Same Sex Marriage And Meritocracy

New York State has decided to maintain marriage discrimination. The Court of Appeals' decision in Hernandez v.Robes, in which Chief Judge Judith Kaye called a "misstep," failed to establish the right of New Yorkers to marry without regard to sex, preventing thousands of lesbian and gay couples from marrying. New York thus refused to follow its long tradition in the forefront of states and nations on human rights. Recent polls indicate that a majority of New Yorkers support ending marriage discriminations, even though ending marriage discrimination would increase New York's economic and political egress in the United States and in the world.

New York stands out in this decision. Conservatives have fiercely opposed ending marriage discrimination, even though ending marriage discrimination would increase New York's economic and political egress in the United States and in the world.

New York allowed same-sex marriage, corporations would find it easier to attract skilled employees who felt welcome in the jurisdiction. New York has long prided itself as a meritocracy; what it always concerned here is what you do, not where you're from or who you are. Ending marriage discrimination would create a vibrant community of enormous wealth by companies whose sole unique asset is an idea, rather than some widget that can be manufactured in China. Ideas come from people. Legal recognition of same-sex marriage would constitute "artificial persons." Real people work for artificial people, yet artificial persons know that their viability depends on real people. Real people also in love, and sometimes they fall in love, with someone of the same sex. Scientifically, these real people want to entrust the other person with their lives, before the law. They want the benefits that come with marriage—1,138 rights under federal law, and many more if we include state law. Benefits of these benefits, thousands of New York lesbian and gay couples have never seen the benefits of their tax dollars.

Many corporations have already recognized that many of their most important employees had fallen in love with someone of the same sex. Over a half of Fortune 500 companies provide domestic partnership benefits; 86 percent have non-discrimination protections. The U.S. corporate world has begun to taste diversity at its center, including sexual orientation diversity.

New York has always attracted the best and the brightest of all backgrounds, and New York corporations would benefit from clarity in the law. Currently, corporations absorb the cost of providing benefits...