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The Dan Brown Case
Authorship Attribution and Plagiarism in two Legal Systems

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1. Introduction

Forensic linguistics is as much part of linguistic research as it is a legal subject. Using linguistics in a forensic matter means to produce legal evidence through the use of linguistic knowledge and concepts. One of the most popular phenomenons concerning forensic linguistics in recent years has to be plagiarism; with several politicians in need to prove their doctorate to the public, awareness has risen significantly, making the forensic linguist an important expert to consult. This paper concerns itself with plagiarism, however it will take a look at it on a deeper layer than the copying of texts. It will file a case of plagiarism into two clearly defined judicial systems, thus giving common ground for comparison. Furthermore, for a plagiarisable text to exist, there has to be an author writing it first. Only in knowing what an author actually is, what he can do and what he cannot, one can understand how plagiarism comes into existence and how it can be detected. Thus this paper will not only deal with one, but two ways of looking at authorship and plagiarism. A case example will solidify the insights, but most importantly, it will show how essential the legal basis is to understand how forensic linguistics are used in finding evidence.

2. Definition of Authorship

For a decision in plagiarism to be made, first the concept of authorship has to be defined in a way that pleases lawyers as well as linguists. This is especially important because definitions can vary, depending on the system of law the definition has to fit in. German and British or U.S. law, respectively Civil and Common Law, vary in their approach of authorship and plagiarism. One therefore has to explain and define both variations, so a comparison can be made later on.

2.1. Common Law Definition as used in the UK and U.S.

Common Law legal system such as in the United Kingdom and the United States of America are systems based on case law. This means that individual case decisions create a precedent for courts and lawyers to follow in the future. Authorship in systems of Common Law is defined in the framework of copyright (Turell 2008, p. 271ff).

The copyright system discussed in this paragraph is based

on the *Copyright, Designs and Patents Act 1988* (*CDPA*) in combination with the *Copyrights and Related Rights Regulations 2003* (*CRRR*) of the UK. The definitions however can in principle be attributed to the U.S. system as well.

Copyright protections cover only the created piece of work. This is a strict limitation; the author themselves is not part of any legal protection. They are however the first owner of copyright a work has.[1] Creation means, in copyright terms, the fixation of the work in any physical form. A literary work, for example, has to be written down, as well as a piece of music (Turell 2008, p. 272). An artist reciting his own creation of art from memory without fixating it in any form therefore does not possess ownership of his creation. This can be a potential cause for legal problems if the essential part of a piece of art is the fact that it should not be fixated.

The *CDPA* list gives a simple definition of authorship. This definition is sufficient as base for the explanations in this chapter and shall therefore be quoted here.

> (1) In this Part 'author', in relation to a work, means the person who creates it.
>
> (CDPA 1988, Section 9: Authorship of work.)

In this quote the creator of a piece of work is called the author. This however, taken without context, leads to a severe misunderstanding. If we follow the model of Ferdinand de Saussure to examine the linguistic sign 'creator', we might come to the conclusion that the Signifier 'creator' is related to the Signified 'person who creates something with his own hands or mind'. This is of course semantically correct. In legal terms, however, there is a significant distinction that has to be made, which is the case of employment. If a piece of work is created by an employee in the course of their employment, creation shall be attributed to the employer. Likewise, if an independent contractor creates a piece of work for hire, the legal creator shall be the commissioning party if the piece of work is used in a larger work of any kind, such as a motion picture or a compilation (Stim 2010, section: Copyright Ownership: Who owns what?). Thus, while the original authorship in itself may be attributed to the creating person, ownership can be possession of someone entirely else, even companies.

To further define who the author of any given piece of creation is, the *CDPA* includes a list. The positions determined by this list are the standard authors of the respective creations,

1 More on owning copyright follows below.

taking into account the legal perception of 'creator' made above.

> (2)That person shall be taken to be—
>
> [...](aa)in the case of a sound recording, the producer;
> [...](ab)in the case of a film, the producer and the principal director;]
> (b)in the case of a broadcast, the person making the broadcast (see section 6(3)) or, in the case of a broadcast which relays another broadcast by reception and immediate re-transmission, the person making that other broadcast;
> (c)[...]
> (d)in the case of the typographical arrangement of a published edition, the publisher.
>
> (CDPA 1988, Section 9: Authorship of work.)

Interestingly, the list shows confirmation of the point made above as well as negation. Point (d) credits the publishing company as author, not the typesetter that creates the arrangement with their hands; the employer-employee situation as stated exists. (b) however credits the broadcasting person as author, not the broadcasting company they may work for. Likewise, (ab) shares authorship between the producer and the director of a film, making it a work of joint authorship. The studio that may be funding the film however does not possess authorship of it.

But how can a film like this be sold and shown in cinemas by that very same studio then? This question opens an ideal framework to explain the actual concept of copyright. The author is the first owner of copyright. It is naturally theirs by creating the work of art. However, copyright is sellable and rentable, even before the piece of work is created. Sometimes, as is the case in most film productions, the selling of copyright up front is necessary for the production of the film so sufficient funds can be raised. Producer and head director give their copyright away to the studio, which then owns the rights to distribute or rent the film or even sell the copyright to someone else. The author themselves is no part of copyright protection; they lose everything except for the attribution of authorship upon selling their copyright. The film is complete physical and intellectual property of the respective copyright owner (Turell 2008, p. 272).

Plagiarism is especially severe in copyright systems because copyright is an important civil and economical matter. Legal practitioners would speak of copyright infringement in the case of plagiarism. This makes sense since copyright is a fixed legal entity and the infringement of the source author's material

is as much a civil matter as copyright itself. It is still plagiarism, but in a social framework that allocates special legal significance to it (Olsson 2009, pp. 23f).

2.2. Civil Law Definition as used in Germany

In comparison to copyright law, author's rights law as in Civil Law countries takes a more author-oriented approach to property rights. Most Civil Law countries use similar definitions, since their legal systems are all based on France's Code civil established and spread by Napoléon. It makes sense for me to base this passage on German *Urheberrecht* 'author's rights' since its overall structure makes it easily understandable when used as an example. Thus, all legal paragraphs (§) in the following passage are cited from (UrhG 2014). All translations are done me. Underlines are included by my as well to mark important terms and phrases.

In contrast to copyright, author's rights include a personal and non-transferable right of possession of the author of a piece of work. The author retains certain rights and benefits from his work even if they give away the right to use it. This is because author's rights differentiate between *Urheberpersönlichkeitsrecht* 'author's personal rights' and *Verwertungsrecht* 'right of use'. While the latter can be sold and rented either temporarily or entirely, the first can never be separated from the original author. The following paragraph states this legally.

> **§ 11[2)] Allgemeines.** [1]Das Urheberrecht schützt den Urheber in seinen geistigen und persönlichen Beziehungen zum Werk und in der Nutzung des Werkes. [...]
>
> **§ 11[2)] General.** [1]Author's rights protect the author in his intellectual and personal relationship to the piece of work as well as in the right to use it. […]

In German legal procedure, the connection of two phrases through *und* 'as well as' does not indicate an inseparable connection of the meaning of both phrases but rather two separate elements. Those are called *Variante* 'variants' (Var.). In this case, Var. 1 states the personal rights, while Var. 2 establishes the right of use as a separate element.

To find out who owns the author's personal rights completely as well as the right of use at first, a Civil Law definition of the term author has to be given at this point.

§ 7 Urheber. Urheber ist der Schöpfer des Werkes.

§ 7 Author. Author is the creator of a piece of work.

Just as in copyright law, in general the creator of a piece of work is called the author. This time, however, there is no relativisation; § 7 includes only this one sentence. Joint authorship however is still possible; in that case every author is entitled to publicise, spread and alter the piece of work as long as all authors get equal shares of benefit (see § 8 *Miturheber* 'joint authors').

In stark contrast to copyright systems, a piece of work does not have to be put into physical form for author's rights protection to take effect. A piece of music or poetry only recited by the artist but never written down is as much protected as a piece of literature or a painting. This is because author's rights concentrate on protecting the expression, not the piece of work itself. As seen in the importance of the author's personal rights, the relation of author and work is essential matter in this legal system (Turell 2008, pp. 272f).

Plagiarism in author's rights systems is more of an academic offence than an actual legal matter; penalties will mostly be imposed by universities and schools. It is however possible to pursue damages or injunctive relief in a plagiarism case, both of which are civil matters (see § 97 *Anspruch auf Unterlassung und Schadensersatz* 'claim to pursue injunctive relief and damages'). Thus, plagiarism is technically not a civil offence, but its options to pursue justice are (Olsson 2009, p. 23).

2.3. Similarities between Civil and Common Law

By having a look at the given explanations for both legal systems, some similarities can be found. Those will help in shedding light on the case further down and should thus be emphasised.

Both systems do have a clear definition of authorship, although they differ in its relation to the creator of the work. Both, however, do differentiate between authorship and ownership: Common Law by means of copyright, Civil Law by the right of use. Both are sellable and rentable, both temporary and permanent. A similarity not given above however exists; neither system needs special registration of the piece of work to enable its protection (Turell 2008, p. 272). Even when being created without ever being seen by anyone, technically both system protect the author of the works. This is important for works

discovered long after being created when similar works came into existence between creation and discovery of the first work. To investigate on possible plagiarism is thus possible even in this case in both systems. It follows then that plagiarism is also a viable offence in both systems in some way, as explained above.

3. The Dan Brown Case

With the definition of authorship done, the question about authorship in the so-called Dan Brown Case can be asked. Dan Brown, author of 2004 bestseller *The Da Vinci Code* (hereafter *Code*) was accused by Lew Perdue, author of the 1983 – 2000 book trilogy *The Da Vinci Legacy*, *The Linz Testament* and *Daughter of God* (hereafter combined as *Legacy* and used as singular book for convenience) of plagiarising. Several points where made by linguists in U.S. courts to support Perdue's claims. However, courts ruled that the similarities where "'generic' and co-incidental" (Olsson 2009, p. 33). John Olsson, himself one of the experts cited before the court, depicts the judgement to be rendered "despite the evidence [he] and several other experts, including a literary professor, had submitted" (p. 33). The evidence he gives in text shall serve for the reader to find their own view on the case of Dan Brown. It shall thus be task of the following paragraphs to find a verdict in the two given legal systems using non-linguistic as well as linguistic methods of analysis.

3.1. Non-Linguistic Evidence

Non-linguistic evidence in plagiarism research deals with that which cannot be grasped by linguistic research methods. In fact, simple comparison often suffices.

3.1.1. Overall Structure

The most prominent subject for this is the overarching plot of a literary work. It is a difficult task to compare two structures of a novel in a way that suits the academic interest. Olsson suggests extracting singular plot lines and comparing them with similar ones from the other novel. In the case of *Code* and *Legacy*, the similarities are striking. Seven main plot lines can be extracted, all of them existing in both author's works (see Olsson 2009, p. 24).

- Both books centre around the search for one or more "explosive secrets" (ibid., p. 24) that will impact the status and development of the catholic church if found.
- The secrets in question correlate with documents written by a prominent historical figure, Leonardo da Vinci, in both plots.
- An expert in the corresponding field of science is murdered in both. The murderer is member of a religious sect.
- Both experts are exactly the fourth victim of murder in their field of work.
- Both experts write a message with their own blood for the hero of the story to decipher shortly before their final breath.
- The hero and the murdered experts are acquainted in both cases.
- At some point in both stories the hero is accused of the murder.

Further examination of the first appearance of each of those plot lines yields another important result: Except for the accusation of the hero, they all appear on very similar page numbers in Brown's book as in Perdue's three works if fitted with continuous page numbers (see Image 1).

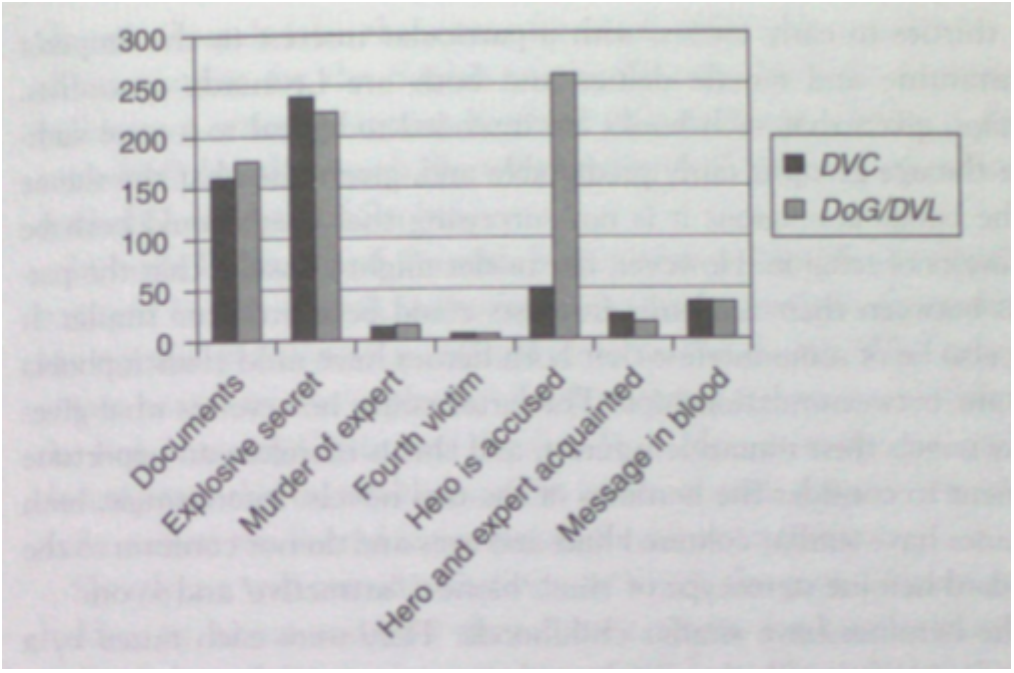

Image 1: Graph showing similarities across Code and Legacy. X-axis shows page number of first appearance (Olsson 2009, p. 25)

With six out of seven plot devices that can be used to summarise the overall story appearing at almost the same time in the course of the books, there is a simple conclusion that can be drawn: The overall structures are very much alike.

3.1.2. Hero and Heroine

Brown's and Perdue's books each do have one hero and one heroine in the centre of their plots. While this fact is definitely not protectable, specific traits of them might be.

- Both heroes are in their late thirties to early forties.
- Both are professors of religion.
- Both have a particular interest in Emperor Constantine, Leonardo da Vinci as well as female deities.
- Both are mildly claustrophobic.
- Both are between relationships.

Due to the fact that both works are religious thrillers, it is not suspicious enough that both heroes are theologians to consider it as evidence. Also, coming freshly out of a relationship is a common trope for heroes to introduce a romantic plot line and thus absolutely generic. Claustrophobia might be generic as well, given that religious thrillers typically include caves and vaults the heroes must overcome and an element of fear might raise tension for the reader. The age might be pure coincidence as well, midlife is a typical trope to show collected wisdom in combination with physical well-being as well as a struggle with ones relationships or general style of life (hence 'midlife crisis'). The last similarity, however, is striking. It is not unusual for theologians to develop an interest in particular pantheons or important figures of their religion. What is very unusual however is that both heroes share the three exact same interests (see ibid., p. 26). Furthermore their shared interest in da Vinci delivers the basis for a suspicious phenomenon in the books which will be discussed later on.

Much like the heroes, the heroines share striking similarities as well:

- Both heroines are raised by a male father figure after a family tragedy.
- Both are fluent in two languages.
- Both are experts in forgery and cryptography.
- Both are interested in art and religion.
- Both heroines, Sophie in *Code* and Zoe in *Legacy*, have an

association to female deities of the Gnostic Gospels. Sophie (*Code*) is the lineal descendant of Mary Magdalene. In some gospels, Mary is also called Sophia, with a daughter called Zoe. Zoe (*Legacy*) is thus the symbolic daughter of Mary Magdalene.

- Both do not share the stereotypical slim figure of a hero's love interest. They are described as "ample" and "robust" (ibid., p. 26).

Art and religion are closely related and can thus also be connected without suspicion, as can fluency in two languages. Expertise in exactly the same fields of profession however is a striking similarity; many other professions suitable for the dramaturgy of the plot come to mind, such as military, historian, architect or journalist. Both heroines being cryptographers and forgery experts has to be categorised as suspicious. The most important part however is the association with Mary Magdalene because of the explanation given above.

One last example of very similar plot lines involves the concealment of the important documents mentioned above. In Perdue's *Legacy*, there is a golden key hidden in a painting on wood along with a bank account number on a golden ingot. Both have to be removed from the painting by the protagonists and taken to a bank in Zurich, where they open a deposit box. The heroine acquires the painting through the murdered expert, who send it to her. In Brown's *Code*, a golden key is actually hidden behind a painting on wooden ground. It allows access to a deposit box in a Zurich-related bank, the Zurich Bank of Commerce in Paris. Brown's heroine finds the key because the dying expert writes a message for her in his own blood which encrypts its location.

The similarities in here are rather obvious. There are some more points that connect with the key and the bank in both books, too many to state here in detail. Olsson (p. 27) gives a fitting summary for the huge array of similarities found in this particular matter:

> The key point is that each narrative utilizes a key which is not a conventional key to open a safe deposit box which contains another container which has to be decoded to reveal a secret, which, as it happens, relates to the actual divine nature of the female goddess as an integral deity of the Church which the Church in turn has attempted, through a secret brotherhood, to suppress, partly through murdering – in each case, the curator of a museum.

3.1.3. Errors

Errors can be a potent instrument in finding evidence in plagiarism. If an error is part of both works, it is highly likely that it was copied and then carelessly overlooked. *Code* and *Legacy*, conveniently enough, share an error that is very unlikely to happen twice without connection. The same book written by da Vinci, the *Codex Leicester*, is used in both works as a historic fact, but with a fictional connection to the matter of the novels. That in itself might be coincidental; both works carry da Vinci's name in the title, so it is only natural he is involved. However, both books state that the *Codex* was written on parchment, when it was in fact written on linen paper. This error is not a common one in expert or lay literature about the *Codex*. Olsson did not find the error in any other piece of literature, so it is unlikely both authors got it from the same reference book. It must have been formed in the mind of both authors while writing their book – or, which is much more likely, be a copied mistake. (ibid., p. 27).

3.2. Linguistic Evidence

Up until this point the evidence gathered from the books did make no use of linguistic methods – it was simply a matter of superficial comparison of both texts. The following methods will take a closer look at specific parts of the books by making use of linguistics to get further details.

3.2.1. Plagiarism Directionality

The plagiarism directionality is a matter so simple that one might forget mentioning it. It is however a very important part of insight for the linguist who works as a forensic expert. Plagiarism directionality basically shows which text has been plagiarised from which, and is often resolved by consideration of the books' dates of publication. In cases of texts published very close to each other, this might not be enough to establish the directionality (see Turell 2008, p. 282).

Perdue	**Brown**
The Da Vinci Legacy (1983)	*The Da Vinci Code* (2004)
The Linz Testament (1985)	
Daughter of God (2000)	

Table 1: Dates of publication, establishing a directionality Perdue → Brown

In the case of *Legacy* and *Code*, the simplest method of considering the publication dates suffices (see Table 1). The last part of Perdue's trilogy was released in 2000, while Brown's book was published in 2004. Perdue was thus probably already finished at the time we can assume Brown started writing his book. From this a directionality from Perdue to Brown can be derived. This might appear trivial, but it is important to determine that, if plagiarism occurred, Brown would have plagiarised from Perdue and not the other way round.

3.2.2. Frame

The so called 'frame' is a concept of semantics which is especially important in plagiarism research that concerns itself with novels. It is a collection of facts specifying characteristics, attributes, common interactions and concepts related to a single word, action or concept in general. The frame constitutes the essential knowledge needed to have all socially relevant facts related to the concept (see Allan 2001, pp. 250f). For example, the frame of the action 'eating at a restaurant' in Germany would be something like 'sit down, study the menu, order from a waiter, wait, eat, then ask for the bill, tip the waiter and go'. As mentioned, frames are social constructs. Someone from a different society than the German one might not know that it is common to tip waiters when paying the bill. Every person has a frame for every action or word they can think of in their mind. Forensic linguists can use the frame to decide what is generic and what not: concepts that are part of the frame of a given situation are likely generic, because anyone of the given social structure would think of them when they picture the situation in their head (see Olsson 2009, pp. 29ff). The frame also denotes the terms that are most common to express it. For example, the item to rest your head on in bed will typically be called *pillow* in Britain, not *cushion*, although both describe a vessel made from cloth filled with fluffy material designed to be comfortable. This especially is an important part of semantic frames for conducting plagiarism research, because it allows linguists to find leads even in a frame of generic concepts. The following example will apply this to the case of Perdue and Brown.

> Ridgeway and Zoe looked silently about them. The room was the size of a luxury hotel room and furnished in much the same way. Besides the sofa and chairs, there was a television set, a rack of current magazines, a small computer terminal displaying financial quotes, and a wet bar stocked with liquor. Ridgeway went to the

> wet bar, set the wrapped painting down on the counter, and filled a tumbler with water from a chilled bottle of Perrier.
>
> (Perdue, Daughter of God, 2000, cited from Olsson 2009, p. 30f)

> Langdon and Sophie stepped into another world. The small room before them looked like a lavish sitting room at a fine hotel. Gone were the metal and rivets, replaced with oriental carpets, dark oak furniture, and cushioned chairs. On the broad desk in the middle of the room, two crystal glasses sat beside an opened bottle of Perrier, its bubbles still fizzing. A pewter pot of coffee steamed beside it.
>
> (Brown 2004, p. 150)

Both of the excerpts above depict a scene in the aforementioned bank, specifically in the so called viewing room, were customers could take their possessions from the deposit and look at them in private. It is important to note again that both banks are Swiss-related ones; the frame of those is what plagiarism experts can use in this case. Swiss banks are known for their wealthy customers. They manage a lot of money and are able to please an opulent audience. One term that might describe a Swiss bank in many persons' heads will probably be *luxury*. Indeed, *luxury* is the frame of this whole scene. Both authors express it in similar ways, by drawing attention to comfortable, expensive furniture, wet bars and oriental carpets. An objective reasonable non-linguist will probably not see plagiarism in this matter because Switzerland is strongly connected to money and luxury in the minds of Western people. Indeed, this is what experts would call a generic similarity.

However, there is something very remarkable about both scenes. While depicting almost the exact same situation, both works use a vastly different vocabulary to describe the same objects. Perdue's description uses words like *luxury*, *sofa and chairs*, *tumblers* and *chilled* to convey the sense of luxury. What is special about those words is that they actually are not special at all. The terms all seem very natural to use in the situation. They are, as Olsson puts it, "words which are right at the top of consciousness" (p. 32). We can call the vocabulary of those words 'first line' lexicon. The use of those words is denied to plagiarists: After all they have to disguise their copying, and if they use the same frame – either stolen or generic and coincidentally similar – they have to use vastly different terms for the same concepts, otherwise even lay readers might become suspicious. The plagiarist has to resort to 'second line' language, "left-overs […] which may not be quite fit for the purpose" (ibid., p. 32). It is noticeable in Brown's excerpt that the terms used for

exactly the same concepts Perdue describes, *lavish*, *cushioned chairs*, *crystal glass*, and *fizzing*, are less common than *luxury*, *sofa and chairs*, *tumblers* and *chilled* in everyday language. Since both books are novels targeted at an audience as broad as possible, this makes Brown's language suspicious: Why else could he have chosen to use those words if not to cover up a copy?

He might, in fact, have tried to evoke a particularly luxurious feeling by using words that seem alien. His mentioning of *oriental carpets* supports this thought. Brown may have tried to give the viewing room a foreign atmosphere. There is, however, a lot more that supports the claim of plagiarism than the idea of conveying particularly pompous luxury. Browns excerpt describes the room as a *sitting room at a fine hotel*, full of *oriental carpets*, *dark oak furniture* and a *broad desk in the middle of the room*. Despite this, he also writes the room is *small*, giving the scene a cramped impression. This is clearly a contradiction; a lavish hotel room would never be allowed to look cramped. Contradictions such as these are a common way to detect plagiarism in common frames (see Turell 2008, p. 282); Brown might have taken Perdue's idea of a hotel room and combined it with his own imagination of a smaller chamber.

Another striking similarity shared by both excerpts is the element of surprise both hero pairs experience. Ridgeway and Zoe *looked silently about them*, while Langdon and Sophie *stepped into another world, the metal and rivets gone.* It is notable that the surprise is much more present in Brown's text; Perdue's *silently* does not give a clear statement about that. The impression it gives however is that of surprise in an environment where surprise is not appropriate. Both pairs experience luxury in a place which, through common social concepts, is one where luxury would be expected. It is illogical and therefore rather unlikely to be formed in the minds of both authors independently (see ibid., p. 32f).

3.3. Evaluation: Does Dan Brown infringe Copyright or violate Author's Rights?

Being a case between two U.S. authors, it has of course been ruled in front of a U.S. court. Judge Daniels of the New York District Court held a trial that Olsson describes as "dramatic" (p. 33). Perdue called several experts, including Olsson and a literature professor from MIT into court, all of them giving evidence that made Brown highly suspicious of plagiarism. Daniels, after claiming he had read all the books as an "ordinary

lay reader" (Olsson, p. 33) and denying to accept the expert witnesses statements, ruled that the similarities were co-incidental and generic. Perdue's side challenged the verdict by explaining that the judge, who reads texts on a professional basis, could not be equated with an ordinary lay reader. The U.S. supreme court upheld Daniels' verdict however, stating "that the judge had simply followed the law" (ibid., p. 33).

Therefore, to discuss if Brown has infringed Perdue's copyright is an easy, albeit unsatisfactory task. The answer is simply no, since copyright infringement is not only an academic offence, but also a legal one, and there is a legal statement existing.

It is much more reasonable to ask if he might have violated Perdue's author's rights. Since the case did not take place in a Civil Law country and plagiarism in an author's rights system would only be an academic offence anyway, there is no verdict and thus a lot of room for speculation. It makes sense to structure this speculation the way an expert witness would structure their report. The first question that has to be asked is thus: Who is the author of the text? It is useful to take another look at §7 UrhG to give an answer.

> **§ 7 Author.** Author is the creator of a piece of work.

Creator of the *Legacy* trilogy is indisputably Lewis Perdue. The *Legacy* trilogy is what the claim is about and Lewis Perdue made the claim. This means that the affected person made the claim, which is the first requirement in German law for a demand to be valid.

Next, it is important to define the kind of violation that might have taken place. Again, a look at a paragraph explained above, § 11, helps with the definition.

> **§ 11[2)] General.** [1]Author's rights protect the author in his intellectual and personal relationship to the piece of work as well as in the right to use it. […]

There could be two instances of violation: The violation of the author's personal relationship to the piece of work or of his right how to use it. Since Brown did have no way of influencing Perdue's right to use *Legacy* because it was already published with Perdue's consent long before Brown released his book, the second part is inane. However, if we assume that Brown did indeed plagiarise the plot and details of Perdue's books – and as a linguist one is likely to do that after having a look at the suspicious evidence – the first part is where the violation might

lie. It is again important to notice that authors' rights protect the expression of an idea in a certain way. Using the viewing room example again, Brown takes not only the idea or frame from Perdue by simply writing about a Swiss bank, he also uses the same concepts inside of that frame, he gives the same description of the room in a slightly disguised way and even his characters feel the same emotions. This makes it abundantly clear that, if plagiarism took place, it was especially the copying of Perdue's intellectual expression. It seems to be likely that Perdue might have been able to file a claim to pursue injunctive relief and damages successfully if the case had taken place before a German court.

4. Conclusion

Since this is an academic paper and not an expert's report, a conclusion cannot possibly call Dan Brown a plagiarist without doubt. In fact, as a reminder, linguistic evidence is never entirely conclusive and should always be considered as a lead rather than actual evidence. However, it seems to be reasonable to raise the suspicion of Dan Brown's plagiarism again. By doing this after the U.S. court ruling, one therefore also has to question the verdict itself. If it was just misinterpretation or if corruption took place between the judge and Brown's publisher Random House, as Perdue claims (see Perdue 2013), is not answerable in this paper. It was never the intention of this paper, anyway. Bringing to mind the possibilities of forensic linguistics and putting them into the context of two legal systems was. By showing the basic principles of plagiarism research in Common and Civil Law, the author hopes to have produced a better understanding of the applicability of forensic linguistics to the reader. Lewis Perdue himself is still collecting similarities and working with authors and linguists to find more evidence of Brown's infringement. If it takes him to success in the end is uncertain, if not unlikely. This does not devalue linguistics as forensic tool, however; it should rather be an incentive for forensic linguists to familiarise themselves even more with the law under which they operate.

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