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Please Co-opt These Tenets

By Juliette Gillespie

The following is a quote from a [commentary](#) published in the New York Law Journal in October 2021: “Respect for law is a basic tenet of democracy and the integrity of our judicial system. But the right to defy an unconstitutional law is also basic to our constitutional structure.”

That is a big, beautiful, provocative idea, which I’d love to mull over—but I’m only here to talk about words. Specifically, today, the word *tenet*.

A tenet is a principle, doctrine, belief, position, rule, etc., especially one held as true by members of a profession, group, or movement.

This word is fairly common in legal parlance. We have, for example, basic tenets of law. There are the fundamental tenets of an agreement; tenets of statutory construction; religious tenets (in the news these days thanks to vaccine exemptions); and tenets of diversity (being implemented by HR departments everywhere).

But, sometimes, *tenet* is confused with *tenant*:

- “The State of New Jersey did not take issue with these *tenants of law*, acknowledging the Federal Government itself can take land in which the State has an interest.”
- “Judges must keep in mind the long-held and basic *tenant of law* that litigants have a right to litigate their claims.”
- “In Pennsylvania, it is a longstanding *tenant of law* that evidence of a conviction for a traffic violation or a minor misdemeanor is inadmissible in a civil action arising out of the same events.”

These sentences have all been published by respectable media outlets.

“Tenant of law” is completely wrong and doesn’t mean anything. If you perform a Google search for “tenant of law,” you won’t even get the “Did you mean ...?” response. You just get information on landlord-tenant law. Perhaps they should fix that. Are you listening, Google? (You know they are.) If someone types in “tenant of law,” tell them it’s *tenet*. And, if someone types it in a document, make that squiggly blue line appear underneath.

A tenant, of course, is a person who occupies land or property rented from a landlord. The landlord owns the property, which might be an apartment, a condo, a house, a co-op ... (look out, here comes the segue).

Co-op! This term is short for “cooperative,” which is a jointly owned or operated enterprise or organization. In the housing context, a co-op is a residential option that is actually a corporation where each resident is a shareholder based on the relative size of the unit they occupy. The owners do not own their units outright, they own a share of the corporation. Co-ops are quite common in New York; not so much in New Jersey. I happen to live in a co-op in New Jersey, and there were several extra hoops to jump through when I bought the place. I sometimes worry that it will be a liability when I eventually want to sell.

But I am not here to discuss real estate configurations or my personal living situation. I am here because of this: “The State Bar of California is allowing attorneys to *co-op* a competing attorney’s name by using it as a billboard to confuse and steer consumers to the wrong destination.”

Clearly, this writer meant to use the word *co-opt*—to take for one’s own use.

For example, when you co-opt an idea, you use it as though you’d come up with it, despite the fact that someone else thought of it first. In the quote above, lawyers are apparently using other lawyers’ names (or co-opting them) to get clients for themselves.

Yes, *co-op* and *co-opt* are very similar. They both start with “co” from the Latin “com,” which means with or together (before vowels it is reduced to “co”). Co-op is *co* plus *operari* or operate, forming the word cooperate, or cooperative. Co-opt is *co* plus *optare*, to choose or select; to opt for.

But you don't have to know the etymology to know the difference between *co-op* and *co-opt*. In fact, I would bet that the author of the sentence with the misuse actually *knows* the difference, and the error just slipped through the cracks.

I also realize that the misuse of *tenant/tenet* and *co-op/co-opt* might simply be typos—possibly even the result of some sort of auto-correct—that were not caught by spell-check because they use the proper spelling of *a word*, just not *the word* the writer intended. I hope this is the case in the examples I found, and I am willing to give the benefit of the doubt.

But I do think it's worth drawing attention to these errors, because language is important, particularly for lawyers. After all, the written word is the medium of the law. If attorneys can't get the words right, who can?

How about communications professionals? They are literally paid to communicate, which includes writing. I believe they owe it to their clients to get the language right.

The co-authors of the article using *co-op* instead of *co-opt* are just such professionals. One is the owner of a legal marketing firm, and the other “has more than 17 years of experience handling PR and communications for law firms.” The written word is integral to their profession, and, for my money, they should do better.

Then again, if it weren't for this type of thing, I might be out of a job.

Also, sometimes the errors are quite amusing. For instance, a recent article included a reference to Bruce Springsteen, but spelled his name “Springstein,” which reminded me of one of my favorite lines from one of my favorite songs, “[The Chanukah Song . Pt. 2](#),” by Adam Sandler: “Bruce Springsteen isn't Jewish, but my mother thinks he is!” I love it.

Still, please don't co-opt the word *tenant* for *tenet*. And don't buy a co-op in New Jersey (unless it's from me). Thank you.

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