

The McDonaldized Death Penalty by Ryan Phillips Article Review

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Introduction

Ryan Phillips's 2017 thesis, *The McDonaldized Death Penalty: Neoliberalism, Governmentality, and American Capital Punishment*, offers a sociological explanation for how capital punishment can remain institutionally durable even when its administration is contested. Phillips does not argue that one theory alone explains the death penalty. Instead, he uses George Ritzer's concept of McDonaldization to examine how legal and administrative reforms can make capital punishment appear more rational, standardized, and manageable (Phillips, 2017). The framework focuses on four dimensions—efficiency, calculability, predictability, and control—and on Ritzer's accompanying idea that highly rationalized systems can create “irrational” consequences of their own. Phillips connects these concepts with neoliberal governmentality, arguing that market-like values such as performance measurement, managerial oversight, technical expertise, and procedural standardization can shape public institutions as well as private businesses. This review evaluates that argument on its own terms. It considers what the McDonaldization framework reveals about American capital punishment, where the analogy is strongest, and where other explanations involving federalism, race, local discretion, constitutional law, and political culture remain necessary.

McDonaldization as a Theory of Penal Administration

Ritzer developed McDonaldization to describe the spread of organizational principles associated with fast-food production into other areas of social life. Efficiency emphasizes finding an apparently optimal route to a goal; calculability privileges quantities and measurable outcomes; predictability favors standardization; and control reduces uncertainty through rules, technology, scripts, and professional procedures (Ritzer, 2019). Phillips applies this framework to capital punishment because modern death-penalty systems contain highly formalized eligibility rules, sentencing procedures, appellate stages, execution protocols, competency evaluations, and administrative timelines. The attraction of the theory is that it shifts attention away from whether capital punishment is simply popular or unpopular and toward how institutions organize it. A process can become more standardized without becoming free of discretion, and a system can generate more data without

resolving moral or legal disagreement. Phillips's central contribution is therefore analytical rather than statistical: he asks what procedural rationality does politically and institutionally. The existence of detailed rules can constrain officials while also communicating that a difficult institution is being professionally controlled rather than operating arbitrarily.

Efficiency, Delay, and the Problem of Irreversibility

Efficiency is one of the most revealing dimensions because capital punishment creates competing demands for speed and accuracy. Governments, victims' relatives, defense lawyers, courts, and taxpayers may all have reasons to criticize lengthy litigation, but the punishment is irreversible, making review unusually consequential. Phillips's framework highlights a recurring institutional tension: reforms designed to accelerate appeals or standardize execution may be presented as administrative improvements, while other safeguards exist precisely because earlier systems were criticized as arbitrary or unreliable. The result is a conflict between a desire for finality and a desire for error correction. Steiker and Steiker (2016) describe the modern death penalty as deeply shaped by Supreme Court efforts to regulate discretion after *Furman v. Georgia* and *Gregg v. Georgia*. Phillips adds that these regulatory layers can themselves become targets of managerial reform when delay is reframed as inefficiency. His argument is strongest when it shows that "efficient" administration is not a neutral concept. Policymakers must still decide which values—speed, accuracy, transparency, cost, consistency, or review—should have priority.

Calculability and Predictability

Calculability appears in the use of execution counts, case-processing time, cost estimates, aggravating factors, polling, and other numerical measures. Quantification can improve accountability, but Phillips warns that numbers may also create an impression of precision that exceeds what the underlying judgments can support. A sentencing framework can count legally relevant factors without determining their moral weight, and a jurisdiction can report processing efficiency while leaving geographic or resource differences unresolved. Predictability creates a similar problem. Guided-discretion statutes, bifurcated trials, jury instructions, and automatic review were designed to reduce arbitrary sentencing, yet formal consistency does not eliminate differences in prosecutorial choices, defense resources, jury composition, plea bargaining, or local political culture. Phillips therefore distinguishes predictable procedure from predictable selection. This is an important analytical point because an institution can follow the same sequence of legal steps while producing uneven outcomes across jurisdictions. The McDonaldisation lens helps explain how standardized form can coexist with substantive variation, but it should not be interpreted as proof that standardization is useless. Some procedural rules genuinely protect defendants even if they do not eliminate every disparity.

Control, Expertise, and Governmentality

Phillips connects McDonaldization with governmentality by examining how control is exercised through professional expertise, legal categories, technologies, and administrative routines rather than only through direct force. Capital punishment involves many specialized actors—judges, prosecutors, defense lawyers, correctional officials, medical consultants, execution teams, and appellate courts—whose responsibilities are divided across stages. This division can limit individual discretion, but it can also fragment responsibility so that no single actor appears to control the entire process. Lethal-injection protocols illustrate the point. Detailed procedures, equipment, drug sequences, training, and confidentiality rules can create an image of technical control, even when implementation remains vulnerable to shortages, litigation, or unexpected complications. Phillips’s argument is not that expertise is inherently deceptive. Professional standards can improve safety, accuracy, and review. The stronger claim is that technical language changes how controversy is framed. Questions about whether an institution should exist can be converted into narrower questions about whether its procedures are sufficiently standardized, auditable, or efficient. Governmentality is therefore visible in the management of the problem itself.

Strengths and Limits of Phillips’s Argument

The thesis is strongest when it explains why institutional failure can produce additional rationalization rather than immediate abandonment. A flawed procedure can lead to a revised protocol, a disparity can lead to another guideline, and delay can lead to tighter deadlines. The idea of the “irrationality of rationality” captures how systems designed for order can generate complexity, secrecy, or contradictory goals. At the same time, McDonaldization can become too broad if every rule, statistic, or technology is treated as evidence of neoliberalism. Bureaucratic rationalization predates contemporary neoliberal policy, and American capital punishment also reflects constitutional federalism, racial history, local prosecutorial authority, retributive beliefs, and regional political traditions (Garland, 2010). Legal safeguards should likewise not be described only as devices of legitimation because some have narrowed eligibility, improved representation, or enabled reversal of erroneous sentences. Phillips’s theory is therefore most persuasive as a supplementary lens rather than a complete causal explanation. It identifies how managerial reasoning shapes the institution but does not replace historical, legal, or empirical analysis of who receives capital sentences and why.

Conclusion

The McDonaldized Death Penalty is valuable because it asks readers to examine the administrative logic surrounding American capital punishment rather than treating procedure as automatically neutral. Phillips shows how efficiency, calculability, predictability, and control can make a contested institution appear governable even when discretion and disagreement remain (Phillips, 2017). His

analysis is especially useful for understanding why procedural reform can have two effects at once: it may genuinely constrain error while also reinforcing confidence that the institution can be repaired through better management. The framework should nevertheless be used carefully. Capital punishment cannot be explained solely through neoliberalism or organizational rationalization, and standardized procedures should not be assumed either to solve injustice or merely to disguise it. The most balanced reading places Phillips alongside scholarship on constitutional doctrine, race, geography, prosecutorial discretion, wrongful conviction, victim experience, and federalism. His enduring contribution is methodological: administrative sophistication should be evaluated by its consequences, not simply by its appearance of order. Rational procedure matters, but it does not settle the underlying legal, moral, and political questions surrounding capital punishment.

References

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