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PRENUPTIAL AGREEMENTS IN THE UNITED STATES: A NEED FOR CLOSER CONTROL?

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Abstract

This article attempts to define a clearer picture of the way the US legal system treats the institution of marriage and divorce. Part 2 of the article

discusses the legal history of marriage in the United States. The institution of marriage, as described in *Maynard*, will be contrasted with marital relationships of today in which couples contract freely with insufficient legislative guidance or regulation. Part 3 examines present state laws regarding what contract provisions may be negotiated between the parties to a prenuptial agreement. In part 4, the inadequate state legislation that governs premarital contracts is analysed. Finally, part 5 provides normative reasons against treating marriage as a contract.

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