or by providing facilities and specific policies (i.e. laws, decrees, etc.) is the way that the heart of our capitalist society operates and, therefore, the root of this crime. The term state-corporate crime is not a neutral term, from an evaluative perspective, but rather a product of a very clear politico-ideological decision against a theoretical dilemma that is created by the historical tradition of criminological theory and research, and the prospects in judicial-political and social fields that are opened by this specific

research. The concept of state-corporate crime has just gone the third decade of its first public appearance in a scientific text, while its use – as it has not become commonplace among scholars remains quantitatively limited. It was launched through a series of presentations at conferences by Kramer and Michalowski in 1990, in which the first written version was introduced in 1992 (Kramer, 1992) and concerned a case study. The general idea was that there should be an emphasis on the field of the state and business interaction that produces serious criminality and not to be examined separately as it had usually been treated until then, that is, as a state crime and as corporate crime. According to what has just mentioned Michalowski & Kramer (2006a;2006b) gave a comprehensive definition of state-corporate crime as follows: illegal or socially harmful actions produced by a mutually strengthened interaction between policies or practices of political institutions of governance and those of economic production and distribution. The research carried out within this context use case studies, employing secondary data from official documents and records or from investigative journalism (Kauzlarich & Mathews, 2006), whereas the analysis that is usually at a micro-sociological level lacks a “clear villain”, as it involves complex organizational arrangements that make the motives and purposes of government and business entities involved inconspicuous. This very important crime, insofar as it relates to human rights violations, is a systemic problem and not the result of individual actions, and just as such it is defined as (something that is) linked with the ownership or management of the process of capital accumulation. Within this context, we could incorporate two complementary dimensions, when we talk about political ties of governance and institutions of economic production and distribution: first, major multinational companies and supranational government organizations and, second, institutions of “civil society”, that is, non-governmental organizations (NGOs). More analytically, Friedrichs & Friedrichs (2002) mention the “crimes of globalization”, thus providing another interesting dimension to the issue. These crimes refer to forms of social harm to entire populations from political supranational institutions, such as the IMF and the World Bank. The imposition of top-down policies and economic programs that are consistent with the interests of powerful countries and multinational companies have effects on and even cause casualties in human lives mainly in “developing countries” (Rothe et.al, 2006). Usually, such things as “Debt Repayment” programs lead, as Green and Ward (2004) have shown us, to political instability, then to paternalistic or clientelism systems of governance that are the nest of organized crime, corruption, authoritarianism, state repression, use of torture, and even of possible genocide. This globalization and its crimes refer to the influence not only of supranational financial institutions and multinational companies but also on NGOs (Chace-Dunn et al., 2000; Mazlish, 1999). In the neocolonial situation or the postcolonial state, where we have been living, there is a continuum between businesses,

the state, and the “civil society” that in essence makes the boundaries between them blur; the continuous interaction that eliminates autonomy and the limits that are a “normal” situation that has been neglected in the literature. Even more in the period of modern economic crisis, the contraction of welfare state intervention leads to further involvement of NGOs to meet these needs. But the change is not only quantitative but also qualitative. As a consequence of this change and the increase in NGOs’ role as mere provider of social services, there have been the marginalization of the contenders of actions of such organizations and the weakening of features such as the proximity to local communities, the mobilization of citizens and lobbying for changes in targeting policies (Simiti, 2014). However, this development does not signal the strengthening of civil society; rather, it signals the incorporation of the existing agencies, which will ultimately survive the economic crisis, within a context that will be distinguishable for deference of retreating from self-expression and promoting social demands. On the contrary, these NGO intermediaries reproduce the features of traditional charity (e.g. disconnection of the aid provided from empowerment actions of beneficiaries, disconnection of individual needs from social needs, emphasis on moral obligation, and promotion of donors) (Simiti, 2014), while at the same time, the development of clientelism between specific organizations and the central or local political power favored the appearance of cases of corruption or financial mismanagement, as several relevant publications have shown (Gibelman & Gelman, 2001; Greenlee et al., 2007).

Within the context of corporate crime, studies that link businesses with the Holocaust and World War II are rare (Van Baar and Huisman, 2012; Matthews, 2006; Van Baar, 2015). These have also shown that commercial enterprises participated in the persecution of the Jews in Germany and later in the occupied territories and contributed to their economic marginalization. Those companies were involved in the Nazi crimes of the slave trade, the use of forced labor, rapine, mass murder in gas chambers, and cremation after the victims were killed or had died. There were three categories of involvement: 1. Direct commission or cooperation with the main perpetrator; 2. Delivery of goods or services used directly by the main perpetrator to commit the crime; and 3. Increase the general capacity of the main perpetrator.

The level of coercion of the regime is also important in the analysis of the involvement of the companies in international crimes: it reduces the business liability. Within this context, Matthews (2006) supports a third category (compared to the two categories made by Kramer and Michalowski in 2006) of state business crimes that facilitate the state when enterprises knowingly encourage these actions to pursue common goals, those of theirs and the state. Van Baar (2015) considers that a further study of the involvement of enterprises in Nazi crimes could contribute to promoting the evolution of the concept of state-corporate crime. However, if the aforementioned studies agree on

something, it is that, on the one hand, the Reich expansion aimed to conquer not only the new living space of the German population but also the markets and raw materials for the German economy, and, on the other hand - as it can be seen from the Nuremberg trials for the respective crimes - in the end, impunity for Nazi's state-owned business crimes prevailed. More analytically, the Nuremberg trials of 46 owners and directors of five German companies, although they resulted in convictions of many of them for their role in war crimes, crimes against peace, and crimes against humanity (Bush, 2009; Taylor, 1949), a few years later, in 1951, the US High Commissioner for Germany issued a statement of leniency releasing all those businessmen who were still imprisoned, and most of their property was returned (Wiesen, 1999). To answer not only the need for further and specific study but also the specific question of what exactly is the connection between the Nazi occupation - state and businesses in those crimes, we first need to proceed to a more detailed study of the role of capital in the Nazi regime.

### **The Nazi regime and the role of capital**

According to the study by Buchheim and Scherner (2006), the relationship between business and the Nazi state is far from explaining the coercion and reduction of responsibility mentioned above. The economies of the Third Reich and the West had similar features. And those were not the absolute state responsibility for the economy. More specifically, in the years before the war, the country's economic demand skyrocketed. From 1932 to 1938, it grew 26% at an annual rate. It is logical in response to that increased demand that the state wanted to create state-owned enterprises to respond to the demand to have profit. But the Third Reich did not follow this path. Nor were there any nationalizations of enterprises. Enterprises had the freedom to pursue their production plans. There was respect for the freedom of contract; they had privileged access to raw materials. There was only one exception. In the summer of 1937, the iron and aluminum industry was forced to accept production orders from the army. Goering stopped this measure two months later. Hitler often said that he opposed the bureaucratic management of the economy because it prevented the process of free choice in doing business. Otherwise, it would maintain a low average and would become an obstacle to higher capacity and value, and would cost general prosperity. Overall, according to the authors (i.e. Buchheim and Scherner), the regime was a tool of big businesses, which during the Great Depression became stronger than ever (business profit in 1938 was 4 times higher than in 1928).

Nevertheless, more illustrative are Neumann, Lustig, and Kershaw, in their respective works on the Nazi regime, explaining its true nature. As early as 1942, Neumann (who participated in the Nuremberg trials as an assistant to the American prosecutor) used the term Behemoth as the archetype of the analysis of the Nazi regime. Inspired by

Hobbes, Neumann used the term in contrast to the term Leviathan used to understand the modern state (with the main feature being the monopoly on the use of force as a monolithic force - used by Weber in 1918 concerning the Weimar regime). Contrary to the understanding of the Nazi state as Leviathan, the model of Behemoth shows us a lack of central control over the use of violence but rather the existence of competing principles. Doing business had equal responsibility with other actors/factors. The American accuser in the trials followed this thought, considering industrialists as equal accomplices in the crimes. But not the judges (following the static, traditional, and monolithic view of the state) who considered businesses to be submissive to the state. According to Neumann, four sovereign powers ruled Germany: the Nazi party, the army, the bureaucracy, and the industrialists. Collaboration under a structure that lacked systematic coherence and the rule of law. That had started in the Weimar Republic where the excessive growth of monopolies was incompatible with political democracy. They first beat the power of the trade unions, then came the increased power of the judges in the Parliament. There was no need for a state to be above those powers because it would be an obstacle to the pre-existing compromises of those powers. So, it was a “non-state,” and, therefore, Nazism was not a state capitalism. The idea that “there are no businessmen but managers” - was wrong because there they were, and were part of power, concludes Lustig (2011).

In February 1933, Hitler spoke in private with 25 industrialists at Goering's house, arguing that the principle of private property and business could not be maintained in a democracy without a war on communism. The historian Adam Tooze (2006: 101) wrote that donations of the industrialists in February and March of 1933 made a difference. With those, the party participated competitively in the elections when it had liquidity problems shortly before. Lustig (2011: 989) quotes a memo from a lawyer at the Nuremberg Trials: “The great German industrialists dreamed of an economic conquest of the world. In that, military conquest was a prerequisite. Hitler was created by them as their political arm and a puppet to achieve this.” Similarly, Ian Kershaw (1993) states that the Nazi leadership and the German capitalists influenced one another and interacted making it difficult to distinguish between an independent political and another economic sphere and, thus, to distinguish between a pure hegemony. Thus, Kershaw concludes that we should not agree with a monolithic analysis of a state that determines the economy but rather with a model where the Nazi state was the most directly representative and most aggressive form of power of economic capital. The regime was an unwritten agreement among the Nazis, big businesses, and the military.

### **The research - The Greek case**

In the secret report of the General Accounting Office of the State issued in March 2013 (as mentioned in the Greek Parliamentary Report, 2015-6), where the requirements

for the two World Wars are recorded, we also have the first record for this category of crimes. More analytically, “damages to private property” for which no compensation has been paid are recorded, as well as the claims for removed tobacco, for which the amount of 4.8 million marks was ratified. Beneficiaries of these claims are “natural and legal persons who possessed a portion of commercial tobacco or traded and suffered damage in 1941-4 because they were removed or enforced to be sold by the German occupation authorities”. However, the Report of the parliamentary committee for claiming German debts (2015-6) is more detailed, which begins with an excerpt from a suggestion of the German ambassador in Athens in 1969 to his government, indicative of his cynicism: “With the support of our American friends, we managed to put it off until the Greek calends (i.e. to put it off indefinitely) the enormous reparations provided for by the London Agreement for hostile states, until the peace agreement is signed, thus consoling our opponents in the last war. (...) It would be in our interest to maintain this interim situation as much as possible so that the claims of our then opponents are either withdrawn or statute-barred. In other words, we must not wake up the sleeping dogs.”

In another series of special detailed tables from the Archives of the Ministry of Foreign Affairs (in the same Report) losses of various categories are reported. Indicatively: in military equipment, in the military and other building facilities of the Ministries of Military, Navy, and Aviation, in houses, in streets and squares, in hydraulic works, in mechanical means and tools, in the execution of works for military purposes by order of occupation authorities, in furniture and household goods, agricultural products, agricultural installations, plantations, agricultural machinery, tools, burglary, livestock, forestry, mines, salt flats, spas, and tourist centers, merchant shipping... in cases from trade with Germans and Italians, from looted items from warehouses and public facilities, etc. According to the Summary Table of the above losses: a. the positive losses amount to 582,183,684,000 drachmas of 1940, and b. the robberies at 200,463,056,301 drachmas of 1940; whereas, c. in trade losses, trade, and industry losses have not been calculated (p. 23). The Report continues (p. 24) that “similarly significant damage was caused to the Greek State by the continuation of the operation during the possession of the clearing mechanisms of clearing payments from commercial transactions between Greece and the Axis countries. More unfavorable operating conditions were imposed on Greece in bilateral trade during this period. More particularly, regarding the Greek-German import-export trade in practice: a. Many Greek products were bought in Greece with drachmas or occupation marks and exported abroad, but without their value being settled through clearing; b. Many products imported from Germany to Greece were intended in whole or in part for the needs of the occupying army, but their value was settled through clearing; and c. “Greek products were bought in Greece by

the Germans at pre-war prices, while imported German products were estimated at prices higher than before the war.” “The above-mentioned compulsory discretion of the Occupation Authorities to raise money through credit led to an ever-increasing and uncontrollable inflation, which not only weakened the revenue system of the Greek State and impoverished the Greek economy but, due to the enforced export of basic foodstuffs (oil, raisins, wheat, etc.), led to the death of thousands of Greeks from starvation ... based on the prevailing principle that the issuance of a banknote for financing the Occupying Authorities should be offset by the importation of goods of equal value, two companies were set up, two companies, DEGRIGES (Deutsch Greek Gesellschaft) by the Germans, SACIG (Societa Anonima Commerciale Italiana - Greca) by the Italians, who undertook the conduct of import and export trade of Greece with the two countries respectively. According to the clearing system, this mechanism of trade exchanges proved to have contributed to further economic bleeding in Greece. DEGRIGES and SACIG took most of the Greek production and brought other cheap and useless products from the rest of Europe. They then offset the values of these goods, but their prices were set arbitrarily by the occupiers themselves to the detriment of Greek products. As stated in the Report of the Bank of Greece (April 1963), the activity of these companies in practice worked to the detriment of the Greek people (“as a new means of sucking them out”), after the credits taken by the Governments of Germany and Italy exceeded in multiples of the deposits made by these two companies, in a credit of the financing accounts” (p. 28). While it [the Bank of Greece] adds that (p. 51) “similarly, compensation is due to those who were forced to “sell” to the occupying forces various goods (usually food or textiles, etc.) at prices that were arbitrarily set by the latter or their agencies (e.g. the company DEGRIGES) or at prices expressed in hyperinflationary money.”

Special reference is made to forced labor (p. 52). In fact, in the Nuremberg Trials, 13 defendants were convicted of this crime, including Goering and Krupp. In the “industrialists’ trial” convicted of the crimes of enslavement and exploitation of people under the regime of forced labor for their wealth, people who held a central position in the heavy German industry (Krupp, Farben, Flick, etc.). In Greece, the main problem of Occupation principles was to make the production machine work again to promote to the Reich the raw materials that had been secured by contracts between Greek and German companies, so that various military infrastructure projects could be carried out and the German units could be maintained. The most important of the mines in Macedonia, which were in the German occupation zone, were private. The representatives of the German industries, immediately after the occupation of Greece, acquired control of the mines either by participating in the capital of the company or by concluding multi-year contracts with their owners for the supply of the ores. Very soon



the export of ores to Germany became extremely important and covered a significant part of the needs of the Reich war industry, as it was cut off from the international market. Greek chromium exports in 1943 accounted for 27% of Germany's total need for this ore. In the same year, however, production declined due to guerrilla action. The importance of the mines for the Germans becomes also conspicuous from the reports of the German authorities to their administration. From the very beginning, the military commander of Thessaloniki and the Aegean Sea, invited all-male unemployed to work, if they were requested by the Occupation authorities "to get paid or unpaid or (to offer) forced labor". If they refused, they would be locked up in concentration camps "for education use". From the summer of 1942, the number of those interested in recruiting workers began to decline. There was a shortage of manpower in the mines, which met the needs of the Reich and the German troops in Thessaloniki. This reluctance was due to the miserable working conditions, low wages as well as the action of the EAM (National Liberation Front) ... In November and December 1942, the Germans called the men born from 1912 to 1921 and the military classes 1925 - 1932 and 1943 - 1944. The above orders of the Germans for "compulsory labor" provoked the protest of Athanasios Chrysochou, the General Director of the Prefectures of Macedonia, who asked not to exclude the Jews from the compulsory labor, giving the impetus for the first anti-Jewish measures (Fleischer, 1986). Shortly afterward, on January 30, 1943, the German commander of Southeast Europe imposed a general obligation to work on the Greek population aged 16-45. That was an attempt to introduce political mobilization in Greece, a few months before its imposition in the occupied countries of Western Europe.

Within this context, the extermination of the Jews of Thessaloniki is included. More specifically, on 11-7-1942, males between the ages of 18-45 were ordered to gather in Eleftherias Square, where the Nazis were torturing and humiliating them for hours. The town's chief military adviser, Friedrich Heine, ordered the official census of able-to-work male Jews (aged 18 to 45) who had to work on military projects undertaken by the German companies I. Müller and Bauteitung as well as by the paramilitary organization Todt. 3,500 people were recruited for forced labor, 3,000 in road construction, 500 in the construction of Sedes airport, and 34 in the mines. Another source states that there were a total of 5,000 Jews used in road construction and mining until October 1942. Max Merten forced the Israeli Community of Thessaloniki (ICTH) to pay a ransom of 2.5 billion drachmas to the German administration on December 15 of the same year. He demanded them, with the excuse of increasing salaries, to hire Greek Christian workers and set the Jews free. The records of the Bank of Greece identified seven of the checks with which the ransom of 1,036,000,000 drachmas was repaid, from November 1942 until January 1943. The checks were endorsed by Marx Merten and his agents.

From March to August 1943, 50,000 Greek Jews were deported to concentration camps in 19 commercial trains of the Deutsche Reichsbahn. The Nazis forced every person condemned to death to pay for the train ticket that led to their destruction.

In Crete, the occupation period has some essential differences compared to the rest of the country, as it was considered by the Germans a “Fortress” (Festung). The transformation of Crete into a fortress required the construction of a series of fortifications and military installations at the behest of the local workforce. The first Commander of the Fortress of Crete, Brigadier General Kurt Student, issued the order of 17-6-1941, according to which the people of Crete were obliged to do any work by order of the Greek local authorities, without any payment. Compulsory labor was also imposed as a collective punishment for resistance actions. “Compulsory labor committees” were also set up in communities and cities to distribute compulsory labor among citizens. The local German authorities, as well as the companies that had undertaken projects on their behalf, issued orders to the communities to send workers. The Germans could give orders to any level of the Greek administration, depending on the needs of the project to be carried out. In the first period, large areas in the countryside or villages of Crete were surrounded by barbed wire and the inmates came out only to carry out forced labor. Sometimes instead of chores, they were sent to be executed.

The minutes of the Nuremberg trials (Kyriakatiki Eleftherotypia, 2011) and corresponding Greek trials of the post-war years complement the issues raised in the above reports and answer the question of impunity for state-corporate crimes during the Nazi occupation. As far as the Nuremberg trials are concerned, we have extensive and interesting references to witnesses and defendants in aspects relating to crimes of an economic nature and their transfer and killing in concentration camps. For example, L.R. Shenin, the USSR Attorney General, presented the official report of the Greek government as one of the pieces of evidence for the crimes of Germany against Greece. According to the report, among the goods seized by the Germans were 71,000 tons of raisins, 10,000 tons of coffee, 1,435 tons of sugar, 2,520 tons of rice, and a shipment of wheat worth \$530,000. As in all the occupied countries, the Germans imported into Greece huge quantities of worthless occupation marks (10 million equal to the value of half the circulating money, according to the report). The result was a huge increase in inflation, at the same time that the Germans were buying goods at stable pre-occupation prices and sending them to Germany. They also used the clearing system to secure significant quantities of products from Greece at fixed prices. The Prosecutor spoke about a plan for the mass rapine and rapine of public, private, and state assets. To implement that plan, they created a whole mechanism of “share capital companies”. In an excerpt from the trial of Walter Funk, Minister of Economy of Germany (1938-45), and, more specifically, in the examination of the defense witness Hermann Neubacher,

he quoted himself: "... the result was that traders selling Greek products suffered losses when they were paid late. On the other hand, importers of German products made huge profits because they paid the German mark at 1/60 in clearing and resold the goods at around 30,000. Therefore, the only possible method to counter this recent speculation, which in itself was not immoral, was to turn the black market into a completely free market on sound business lines and that was the purpose of the experiments..." (ibid: 128).

Finally, let us mention three cases of trials in Greece for similar crimes and impunity: The trial of Major and civil engineer Deter, which took place in Athens in November 1947, caused concern in Athenian business circles. The charges are related to financial crimes. Apologizing, the major involved loud names in Greek economic life. He was sentenced to 5 years in prison, but the court expressed the wish to grant him a pardon, due to his state of health and the services he had offered "to the Greeks" during the occupation. In September 1950, the law on leniency measures was published with beneficial provisions for collaborationists. A few days later, the criminal prosecution of three German executives of the German tobacco industry was suspended, following German pressure within the context of trade negotiations. And finally, the case of Max Merten, who was a political advisor to the military commander of Thessaloniki-Aegean, was also suspended. The multi-day (February-March) trial ended in a 25-year prison sentence. Legislative Decree 4016.1959 on the amendment of the legislation on war criminals automatically suspended the assessment of any sentence that had been imposed. Two days later, he was released and deported. Merten's name was a symbol of impunity for war criminals.

### (Not an) Epilogue

The above Greek case was not the only one during WWII. It was not the first one, nor it would be the last one. We continue to have wars, domestically and internationally, and we continue to have the involvement of (multinational) businesses in these wars. As discussed above, an involvement that allows facilitates or even aggravates these types of crimes. What we should not have is the obscurity and the oblivion of these types of crimes, and for that we need

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