

## **SOCIO-PSYCHOLOGICAL FACTORS DEFINING THE ATTITUDE OF RUSSIAN PEOPLE TOWARDS PRENUPTIAL AGREEMENT**

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**Abstract.** *In the modern world the institution of family and marriage is undergoing various changes. The attitude of Russian people towards the prenuptial agreement shows a tendency for acceptance and approval. The stereotypical perception of the prenuptial agreement as unacceptable between close people is in the past. Based on that, the article is focused on the comparative analysis of the factors that define the attitude of Russian people towards the prenuptial agreement. The key point in the research is evaluation of specific features of respondents' opinions, expressed in the years of 2007 and 2018, in accordance with the following socio-psychological factors: awareness of the prenuptial agreement, aims for signing one or reasons to refuse doing so, gender and age factors. Research methods include: a preliminary survey of couples in order to define sample groups, a questionnaire, observation, a mathematical method of data analysis (Fisher's  $\phi$ -criterion). The research was conducted in two stages: the first diagnostics in the year 2007 (n=40 couples), and the second – in 2018 (n=50 couples). The respondents were divided into groups by the social status of their relationships: officially married, planning to get married, co-habiting couples and partner (guest) relationships. The age of respondents was 18-47. The results of the research showed the following: increase in age leads to clearer understanding and a better expressed opinion about the prenuptial agreement, positive dynamics in favourable perception of prenuptial agreement among the respondents who are officially married or are planning to marry, increased importance of motives for signing a prenuptial agreement – “protection of one's own interests” and “opportunity to put pressure on the spouse”, lack of connection between the attitude towards prenuptial agreement and awareness of the document.*

**Keywords:** *attitude towards the prenuptial agreement, socio-psychological factors, social status of relationships within a couple.*

## **Introduction**

In modern Russia the notion of the prenuptial agreement has quite recently come into use: the history of its legitimization is approximately two decades long. The first record of an opportunity for a written agreement between spouses concerning the form and way of possessing common property was made in the Civil Code of the Russian Federation in 1994, and in 1996 such an agreement was presented as a separate article of the Family Code of the Russian Federation. The reason for the very idea of concluding a prenuptial agreement in the Russian society is related to the legal recognition of private property which happened after the collapse of the Soviet Union. As is known, during the Soviet time everything that was acquired by the spouses during their marriage was considered to be their common property. So, in case of divorce it was shared equally in court.

At present, the interest towards studying socio-psychological factors that determine the attitude of Russian people towards the prenuptial agreement is influenced by the instability of the family, changes in the hierarchy of social values which, in fact, have lead to the crisis of the family as a social institution. Today, the increase of interest towards the prenuptial agreement is identified as a tool that focuses on strengthening a family union. But the critics of relationships based on the prenuptial agreement put forward such counter-arguments as changed marriage-family attitudes (determining the psychological readiness for marriage), a tendency for an increased number of matrimonial marriages, peculiarities of Russian mentality, evaluation of the prenuptial agreement as a significant feature only for families with a high income.

The works related to specific characteristics of conclusion of a prenuptial agreement mainly focus on the legal side of the issue, more particularly, on the relationships that develop between spouses about both existing and future property. Little or no attention is paid to analysis of the outer and inner factors that form an attitude towards the prenuptial agreement, as well as to the dynamics and nature of perception of the prenuptial agreement based on the social status of relationships within a couple. Relevance and insufficient development of the topic have defined the objective of the research.

The objective of the given research is to make a comparative analysis of the factors that determine the attitude of Russian people towards the prenuptial agreement.

The following research methods have been used: a preliminary survey of couples for sample groups formation, a questionnaire, observation, a mathematical method of data analysis (Fisher's  $\varphi$ -criterion).

### **Conceptual bases of research devoted to the attitude towards prenuptial agreement**

Analyses of family as a social institution were made by scientists from such fields as psychology, sociology, demography, cultural studies: I.S. Golod (1984) (issues of family stability), B.S. Volkov, N.V. Volkova, M.V. Luk'yanova, S.V. Oficerova (2017) (motivation for marriage conclusion), I.S. Kon (1997) (peculiarities of sexual behavior in the family), A.I. Antonov (2005), T.A. Gurko (2018) (microsociology of the family), T.A. Vasina (2011) (demographic typology of families), A.V. Shtymbalyuk (2016) (issue of concluding prenuptial agreement) and others.

The Family Code of the Russian Federation makes a legal framework for conclusion of a prenuptial agreement in Russia. According to paragraph 2 of Article 1 of the Family Code of the Russian Federation № 223-FZ dated 29.12.1995 (in the latest revision dated 29.12.2017), only the marriage that is concluded by the Civil registry authorities is recognized by the state. Alongside with this, Chapter 8 of the Family Code of the Russian Federation titled “Contract status of spouses’ property” provides a detailed description of all the main characteristics and regulations of the prenuptial agreement (Article 40), peculiarities of concluding a prenuptial agreement (Article 41), features of its content (Article 42), nuances of changes, termination and annulment of a prenuptial agreement (Articles 43 and 44 respectively). With regard to official documentation, a prenuptial agreement is recognized as an agreement between the people who are getting married or the married couple who agree on property rights and responsibilities of both spouses within marriage or in case of its termination [The Family Code of the Russian Federation].

The main objective of the prenuptial agreement is regulation and negotiation of property issues between spouses. Such a contract may serve as the best tool for sorting out numerous property conflicts before marriage conclusion. The prenuptial agreement helps to eliminate different conflicts related to sharing property, if divorce is inevitable, it facilitates court-based arguments about property issues and makes the process of divorce shorter and less complicated (Shtymbalyuk, 2016).

Most frequently, the issue of the social purpose of the prenuptial agreement (contract) is studied from the legal and economic perspectives as well as with the focus on sociological evaluations (Grossbard-Shechtmana & Lemennicierb, 1999; Rainer, 2007; Myskin, 2012; Davydova & Semina, 2010; Popova, 2016; Litvinova, 2017; Ananichev & Fatkutdinov, 2012).

The foreign experience of studying the socio-psychological context of the prenuptial agreement is related to research of interconnection between the individual peculiarities of partners and the contents of their prenuptial

agreement. P. Falsafi, A. Abedina, M. Fatrhib refer to the typology of married couples presented by C. Jung. In their work the authors make an accent on the interconnection between spouses' mindsets, duration of marriage and specifics of child-rearing (Falsafi, Abedina & Fatrhib, 2011). Review of the evolution and reforms of the content of marital agreement that relate to property issues is considered to be of special interest (Frémeaux & Leturcq, 2018).

It has become relevant to develop and standardize (in terms of validity and reliability) prenuptial agreement scales that define marital success: interaction and recreation, understanding and emotional interactions, political and social issues, education and child-rearing (Mohsena, Mariamb, & Abedin, 2010).

The Russian experience of research in the sphere of the prenuptial agreement is mainly connected with statistical data. According to statistics provided by the ROMIR Monitoring research center, 19,6% of the Russian population consider signing a contract regulating property rights between spouses mandatory. 25,5 % regard it to be recommended. 42% of respondents perceive the prenuptial agreement as unnecessary. As practice has it, the percentage of couples that actually sign such a contract is significantly lower. Every year about a million marriages is concluded in Russia, whereas the number of couples that address legal services to assist them in concluding a prenuptial agreement has been equal to a few hundred until recently (Davydova & Semina, 2010).

Therefore, due to the existing tendencies of acceptance and approval of the prenuptial agreement, it is urgent to conduct psychological research about the peculiarities of Russian spouses' attitude towards it. According to statistics, the number of couples that signed a prenuptial agreement in the period from 2010 till 2017 increased by 5-7%.

The given research is focused on studying socio-psychological factors that determine the attitude of Russian people towards the prenuptial agreement as well as on psychological aspects that influence understanding of the prenuptial agreement.

## **Methods**

The research is focused on comparative analysis of socio-psychological factors that determine the attitude of Russian people towards the prenuptial agreement. By such factors we mean the social status of relationships, the age and gender of spouses, their psychological readiness, motivation, prevalent mindsets in relation to signing prenuptial agreement.

The following tasks were solved in the given research:

- to identify the differences in their attitude towards the prenuptial agreement between the couples that took part in the research in 2007 and 2018;
- to define the differences in their attitude towards the prenuptial agreement between men and women;
- to identify the differences in attitude towards the prenuptial agreement depending on the age of respondents;
- to provide comparative analysis of mindsets, motivation and psychological readiness of respondents to sign a prenuptial agreement.

90 married couples with a different social status of relationships took part in the research (180 people aged 18-47).

The research was conducted in 2 stages: the first diagnostics was made in 2007 and the second - in 2018. Heterosexual relationships were common for all the participants (90 men and 90 women). The respondents did not have any experience of concluding a prenuptial agreement.

Regarding the respondents' characteristics, approximately two thirds (62%) had a higher education (or studied at universities) (in 2007 – 60%, in 2018 – 64%), 47% of participants experienced their own or close relatives' divorce (in 2007 – 45%, in 2018 – 49%). Out of all the respondents, 52% considered themselves to be married (in 2007 – 60%, in 2018 – 44%), whereas the average percentage of people from the sample group who were officially married was 27%.

A questionnaire was conducted to identify the psychological aspects that influence signing a prenuptial agreement and to specify the socio-psychological factors that determine attitudes towards the prenuptial agreement. It was preceded by a preliminary survey among the couples and sample groups formation. 4 groups of respondents were formed based on the social status of relationships: group 1 – officially registered marriage, group 2 – non-official marriage (co-habiting couples), group 3 – couples planning to get married, group 4 – partner (guest) marriage (see Table 1).

*Table 1 Results of couples' differentiation by the social status of relationships*

Social status of relationships	Number of couples on the first and the second stages of research	
	2007 year	2018 year
Officially registered marriage	10 couples	14 couples
Non-official marriage (co-habiting couples)	10 couples	14 couples
Couples planning to get married	10 couples	12 couples
Partner (guest) marriage	10 couples	10 couples
<b>Total</b>	<b>40 couples</b>	<b>50 couples</b>

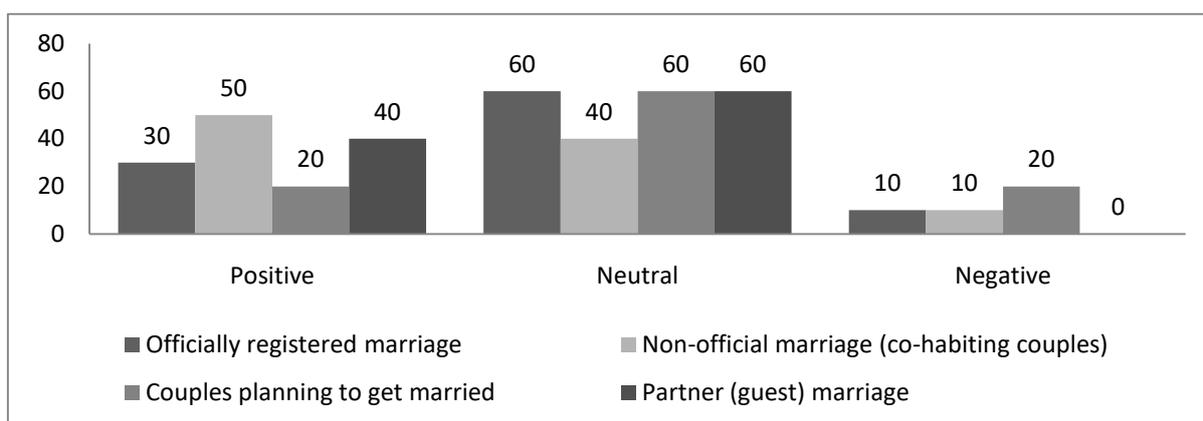
The preliminary survey and the questionnaire were combined with observation of participants. The criteria used in observation were peculiarities of respondents' reactions while answering the questionnaire (their questions, comments). In case of questioning both partners within a couple simultaneously, a record was made of the specifics of relationships between partners (their emotional verbal and non-verbal reactions).

The questions were aimed at receiving information about subjective opinions of respondents connected with the dominance of socio-psychological factors that determine attitudes towards the prenuptial agreement – related to the role of sex, age and indicators of different social statuses of relationships. The key issue in the research was evaluation of specific features of respondents' opinions, recorded in 2007 and 2018.

### Results and discussion

The dominant part of all the respondents considers the prenuptial agreement to be a legal document, but, in their opinion, the public awareness of it is rather low. The sources of information about the prenuptial agreement are mainly friends, the Internet and mass media. Alongside with this, 65% of all the respondents (regardless their sex, age, social status of relationships) presume that the prenuptial agreement is necessary not only for wealthy, financially independent citizens.

Most respondents consider love to be the basis for marriage conclusion (85% and 79% of participants in 2007 and 2018 respectively). The number is slightly higher among women: on average, 89% of women and 76% of men share this opinion.



*Figure 1 Indicators of modality of attitude towards the prenuptial agreement depending on the social status of respondents' relationships (2007)*

It is interesting to specify the modality of attitude towards the prenuptial agreement that depends on the social status of relationships. There is clearly noticeable positive dynamics in the favourable attitude towards the prenuptial agreement among the respondents who are officially married or are planning to get married (30% and 20% in 2007 as compared to 70% and 75% in 2018 respectively) (Figures 1 and 2).

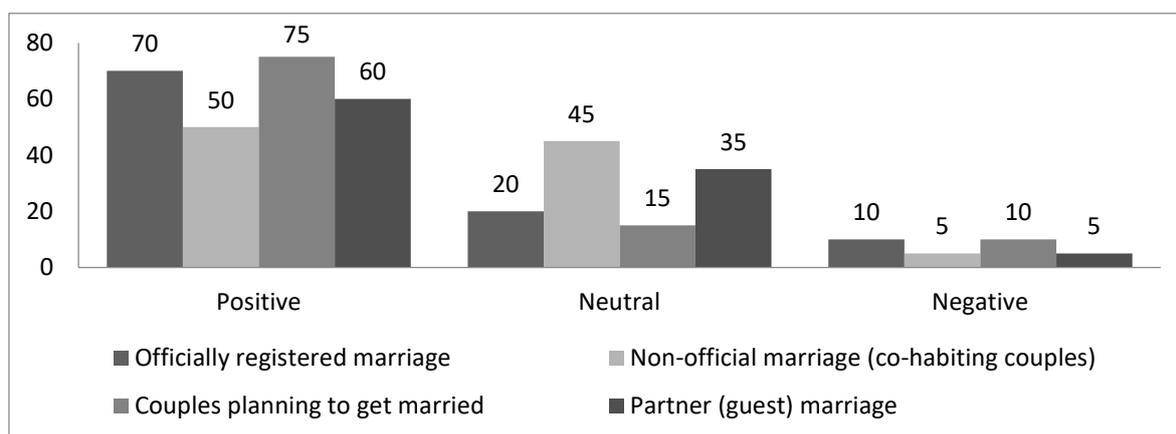


Figure 2 Indicators of modality of attitude towards the prenuptial agreement depending on the social status of respondents' relationships (2018)

According to the data from 2007, a positive attitude towards the prenuptial agreement was expressed by 35 % of respondents, while 55 % had a neutral opinion and 10 % - a negative one. According to the research results from 2018, the majority of respondents (64%) expressed a positive attitude towards the prenuptial agreement. Moreover, it is necessary to point out that the number of neutrally-minded people significantly decreased as compared to the increased level of the positive attitude towards prenuptial contract. By using Fisher's  $\phi$ -criterion, reliably meaningful differences were identified (with  $\phi_{emp.} = 2,59$ ;  $p < 0,01$ ) in the groups of respondents in 2007 and 2018.

Fisher's  $\phi$ -criterion made it possible to identify reliably meaningful differences in the attitude towards the prenuptial agreement related to the role of sex criterion. It was concluded that the number of positively-minded women was higher than that of men (70% and 50% respectively within the whole sample group (with  $\phi_{emp.} = 2,75$ ;  $p < 0,002$ ).

Comparative analysis of the attitude towards the prenuptial agreement connected with the age criterion showed that the neutral attitude decreases depending on the age of respondents (60% - 70% - 35% in 2007 and 38% - 34% - 15% in 2018). With the help of Fisher's  $\phi$ -criterion it was possible to identify that the sample group of respondents in 2018 had age differences in their attitude towards the prenuptial agreement (with  $\phi_{emp.} = 3,13$ ;  $p < 0,0001$ ),

which means that the higher the age of the respondents, the clearer their understanding and expressed view about the prenuptial agreement (Figure 3).

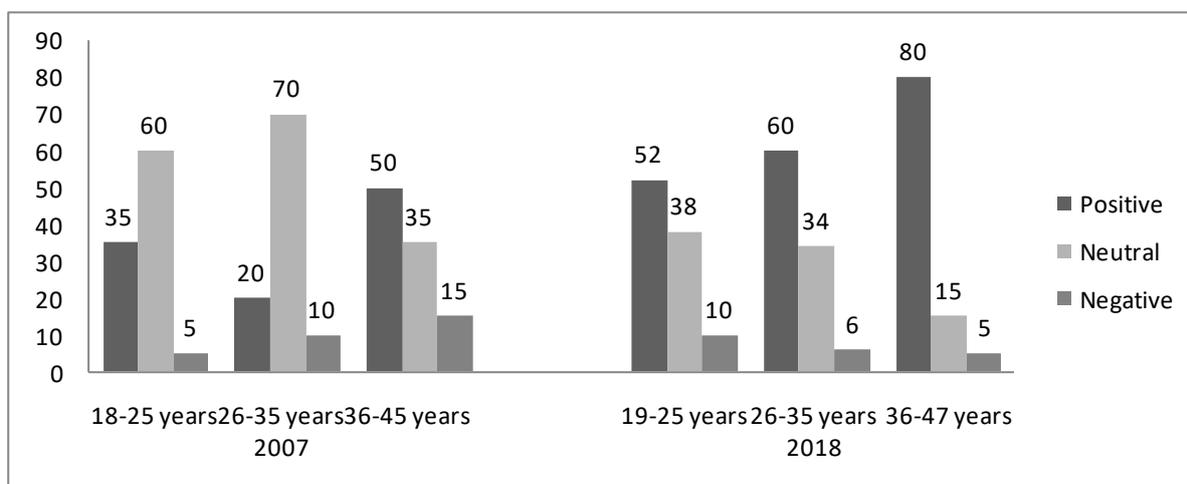


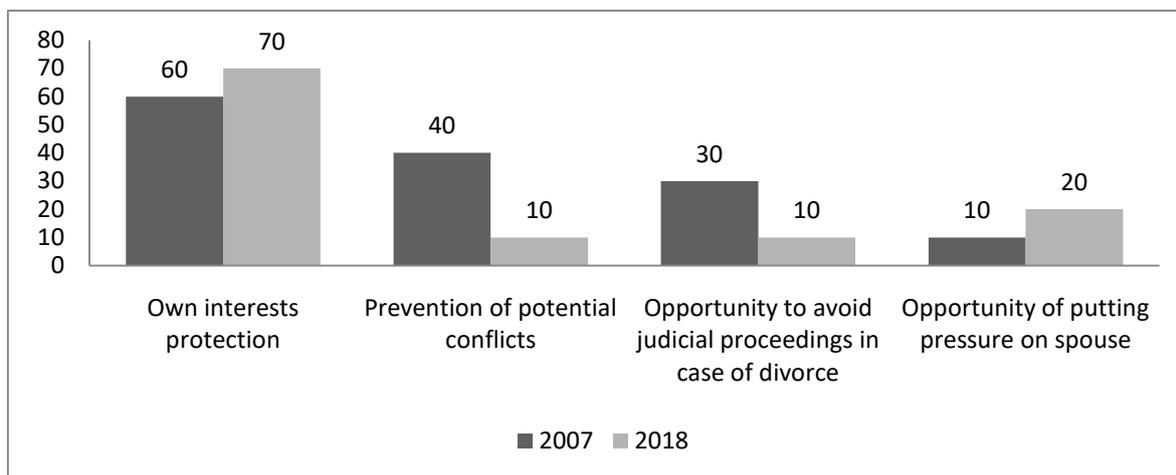
Figure 3 Indicators of modality of attitude towards the prenuptial agreement depending on respondents' age

In order to define readiness to conclude a prenuptial agreement, the respondents were asked the following questions: “Would you be able to offer your beloved one to sign a prenuptial agreement?” and “How would you respond to the offer from your beloved one to sign a prenuptial agreement?” In 2007 67% of respondents expressed uncertainty but possibility when answering the first question. The number of those who would never offer it was 12%. The number of men who were sure they would never be able to suggest signing prenuptial agreement was twice higher, while the number of women who were certain they would be able to do it was 4 times higher. The results of the research in 2018 were quite similar: women were more ready to offer to conclude a prenuptial agreement than men (65% of women as compared to 44% of men).

Analysis of the research results characterizing the motives that lie behind signing a prenuptial agreement made it possible to draw certain conclusions. Within the whole sample group, the prenuptial agreement is perceived as a form of arranged relationships only by one third of respondents (on average, 34%), half of respondents (52%) disagree with such an opinion. It is necessary to mention that the latter indicator is slightly higher among women than among men (63% and 49% respectively), the other respondents (17%) accept both points of view depending on the situation.

According to the data from 2007, the leading motives for the prenuptial agreement were the following: “protection of one’s own interests” (40%),

“prevention of potential conflicts” (20%), “opportunity to avoid legal proceedings in case of divorce” (30%), “opportunity to put pressure on the spouse” (10%). In 2018, the situation differed because of the increased indicators of such motives, as “protection of one’s own interests” and “opportunity to put pressure on the spouse” (by 10% respectively) (Figure 4).



*Figure 4 Motives for concluding a prenuptial agreement*

While studying the mindsets and stereotypes that become obstacles for signing a prenuptial agreement, it was identified that the fear “to show mistrust to the partner” was really strong. This indicator was much more significantly expressed in the research results from 2018 (the highest result of 53% of respondents was revealed in the age group of 26-35-year olds). The scales for such indicators as “low level of awareness” and “insufficient financial situation” showed considerable decrease in 2018 as compared to 2007.

It is interesting to mention the fact that, according to the research results from 2018, the indicator “superstition” is higher in all age groups (compared to the results from 2007): 15% in the age group of 19-25, 17% in the age group of 26-35 and 10% in the age group 36-45 (Figure 5).

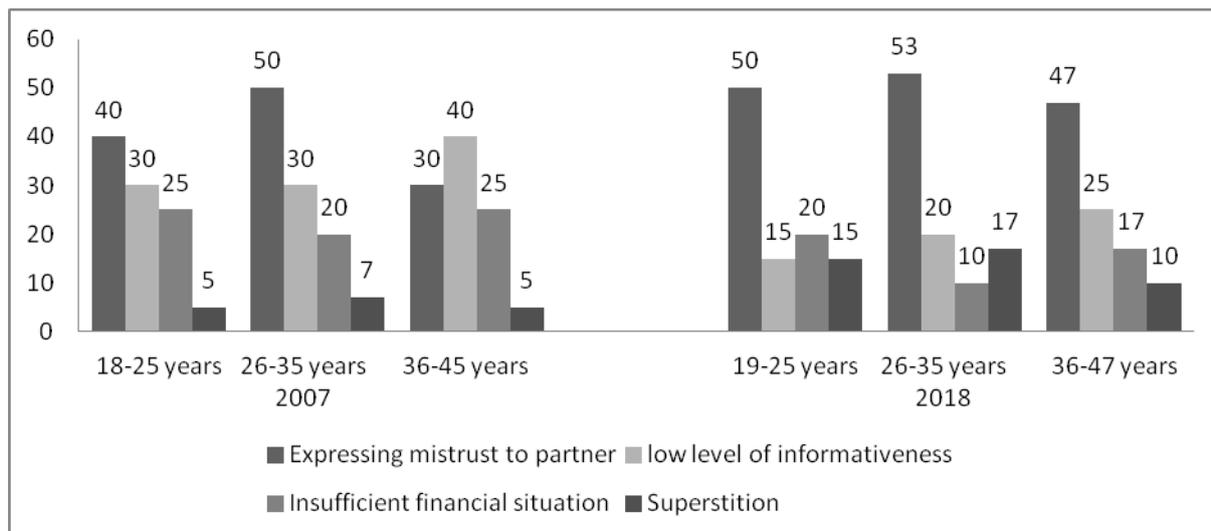


Figure 5 *Reasons for refusing to sign a prenuptial agreement depending on respondents' age*

## Conclusions

Comparative analysis of the research results from 2007 and 2018 showed noticeable dynamics of the positive attitude towards the prenuptial agreement among all the respondents; it is most vividly expressed among those who are officially married or are planning to get married. These categories of respondents consider concluding a prenuptial agreement to be rational and practical. The respondents' attitude towards the prenuptial agreement is not connected with their level of awareness about the document.

According to the research from 2007, the smallest number of prenuptial agreement supporters was identified among the respondents who were planning to get married. Such a result might be a sign of trust towards the partner, which is natural for those people, who are going to get married. However, by the year 2018 the situation had changed, and the research showed quite the reverse results: this very group of respondents showed their best acceptance of the prenuptial agreement.

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