

# Prenuptial agreement: the negative implication on society essay



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Prenuptials are not popular choices of marriage or setting a family in the American and global society.

Miller J A, (2007) says that a prenuptial agreement is a preparation for a broken marriage. The sentiment is shared by marriage counselor, David S (2006) that ' a prenuptial is a love for money'. ' It is the men who get cheated always. This discontentment towards prenuptial marriage setting onsets from the context of social views on the marriage wherein it is seen that the assets owned by an individual are what, throughout the marriage, makes the marriage an institution not the mutual feelings and love as seen within the context of marriage socially and religiously.

The argument by Bob S (2006) Sheri Stritoff is that this is a love for money, and a death knell for romance. The romance perspective is seen within the context of men being unable to be sexually assertive in this setting. Family is seen as a threatened institution in a prenuptial setting and likelihood of children suffering in the event of death or divorce is always eminent since the agreement singles out which property should be given to each constituent of the family. The commonplace understanding about prenuptials is that a prenuptial marriage agreement is a signed and notarized contract that spells out how a couple will handle the financial aspects of their marriage.

This as such is the onset of the case against prenuptial agreements.

Prenuptials have dissenting advantages and negative implication vantages.

The advantages are seen to lean on the women side that according to a survey on most American women perception about prenuptials 10% sees it

as very good idea. The American society view the issue through a thin screen with about 27. 5% saying it is a smart fiscal choice and a complacent marriage, 25% say they disagree with the prenuptial agreements since it is indicative of insincerity in the spouses and that if this was to become a commonplace practice it qualifies as the choice of the rich not the ordinary citizenry. These views then are the basis of the argument against prenuptials.

The aspect of insincerity, financial security factors in the interest of marriage by a spouse and family ethics and children security in future, features predominantly within the subject's negative and positive tributes by the society. Insincerity is commonplace within women who through lawyers seek legal redress to claim chunks of their estranged husband's wealth as seen within the context of the prenuptial agreement. The insincerity factor is diverse and it creates mistrust between the couples. The mistrust onsets divorce and the subsequent end of the marriage as argued by Miller J A (2007). Due to mistrust a spouse may refuse to list all his assets or wealth, if there is evidence of fraud, duress, unfairness, or lack of representation at the time of signing the agreement. David S (2006) argues that the personal wealth and assets as well as all the cumulative assets before marriage are protected in the agreement putting all financial expectations of the possible greedy spouse out of the picture before marriage.

The positive vantage points of the prenuptial agreements are seen within the point which explains which assets a spouse may want to give to children or other family members in the event of death. Most couples see this as insulation against economic bad weather for their children in future. The <https://assignbuster.com/prenuptial-agreement-the-negative-implication-on-society-essay/>

most espoused value within the agreement is seen In the event of a divorce, a prenuptial agreement eliminates battles over assets and finances. The biggest pitfall even when the agreement exists lies within legislation on equity during distribution, especially when one accumulates substantial wealth after matrimony. Laws conceptualized that prenuptial agreements was a desire to protect, manage, or enhance their personal, family, or business assets against foreseen and unforeseen circumstances.

Attorneys have been assigned the task of cutting through mitigation issues to create agreements that achieve the goals of their clients while meeting complex, and often subtle, legal requirements. Gary N. S, Richard H. S, Jr. , and Ronald L. B (2007) Amanda B.

, (2002) says that nuptials are contracts that reflect to a waning social value in America. Rosalie G. , (2003) states that Americans at midlife today are grappling with numerous concerns that were not faced by their great-grandparents in marriage. The American society is now repulsing the idea of prenuptial agreement more strongly, she further argues.

Anthony W. D, Robert R argues that marriage is composite and perpetual in principal. The concept onset the debate why prenuptials in the modern American society should not be espoused, the issue of laws and legislation on this kind of a consented virtue in a marriage is complex and lawyers have found themselves in tight positions. According to most members of the society the welfare of the children is valuable in the long term and prenuptial agreements do not offer enough security in a divorce eventuality. However the prenuptial laws have been in place for years. The law in the 19th century

stipulated that when women died, their accrued property would be subsequently and in principal be inherited by their husbands.

Today's laws in America however stipulate else since the agreement is consensual and each partner {man/ woman} owns some property. In the past divorce would see a woman loose everything she owned and would claim nothing from her husband but nowadays the law sees a woman inherit and claim alimony and childcare fees from the husband.