

A Comparative Analysis of the Consent System in Sexual Assault between China and Britain from the Perspective of Socialist Feminism

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Abstract: The issue of sexual assault is an unavoidable topic for feminism. In the crime of sexual assault, consent is the core. Socialist feminism combines the class view of Marxism and the gender view of radical feminism. It is a branch of feminism with rich connotation, and also provides a favorable perspective for analyzing the consent system in the crime of sexual assault. This paper aims to understand the concept of socialist feminism and the connotation and origin of the consent system in sexual assault in China and Britain. Apart from this, different analytical angles of two famous scholars of socialist feminism are employed to compare the consent system in sexual assault between China and Britain as well as explore the significance of mutual reference and suggestions based on the specific era background.

Keywords: Socialist Feminism, Sexual Assault Crime, Consent System, China and Britain

1. Introduction

Law embodies the value of a country and nation. Influenced by social morality, history and culture, the legal provisions of different countries are also different. However, in every country, the superstructure represented by law represents the interests of the ruling class. Therefore, in the era when women were oppressed, even women who were victims of sexual assault could not be protected by the law at that time. However, with the process of thought, personal freedom has been paid attention to, and the topic of women's freedom has also been raised by an increasing number of people. People's ideas about freedom and equality have been improved, and the law has also changed. Hence, the difference between Chinese law and British law can be explored to find the points for reference. The feminist perspective should be an excellent perspective to examine the legal system of sexual assault. Among many schools of feminism, socialist feminism has a profound insight, and reasonably combines the class view of Marxist feminism with the gender view of radical feminism, forming a distinctive Socialist Feminist Thought^[1]. However, different scholars have different ways of analyzing the combination of class and gender. This paper focuses on the analysis of Juliet Mitchell and Heidi Hartmann from two different angles, and analyzes the laws of sexual assault in China and Britain. As the consent system is the core of the crime of sexual assault, the main object of this article is the consent system in sexual assault. It is mentioned that although the sex of victim is not single. In this article only the case with female victim will be discussed. Besides, in this article, the consent and agreement mean legally valid consent and the refusal or disagreement are exclude from "the consent without legal effect". And the comments and suggestions are also based on this premise.

2. Literature Review

Feminism and law have always been the hot research directions of humanities and social sciences. After reading a large number of literature, it is found that the research contents of many scholars can be divided into the following three aspects:

First, it is found that many scholars have studied socialist feminism. Some scholars focus on the main problems and core elements of socialist feminism, such as the research on the four major structures: production structure, reproductive structure, sexual structure and children's education structure. They believe that the social problems embodied in the "four major structures" are the main reason for women's

oppression, and the four structures should be regarded as a unified whole. In order to completely liberate women, the four structures must be changed at the same time; Another example is to study the relationship between class and gender. Scholars either start from ideology, or start from non-ideology, to explore the interaction between class and gender^{[2] [3]}. Other scholars believe that capitalism and patriarchy are one^[4]. Some scholars also attach importance to the conceptual connotation of socialist feminism^[5]. Other scholars focus on analyzing the value tendency of socialist feminism, such as the study of its concept of equality, and believe that the Socialist Feminist concept of equality inspires modern women to break through the traditional gender concept, inspires women today to think about housework and self-worth, inspires women to think about the role and self-worth of mothers, and inspires women to strive to be a person of self-esteem, self-reliance and self-improvement^[6].

Second, some scholars pay attention to the researches on analyzing social phenomena or practical problems from the perspective of socialist feminism though there are not so many researches. Some people use this theoretical basis to explore the female oppression in contemporary British and American countries. They believe that since the 1960s and 1970s, especially after the end of the 20th century, great changes have taken place in capitalist society: the economy of capitalist society is moving towards globalization in the alternation of recession, turbulence, prosperity and stability. This inevitably affects the status of women, and the social and political movement tends to be stable in the transition between vigorous and declining. Some try to analyze the impact of the policy on women^[7]. For example, studies in China have found that the two-child policy has caused a significant stagnation in women's income^[8]. Studies in the UK also show that women's work inclination decreases with the increase of the number of children^[9]. Studies also analyze the basic situation of the British female labor force from the perspectives of scale, opportunity, competition, distribution and so on^[10].

Third, there are studies on sexual assault in China and Britain. Influenced by unequal cultures, the criminal laws of sexual assault in China and Britain are different; And it will change with the change of public concept and social morality. It is found that there were many studies on the criminal law of China or Britain, such as the analysis of the impact of social customs on the sexual criminal law, and believed that the sexual criminal law initially existed to protect the sexual customs, which affirmed the property status of women attached to men and limited sex to marriage and family. With the improvement of women's status, sexual criminal law began to walk out of the customs criminal law. In modern society, if the sexual custom cannot be transformed into a specific legal interest, it cannot be used as the basis for punishment^[11]. Some studies also review, summarize and propose the protection of women's sexual autonomy. One holds that the history of sexual assault crime is an evolution process from property to rights. From the perspective of the evolution of sexual assault crime, the strength of criminal protection is on the rise and the guilty line of sexual assault is on the decline. China's criminal law still discriminates against women in the crime of sexual assault, which is not in line with the standards of international conventions. At present, the starting point of criminalization of sexual assault should be further reduced, defining marital rape and negligent sexual assault as crimes, and setting up new consent standards^[12]. However, there are few studies on the consent system of sexual assault in China and Britain or the comparison of sexual assault laws between China and Britain. In light of this, this paper is expected to compare the consent system of sexual assault in China and Britain to explore the reference meaning from the perspective of two socialist feminism thoughts.

3. Socialist Feminism

Among all thoughtful feminist schools, socialist feminism is famous for its connotative combination of Marxism and radical feminism. Juliet Mitchell and Heidi Hartmann are two representatives of socialist feminism. They come forward two different ways of the combination.

3.1. Overview

Over the past two centuries, the world has experienced two climaxes of feminist movements. Each wave has brought unique feminist perspectives and thoughtful feminist schools. Originated in 1960s, socialist feminism is one of the most connotative schools of thought. It opposes the Marxism's ignorance of gender and the early radical feminism's blindness of class, thus combines Marxism with radical feminism. To integrate radical feminism and Marxism, socialist feminism has created Dualistic System Theory: patriarchal capitalism, which believes that women's oppression stems from two different and interrelated systems.

“But what is the relationship between patriarchy and capitalism? There are three common perspectives: Monism, that is, the patriarchal system is an ideological and psychological structure based on specific socioeconomic and historical relations, represented by Juliet Mitchell; Dualism, that is, patriarchy is originally one of the specific forms of Relations of production or reproduction models, and Heidi Hartmann is the representative; Comprehensive system theory holds that patriarchy and capitalism cannot be completely separated. Under the capitalist system, resistance to patriarchy is resistance to capitalism, represented by Iris Young^{[4]128} .”

This article will be represented from the perspective of Juliet Mitchell's monism and Heidi Hartmann's dualism as the studies of Iris Young's comprehensive system are limited and complex. The main content of two common perspectives will be discussed in the sections below. Although the development of socialist feminism is slow today, its rich ideological connotation and dialectics are worth exploring.

3.2. Monism of Juliet Mitchell

Juliet Mitchell summarizes the four aspects of women oppression as four structures: production, reproduction, sexuality and children's socialization. She considers patriarchy as the ideology in capitalist society.

3.2.1. Four Structures

In 1966, Juliet Mitchell published *women: the longest revolution*, which summarized the social mechanism root of women's oppression as the interaction between the four structures of production, reproduction, sexuality and children's socialization, and then pointed out that the four structures were caused by the combination of capitalist system and patriarchy. Therefore, women's truly liberty depends on the overthrow of capitalist system and patriarchy^[13].

Mitchell believes that in a patriarchal society, it is difficult for women to participate in social production as women's social responsibilities are defined by men, which makes women become the most marginalized group in social labor production.

Moreover, the capitalist production situation further weakened the basic rights of women to participate in social production, limiting the development and survival of women. Under the capitalist system, reproduction and production are facing similar situation. The products produced are the externalization of labor, and so is reproduction. Mitchell believes that

“the externalization of women's reproductive function is an important factor that prevents them from joining the key production structure, and is also one of the important reasons for their oppression^{[13]245} .”

Additionally, the so-called sexual freedom is the mask of sexual inequality, which is another form of oppression as women become the tools for men to satisfy sexual desires. Under the surface of the nominal equality in sexual relationship is actually the inequality .

In patriarchal world, it is women's natural responsibility to take care of children, and it is inferior to men's career. But the fact is that it takes a lot of time and energy for women to bring up children, which greatly limits women to develop hobbies or pursue the achievement in career according to their own wishes. As a result, with no financial resources, a large number of women cannot live on their own, so they can only rely on men, and finally fall into a subordinate position, bearing the oppression of men.

3.2.2. Ideological Analysis

Mitchell combined the materialist analysis of capitalism with the non-materialist ideological analysis of patriarchy, and put forward the "dualistic theory" of capitalism and patriarchy. The aim is to address women's issues from the root causes of women's oppression and exploitation. In the capitalist system, it is hard for women to live. The capitalist system has artificially weakened the meaning and value of women, which is the root of women's oppression. At the same time, the role of patriarchy ideology is attached great importance to. The invisible pressure of patriarchy has taken the exploitation and oppression of women for granted. In family, patriarchal ideology makes women domesticated to consolidate the privileges of men, resulting in more serious exploitation and oppression of women^[13].

3.3. Dualism of Heidi Hartmann

In Heidi Hartmann's opinion, capitalism and patriarchy are two social structures. They interact and

work together to build a world full of oppression on women. She also puts forward specific strategies for women's liberation.

3.3.1. Capitalism, Patriarchy and Female Labor Force

Heidi Hartmann believes that in capitalist society, there is a partnership between patriarchy and capitalist system. The two interact and lead to the oppression of women.

Heidi Hartmann considers patriarchy as a social structure with material basis. There are four characteristics of patriarchy: First, patriarchy is historic. Patriarchy does not exist at first. Second, patriarchy has a realistic material basis. Men's possession of material data ensures women's dependent status. Additionally, men force women to bear and raise children to keep their dominant position. Third, patriarchy is hierarchical. In the patriarchal system, although men belong to different classes, races, religious groups and ethnic groups. But they are all able to share in the interests of ruling women, and they are therefore united. Fourth, patriarchy is systematic. The class system and the patriarchal system of the capitalist society use a whole social system to rule women. This social system is embodied in the family field and the public field^[3].

Heidi Hartmann believes that with the development of capitalist production, women's labor environment and economic status have changed. But the situation of its oppression has not changed substantially.

3.3.2. Non-ideological Analysis Method

The realization of true freedom for women is the fundamental requirement of Heidi Hartmann's dualism. She emphasizes the issue of women's freedom, equality between the sexes, and the emancipation of women's identities; she advocates the interdependence between the sexes. In view of the characteristics of patriarchy in capitalist society and the specific situation of women's oppression, Heidi Hartmann puts forward specific strategies for women's liberation struggle. She believes that

“to make women's true freedom possible, they must fight against capitalism and patriarchy at the same time. Additionally, since women are oppressed in the field of family and public, women's liberation struggle should be carried out in the field of family and public at the same time. First, the struggle against patriarchy is mainly carried out within the family. Women should end their dependence on men and seek cooperation and interdependence with men. Second, the struggle against capitalism is waged primarily in the public sphere. The struggle in the public sphere can be divided into economic, political and cultural struggles. The economic struggle is mainly for the right of women and men to get equal pay for equal work, ending the gender division of labor in the labor market and industrial discrimination against women, etc.; political struggle is to actively participate in social improvement activities; cultural struggle is to oppose the control of capitalist patriarchy ideology^{[3]21-22}.”

4. A Comparative Analysis of the Consent System in Chinese and British Sexual Assault from the Perspectives of Socialist Feminism Theory

Influenced by different cultural backgrounds and social conditions, the legal system of China and Britain also diverse. Meanwhile, as the process of every social evolution has common characteristics, the history and current situation of the laws of the two countries seem to be parallel in some aspects.

4.1. The History and Current Situation of the Consent System in Chinese and British Sexual Assault

The history of sexual assault law is a transforming process from poverty to right. The strength of criminal protection is on the rise and the guilty line of sexual assault is on the decline, which can be seen in the evolution of sexual assault. At first, there was no concept of sexual autonomy in both China and Britain. The law did not believe that women had a subjective personality status. They were men's property. The law's punishment on sex was only to protect the property interests of men who had the dominant right behind women, so women must show their disagreement through maximum physical resistance. Women's disagreement is not the decisive factor of rape, but only one of the criteria to distinguish rape and adultery^[14].

With the achievement of women's status, the concept of sexual autonomy has been realized. Sexual

autonomy is the legal interest infringed by sexual assault, hence "refusal" or "disagreement" are the very core of the crime of sexual assault. However, at first women were requested to try their best to show biggest resistance. This standard has gradually evolved into the rule of reasonable resistance, but it still stands with men to judge whether women's resistance is reasonable.

Though there is no doubt that "disagreement" is the essential part in judging sexual assault, the legislation of different countries chooses various criteria to determine the criminal behaviors. There are basically two different legislative models. One is to directly regard "disagreement" as an objective element of crime.

"The UK's sexual offenses Amendment Act 2003 defines rape as "the perpetrator intentionally inserts genitals into the vagina, anus or mouth of another person without the consent of the other person..." The law also stipulates that the other two types of sexual assault are insertion attack (intentional use of other parts of the body and any object to insert into the vagina, anus or mouth of the other person) and sexual attack (intentional touch others for the purpose of satisfying sexual desire), which must also be committed when the other person refuses^{[14]47-48}."

The other is that the law only stipulates the behavior of the perpetrator, which is the mode adopted by China's criminal law. In this legislative mode, although "the consent of the victim" generally does not appear in the law, the concept of "consent" has to be used in understanding the means of violence, threats and so on. It is usually required that such means should make the victim obviously difficult to resist. That is to say, the behavior of the actor is just the external looking of "disagreement" and it is used to explain whether the victim agrees or not.

"Article 236 of the criminal law of China defines the crime of rape as "raping women by violence, coercion or other means..." and article 237 defines the crime of forced indecency and insulting women as "indecency or insulting women by violence, coercion or other means". There is no word of "disagree" in the article of the law (against the will of women), but "violence, coercion or other means" is only to explain the existence of "disagreement" (against women's will)^{[14]48}."

The standards of disagreement in China and Britain diverse. In China, the judicial interpretation holds in principle that "the determination of the crime of rape cannot be based on whether the woman has expressed resistance or not. If the woman has not expressed resistance, or the expression of resistance is not obvious, specific analysis and careful distinction are needed". However, when it comes to measuring the coercion of the perpetrator's means, it also relies on the resistance of the victim. It believes that "the so-called violent means refer to the means by which criminals directly threaten and intimidate the murdered women to achieve spiritual coercion." British law only simply points out the core of sexual assault: women's disagreement^[14].

To crown the whole, British law emphasizes to the will of women while Chinese law puts the means of perpetrator to the first place as it is more intuitive and operational.

4.2. Applicability of Socialist Feminism Theory Analyzing Chinese and British Relevant Systems

Socialist feminism attaches importance to class, patriarchy and patriarchy. China and Britain have a long history of patriarchal culture, and both have been dominated by patriarchal ideology for a long time in history. Besides, patriarchal ideology still exists today. Although the Chinese and British social systems are different, this is one of the conditions for the comparison. In the early stage of the development of socialist feminism, in view of various historical reasons, the socialist feminist thinkers at that time mainly considered the western capitalist countries as the overall analysis object. However, this does not mean that China is not suitable for this theory. In addition to the comparative significance, the exploitation phenomenon, which can be regarded as an important aspect of capitalism, still existing in China today, is also one of the reasons to explain the applicability of this theory to Chinese society. Furthermore, Marxist theory is one of the important ideological sources and theoretical foundations of socialist feminism, so it is feasible to analyze women's problems in Chinese society with socialist feminism.

4.3. Juliet Mitchell's Perspective of Ideological Analysis

Juliet Mitchell believes that patriarchy works as a kind of ideology in capitalist society. Such method of analysis is named as ideological analysis.

4.3.1. Four Structural of China and Britain

The four structures put forward by Juliet Mitchell are production, reproduction, sexuality and children's socialization.

The research shows that from 2005 to 2015, the employment rate of Chinese women (20-59 years old) showed an overall upward trend. The employment rate of Chinese women was 78.69%, an increase of 29.34 percentage points^[15]. No exact data of the female employment rate in Britain can be found in the data base. As for the reproduction, the world Population Prospects 2022 released by the United Nations shows that the fertility rate of China in 2022 is only 1.175%, and that of the United Kingdom is 1.65%^[16]. According to Juliet Mitchell, the externalization of women's reproductive function is an important factor that prevents them from joining the key production structure, and is also one of the important reasons for their oppression. And in the ideology of patriarchy, taking care of children is the inherent responsibility of women. Though the exact proportion of parents' participation in child care in China and Britain is unknown, there is no doubt that in both countries the main responsibility of take care of children is on the shoulder of women. When it comes to sexuality, though there is no specific data, it can be preliminarily inferred that the degree of sexual freedom in Britain is higher than China as the sexual freedom is a part of individualism. According to Juliet Mitchell, sexual freedom is a lie of oppression. Hence, the higher the sexual freedom is, the more the oppression is.

4.3.2. Social Culture and Ideology of Chinese and British

The ideological opposition between China and Britain is reflected in the different emphasis on the interests of individuals and the public at the social level. In Britain, more attention is paid to "personal interests"; In China, more attention is paid to "collective interests"; Such difference is related to "individualism" and "collectivism". The former plays an important role in the process of capitalism while the later is cultivated through the development and dominant position of Confucianism in history and today's socialism^[17]. Another example of Confucianism's impact is its insightful thought of the Doctrine of the Mean, which greatly influenced the characteristics of Chinese, too. In all, ideology is up to the social system.

The national characteristics of China and Britain also determined the difference of each legal system. From above it is clear that the consent system in British sexual assault almost considers women's will as the core and discipline. It is easy to understand via this logic line: originated from ancient Greek thought and religious thought, individualism highly develops as the capitalism advances, and personal right has been seen as very important since the renaissance. Hence, British law put women's reluctance to the first place. In China, however, problems are always analyzed by the Doctrine of the Mean, and the collective interests are in the first place. Though China's legal system respects women's will, too, the law still need the means of perpetrators to confirm the truth of case. It is not difficult to understand if the situation is analyzed by the Chinese mind. The Doctrine of the Mean asks for a balance between the interests of victim and perpetrator as the situation in reality is usually complex. For example, a women regrets after having sex but she actually said yes at that time. In this case, it is unfair to sentence the man. Hence, though women's disagreement is the core of sexual assault, it should not be the only consideration as it confuses sometimes. It is an operational method to put the means of perpetrator and the resistance of victim into consideration.

4.4. Heidi Hartmann's Perspective of Non-ideological Analysis

Heidi Hartmann believes that patriarchy and capitalism are two parallel social structure working together to oppress women. Such method of analysis is named as non-ideology analysis.

4.4.1. Female Labor Force Characteristics in China and Britain

Researches show that the female employment in China has been relatively high in the world, even higher compared with both developed and developing countries. Moreover, for women from urban areas, individual factors play a more important role, while family factors are more significant for those who come from rural areas^[7]. Furthermore, the universal two-child policy has significantly reduced women's employment^[8]. Britain is at a time when the number of women of working age is declining^[9]. Additionally, study shows that the propensity to work decreases with the increase in the number of dependent children. Furthermore, females older than 40 years of age have a high propensity to work irrespective of the number of dependent children^[10]. Hence, the general trend of Chinese female labor is high employment with the influence of policy. And the British female labor is facing the problem of declining numbers. Both are impacted by environmental factors and personal factors(children). There is no exact data of the

female employment rate in China and Britain found in the data base. However, what can be sure is that first, in modern society, with the improvement of female education, female employment increases; second, there are still many obstacles such as reproduction.

4.4.2. Analysis of Non-ideology Between China and Britain

The biggest difference between China and Britain is their social systems. China is a socialist country while Britain is a capitalist country. Heidi Hartmann holds that patriarchy and capitalism are two parallel social structure working together to oppress women. From this point of view, in China there is only patriarchy functioning while in Britain, women are oppressed under both patriarchy and capitalism. However, she does not mention the exact components of patriarchy structure.

Heidi Hartmann believes that women's liberation struggle should be carried out in the field of family and public at the same time. First, the struggle against patriarchy is mainly carried out within the family. Women should end their dependence on men and seek cooperation and interdependence with men. Second, the struggle against capitalism is waged primarily in the public sphere. The struggle in the public sphere can be divided into economic, political and cultural struggles. The struggle in family relates to the economic struggle in public as the main dependence of women on men is about finance. According to Heidi Hartmann's theory, the main field of women's liberation struggle in China should be family. As for the family-related part in sexual assault, marital rape cannot be ignored. The criminal law of China does not explicitly exclude marital rape from the crime of sexual assault. However, it is difficult to prove the existence of marital rape in practice. The establishment of the crime of sexual assault needs to prove the violation of women's will. However the marriage relationship is the biggest obstacle to prove "against the will of women". In 1994, Britain passed the amendment to the sexual crimes act, which removed the husband's "immunity from marital coercion", that is, a man should bear criminal responsibility for rape after having sexual relations with the victim woman by violence or threat of violence, regardless of whether he has marital relationship with the victim woman^[18]. From above, it can be concluded that law has given women the right of sexual autonomy in marriage life, which can be seen as one of the achievements of women's liberation in family field, though there are some difficulties to operate the law effectively in practice.

In Heidi Hartmann's opinion, women should seek cooperation and interdependence with men. From this it can be inferred that sexual freedom can be women's right as well. Hence, women's sexual appeal should be put into consideration when it comes to the consent system in sexual assault. In the legal system as well as the cultural and social recognition, the image of women should change. Women have the right to ask for sexuality as they have the right to say no. From this point of view, the image of women in British law is more brave and independent in sexuality as its only standard in judging disagreement is women's will. And Chinese law seems to be more protective. Though it is more operational in practice, it weakens women's image in the judicial process as it relies perpetrator's behavior more.

5. Evaluation and Suggestions on the Consent System in Chinese and British Sexual Assault

Influenced by different cultural backgrounds and social conditions, the consent systems in Chinese and British sexual assault are different. Classification and analysis are not the most important, the terminal goal of this article is to make an objective evaluation of the perspectives of Juliet Mitchell and Heidi Hartmann as well as give suggestions on the consent system in sexual assault.

5.1. Comments on Two Analytical Methods

Socialist feminism holds that patriarchy and capitalism are two causes of women's oppression. However, when it comes to the relationship between patriarchy and capitalism. Different scholars have different opinions. Juliet Mitchell believes that patriarchy is a kind of ideology under the structure of capitalism while Heidi Hartmann argues that they are two parallel social structure working together. Juliet Mitchell puts forward four structures by which the oppression is accomplished. They are production, reproduction, sexuality and children's socialization. Heidi Hartmann believes that women's liberation struggle should be carried out in the field of family and public at the same time. First, the struggle against patriarchy is mainly carried out within the family. Second, the struggle against capitalism is waged primarily in the public sphere.

The similarities between the two scholars can be primarily concluded as below: first, women's dependence on men is an important part of oppression; second, reproduction and child-care limit women's talent and confine them to home, making their dependence increasing; third, women should

fight against capitalism and patriarchy at the same time. The main difference between them are: Juliet Mitchell believes that patriarchy is a kind of ideology under the structure of capitalism while Heidi Hartmann argues that they are two parallel social structure; Apart from this, Juliet Mitchell sees sexual freedom as a mean of oppression while Heidi Hartmann considers it as one goal women should fight for.

The similarities of the two scholars' perspective are based on social condition and logical reasoning. These views reflect reality to a certain degree and can give useful suggestions to achieve women liberation. As for their conflicting views, Heidi Hartmann cannot explain the patriarchy as a social structure while Juliet Mitchell's theory of seeing patriarchy as an ideology is practical when facing problems; Another aspect is that in an era of individual liberation, personal right is becoming more and more crucial. Based on today's common recognition, sexual freedom should be seen as a normal right instead of a mask of men's sexual desire.

5.2. Reference and Suggestions

Based on the above analysis, the consent system in sexual assault of China and Britain embodies each unique cultural heritage and the overall trend of human's thought development. However, in an era of global interaction and ideal collision, social recognition in every country is transforming. Hence, the consent system in sexual assault of China and Britain can give reference meaning to each other.

Here are some suggestions: first, for Chinese legislation and judicial process, with the progress of human right, the very core of sexual assault, women's reluctance namely, is expected to work effective in both legislation and judicial process. In other word, women's disagreement should be the terminal point of sexual assault law reform. In China, the behavior of perpetrator is used more to make the judicial decision. This is operational as the "women's disagreement" can sometimes be ambiguous. However, since the essence of sexual assault is women's disagreement, the law should represent its essence sooner or later. And with the advancement of people's mind and social norms, the practical problems will be overcome someday; Second, to maximize the use of social resources, every judicial step should follow the most supportive evidence. As one case has been mentioned above, what if a woman regrets after sexuality? In such situation, the judicial process should find the most supportive evidence and make reasonable decision. Women's disagreement should be time dependent. For British, in special cases such as crime committed by acquaintances, marital rapes and woman's repentance afterwards, supportive evidence is expected to be found. Perpetrator's behavior and women's reasonable resistance can be effective proof. Though some extreme victim maybe too timid to say no, making the perpetrator misunderstands that she acquiesced, such method will protect most people's right; third, if permitted, women should moderately express their unwilling. Actually the most significant part of achieving women liberation is up to women as the protection of legal system cannot always consider every victim's condition. The reluctance is the most powerful evidence in sexual assault no matter in common case or marital rape. It is mentioned that the reluctant attitude cannot threaten women's safety at that time.

6. Conclusion

To sum up, the perspectives of Juliet Mitchell and Heidi Hartmann can reflect reality to a certain degree and can give useful suggestions to achieve women liberation even to this today. Their similar points of the role of capitalist production, reproduction and child-care playing in the oppression of men are reasonable and logic. Juliet Mitchell considers sexuality as one method of women's oppression, which is contrary to the prevailing contemporary view as sexual freedom should be an important aspect of women's liberation. Heidi Hartmann's method of analyzing patriarchy as a material social structure cannot make problems easier as she does not put forward the component of patriarchy as a material social structure.

Through the eyes of socialist feminism, analysis of the consent system in sexual assault of China and Britain can be made. And the two countries, though standing for different cultures and separate social systems, can provide reference to each other. The British relevant law embodies individualism, which is a significant characteristic of capitalism while the Chinese one represents collectivism and The Doctrine of the Mean. In the long run, the disagreement of women should take more accounts in the legislation and judicial decision. However, special situation should be discussed case by case. In special cases such as crime committed by acquaintances, marital rapes and woman's repentance afterwards, perpetrator's behavior and women's reasonable resistance should be considered as these will make the situation clear and are more operational. Hence, finding the most supportive evidence is very crucial. Whatever the law innovates, women should be aware that they have the right to say no.

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