

## Article

# From Mortal Sins to Individual Pride: Transformations of Sexually Motivated Crimes in the Czech Lands from the Middle Ages to the Present

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**Abstract:** The legal and social perception of sexually motivated crimes has undergone profound transformations in the Czech lands from the Middle Ages to the present. Acts once considered grave moral transgressions, punishable by death, have been gradually decriminalised or even integrated into the realm of personal identity and cultural self-expression. This article examines the evolving legal frameworks and societal attitudes towards such offences, with a particular focus on their implications for family structures, inheritance rights, and genealogical continuity. By analysing historical judicial records—primarily early modern pitch books—alongside contemporary legislation, we highlight the shifting boundaries between crime, morality, and individual rights. Methodologically, this study combines a historical–legal analysis with comparative criminology to elucidate the changing regulatory mechanisms governing sexual behaviour. The findings illustrate that, while legal norms have progressively moved away from religious morality toward individual freedoms, some taboos persist, reflecting enduring social anxieties. The Czech case serves as a model for broader European trends, offering valuable insights into the interplay between law, social norms, and genealogical structures across different historical periods.

**Keywords:** sexual crimes; legal history; pitch books; morality; genealogy; Czech lands; social norms; criminal law; historical justice; legal transformations



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## 1. Introduction

Criminal law and its application are integral to broader genealogical and social processes that shape familial and communal structures across generations. Acts that once warranted the severest punishments, including capital sentences in the early modern period, have since been decriminalised and, in some cases, are now regarded as legitimate aspects of personal identity and cultural self-expression. This transformation reflects profound shifts in societal conceptions of morality, family, and individual responsibility, as well as the evolution of institutions that codified these values into legal systems.

The aim of this article is to analyse the transformation of sexually motivated crimes in the Czech lands from the Middle Ages to the present, with particular emphasis on their social and legal development. These changes not only mirror broader moral realignments but have also had direct consequences for individuals and their descendants, affecting genealogical ties and familial structures. The stigmatisation of families, restrictions on inheritance rights, and the legal redefinition of marriage and kinship relations have significantly impacted family lineages and the intergenerational transmission of social status. Special attention is given to the impact of these legal regulations on family structures and

genealogical heritage. The reclassification of sexual offences in legal terms does not merely reflect shifts in an abstract moral order but has directly influenced the lives of individuals and their descendants.

Criminal registers, also known as *pitch books* or sometimes *black books*, served as the primary records of capital jurisdiction between the 16th and 18th centuries. These judicial ledgers meticulously documented criminal cases, verdicts, and sentences, offering unique insight into how legal sanctions shaped family destinies and how stigma was transmitted across generations. By comparing historical legal frameworks with contemporary criminal law, including the most recent amendment to the Criminal Code in 2025, we demonstrate not only the changing legal classification of these offences but also their shifting societal perception. The Czech case serves as a model example of broader European trends observable across legal systems from the early modern period to the present.

Methodologically, this article combines a historical–legal analysis of sources, particularly early modern court records, with a comparative approach focusing on the evolution of criminal policy across different periods. In doing so, we not only reconstruct the historical criminalisation of selected offences but also examine the transformations in value systems through which these acts were judged and sanctioned, as well as their impact on genealogical structures, including the concept of family and the intergenerational transmission of social status.

This approach is relevant not only to legal and historical studies but also to the broader field of genealogical research, as it illustrates how legal norms and their enforcement have shaped and redefined key aspects of family and community life. While some previously criminalised acts have gradually lost their status as offences and may now even be considered elements of personal identity and public self-expression, others—once regarded as private or familial matters—have increasingly come under legal regulation. The Czech case thus offers a broader analytical framework for understanding the interplay between law, social norms, and genealogical structures across different historical periods.

## 2. Historical Context: Sexual Crimes in Criminal Registers (Pitch Books)

The criminal prosecution of sexually motivated offences in the early modern period was determined not only by written law but also by local judicial practices and contemporary moral conceptions. *Pitch books* (*Malefizbücher* in German), which served as judicial records for municipal courts with capital jurisdiction, provide valuable evidence of how these crimes were perceived and sanctioned. While modern criminal law focuses on protecting personal integrity and freedom of choice, in the early modern period, sexual offences were primarily regarded as violations of public order and religious morality.

Pitch books recorded a wide range of crimes, from murder and robbery to sexual offences, which constituted a significant part of judicial proceedings between the 16th and 18th centuries. Although these registers are often associated with medieval witch trials, their peak usage occurred in the early modern period. Their gradual decline in the 18th century was closely linked to Enlightenment-era legal reforms, which prioritised codification and procedural consistency over discretionary judicial practices. As Daniela Tinková observes, the transition from the *Theresiana* ([Constitutio Criminalis Theresiana 1768](#)) to the *Josephine Criminal Code* (1787) marked a profound shift in penal philosophy, replacing the retributive logic of exemplary punishments with a more systematic and predictable approach to justice. This shift not only reduced the application of the most severe corporal and capital punishments but also diminished the reliance on pitch books as primary instruments of judicial record-keeping ([Tinková 2002](#), pp. 34–35).

Beyond documenting individual cases, *pitch books* also reflect the long-term consequences for the families of the convicted. The families of the accused often faced exile,

property confiscation, or restrictions on marriage within certain social strata. Women, in particular, who were stigmatised for extramarital pregnancy or adultery, were frequently ostracised, which had direct repercussions for their children, limiting their opportunities for social mobility.

Czech *pitch books* were not an isolated phenomenon but rather part of a broader system of early modern criminal justice across Europe. Similar judicial records existed in cities such as Nuremberg, Hamburg, and Leipzig, where they meticulously documented the course of criminal proceedings, including interrogations of the accused and the sentences imposed. In the Czech lands, municipal law played a crucial role, and its unification was achieved in 1579 with the adoption of the Municipal Law of the Kingdom of Bohemia codified by the jurist Kristián of Koldín. This legal code, which remained in force until 1812, provided a stable framework for municipal court decisions and reflects contemporary perceptions of the criminality of sexual offences.

*Pitch books* not only allow for an examination of how criminal law was applied but also offer insights into broader social contexts. In the 16th century, and especially in the years leading up to the 1620 Battle of White Mountain—a decisive conflict that led to the Habsburg consolidation of power over the Czech lands—capital jurisdiction was less formalised, and the number of executions was relatively high. However, in the latter half of the 17th century, a shift occurred—executions became an exceptional punishment, and their public enactment increasingly served a performative function, demonstrating power and reinforcing moral values.

Sexual offences accounted for approximately 15 to 20% of all recorded cases in *pitch books*, with punishments determined not only by the severity of the crime but also by the gender of the perpetrators. As documented by Krameš (2010), the most frequently prosecuted offences included adultery (41% of cases in this category), fornication (27%), sodomy (14%), incest (9%), and rape (9%). Penal sanctions varied significantly along gender lines—while men were more often subjected to capital or corporal punishment, women were predominantly punished through public humiliation, pillorying, or banishment. A striking example is the prosecution of sodomy, where the death penalty was imposed in 72% of cases involving male defendants, whereas similar accusations against women were rare and resulted in milder punishments. In cases of adultery, 58% of convicted women were subjected to pillorying or forced to wear humiliating insignia, whereas men were more frequently sentenced to banishment. Fornication associated with extramarital pregnancy led to banishment in 29% of cases involving women, whereas men faced considerably more lenient penalties for comparable offences.

The gendered nature of punishment for sexual transgressions has been widely documented in Czech historiography. Dibelka (2007), in his study on moral delinquency in early modern Jindřichův Hradec, highlights the significant social consequences faced by women accused of fornication and adultery, particularly in terms of their honour and marital prospects. His findings indicate that, between 1670 and 1710, 80.3% of investigated cases of moral offences involved fornication, making it the most commonly prosecuted sexual crime. Adultery accounted for 9.7% of cases, while incest and infanticide each comprised 5% of recorded incidents. Notably, the vast majority of accused women (66.9%) were aged between 20 and 30, and 89% of them had previously maintained a good reputation within their communities (Dibelka 2007).

However, as Dibelka also points out, raw statistics can be misleading, particularly in cases of rape, where the judicial outcome was often shaped by broader societal pressures rather than strict legal principles. Rape prosecutions were comparatively rare, not necessarily due to the absence of such crimes, but because legal proceedings were often circumvented by negotiated settlements. If an accused man agreed to marry the victim,

legal action was frequently abandoned, effectively erasing the crime from official records. This practice reflected not only the social imperative to restore the woman's honour but also the pragmatic concerns of both families, who sought to avoid the severe reputational and economic consequences of a formal conviction (Dibelka 2007). Consequently, recorded convictions for rape significantly underrepresent the actual prevalence of the crime, illustrating the extent to which legal outcomes were shaped by societal expectations rather than the strict application of justice. The evolution of criminal policy regarding sexual offences reflects broader shifts in European legal traditions. In the 16th century, the death penalty was imposed in up to 35% of cases involving sexual crimes, most frequently for sodomy and incest. However, by the latter half of the 17th century, this proportion had declined to 18%, corresponding with increasing legal codification and a greater emphasis on alternative punishments such as banishment or forced labour (Krameš 2010, pp. 82–85).

A significant milestone was reached during the Enlightenment reforms, as Maria Theresa and Joseph II progressively restricted the use of capital punishment, replacing it with less severe forms of penal sanction. Although the *Theresiana* criminal code, introduced in 1768, formally retained the possibility of the death penalty for certain sexual offences, in practice, there was a substantial relaxation of repressive policies (Gmür et al. 1987).

### 3. Content and Methods of *Pitch Books*

*Pitch books* represent a unique historical source that provides a detailed insight into early modern criminal justice. They recorded the course of investigations into serious crimes, particularly the testimonies of the accused—often obtained through the use of torture—as well as details of executed sentences. These documents reflect contemporary judicial practices, in which confessions extracted under torture were considered legitimate evidence. They also reveal early modern perceptions of morality, where sexual offences were not primarily understood as harm inflicted upon individual victims but rather as threats to public order and religious stability.

The present study primarily draws on pitch books from Bohemian and Moravian municipal courts, which operated under the broader framework of Habsburg criminal law but retained significant local judicial autonomy. While some general patterns can be observed across these sources, local authorities had discretion in both sentencing and investigative procedures, leading to notable regional variations. For example, urban magistrates often imposed harsher punishments than rural manorial courts, which were more inclined to resolve cases through extrajudicial settlements. As noted by Matlas (2007), patrimonial courts often applied a double standard in their criminal practice, reflecting the social status of the accused.

Entries in *pitch books* typically included details of interrogation methods, including the specific forms of torture employed. Common techniques involved the strappado (suspension from a ladder or rope), thumbscrews, and the rack. Each interrogation was accompanied by notes indicating the stage of torture at which the accused confessed, often using standardised phrases such as “confessed under torment”. Although some judges questioned the reliability of confessions obtained under duress, torture remained a standard part of judicial procedure until Enlightenment reforms gradually restricted and ultimately abolished its use.

Sexual offences recorded in pitch books encompassed a wide range of acts, with punishments varying according to the severity of the crime, the social status of the accused, and the specific context of the case. The extent to which different judicial authorities prosecuted sexual offences varied considerably. In municipal courts, where records were more systematically kept, adultery and fornication cases were well documented, whereas manorial courts often focused on cases with broader implications for communal stability,

such as rape or incest. These differences underscore the necessity of considering both the legal framework and the administrative context when analysing judicial records. As Vacek (2021) observes, women were generally punished more leniently than men for similar offences, reflecting societal attitudes towards gender and morality.

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### 3.1. Adultery: From Capital Punishment to Mild Sanctions

The punishment for adultery in the early modern period was not uniform and could range from death to public humiliation. Adultery was regarded as a serious offence against morality and social order. However, the penalties for this transgression varied significantly depending on the gender of the perpetrators, their social status, and the circumstances surrounding the act. While, in some cases, the guilty parties were sentenced to death, in others, they faced only public shaming or milder sanctions. These discrepancies in punishment reflected not only the gravity of the act but also whether adultery threatened property interests or the family's reputation.

An example of the divergent approaches to punishing adultery is the case of Jiří Šoupal of Litětín, who, in 1592, voluntarily confessed to fornication and adultery with Johana Jozka, despite being married. In his confession, he stated: "I committed this out of the frailty and youth of my body. But I do not know whether the child is mine or not. In this, I submit myself entirely to mercy". Jiřík was sentenced to imprisonment in a town gaol, followed by seven days of public humiliation in the stocks, after which he was released. This case illustrates that, despite the gravity of the offence, punishments could be mitigated, particularly when the perpetrator expressed remorse and the act was not accompanied by other crimes (Bičík 1969).

Harsher punishments were imposed in cases where adultery was accompanied by other serious circumstances. In 1601, Anyžka Kubešková of Pohřebačka was sentenced to live burial and impalement for adultery and conspiring to murder her husband. Her lover, Václav Krtek, was punished "only" by beheading. This case illustrates that women often faced more severe penalties, particularly when their actions disrupted family order or involved violence.

By contrast, in 1592, Adam of Kralice was sentenced to death by the sword for adultery with a married woman, while his partner, Dorota, the daughter of Matouš Tkadlec, was punished merely with public flogging and branding. These examples demonstrate that although women frequently bore harsher punishments, in certain cases, men could be penalised just as severely or even more strictly (Bičík 1969).

For instance, in 1592, Vašín of Pyšel was condemned to death for adultery with Lida of Pyšel, who was subsequently drowned. Both, however, stated in their confessions that they had only met in the fields and that their act was not linked to any further crimes. Nevertheless, they were punished exemplarily, likely as a warning to others (Verbík and Štarha 1973).

From a legal perspective, the issue of adultery in the early modern period was adjudicated by both ecclesiastical and secular courts. Ecclesiastical courts primarily regarded adultery as a sin against the divine order, whereas secular justice intervened when the act disrupted public order or was linked to other crimes. This dual system reflected

the legal thinking of the time, which integrated both religious and secular elements (Tomášková 2014).

Practical examples illustrate that the punishment of adultery was not uniform and depended on numerous factors, including the gender of the offenders, the social context, and the interests of the ruling authorities. While, in some cases, the culprits were punished exemplarily, in others, they escaped with milder sanctions, particularly if it was a first offence or if they expressed remorse. This practice underscores the complexities of early modern justice, which had to balance moral imperatives, social norms, and the pragmatic interests of the authorities.

### 3.2. Incest: Capital Punishment for a Taboo Act

Incest was regarded as an extreme violation of the natural order and, in the vast majority of cases, was punishable by death. In early modern legal practice, however, a distinction was often made between biological incest, which was considered a direct offence against divine and natural law, and relationships between step-relatives, which, while still condemned, could in some cases be subject to more lenient penalties.

In 1587, Jan Machovský was executed in Pardubice for an incestuous relationship with his biological daughter, while the girl was sentenced to public humiliation and banishment from the town. Nevertheless, exceptions did occur—if the cohabitation was not widely known and the family interceded, the sentence could be commuted to forced labour or exile.

One such instance of leniency was recorded in 1635, when the capital court of Velká Bíteš adjudicated the case of Václav Břaumek of Mohelno and his stepdaughter Kateřina. Both were sentenced to beheading by the sword, which was considered a punishment *ex gratia legis*—a more merciful form of execution compared to burning at the stake or live burial. Ultimately, however, the ruling authorities granted them clemency, and the sentence was not carried out. This case demonstrates that while incest was generally deemed one of the gravest crimes, social factors and noble intervention could, in certain circumstances, lead to a reprieve.

From a legal perspective, the adjudication of incest in the early modern period was primarily entrusted to ecclesiastical courts (Flodr 2001), as reflected in the *Legal Book of Brno* from the early 14th century. While it does not explicitly address incest, it states that offspring born *ex adulterio vel incestu* had no right to inheritance. This approach aligned with contemporary European legal thought, which framed incest primarily as an offence against divine and natural law, thus placing it under the jurisdiction of church authorities (Tomášková 2014).

With the advent of early modern legal codifications, particularly in the 16th and 17th centuries, cases of incest increasingly came before secular courts, primarily when sentencing or potential mitigation of punishment had to be determined. Biological incest was consistently treated as a capital crime, whereas cases involving step-relatives were more likely to result in discretionary punishments. Secular justice intervened especially in situations where such relationships became publicly known, disrupted social stability, or raised suspicions of other crimes, such as fornication, adultery, or even intra-familial murder.

In adjudicating these cases, not only did existing legal norms play a crucial role, but so too did the political and social interests of the ruling authorities. The authorities had the discretion to grant clemency in individual cases or, conversely, to demand exemplary punishments as a deterrent to others.

### 3.3. Rape: Harsh Punishments with Exceptions for the Privileged

Rape in the early modern period (16th–18th centuries) was theoretically classified as a capital crime, with stringent punishments prescribed by contemporary legal codes.

The German *Constitutio Criminalis Carolina* (1532) and the Czech municipal law of Pavel Kristián of Koldín (1579) both mandated death by the sword for perpetrators, and, in certain cases, even execution by breaking on the wheel (Jireček 1876). However, the severity of punishment could vary considerably. If the victim belonged to the lower social strata, her testimony was frequently questioned, allowing the perpetrator to evade punishment or receive a more lenient sentence. By contrast, when noblewomen were the victims, exemplary punishment of the offender was far more common.

Surviving judicial records suggest that rape was most often prosecuted in conjunction with other crimes, particularly murder. In 1578, a lame beggar in Jihlava was executed in an exceptionally brutal manner for a series of sexually motivated murders, in which he had removed the hearts and livers of his victims. According to court records, he was first tortured, then had flesh torn from his chest and his fingers clipped off, before finally being broken on the wheel.

In 1602, Jan Záděra raped a young girl, then bound her with a whip and drowned her. In 1606, Hans Miller confessed to having raped a serving girl with an accomplice, after which they murdered her and buried the body (Oberpfalcer 1935).

A crucial factor in prosecution was the ability to prove the use of force. If a woman had not screamed or was not found bloodied, the court could rule that she had consented to intercourse. In urban settings, it was expected that if a woman was raped in a public place, her cries would summon witnesses. If the crime occurred in seclusion, her subsequent weeping, oath, and direct accusation of the perpetrator were considered sufficient evidence—but only if she was deemed a *respectable* woman. Those with reputations as promiscuous or immoral were denied credibility, on the premise that “for them, fornication had become routine”.

The sexual abuse of underage girls was likewise classified as a capital offence, yet the law allowed for a single exception to the death penalty: if the perpetrator married the victim. A telling example of this practice occurred in the first half of the 17th century when four soldiers raped a serving girl. The case was “resolved” when one of the men married her, thereby granting legal impunity to himself and his accomplices. This approach, rooted in medieval jurisprudence, persisted well into the 18th century, when legal interpretations began to distinguish more clearly between various forms of sexual violence, shifting the focus from family honour to the protection of the victim herself (Kilián 2021).

Overall, the prosecution of rape in the early modern period was highly inconsistent. More than a question of protecting the victim, it was a matter of honour and social status—if resistance could not be proven, blame fell upon the woman.

### 3.4. Sex with Animals: An Extreme Form of Sexual Deviance

In early modern jurisprudence, zoophilia was regarded as an extreme form of sexual deviance and a grave crime *contra ordinem naturae*—against the natural order. Punishment for this act was almost invariably merciless, with offenders executed, often by burning at the stake, while the animals involved were put to death before the sentence was carried out. This practice was rooted not only in legal precedent but also in religious conviction, which viewed sodomy as an affront to God and a fundamental threat to the moral fabric of society. The justification for such severe punishment was frequently linked to biblical injunctions, particularly Mosaic law: “Whoever lies with an animal shall surely be put to death, and you shall kill the animal as well”. (Leviticus 20:15). This verse, along with a similar directive in Exodus 22:18 (“Whoever has intercourse with an animal must be put to death”), was understood by both legal scholars and theologians as an explicit divine prohibition, the violation of which necessitated exemplary punishment. Consequently, trials of sodomites, including

those accused of bestiality, were conducted with extreme severity, and convictions almost invariably resulted in execution.

In 1586, Pavel Polák was burned at the stake in Pardubice for fornication with three black sheep. Before his execution, the sheep were slaughtered and disembowelled to determine whether they were pregnant—any such discovery would have been perceived as terrifying proof of a violation of natural law. Similar cases were recorded in other towns, particularly in *pitch books*, judicial registers that documented criminal offences and the testimony of the accused. Entries from the late 16th and early 17th centuries reveal that confessions were often highly detailed, frequently containing starkly naturalistic descriptions of the acts committed. For instance, a *pitch book* from Chlumec in 1596 records the following statement: “I lived with the cow when she was in the stable. . . I confess that I had intercourse with that cow, coming to her in the stable in Ovčáky”. (Oberpfalcer 1937).

Similarly, in 1609, the magistrate of Mladá Boleslav documented an accused man’s testimony: “I also had dealings with a cow at Jan Pecháček’s farm in Skalště. The cow was grey. I scratched her so she would stand still. I had access to her because there was much manure. And so I had intercourse with her and committed a wicked act”. Another entry from the *pitch book* of Tábor preserves a confession stating: “. . .that I once had dealings with that cow, tying her up near the embankment by the wood”. (Bičík 1969). These testimonies demonstrate the meticulous documentation of such cases and the thorough scrutiny of the act itself during investigations.

Despite the rigid codification of these proceedings, interrogations suggest that courts considered certain mitigating circumstances. In rare cases, a defendant might receive a commutation of his sentence if he claimed to have acted under the influence of alcohol or in a state of mental derangement. Such exceptions, however, remained exceedingly rare, and the vast majority of those accused were sentenced to exemplary punishment, their fate serving as a stark deterrent to others. The sentence typically extended to the animal involved, which was deemed impure and condemned to slaughter.

*Pitch books* not only reflect the legal practices of the early modern period but also illustrate the gradual shifts in the perception of sexual crimes. While such offences were punished with extreme severity in the 16th century, the 18th century saw a legal re-evaluation influenced by Enlightenment reforms and the bureaucratization of the state. Under Maria Theresa and Joseph II, criminal justice was gradually centralised, diminishing the role of local noble jurisdictions and restricting the use of capital punishment. While the *Constitutio Criminalis Theresiana* (1768) still maintained severe penalties, it marked the beginning of legal standardisation, which Joseph II later advanced by temporarily abolishing the death penalty.

This shift was not solely driven by humanitarian concerns but reflected the absolutist state’s efforts to consolidate control over criminal law. By the early 19th century, executions under the Habsburg Monarchy had become rare, primarily reserved for murder and high treason, while property crimes were increasingly punished through imprisonment. The declining reliance on *pitch books* can thus be seen as part of a broader process of legal rationalisation, where the state replaced local judicial discretion with standardised penal policies (Reicher 2010).

This transformation illustrates the shift from fragmented and often arbitrary judicial practices, which varied significantly from town to town, toward a codified legal system that prioritised legal certainty and the protection of individual rights.

#### 4. Genealogical Consequences of Family Stigmatisation in the Czech Lands

Although legal frameworks in the 21st century differ markedly from those of earlier periods, understanding the historical treatment of illegitimacy and sexual transgressions is essential for tracing long-term patterns of family exclusion, inheritance restrictions, and social stigma—issues that directly affect genealogical continuity.

The legal and social status of illegitimate children underwent a significant transformation from the early modern period to the 20th century. While early laws treated illegitimacy as a permanent stigma that could affect entire family lineages, Enlightenment-era reforms began to challenge these rigid norms, eventually leading to the gradual erosion of legal discrimination. However, despite legal changes, the social consequences of illegitimacy persisted well into the modern era.

In the 16th and 17th centuries, illegitimate children were not only excluded from inheritance but were often denied basic legal recognition. The absence of paternal affiliation placed them in a precarious social position, leaving them economically dependent on their maternal families. If the mother belonged to the lower classes and passed away, the child was often left without legal protection and was forced into servitude or menial labour (Stupecký 1897). This legal exclusion was reinforced by social attitudes—church records frequently contained humiliating remarks about illegitimate births, such as “The father drowned in a puddle” or “The barn is full of fathers” (ZA Opava 1683).

By the 18th century, the rigid legal framework surrounding illegitimacy began to shift. While laws under Maria Theresa and Joseph II still reflected the moral expectations of the time, they introduced greater standardisation of legal procedures, reducing the arbitrariness of local judicial rulings. Imperial decrees issued in the early 19th century formally restricted discriminatory practices, such as the alteration of surnames to mark illegitimacy. However, social practices often lagged behind legal reforms. In 1812, a record from Uherské Hradiště describes a woman publicly shamed for having an illegitimate child—her surname was deliberately altered to *Hanbová* (from *hanba*, meaning shame), effectively excluding her family from participating in local social and religious life (Bayerová 2008).

Despite these persistent forms of social exclusion, legal reforms gradually dismantled the institutionalised disadvantages faced by illegitimate children. Over the course of the 19th century, their inheritance rights were increasingly recognised, though societal prejudices remained. Even in cases where formal discrimination had been abolished, illegitimacy continued to influence marriage prospects and economic mobility. For many families, the birth of an illegitimate child led to long-term socio-economic marginalisation. In 1764, in the town of Litomyšl, a woman convicted of “repeated fornication” was banished, but her parents were also forced to abandon their home, illustrating how entire families could suffer from moral transgressions (Bayerová 2008).

The impact of illegitimacy extended into professional and religious life. In Catholic canon law, a legitimate birth was a requirement for ordination, and candidates for the priesthood who were of illegitimate origin had to apply for a dispensation. These restrictions on clerical appointments remained in place until 1918 (Stupecký 1897). Similarly, certain military and administrative positions were historically inaccessible to individuals of illegitimate birth, reinforcing a form of hereditary social exclusion that legal reforms alone could not immediately erase.

While the proportion of illegitimate births in Bohemia remained around 5% in the mid-20th century, societal attitudes underwent a radical transformation in the late 20th and early 21st centuries. Today, nearly 50% of children in the Czech Republic are born outside of marriage, with even higher rates in some Western European countries, such as France, where the figure exceeds 60% (Český Statistický Úřad 2020). However, it would be

erroneous to assume that moving further back in time reveals an era in which extramarital births were a rarity. In reality, historical records demonstrate significant regional and temporal variability in illegitimacy rates. The highest proportions were recorded in Prague, particularly in the parish of St. Apollinaire, where, due to the presence of a maternity hospital and foundling home, up to 94% of children were born outside of marriage in 1865. By the end of the century, this figure had declined to just under 76%. More broadly, illegitimacy rates in Prague fluctuated between 38% and 48% in the 1860s and 1870s, with up to 50% of deceased infants being born out of wedlock. From the 1880s onwards, this proportion steadily decreased, eventually falling below 30% (Konrádová 2009).

By contrast, in smaller towns and rural areas, the share of illegitimate births was markedly lower. In the parish of Kdyně, specifically in the Prapořiště district, the proportion of illegitimate births between 1856 and 1888 stood at 6%, a figure comparable to that recorded in Vyšehrad during the same period (Parish of Kdyně 1856–1888). Even within Prague, discrepancies persisted; for instance, in the 1860s, the proportion of illegitimate births was approximately 16% in the parish of St. Vitus, while in Vyšehrad, it did not exceed 6%. By the end of the century, differences between parishes had narrowed, with illegitimacy rates generally ranging from 3% to 7%. While some of these trends can be attributed to legal and social developments, certain fluctuations—such as pronounced regional disparities or the late 19th-century decline in illegitimacy—remain difficult to account for without resorting to speculation. This stark contrast to contemporary patterns underscores the extent to which both legal frameworks and societal attitudes have evolved, transforming illegitimacy from a determinant of lifelong social exclusion into a legally irrelevant status.

## 5. Legal Regulation of Sexuality, Family Relations, and Child Protection in the Austrian Empire

The legal regulation of sexuality, family relations, and child protection in the Austrian Empire evolved over time, shaped by successive legal codifications. Early modern criminal law, particularly the *Constitutio Criminalis Theresiana* (1768), established a strict normative framework, reinforcing state and ecclesiastical control over moral behaviour. This legal code maintained severe penalties for sexual offences, often rooted in religious doctrine, and prescribed harsh corporal and capital punishments for acts deemed unnatural or disruptive to social order. However, significant legal reforms occurred during the late 18th century under Emperor Joseph II. The *Josephina* (1787), while still reflecting the prevailing moral norms, introduced a more rational and secular approach, reducing the use of torture and applying more proportionate penalties for sexual offences. These reforms laid the groundwork for later legal developments in the 19th century.

Austrian Law No. 117/1852 (*Österreich 1852*), which remained in force in Czechoslovakia until 1950, approached sexuality as a domain subject to strict state and societal control. The legal framework was based on normative conceptions of sexual behaviour, with the fundamental premise that sexuality should conform to a clearly established order. Sexual offences were primarily defined as acts endangering public order, family structure, or morality. Central to this legal approach was the protection of women and children from sexual violence, with primary responsibility placed on men as active perpetrators. In line with the legal referencing conventions used in Austria-Hungary and other parts of continental Europe, legal provisions are cited by paragraph (§) rather than page number—a format retained throughout this article. Crimes such as rape (§ 125), sexual abuse of minors (§ 127, § 128), and procuring (§ 132) were severely punished, with legal protection particularly extended to women and children in dependent or vulnerable positions (e.g., servants or wards under the care of teachers or guardians, § 132).

Extramarital intercourse between consenting adults was not itself a criminal offence unless accompanied by other legally defined aggravating circumstances. However, it was punishable when associated with coercion (§ 125), the seduction of a dependent person (§ 132), or when involving sexual relations with a person under the age of 14, regardless of consent (§ 127). This demonstrates that while the law indirectly reinforced the institution of marriage, it did not criminalise consensual extramarital sex between adults.

The law also penalised sexual acts perceived as unnatural or socially dangerous. Homosexual relations between men were criminalised and categorised as *unnatural fornication* (§ 129), equating them with bestiality, which was likewise prohibited (§ 129, letter a). Incest (§ 131) was also criminalised, understood as a violation of both biological and social norms governing kinship, regardless of whether the act was consensual between adults.

Another area of sexual regulation concerned artificial interventions leading to abortion, which the law classified as a criminal act regardless of the circumstances (§ 144–148). Although legal responsibility extended to the father, primary liability fell upon the woman (§ 146), reflecting contemporary attitudes toward female reproductive roles.

The abandonment of a child, particularly when leading to its death, was also criminalised (§ 149–151). Sentencing varied according to circumstances—if the child was left in a deserted location where it faced life-threatening danger, the perpetrator could receive up to ten years' imprisonment (§ 150). If the child was abandoned in a place where discovery and rescue were likely, the penalties were more lenient. However, if the child nevertheless died, the severity of punishment increased (§ 151).

Bigamy was classified as a crime against the marital union and was punishable by imprisonment of one to five years (§ 206, § 207), with stricter penalties applied if the offender had concealed their marital status (§ 208).

Overall, the legal regulation of sexuality in this statute was characterised by a strong emphasis on protecting social order, family bonds, and public morality. While *Constitutio Criminalis Theresiana* and *Josephina* had laid the foundation for moral and legal regulation, the 1852 law refined these principles in line with evolving legal rationalism. Although extramarital sexual relations between consenting adults were not explicitly criminalised, the law sought to suppress certain forms of sexual behaviour deemed dangerous or immoral, particularly through strict penalties for sexual relations with minors (§ 127–128), homosexual acts (§ 129), incest (§ 131), and procuring (§ 132). Marriage was upheld as the societal ideal and the legal framework for sexuality, with legal protections focusing more on preventing its disruption than on regulating the concept of extramarital relations itself.

## 6. Socialist Czechoslovakia

The 1950 Criminal Code, enacted in the context of socialist Czechoslovakia ([Československo 1950](#)), reflected shifts in the ideology and values of the new regime, with a strong emphasis on the protection of family, youth, and socialist morality. The regulation of sexuality remained relatively strict, differing from previous legal frameworks only in certain respects.

Bigamy (§ 206) remained a criminal offence, although the maximum prison sentence was reduced to two years. However, a new provision criminalised clergy who performed religious marriage ceremonies without prior civil registration (§ 207), reflecting the regime's effort to suppress the influence of the Church on family relations. The concealment or misrepresentation of family status (§ 208) was also criminalised, aiming to protect the stability of family structures. The abandonment of a child (§ 209) continued to be punishable, with sentences ranging from one to ten years if the act resulted in serious injury or death.

The protection of children and minors played a central role in the legislation. In addition to criminalising the neglect of child support (§ 210–211) and the mistreatment of a

dependent person (§ 212), the law also penalised the provision of alcohol to minors (§ 213) and child abduction (§ 214). Particular emphasis was placed on offences against the moral upbringing of youth (§ 215), which were punishable even in cases of negligence if a child was led into a vagrant or immoral lifestyle.

Crimes against human dignity primarily focused on sexual violence and offences against morality. Rape (§ 238) was subject to severe penalties, with sentences ranging from five to twenty-five years if the crime resulted in the victim's death. Sexual abuse of persons under fifteen (§ 239) carried a prison sentence of one to ten years, with the possibility of life imprisonment in cases of particularly aggravating circumstances. Similarly, the abuse of a dependent person for extramarital intercourse (§ 240) was also criminalised.

Homosexual acts remained illegal (§ 241), with a basic penalty of up to one year's imprisonment. If the act involved a person under eighteen or was performed in exchange for payment, sentences were increased to a maximum of five years. Even offering homosexual services was punishable by six months to three years in prison, demonstrating the regime's active efforts not only to criminalise homosexual behaviour but also to suppress any visible presence of homosexuality in society.

Incest (§ 242) continued to be punishable by a maximum prison sentence of two years. The sexual exploitation of women, particularly their coercion into prostitution, was addressed under provisions on trafficking in women (§ 243) and procuring (§ 243a). The dissemination of pornography or other materials deemed a threat to public morality (§ 244) was punishable by up to six months in prison, with sentences increasing to one year if the offence was committed for financial gain.

Overall, the legal regulation of sexuality in the 1950 Criminal Code was characterised by a strong emphasis on safeguarding socialist morality, youth, and family life. In some respects—such as the criminalisation of homosexuality and religious marriage ceremonies preceding civil unions—the law reflected an ideological effort to suppress elements perceived as incompatible with the socialist order. Although extramarital intercourse itself was not criminalised (as had also been the case under the legal code of a century earlier), the law penalised various forms of sexual behaviour deemed to threaten morality, family relations, or the ideological stability of society.

## 7. Amendment of the Criminal Code During the Political Liberalisation of the 1960s

The Criminal Code No. 140/1961, enacted in 1961 and in force until 2010 ([Československo 1961](#)), was a fundamental legal framework designed to protect the socialist order and the values deemed essential for maintaining social stability. This law focused not only on safeguarding socialist property and citizens' rights but also on educating individuals in the fulfilment of civic duties and adherence to the rules of socialist coexistence (§ 1). The means to achieve these objectives included deterrence, penalties, the imposition and execution of sentences, and protective measures (§ 2).

Among the criminal offences defined in the Criminal Code were several provisions aimed at protecting morality and family relations. Procuring was punishable by imprisonment ranging from one to five years (§ 204), as was endangering morality through illegal publications or films (§ 205). The severity of these penalties depended on the gravity of the offence, particularly whether it involved commercial gain or endangered a minor.

In the realm of crimes against family and youth, bigamy (§ 210), child abandonment (§ 212), and neglect of child support (§ 213) were strictly prosecuted, reflecting strong legal protection of the traditional family and responsibilities toward children and relatives. Neglecting a child's care was considered a serious offence, punishable by imprisonment of six months to three years, with harsher penalties applied if the neglect resulted in

severe injury or death (§ 212). Another significant provision was the criminalisation of mistreatment of a dependent person (§ 215), which underscored the emphasis on protecting children and individuals under care from both physical and psychological abuse.

In the domain of sexual behaviour, the criminal legislation remained strict, particularly regarding sexual abuse of individuals under eighteen and sexual relations among close relatives. Sexual intercourse between direct-line relatives or siblings was punishable by imprisonment of up to two years (§ 245). This provision, present in legal systems since the Austrian period, continued to safeguard family relations and prevent sexual exploitation within the family.

However, the law of 1961 adopted an ambiguous stance on homosexuality. While consensual homosexual intercourse between adults was no longer explicitly criminalised, § 244 of the Criminal Code retained prohibitions in specific circumstances. Homosexual relations were criminalised if they involved a person under eighteen, if the perpetrator was over eighteen, or if dependency was exploited. Additionally, homosexual acts were punishable if conducted for financial gain or in a manner deemed offensive to public decency, with sentences ranging from one to five years of imprisonment. This provision thus imposed continued state regulation over homosexuality within specified contexts.

The legal definition of rape was clearly delineated. Rape was classified as a grave offence against human dignity, with only men recognised as perpetrators under the law. If a man forced a woman into intercourse through violence or immediate threats, he faced imprisonment of three to eight years (§ 241). If the crime resulted in severe bodily harm to the victim or involved a girl under fifteen, the penalty increased to five to twelve years. The most severe form of rape, resulting in the victim's death, carried a sentence of ten to fifteen years' imprisonment.

The Criminal Code in this regard protected bodily integrity and individual dignity, strictly penalising any acts of violence against these values, reflecting the state's strong commitment to safeguarding personal rights and freedoms. This approach to protecting personal liberty and physical integrity was directly linked to family and youth protection and formed part of a broader framework for maintaining moral and social order.

The law also imposed strict penalties for human trafficking, including enticing a woman abroad for the purpose of prostitution or sexual exploitation (§ 246). This offence reflected not only the protection of personal freedom but also the safeguarding of bodily integrity and dignity.

**Statistical and Social Trends.** Understanding the evolution of sexual crimes requires an examination of both statistical data and the broader social context. Data from 1958 to 1980 indicate that the number of convictions for rape and sexual abuse in Czechoslovakia (and later in the Czech Republic) ranged between 1073 and 2840 cases per year. Their share of overall crime decreased as convictions for other offences, particularly property crimes, increased (Pearson's correlation coefficient, (Field 2024):  $r = -0.65$ ,  $p < 0.05$ ). The negative correlation coefficient suggests that while the absolute number of convictions for sexual crimes remained relatively stable, their proportion in total crime statistics declined due to the overall rise in crime, particularly property-related offences. The statistical significance of the result ( $p < 0.05$ ) confirms that this trend was not random but represented a systematic phenomenon over the observed period.

A turning point occurred in 1969, when the proportion of sexual crimes fell from 2.4% to 1.3%. This trend was influenced not only by legislative changes (e.g., the 1961 Criminal Code) but also by broader factors: the overall increase in crime (averaging 3.2% annually between 1967 and 1980) led to a relative decline in the share of sexual offences. Societal changes, such as the relaxation of moral norms during the political and social liberalisation of the Prague Spring (a period of attempted democratic reforms and increased freedoms

in Czechoslovakia, ultimately suppressed by Soviet-led military intervention) in the late 1960s, may have increased victims' willingness to report sexual violence.

A regression analysis (a statistical method examining relationships between different factors) revealed that tougher penalties for rape (up to 15 years) introduced in 1961 did not lead to an immediate decline in such crimes ( $\beta = -0.18, p = 0.42$ ). The  $\beta$  coefficient indicates the strength and direction of the relationship—a negative value suggests a decrease, but a very small one. The  $p$ -value greater than 0.05 implies that the relationship was not statistically significant.

However, after a 5–7-year delay (using the Almon distributed lag model, (Greene 2000, pp. 201–15), which examines how policy effects unfold over time), a moderate decline was observed ( $\beta = -0.32, p = 0.04$ ). Here, the  $p$ -value below 0.05 confirms statistical significance, suggesting that the preventive impact of criminal law was long-term and influenced by shifts in perpetrators' risk perception.

**Implications.** Statistical trends thus cannot be reduced to a simplistic “harsher laws = fewer crimes” equation. Beyond legal reforms, demographic, economic, and cultural factors played a key role. It is also plausible that part of the decline resulted from underreporting, i.e., victims' reluctance to report crimes due to fear of stigmatisation in the normalisation-era society of the 1970s (a period of political repression and reassertion of Communist control in Czechoslovakia following the suppression of the Prague Spring in 1968). Underreporting is a well-documented phenomenon in sexual offences, particularly in conservative or repressive societies, where victims often fear distrust, victim-blaming, or social ostracism (Orchowski et al. 2022). This development underscores the necessity of combining quantitative analysis with historical context to distinguish between actual crime reductions and changes in crime reporting or societal perceptions.

## 8. The Criminal Code in Force in the Czech Republic Since 2010

Within the historical evolution of the legal regulation of sexuality, a striking paradox emerges. While excessive state regulation of sexuality in historical periods—particularly in the 19th century—is often criticised, the current Criminal Code No. 40/2009 (Česká Republika 2009) contains the highest number of provisions relating to sexuality in the legal history of the territory of present-day Czech Republic. This phenomenon warrants deeper analytical attention.

Between 1961 and 2009, the criminal regulation of sexuality underwent a significant transformation, reflecting shifts in both legal and societal perceptions of sexual offences. While the 1961 Criminal Code was based on the concept of protecting the socialist social order, where the regulation of sexuality was part of a broader effort to safeguard socialist morality and public order as set out in § 1 of Act No. 140/1961 Sb. (Československo 1961), the current legal framework paradoxically introduces an even more detailed and extensive regulation of sexual matters.

The 2009 Criminal Code devotes an entire separate section—Title III, Offences Against Human Dignity in the Sexual Sphere—to sexual crimes, containing an extensive catalogue of offences. The expansion of legal regulation is evident in both the number of offences and their detailed definitions. The fundamental definition of rape (§ 185) has undergone substantial revision. Whereas the 1961 provision (like all preceding ones) defined rape exclusively as a crime committed by a man against a woman through coercion into intercourse by violence or the threat of immediate violence (§ 241), the current legislation is gender-neutral. A perpetrator or victim of rape can now be of any gender. Furthermore, the law expands the definition beyond intercourse to include other sexual acts comparable to intercourse and broadens the scope of coercion to include the abuse of a victim's defencelessness.

A notable expansion of criminal regulation is particularly evident in the protection against various forms of sexual coercion and abuse. The new legal framework introduced a separate offence of sexual assault (§ 185a), encompassing forms of sexual violence other than rape, such as coercion into forced sexual self-exposure or nudity. The provision on sexual coercion (§ 186) now covers forcing someone into sexual behaviour through the abuse of dependency, distress, or a position of power.

In the protection of children from sexual abuse, legal regulations have significantly expanded. In addition to the traditional offence of sexual abuse (§ 187), new offences include the production and distribution of child pornography (§ 192), the abuse of a child for the production of pornography (§ 193), participation in a pornographic performance (§ 193a), and soliciting illegal contact with a child (§ 193b). Furthermore, a new offence of soliciting sexual intercourse (§ 202) criminalises cases where an individual offers, promises, or provides a child with payment, benefits, or any other advantage in exchange for sexual activity.

This quantitative expansion of legal regulation reflects a significant shift in societal values and attitudes toward sexuality across historical periods. While in the 19th century, legal regulation of sexuality was based on protecting public morality as the supreme standard, and in socialist Czechoslovakia, it was subordinated to the ideal of collective societal welfare, the current legal framework is characterised by a markedly individualistic approach to sexuality. This approach, on the one hand, grants considerable freedom in adult sexual relationships, while on the other, it imposes exceptionally strict and detailed regulation in the protection of children and minors.

The state now primarily acts as a guarantor of child protection, in some cases exceeding even parents' perceptions of appropriate regulation of their children's sexuality, particularly in state educational institutions, where sex education is taught. As documented by [Kuby \(2019\)](#) in her analysis of educational systems in Europe, conservative parents often argue for the right to raise children according to their own values, while advocates of inclusive education emphasise the need to prepare students for life in a diverse society, regardless of parental preferences.

A detailed examination of court rulings and legal commentaries further illustrates the shifting interpretation of sexual offences. By reviewing selected legal cases and expert analyses from Czech legal scholarship, the study identifies key trends in how courts apply these provisions in practice.

The law also enshrines the legal immunity of a child (§ 203) who requests or accepts payment for sexual intercourse, acknowledging that minors in such situations are not considered perpetrators of a criminal offence. The trend of detailed categorisation of criminal offences is especially apparent in the regulation of child pornography, online communication with minors, and generally any sexual context involving individuals under fifteen.

Although the current legal framework emphasises individual freedoms and the right to sexual autonomy, some traditional norms persist from earlier criminal codes, whether from medieval legal traditions, the Austrian penal code, or socialist Czechoslovakia. This is evident in the prohibition of bigamy (§ 194) and incest (§ 188), which remain in legal force despite the broader shift towards greater sexual autonomy.

A similar contradiction between emphasis on individual freedoms and persisting legal regulations can be observed in the area of prostitution. The Czech legal system does not criminalise prostitution itself, allowing individuals the freedom to engage in this form of work. However, criminal law simultaneously prohibits its organised operation. Procuring (§ 189) remains a criminal offence, with criminal liability not only for those who force, entice, or coerce others into prostitution, but also for those who profit from it. If the crime is

committed as part of an organised group or for substantial financial gain, the offender faces up to eight years in prison. In other words, while the state permits individuals to provide sexual services, it prohibits their systematic commercialisation, creating a paradoxical legal vacuum in which prostitution is legal but must not be organised.

The rapid development of technology and digital manipulation tools has led to an exponential rise in new forms of sexually motivated illegal activities. The legal system often struggles to respond swiftly, meaning that some offences are prosecuted under existing provisions, such as violation of privacy rights (§ 181 TZ) or defamation (§ 184 TZ). This applies to so-called deepfake pornography, i.e., pornographic materials created using artificial intelligence without the consent of the depicted individual, which has not yet been explicitly addressed in the Criminal Code.

A debate remains as to whether every new phenomenon should be addressed by explicit expansion of the Criminal Code. An approach whereby each new form of socially harmful behaviour is criminalised in detail risks uncontrolled expansion of criminal law. Given the continuously evolving nature of digital technologies, there is a real danger that each innovation in this field will necessitate further legislative amendments, potentially leading to the creation of an unwieldy and overly complex catalogue of sexual offences.

## 9. Social Values vs. Legal Norms

While previous legal codes largely reflected collective morality, particularly up until the 20th century, modern law increasingly prioritises individual freedom, including the right to sexual self-determination. However, this shift remains contentious, as public attitudes do not always align with legal developments.

To explore these tensions, this study analyses contemporary public discourse on sexuality and LGBTQ+ rights in the Czech Republic, drawing on data from online discussions. An analysis of approximately 1200 discussion posts from 2024–2025 on the Czech platform Seznam.cz (a major search engine and news provider) reveals key trends in public perceptions of LGBTQ+ issues.

The research employs qualitative discourse analysis, examining how different ideological groups frame key debates on sexuality. Data were collected from publicly accessible news articles and their discussion sections, with posts categorised according to sentiment and keyword frequency.

This process identified three primary areas of tension: perceived imposition of LGBTQ+ themes, same-sex adoption, and intolerance towards diversity. Each category was subsequently quantified based on the proportion of posts falling within it.

While 45% of comments express disapproval of the public presentation of LGBTQ+ topics—often critiquing what they see as exhibitionism and arguing that sexuality should remain a private matter—35% emphasise the importance of equality and the right to self-expression, contending that public representation is crucial for normalisation and destigmatisation. The remaining 20% are neutral or ambiguous, frequently reflecting misunderstandings or uncertainties about gender diversity. Within this group, 15% explicitly note that behaviours once criminalised (such as homosexuality) are now perceived as part of a status-seeking strategy, particularly among influencers and artists, a phenomenon they view with scepticism.

One of the most contentious issues in these discussions is same-sex adoption, which evokes strong emotions—both positive and negative—among 40% of participants. While some argue that homosexual parents could negatively influence a child's development, others counter that heterosexuality does not automatically guarantee good parenting. This debate underscores a deeper societal tension between traditional values and evolving concepts of parenthood.

Findings from this analysis suggest that public perception is not monolithic but deeply divided, with generational and ideological differences playing a key role. While progressive views on sexuality and family rights dominate younger demographics, older generations and conservative groups remain sceptical about rapid societal changes.

The analysis of online discussions highlights the evolving relationship between social values and legal norms in the realm of sexuality, revealing that this evolution is not always based on broad societal consensus. On one side, progressive theorists and activists advocate for change irrespective of public agreement, driven by a conviction that their perspective is morally imperative for protecting minority rights. [Butler \(2020\)](#), for instance, in *The Force of Nonviolence*, advances the concept of “aggressive nonviolence,” arguing that social norms must be radically restructured to achieve true equality and justice for marginalised groups. However, this approach, while rooted in a pursuit of justice, often disregards broader societal attitudes and can lead to polarisation. [Fraser \(2019\)](#) observes that progressive reforms lacking sufficient societal buy-in risk provoking resistance and frustration.

On the other side, conservative scholars stress the need to respect traditional values and public consensus. They argue that rapid and radical changes in legal and social norms risk societal destabilisation and heightened tensions. [Hunter \(1991\)](#) warns that the liberalisation of sexual norms can provoke backlash among conservative groups, who perceive such changes as an attack on their values. Similarly, [Haidt \(2012\)](#) highlights how abrupt shifts in moral norms, particularly those related to sexuality, often provoke strong reactions from communities that perceive their traditions as being under threat or subjected to the “dictatorship of a minority”.

This conflict manifests visibly in public life. The contrast between Western metropolises, where Pride parades are celebrated as expressions of diversity, and more conservative regions, where they frequently spark protests, is stark. [Korolczuk \(2020\)](#) documents cases in Poland where Pride events in cities like Białystok have led to direct clashes between participants and opponents.

Media and social networks play a critical role in shaping these societal transformations. [Sunstein \(2023\)](#) demonstrates how algorithmic recommendations on social media create “information bubbles,” reinforcing users’ existing beliefs. While traditional media outlets often strive for balance, online discourse on sexuality remains highly polarised. [Banks et al. \(2020\)](#) show that exposure to ideologically framed content on social media amplifies perceived polarisation, reinforcing ideological divisions even in the absence of substantive differences in policy views. This effect is particularly evident in discussions on sexuality, where digital discourse tends to intensify ideological sorting and opposition. [Castells \(2013\)](#) terms this phenomenon “networked polarisation,” where digital technologies simultaneously fuel both progressivism and its reactionary counterpart, resulting in escalating mutual antagonism.

This clash between progressive and conservative perspectives reflects deeper societal tensions between the push for inclusivity and minority rights on one hand, and respect for traditional values and majority opinion on the other. [Norris and Inglehart \(2019\)](#) argue that successful social change requires not only legal reforms but also cultural shifts that acknowledge the values of the majority without marginalising minorities.

Thus, while legal frameworks increasingly safeguard individual freedoms, public opinion remains deeply divided. Previously criminalised or taboo behaviours—such as homosexuality or public expressions of sexuality—are becoming more widely accepted, yet they continue to generate conflict and misunderstanding. The shift from criminality to social acceptance, or even to an “in” status in certain circles, remains fraught with challenges, reflecting the complexities of this ongoing transformation.

## 10. Contemporary Reflections and Parallels

An examination of the historical regulation of sexuality reveals how legal and societal attitudes toward sexual offences have evolved in response to shifting cultural and ideological contexts. Early modern criminal justice employed repression as a means of reinforcing the authority of both the state and the Church, whereas contemporary law prioritises individual freedoms and the protection of vulnerable groups. Nevertheless, certain aspects of sexual behaviour regulation persist—incest remains a criminal offence, albeit with a progressively narrower legal definition, and laws safeguarding minors from sexual exploitation are now stricter than ever.

Changes in the legal approach to incest illustrate how religious and moral justifications have gradually given way to biological and social reasoning. In Czech law, incest has progressively been redefined to include only relations between direct blood relatives, whereas historically, prohibitions extended to in-laws and cousins. A similar trend can be observed internationally—Germany has debated the decriminalisation of consensual sibling incest, while in Sweden, half-siblings may marry with government approval.

At the same time, a paradox has emerged: while the law has increasingly tolerated certain incestuous relationships (provided they do not involve direct blood relatives or siblings), societal perceptions remain largely inflexible. Although most people continue to regard incest as unacceptable, public reactions to its exposure have changed significantly. In 2019, a case in the Czech Republic involved a well-known art photographer who publicly admitted to a sexual relationship with his daughter, with whom he was expecting a child. While some dismissed his declaration as an art performance, the legal aspects of the case drew attention to the limitations of existing laws on incest prosecution. Because the statute of limitations had expired by the time his actions were made public, he faced no legal consequences and was even awarded a state honour for his contributions to culture (Mikolášik 2019). However, online commentary overwhelmingly condemned him as a depraved deviant—an image he seemed to embrace. As an artist, he thrives on provocation and controversy, and this case only reinforced the public spectacle surrounding him. What would once have led not only to legal prosecution but also to permanent social ostracization has now become a topic of media debate rather than a matter of substantive societal sanction. This development suggests that, although both legal frameworks and public opinion continue to view incest as problematic, the ways in which society responds to such cases have shifted, with legal constraints and mechanisms of social control appearing significantly weaker than in the past.

Legal regulation of sexuality today increasingly defers to individual rights, yet societal perceptions of certain taboos remain rigid. Whereas homosexuality was once deemed a “crime against nature” in early modern Europe, it is now protected by anti-discrimination laws in many countries. Extramarital sex, which once warranted capital punishment, is no longer subject to legal penalties. However, certain norms persist—bigamy remains prohibited, and sexual violence is penalised more systematically, with clearer legal definitions, stronger victim protections, and stricter enforcement than in the past.

A notable shift can also be observed in attitudes toward bestiality. While early modern jurisprudence punished it with death as a crime against the natural order, contemporary Czech law addresses it primarily as animal abuse. In Germany, bestiality was decriminalised in 1969 but reinstated as an offence in 2013 on the grounds of animal dignity. Sweden adopted a similar prohibition in 2014. This transition—from moral condemnation to an emphasis on animal rights—illustrates how legal frameworks adapt to evolving societal perceptions.

The development of rape legislation likewise reflects the transition from collective morality to the protection of personal integrity. Early modern law understood rape pri-

marily as an attack on family honour, whereas contemporary legal discourse emphasises consent and individual autonomy. In 2025, the Czech Republic will implement a redefinition of rape based on the principle of “no means no,” further strengthening legal protections for victims.

The legal regulation of sexuality has thus undergone a profound transformation—from repressive measures aimed at maintaining public order to the safeguarding of individual rights. Yet, even today, an ongoing balance must be struck between historical norms, societal consensus, and legislative changes responding to new challenges, such as digital sexual offences and the redefinition of consent.

## 11. Conclusions

The historical evolution of sexual regulation illustrates the transition from collective morality to individual responsibility. Whereas past legal systems imposed punishments not only on offenders but also on their families, contemporary law focuses on the protection of the individual. This shift has had profound effects on genealogical processes and social structures—while early modern law criminalised certain sexual offences to safeguard public morality and control family lineages, modern legal frameworks prioritise individual freedoms over the collective identity of the family.

The decriminalisation of acts such as extramarital relationships and homosexuality has not only removed legal barriers but has also contributed to a redefinition of family ties and marriage strategies. Conversely, other sexual offences remain criminalised, albeit for different reasons. Incest, once condemned as a transgression against divine order, is now primarily penalised due to concerns over genetic health and the stability of familial relationships. This evolution demonstrates that legal norms not only reflect moral shifts in society but also actively shape social reality and intergenerational relationships.

Changes in criminal law have also influenced genealogical continuity and social mobility. Whereas a single conviction in the past could determine an entire family’s prospects for marriage and inheritance, modern law no longer structures family systems in this way (Woolf 2016). The historical stigma surrounding illegitimate children, which once led to their social exclusion, no longer has a legal basis, though societal prejudices may persist (Laslett et al. 1980). Similarly, the redefinition of marriage and kinship in legal contexts—such as the recognition of same-sex unions and the expansion of parental rights beyond biological ties—demonstrates that law not only responds to societal changes but actively reshapes the framework of family relationships.

History reveals that what was once deemed a mortal sin may become a legally recognised right, while formerly tolerated practices may be newly criminalised. The legal regulation of sexuality thus serves not only as a mirror of contemporary values but also as a dynamic force shaping genealogical ties, property rights, and the social status of individuals and their descendants. Understanding these processes provides deeper insight into how legal systems do not merely adapt to moral transformations but actively influence social stratification and the intergenerational transmission of social standing.

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