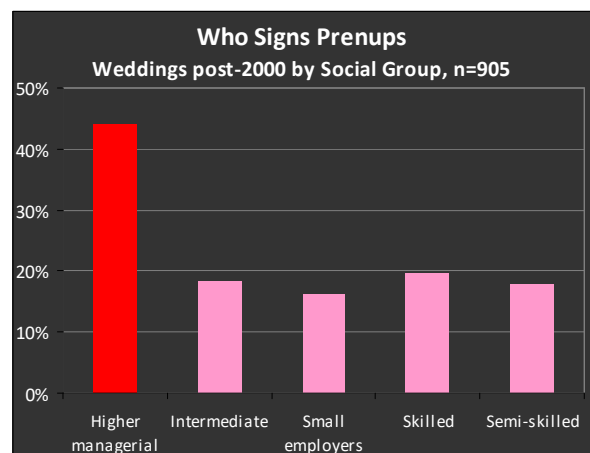
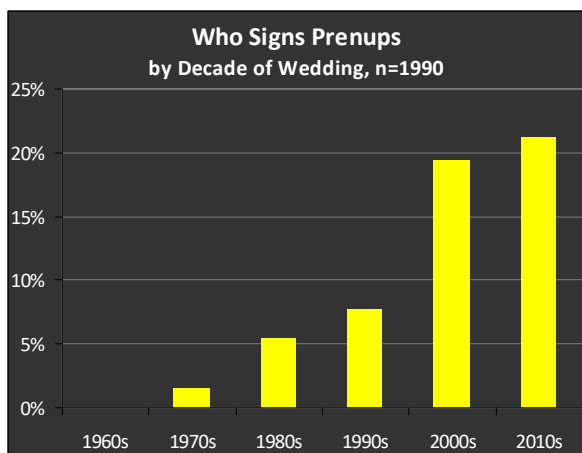




## One in five weddings now start with a prenu

Harry Benson, August 2021

- To many, it seems oxymoronic for a couple about to commit to a lifetime commitment to sign a parallel agreement on who gets what if the 'lifetime commitment' doesn't work out. Yet this is the idea behind prenuptial agreements known as 'prenups'.
- Despite lots of promotion from family lawyers who champion their advantages, there has been precious little – if any – independent research on their prevalence, the characteristics of those who sign them, and on their effect on the subsequent marriage, whether for better or worse.
- In what may be a world first, we commissioned Savanta ComRes to ask 2,000 ever married UK adults whether they had signed prenups for their first marriage or knew people who had.
- To our surprise, we found that prenups are far more prevalent than might be assumed, accounting for some 20% of first weddings since the 2000s. Less surprisingly they are concentrated among the higher income groups with 44% of 'higher managers' signing them compared to 18% among all other social groups.
- Prenups are most likely among couples attending some form of marriage preparation class as well as those who said their marriage 'just kind of happened'. They are less likely among men who earn more than their wives and among women who are better educated than their husbands.
- Prenups were NOT associated with a clear decision to marry, the age at which couples marry, couples of similar education levels, the size and cost of the wedding, online dating, or with the risk of divorce over the first five or ten years of marriage.
- Prenuptial agreements now appear to be an integral part of the wedding process among the higher income group and to a less extent across the board. Although we find no evidence that they influence the risk of divorce, their link with lower levels of commitment suggests couples need to be very clear about their plans before signing them.



## Introduction

Prenuptial agreements – prenups – are legal arrangements signed prior to a marriage that are intended to plan for the division of assets should that marriage fail. Prior to the famous Radmacher case in 2010, there was a great deal of legal doubt about the enforceability of prenups above and beyond the normal constraints of divorce law.

But how common are prenups? And how do they effect subsequent marriages?

A brief search of US family journals and Google Scholar reveals much on the legal aspects of prenups but precious little on their prevalence or effect.

Having personally run marriage preparation courses in Bristol for over 500 couples between 2002 and 2012, my expectation was that prenups were only ever a curiosity for the super-rich.

Like others, I find the idea of prenups deeply unromantic. “Darling will you marry me?” “Oh yes.” “Could you now sign this prenup so I can keep all my stuff in case it goes wrong?”

No thank you.

I had also assumed that thinking about divorce in advance might actually make divorce more likely. So if anything I expected prenups to be associated with a higher risk of divorce.

Almost as an afterthought, I included a question on prenups in the survey of 2,027 ever married adults over 30 that we commissioned from the polling company Savanta ComRes in July 2021.

The focus throughout was on first marriages.

In the event that very few in the sample had actually signed one, we added in a sub-question about whether respondents even knew anybody who had signed one.

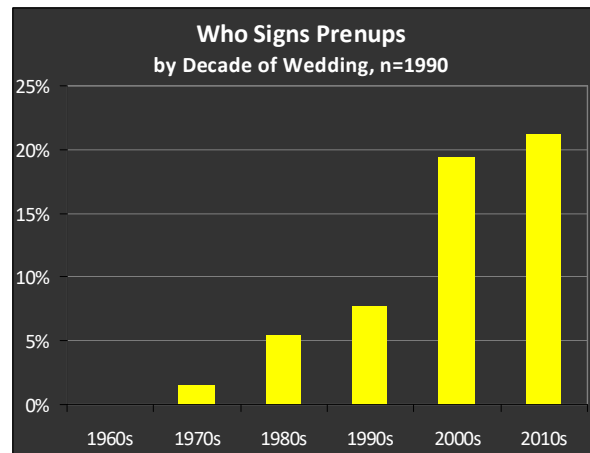
The results were a big surprise.

## Who signs prenups?

Prenups turn out to be far more prevalent than I had imagined.

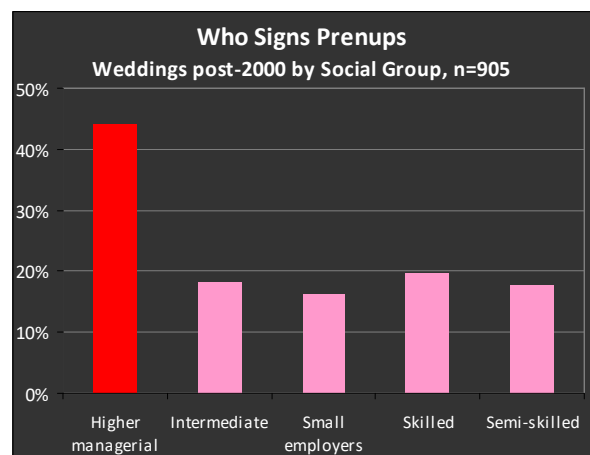
The earliest prenup in our sample was signed in 1970, with a further four signed during the 1970s, representing just 1.5% of weddings.

Their prevalence increased in the 1980s to 5% of weddings and 1990s to 8% of weddings. However from about the year 2000, they were present among 20% of all weddings, with the exception of the year 2019 where 31% of our specific sample of 44 signed a prenup.



Just taking the 905 weddings in the sample that took place post-2000, I looked at how prenups were distributed across five social classes.

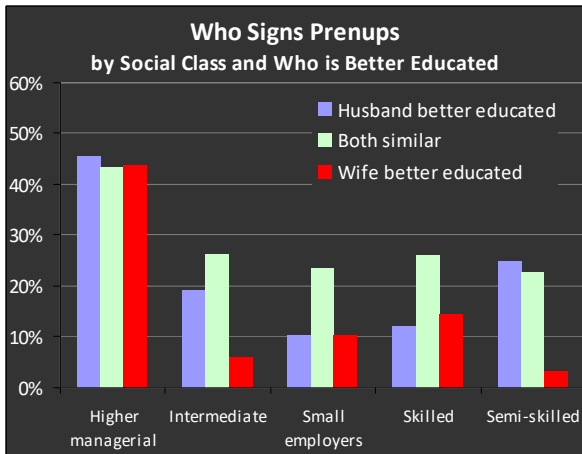
Prenups were most prevalent in the top ‘higher managerial’ group, where 44% of weddings involved prenups, but fairly evenly distributed among the remaining four social classes, ranging from 16% to 20% of weddings.



I then looked at characteristics that I thought might be associated with the signing of a prenup.

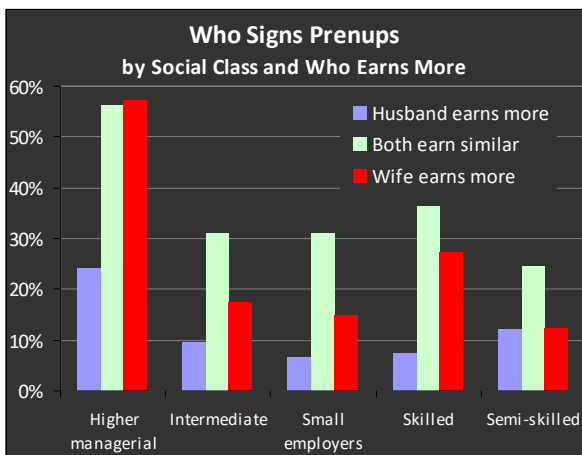
I expected asymmetry of earnings and education – where one spouse earns more than the other or is better educated than the other – to influence the likelihood of a prenup, especially where the husband earned more or was better educated.

For education, prenups were more prevalent where the husband was better educated, but not in all social groups.



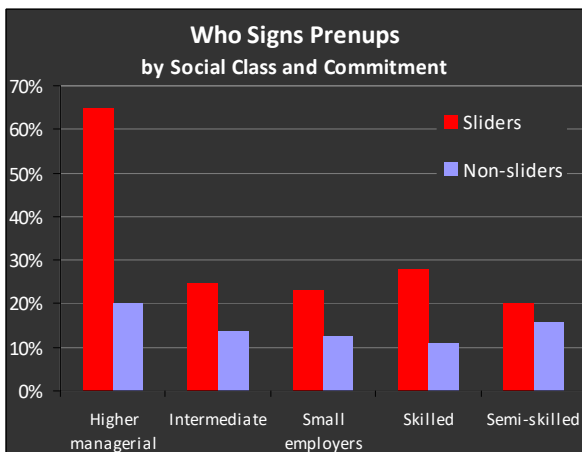
For earnings, the reverse was true.

Prenups were more prevalent among couples where the earnings are similar or the wife earns more.



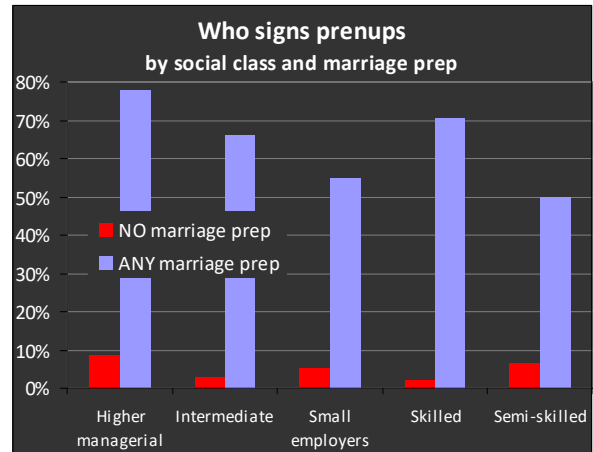
In another surprising finding, I looked at those who were asked to think about why they married and who agreed or disagreed with the statement 'We made a deliberate decision to marry' ('deciders') or 'It just kind of happened' ('sliders').

Although there was no difference between 'deciders' and 'non-deciders', 'sliders' were more likely to sign a prenup than 'non-sliders'.



Finally, there was a strong and further surprising link between signing a prenup and taking part in any kind of marriage preparation class, such as a face-to-face or online course or mentoring.

Of those who had done any kind of marriage preparation, 64% had also signed a prenup, compared to 8% of those who had a 'talk with the vicar or celebrant' and 4% of those who did no marriage preparation at all.



Overall, using a logistic regression, I found that the odds of signing a prenup were statistically higher among higher managers, those who had done any kind of marriage preparation class or mentoring, those who 'slide' into marriage, and couples where the earnings are similar or the wife earns more. They were lower where wives were better educated.

## Does signing a prenup affect divorce?

The more important question I wanted to address was whether signing a prenup was associated with higher – or lower – chance of divorce.

The simple answer is no.

Using a logistic regression and controlling for gender, age when married, decade of marriage, social class, where the couple met, and the reason they married, prenups appeared to be associated significantly ( $p < .05$ ) with a reduction in divorce over the first ten years of marriage.

However this effect disappears when other characteristics – such as whether couples did marriage preparation or not and the size of their wedding – are taken into account.

Prenups *per se* don't change the risk of divorce.

## Conclusion

Our findings are based on a sample of 2,000 ever-married respondents spanning genders, age, region and each decade of marriage since the 1960s, conducted by Savanta ComRes in July 2021.

It is with confidence that I can now say that prenups are much more common than I expected, being signed by one in five couples marrying for the first time. Although most concentrated in the highest social group, they are present across the board.

Prenups are more common among 'higher managers and professionals', those who do some sort of marriage preparation, those who 'slide' into marriage, and wives who earn the same or more than their husbands. They are less common where wives are better educated than their husbands.

Despite their pragmatic and unromantic nature, prenups do not appear to be akin to organising the divorce in advance. If anything the direction of travel is that they may even be slightly protective of marriage.

There is one important word of caution however.

Prenups are not associated with a higher level of commitment. Respondents in our sample who signed a prenup were no more likely to have said 'we made a deliberate decision to marry' than those who didn't sign one.

Moreover those who signed a prenup were disproportionately likely to have drifted into their marriage saying 'it just kind of happened'.

Whether signing a prenup or not, my message to any couples getting married would be to make sure both of you are equally clear about your plans for the future.