



Marriage Foundation

Press Release from Marriage Foundation

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1 in 5 couples married since 2000 may have some form of prenup in place, finds first-ever research on the subject

- **Huge rise in use of prenups since the 1970s**
- **Senior managers and those who did some form of marriage preparation most likely to have an agreement in place**
- **Female breadwinners and dual earning couples more likely to sign a prenup than male breadwinners**
- **Prenups do not appear to increase or reduce chances of divorce but could be associated with lower levels of commitment**

One in five couples married since 2000 may have some form of a pre-nuptial agreement in place, finds the first-ever research to assess their popularity and prevalence.

The survey carried out by Savanta ComRes for the Marriage Foundation asked more than 2,000 adults who were married or had been previously, whether they personally had the legal agreement in place, or knew someone who had one. It found that their use, far from being extremely rare and the preserve of the “mega-rich”, was surprisingly common, with 20 per cent of those married since the year 2000 answering 'yes', compared to just 1.5 per cent who were married in the 1970s, five per cent in the 1980s and eight per cent in the 1990s.

Pre-nuptial agreements “prenups” – are legal arrangements signed before a marriage that are intended to plan for the division of assets should that marriage fail. Until the 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.

Less surprisingly was the concentration of those answering yes, with those classed as top managers and senior executives the most likely to sign a prenup or know someone who had signed one. Asked this question, more than four in 10, (44 per cent) of those in the higher managerial, administrative or professional category said yes compared to just 18 per cent

for the other four employment groups, which included mid-level managers, skilled and semi-skilled workers.

Harry Benson, Marriage Foundation's Research Director commented: "This survey, a world first, has delivered some truly surprising results, chief among these is the much wider use of pre-nuptial agreements than any prediction or claim. At the levels suggested by the data, they are no longer a legal curiosity or quirk associated with the mega-rich and famous but appear to be becoming an integral part of getting married for large numbers of couples. This seems particularly true for high earners and where there might be substantial assets before the start of the relationship."

Interestingly the survey found that prenups were most likely among couples who attended some form of marriage preparation class and also among couples where the wife earns the same or more than their spouse. Prenups were less likely among couples where the wife was better educated than her husband.

And in another counterintuitive finding, the survey suggests that signing a prenup was not associated with higher levels of divorce. "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," it says.

"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."

Mr Benson continued: "While signing a prenup does not appear to increase the chances of a divorce, our study suggests it is associated with lower levels of commitment with more couples drifting or sliding into marriage. This raises a question about why the lower level of commitment is not seen in higher break-up or divorce rates?"

Finally, the survey found a strong link between signing a prenup and taking part in any kind of marriage preparation class, including face-to-face or online courses and mentoring. Of those who had done any kind of marriage preparation, nearly two thirds, (64 per cent) had also signed a prenup, compared to just eight per cent of those who had a talk with a vicar and four per cent of those who did no marriage preparation of any kind.

Sir Paul Coleridge, founder of Marriage Foundation commented: "Since about 1990 and especially since 2010 when the Supreme Court in the Granatino case gave their use its seal of approval, "prenups" have been creeping into the English divorce law landscape. But their arrival has provoked much controversy. The pro prenup reformers claim that, as they are commonplace in Europe and the US, the citizens of this country should have the same freedom to agree and organise their post-divorce financial arrangements without state or court interference. However, the traditionalists regard them as anathema to the whole idea of commitment to lifelong marriage and argue that the Victorian view that discussions about termination of a marriage before it has begun is against public policy and should not be endorsed by the courts.

“Neither side of the debate had any data either as to current popularity of these agreements or their impact on the stability of the future marriage. The commonplace anecdotal view was that they were creatures used only by the very wealthy and that, additionally, they would be likely to increase the divorce risk. However as with so much of our myth busting research this new research has drastically undermined both beliefs. It seems they are already popular with a significant better off minority and not just the exceptionally wealthy. Furthermore, they do not represent a spur to increased divorce.

Sir Paul added: “I am unsurprised by both findings. Couples who take time to confront potentially tricky financial (or other) issues before they marry are less likely to be derailed by them if and when they arise. It can be a sensible part of pre-marriage prep. Similarly with the increasing age at which couples marry, either for the first or second time, it is more likely that one or other will have established wealth which they feel they want to protect. If marriage is to retain its appeal to future generations couples of all ages should be allowed to fashion a bespoke level of financial commitment which suits their own circumstances and not be forced to rely only upon the state designed model. If one can make arrangements by will to cover the distribution of wealth on death, couples should have similar freedoms when providing for the possible premature termination of their marriages if they so wish. The one size fits all state model is not necessarily attractive to all and can be productive of huge, expensive and destructive legal wrangling on divorce.”

Mr Benson concluded: “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. 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.”

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Notes to editors

About Marriage Foundation

Marriage Foundation was founded in 2012 by Sir Paul Coleridge, a High Court judge who was moved by his personal experience in 40 years as a barrister and judge specialising in family law. The think tank seeks to improve public understanding of marriage and to reduce the numbers of people drawn into the family justice system – some 500,000 children and adults each year. It has established itself as a leading voice on marriage issues in the UK.

Sir Paul Coleridge, Harry Benson and Michaela Hyde from the Marriage Foundation are available for comment and for interviews linked to these new findings.

Savanta ComRes surveyed 2,027 UK adults who were married or had been previously, online between 7th and 23rd July 2021. Savanta ComRes is a member of the British Polling Council

and abides by its rules. Data tables can be found here: <https://comresglobal.com/our-work/poll-archive/>

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