

Obligation, the Shifting Nature of Physician-Patient Relationship, and the Basic Healthcare Reform in Mainland China

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Abstract : This article explores the shifting nature of physician-patient relationship in mainland China. Specifically, it takes the physician-patient relationship during the barefoot doctor program in 1968-1978, the marketization of healthcare services in 1978-2002, and the healthcare reform in 2003-2020 as three typical historical periods, illustrating how the nature of the physician-patient relationship has changed over time in mainland China. Drawing on recent jurisprudential literature that emphasizes the roles and functions done by and through obligation rather than right, it explores how the obligations of physicians and patients along with the implementation of informed consent, marketization of the healthcare system, and the basic healthcare reform have affected their relationship. One key feature of this article is that it analyzes the ways in which commodification and decommodification of healthcare have defined and in many different ways have determined the expectations and practices of physicians and patients, which illustrates how the trust between physicians and patients threatens to collapse and the bond between the citizen and the state fails to be firmly established in the mainland Chinese healthcare context. It also pays special attention to the role played by law and legal institutions—for instance, the implementation of informed consent and the liability law—in being complicit in facilitating the decoupling of the practices of physicians and patients from their ethical senses of obligation and undermining the bond (the trust relationship) between them.

Keywords : healthcare, marketization, physician-patient relationship, sense of obligation

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