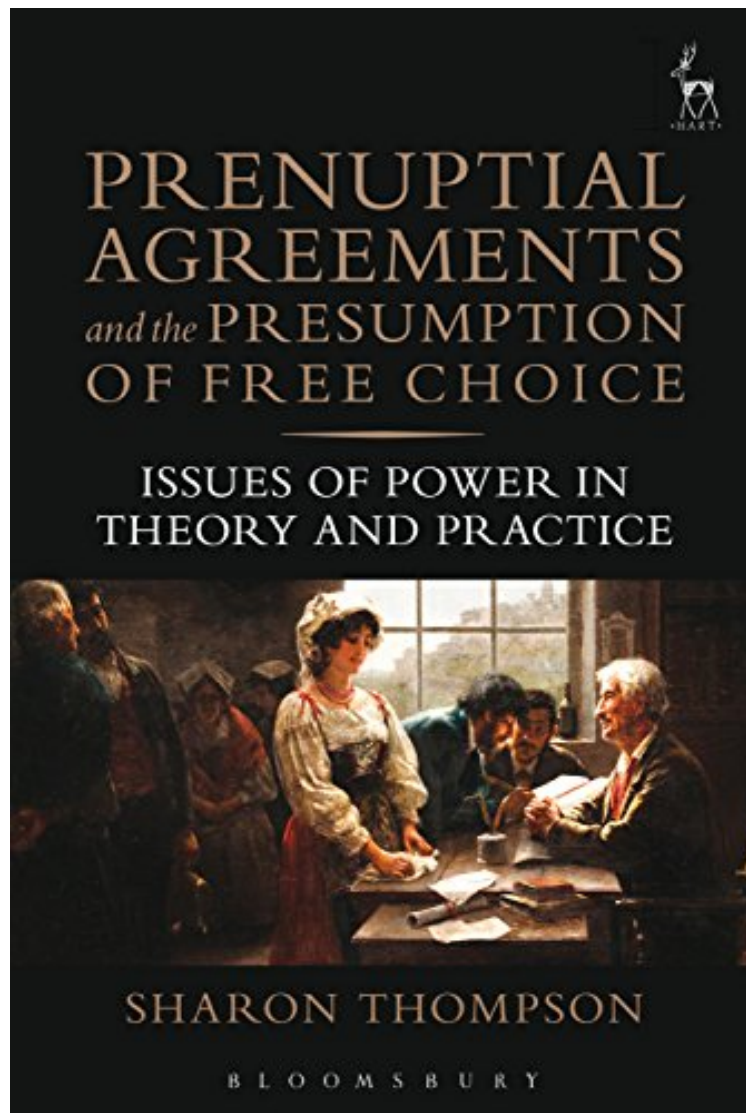


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Prenuptial Agreements and the Presumption of Free Choice: Issues of Power in Theory and Practice

Sharon Thompson

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Sharon Thompson : Prenuptial Agreements and the Presumption of Free Choice: Issues of Power in Theory and Practice before purchasing it in order to gage whether or not it would be worth my time, and all praised Prenuptial Agreements and the Presumption of Free Choice: Issues of Power in Theory and Practice:

This book provides an alternative perspective on an issue fraught with difficulty - the enforcement of prenuptial agreements. Such agreements are enforced because the law acknowledges the rights of spouses and civil partners to make autonomous decisions about the division of their property on divorce. Yet, this book demonstrates that, in the attempt to promote autonomy, other issues, such as imbalance of power between the parties, become obscured. The book offers an academic and practical analysis of the real impact of prenuptial agreements on the relationships of those involved. Using a feminist and contractual theoretical framework, it produces a more nuanced understanding of the autonomy exercised by parties entering into prenuptial agreements. It also draws on an empirical study of the experiences and views of practitioners skilled in the formation and litigation of prenuptial agreements in New York. Additionally, it explores how the court might address concerns with power and autonomy during the drafting and enforcement processes of prenuptial agreements, which in turn may enhance the role that prenups can play in the judicial allocation of spousal property on the breakdown of marriage. [Subject: Family Law, Marriage Law, Gender and the Law, US Law]

Sharon Thompson's book is a fascinating and timely critical analysis which explores the contested legal space relating to enforceable pre-nuptial agreements in England Wales and Northern Ireland in the all-important frame of the underpinning power structures which surround them. Examining and challenging the law governing such agreements through the lenses of contractual and feminist theories, her original empirical research into the longer experience of the operation of this area of law in New York, adds a unique practical and comparative dimension to this rich book. (Professor Anne Barlow, University of Exeter) During my time at the Law Commission I spent a lot of time thinking and writing about pre-nuptial agreements, and became very conscious of the need for robust research on this important subject. Dr Thompson's book, with its wealth of data and analysis, is a most welcome publication. (Professor Elizabeth Cooke, University of Reading) Comprehensively researched, beautifully written, this book demonstrates with conclusive clarity how prenuptial agreements benefit the richer party to a marriage, to the disadvantage of the poorer, and thus threaten the protective function of English family law. (Professor Rosemary Auchmuty, University of Reading) About the Author Sharon Thompson is a Lecturer in Law at Cardiff University.