The mainstream law-and-society literature downplays variations in formal written laws, especially across countries and over time, focusing instead on the implementation of laws in particular social contexts. Here, we foreground formal variations, with a study of criminal laws regulating sexual activities. We argue that criminal laws may best be understood as global institutions, linked to evolving models of nation-state and society, such that variations in their formal contents reflect shifts in and differential country ties to the wider global-institutional context.

We highlight the evolving and substantive qualities of this context. To test our ideas, we apply logit-panel and pooled-time-series models to original data from more than 150 countries on four aspects of sex laws 1965 to 2005: (1) maximum prison terms for rape, (2) ages of sexual consent, (3) the existence of sodomy prohibitions, and (4) gender neutrality in adultery regulations. Our analyses confirm the benefits of our top-down view and show that domestic factors – including the dominance of Islam and the status of women in society – play a lesser role in explaining formal content variations. In supplementary analyses, we explore what we term counterpoint variations – i.e., sex-law reforms passed in direct opposition to global trends, here illustrated by sodomy-law expansions during the period of study. We find the imprints of exogenously legitimated models – sovereigntist and religious – even in these cases. Overall, our findings demonstrate the benefits of conceiving criminal sex laws, and perhaps laws generally, as derivative features of a complex and changing global-institutional environment.