

**Field, capital and the policing habitus: understanding
Bourdieu through The NYPD's post-9/11 counterterrorism
practices**

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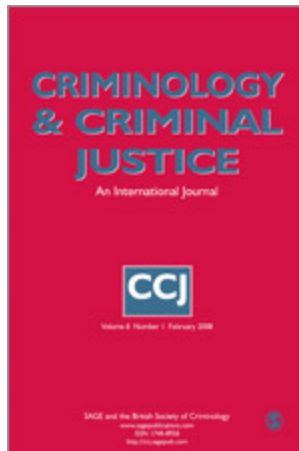
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Field, Capital and the Policing Habitus: Extending Bourdieusian Theory Through Examination of the NYPD’s Post-9/11 Counterterrorism Practices

Abstract

This article extends existing Bourdieusian theory in criminology and security literature through examining the practices of the New York City Police Department in the post-9/11 counterterrorism field. This article makes several original contributions. First, it explores the resilient nature of the policing habitus, extending Bourdieusian criminological findings that habitus are entrenched and difficult to change. Second, this article examines the way the resilient habitus drives subordinate factions to displace dominant factions in a field’s established social hierarchy through boundary-pushing practices, a concept previously unexamined in Bourdieusian criminology. Drawing on original documentary analysis, this article uses the illustrative example of the NYPD’s post-9/11 counterterrorism practices, exploring how it sought to displace the existing social structure by using its aggressive policing habitus and an infusion of ‘War on Terror’ capital to challenge the dominant position of the FBI in the post-9/11 counterterrorism field. The NYPD’s habitus driven counterterrorism practices were novel and unprecedented, creating strain with both the FBI and local communities.

Keywords

Bourdieu, habitus, police, NYPD, counterterrorism

Introduction

The New York City Police Department is America’s largest, with a hard-working and aggressive policing approach generating decades of mystique and acclaim. Many NYPD policing practices have been heavily researched, including use of technology and organisational management (Zimring, 2011), zero tolerance order maintenance (Harcourt and Ludwig, 2006), misconduct (Armacost, 2004), and use of excessive force (Greene, 1999).

The NYPD’s role in counterterrorism increased dramatically with the September 11, 2001 attacks and the ‘War on Terror’. Between 2002 and 2013, Mayor Michael Bloomberg and NYPD Commissioner Raymond Kelly secured significant counterterrorism funding for programme expansion (NYS Homeland Security, 2011). The NYPD’s post-9/11 counterterrorism practices, however, lack adequate research. The limited analysis offers enthusiastic approval, touting the NYPD as a model for other departments (Rascoff, 2010;

Dahl, 2014). Supporters argue the department's unique institutional attributes made it well suited to become a post-9/11 counterterrorism agency (Waxman, 2009; Nussbaum, 2012).

Several experts counsel greater caution about the NYPD's post-9/11 counterterrorism approach (Bayley and Weisburd, 2007; Schulhofer et al., 2011). While recognising local police value in assisting post-9/11 counterterrorism, they highlight potential problems. Bayley and Weisburd (2007), for example, raise concerns about human rights violations, cautioning that overbroad local counterterrorism policing can damage community relations needed to fight terrorism. Similarly, Schulhofer et al. (2011) suggest local police like the NYPD often take communities for granted in counterterrorism, using aggressive policing practices that fail to deter terrorism and increase community discord.

Sociologist Pierre Bourdieu examined the structural ways power and capital, meaning economic, political, social and other resources, shape social interactions and practices in different fields. While commonplace in sociology, Bourdieu's theories are uncommon in security and criminology literature. Nonetheless, a few scholars have used Bourdieu's theories to explore how social relations and power dynamics structure security, crime and deviance (Chan, 1997; Dupont, 2004; Bigo, 2008; Sandberg, 2008; Abrahamsen and Williams, 2011; Diphooorn and Grassiani, 2016; Shamas, 2018). This article extends existing scholarship through several original contributions to Bourdieusian theory in criminology and security literature. First, this paper examines the resilient nature of the policing habitus, meaning structuring principles, a concept first introduced by Chan (1997), but one that has met with resistance in criminology research. Second, this paper explores how a subordinate field faction uses its embedded habitus to shift the balance of power and capital away from a

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dominant faction in a changing field of practice, meaning a complex social network in a symbolic social space.

To develop greater understanding of Bourdieusian theory and its implications for criminology and security literature, this article examines the post-9/11 counterterrorism practices of the NYPD in the first decade of the ‘War on Terror’. Using this illustrative example, this paper delves into the resilience of the policing habitus, and the ways it facilitated the NYPD’s efforts to shift the balance of power and capital away from the FBI in the post-9/11 counterterrorism field. Drawing on original documentary analysis of 90 publicly available documents, this article explores the ways the entrenched NYPD policing habitus drove aggressive post-9/11 counterterrorism practices amidst significant socio-political changes in the counterterrorism field. Specifically, this paper examines criminal indictments in terrorism cases, civil lawsuits against the NYPD, publicly available NYPD counterterrorism documents, NYPD officials’ speeches, testimonies and interviews, third party reports, original data analysis of all reported NYPD terrorism incidents, and news reports on confidential NYPD counterterrorism practices to illustrate how the NYPD’s policing habitus drove its post-9/11 counterterrorism strategy. Accordingly, this article will be of interest to Bourdieu theorists, security and criminology scholars, and counterterrorism and policing practitioners alike.

This article is divided into four sections. The first introduces Bourdieu’s theories of field, habitus and capital, and the development of Bourdieusian criminology literature. Section Two uses original documentary evidence to examine the complexities of the aggressive and enduring NYPD policing habitus. Next, this section analyses the ways the NYPD’s policing habitus drove the department to compete with the FBI for increased power and capital in the

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3 post-9/11 counterterrorism field and structured its counterterrorism practices. It then
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5 illustrates consequences of this competition, particularly strained relations with the FBI and
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7 local communities. The third section considers recent socio-political changes to the post-9/11
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9 counterterrorism field and assesses how they might facilitate incremental shifts in the
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11 NYPD's policing habitus. The final section contemplates the article's original contributions
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13 to Bourdieusian criminology and the need for further engagement with Bourdieu's theories to
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15 better understand how power and capital structure practices in diverse criminology and
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17 security fields.
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23 24 **Extending Bourdieusian Theory By Studying the NYPD**

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26 Bourdieu considered the ways power and capital structure disparate fields (Bourdieu, 1990b).
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28 Bourdieu frequently relied on the intertwined concepts of field, habitus and capital to analyse
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30 how overarching power dynamics inform social relations and practices (Bourdieu, 1984,
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32 1993). This article extends Bourdieusian scholarship in criminology and security by
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34 exploring how a resilient policing habitus can propel a subordinate field faction to seize
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36 power and capital from a dominant faction. Using the illustrative example of the post-9/11
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38 NYPD, this article shows how its aggressive policing habitus drove its competition with the
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40 FBI, and resulted in sweeping counterterrorism practices that alienated both the agency and
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42 local communities.
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49 **Expanding Bourdieusian Criminology**

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51 While engagement with Bourdieu's theories is infrequent in criminology, a few
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53 criminologists have recognised the value of Bourdieusian social-structural approaches in
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55 studying crime, control and deviance (Chan, 1997; Winlow and Hall, 2003; Allen, 2007;
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57 Sandberg, 2008; McNeill et al., 2009; Deering, 2011; Sandberg and Pedersen, 2011; Ilan,
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2012; Schlosser, 2012; Fraser, 2013; Caputo-Levine, 2013; Fraser and Atkinson, 2014; Fleetwood, 2016; Moyle and Coomber, 2016; Atkinson, 2016; Ugwudike, 2017; Shamas, 2018; Prieur, 2018).

This article extends Bourdieusian theory in criminology and security to show how the resilient habitus drives practices in the policing field. This article builds on prior criminological research examining the enduring nature of the habitus in different criminology fields (Robinson et al., 2013; Phillips, 2015; Shamas and Sandberg, 2016; Sandberg and Fleetwood, 2016). Robinson et al. (2013), for example, used Bourdieu's habitus to evaluate the construction of service delivery by probation services amidst changes to the field, finding that while changes created tensions between the practitioners' established habitus and new organisational priorities, the habitus remained cohesive and resilient. Phillips (2015) carried these ideas forward in evaluating how the habitus contributed to probation practitioners' decision-making amidst these same policy shifts, concluding that although field changes appeared more aligned with practitioners' habitus, this left them unable to contest negative developments in the field.

Several criminologists have also examined the entrenched nature of the habitus for members of the street field. Shamas and Sandberg (2016), for example, applied Bourdieu's theories to analyse crime and deviance in the street field, finding the street habitus particularly resilient and difficult to change given field constraints. Sandberg and Fleetwood (2016) used the street field concept to better understand narrative criminology by interviewing incarcerated drug dealers in Norway, finding the street field both limited the language used and transmitted the values, norms and competencies of the street habitus.

This paper draws on these findings about the resilience of the habitus in two novel ways. First, this paper builds on existing Bourdieusian criminology by showing how an enduring policing habitus as first conceived by Chan (1996, 1997) can persist despite significant changes in the policing field. Second, this paper extends Bourdieusian theory in criminology and security research by exploring the ways a resilient habitus drives a subordinate field faction to boundary-pushing practices designed to shift the balance of power away from the dominant faction, a concept not previously explored in Bourdieusian criminology. Using the illustrative example of the NYPD, this paper considers how it used its aggressive policing habitus to shift its power imbalance with the FBI after 9/11 by engaging in novel counterterrorism practices, resulting in significant discord with the agency and local communities.

The NYPD Makes A Play In The Counterterrorism Field

Understanding the resilient policing habitus, and how subordinate field factions like the NYPD use it to upend social hierarchies, begins with examining the field. Fields of practice are networks of agents occupying symbolic social spaces (Bourdieu, 1990b). Each field possesses unique attributes, power dynamics, and multiple factions (Bourdieu, 1991). Fields are internally structured by distribution of power and capital amongst factions (Bourdieu, 1990b, 1993). Because power and capital allocation are inherently unequal, fields are hierarchically divided into dominant and subordinate factions (Bourdieu, 1993). These structurally unequal fields breed ongoing conflicts between dominant and subordinate factions over power and capital (Bourdieu, 1990a, 1991). While dominant groups seek to maintain power to 'perpetuate the status quo' (Bourdieu, 1993: 83), subordinate groups aim to disrupt the status quo by introducing new practices to 'make a mark' on the field

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(Bourdieu, 1993: 60). Novel practices help subordinate factions achieve greater power, recognition and capital, and displace existing field hierarchies (Bourdieu, 1993).

Fields are significantly structured by how different capital, meaning commodities providing power to the possessor, are distributed amongst competing factions (Bourdieu, 1993). Disparate factions create, value and distribute various capital in different ways, including economic, social, symbolic, cultural and political capital (Bourdieu, 1991). The volume and dispersal of capital amongst field factions, however, can change over time (Bourdieu, 1984, 1990b). Notably, different field factions prioritise some types of capital over others, which can reduce power compared to competing factions (Abrahamsen and Williams, 2011).

The complex structuring power dynamics in policing fields are best understood through this Bourdieusian framework. Chan (1996) first argued that Bourdieu sheds light on the different histories, social-structural positions and capital allocations amongst policing fields. For street policing fields in particular, understanding them requires exploring how they are shaped by overarching social relations and capital distribution, internal conflicts and external tensions, relations with particular social groups and legal policing powers (Chan 1997).

This Bourdieusian field framework is the starting point for examining the power dynamics, social relations, and historical contexts creating and sustaining resilient policing habitus. Probing the social-structural aspects of the NYPD’s role in the terrorism field helps understand its sweeping post-9/11 counterterrorism practices. Significantly, before the 9/11 attacks the American counterterrorism field was composed of multiple security and policing agencies including the FBI and CIA, with supporting roles from local police like the NYPD. The FBI played a leading role in pre-9/11 counterterrorism, albeit with significant legal

constraints and subject to intense criticism (9/11 Commission, 2004). Although in 1980 the FBI created America's first multi-agency Joint Terrorism Task Force (JTTF) in New York City including the NYPD, it also involved the U.S. Secret Service and Bureau of Alcohol, Tobacco and Firearms, among others (FBI, 2008). While the pre-9/11 NYPD participated in some JTTF terrorism investigations including the 1993 World Trade Center bombing, 1998 African embassy bombings, and the 2000 USS Cole bombing, the pre-9/11 NYPD played a minimal counterterrorism role, focusing instead on non-terrorism crimes (Dickey, 2009). In Bourdieusian terms, the pre-9/11 counterterrorism field comprised groups including a dominant FBI faction and a subordinate NYPD faction, a power imbalance that later motivated the NYPD's post-9/11 counterterrorism practices.

While the NYPD was not the only agency to pursue greater power, capital and recognition in the post-9/11 counterterrorism field, the stage was set for its move by larger social, political and structural security developments before 9/11. Indeed, in preceding decades, globalisation of world economies, development of new technologies and changing socio-political power structures began muddying once clear distinctions between law enforcement, military, and intelligence agencies (Bigo, 2008). As these changes increasingly required different security providers to work more closely, their evolving roles began altering power dynamics in the provision of security including fighting terrorism. Such shifts caused blurring lines well before 9/11 between external defence and internal security factions, and public and private security organisations (Abrahamsen and Williams, 2011). These developments triggered significant competitions amongst groups which only intensified when the post-9/11 'War on Terror' made increased counterterrorism funds available (Bigo, 2008). The NYPD's drive to end its subordinate status to the FBI in the post-9/11 counterterrorism field is situated within this global restructuring of security.

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The Policing Habitus Drives Conflicts

Bourdieu believed the positions of dominant and subordinate field factions are strongly influenced by their habitus (Bourdieu, 1993). The habitus is a set of gradually acquired principles or ‘dispositions’ binding field factions together (Bourdieu, 1972: 72). Dispositions are acquired through field position and exposure to field operations (Bourdieu, 1991).

The habitus is both structured by an individual’s position in the field and structures their experiences in the field. On the one hand, a faction’s habitus is structured by the ‘objective conditions’ of their position in the field (Bourdieu 1972: 78). The faction reproduces the habitus within the constraints of its objective position in the social structure (Bourdieu 1972). The limits of a faction’s position in the field restricts its practices (Hallett 2003). This gives a faction’s actions a degree of foreseeability (Bourdieu, 1972). This aspect of the habitus thus provides homogeneity for field factions (Bourdieu, 1990b).

On the other hand, the habitus structures the subjective experiences of factions in the field. The habitus provides field factions with tools for ‘perception’, ‘classification’, and assessment in practice (Bourdieu, 1990b: 131). Bourdieu analogised this aspect of the habitus as a ‘feel for the game’ steering appropriate reactions in particular circumstances (Bourdieu, 1990b: 67). Those who play it well constantly live and breathe the game, ‘do[ing] at every moment what the game requires.’ (Bourdieu, 1990b: 63). This ‘feel for the game’ becomes second nature for factions, and in practice this aspect of the habitus is more influential on behaviour than formal rules or laws (Shamas and Sandberg, 2015). This article analyses how the NYPD played the ‘game’ in the post-9/11 counterterrorism field using its policing habitus.

The structured and structuring aspects of the habitus make it particularly enduring (Chan, 1997). The resilience of the habitus means once key dispositions are acquired, particularly early in a career, the habitus becomes difficult to alter even when socio-political developments change the field. While several criminologists have observed the enduring nature of the habitus (Robinson et al., 2013; Phillips, 2015; Shammass and Sandberg, 2016; Sandberg and Fleetwood, 2016), it is Chan (1997) who pioneered the habitus analysis in relation to policing. This paper examines the resilience of the policing habitus for organisations like the NYPD, extending the analysis to consider how it drives subordinate factions like the NYPD to engage in boundary-pushing practices to unseat dominant factions like the FBI from the established social hierarchies.

Bourdieu's habitus theory is not without criticism. Critics accuse Bourdieu of making the habitus too deterministic, leaving little opportunity for human agency to shape behaviours (Sewell, 1992; Jenkins, 2002). Some argue the habitus prevents field members from contemplating non-conforming practices (Sandberg, 2008). Bourdieu, however, rejected such criticisms as oversimplified, arguing that despite its limitations, the habitus has sufficient flexibility for human behaviour in the field (Bourdieu and Wacquant, 1992; McNay, 1999). In Bourdieu's view, the habitus is a guide, not a predetermination of practices (Bourdieu, 1991). Despite criticism, the habitus remains central to understanding how subordinate policing factions like the NYPD are motivated to pursue greater power, capital and recognition in fields like post-9/11 counterterrorism.

The Resilience of the NYPD Policing Habitus

The Bourdieusian habitus guides the examination herein of the ways subordinate factions like the NYPD attempt to displace social hierarchies in fields like post-9/11 counterterrorism.

Criminological scholarship rarely addresses the Bourdieusian policing habitus (Heslop, 2011), but when it does tends to dismiss it as simply reframing empirical research on policing cultures, as discussed below (Holdaway, 2013). Such research defines police cultures as the informal norms, attitudes and values in police organisations (Reiner, 2010). As in many workplaces, these police cultures can vary across different policing agencies (Loftus, 2009). Research suggests multiple police cultures can exist within the same organisation, including for street officers, middle management and senior leaders (Reuss-Ianni and Ianni, 1983). While police cultures can evolve, many factors impact the rate of culture change (Loftus, 2009). For street officer culture particularly, significant officer discretion gives it more opportunity to influence behaviours (Manning, 1997).

While police organisational culture research is valuable for illustrating certain core dispositions of policing organisations, it is not equivalent to the Bourdieusian habitus. Bourdieu's habitus theory is necessary because it extends the depth of analysis to the overarching social, political, power and capital factors that shape social relations and practices in policing fields. Chan's (1996) work for the first time conceptualised the policing habitus, and lobbied criminology to engage with Bourdieu's social-structural theories. Chan (1997) asserts that police organisational culture research is often incomplete in failing to address how power, capital and socio-political developments structure policing. Chan (1996, 1997) argues for expanding beyond oversimplified police culture analysis and adopting a Bourdieusian habitus approach accounting for the ways power relations shape policing organisations and their practices.

Chan (2004) defined the policing habitus as the set of dispositions acquired through police organisational socialisation enabling officers to engage in policing. Although habitus can

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3 vary within and amongst policing organisations, certain core principles form an 'ideal type'
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5 of street policing habitus often shared across organisations (Chan, 2004: 333). Common
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7 elements of street policing habitus include 'cynicism, dislike of paperwork, and distrust of
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9 management and outsiders, including the general public', conservatism and stereotyping of
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11 minority groups (Chan, 2004: 343; Reiner, 2010). While not all street policing habitus
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13 possess every characteristic, research suggests many do given the position of street police
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15 officers in the policing organisations, and the dispositions they acquire on the job (Chan,
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17 1997).
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24 More fundamentally, the police habitus is shaped by overarching social relations and power
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26 dynamics. This requires addressing both the structured and structuring aspects of the policing
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28 habitus. On the one hand, officers are objectively constrained by their role within the policing
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30 organisation. These limitations give officers' responses in practice a degree of foreseeability.
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32 On the other hand, the policing habitus helps officers make subjective sense of situations they
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34 encounter in the field and helps them generate coherent strategies for practice (Chan, 1996,
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36 2007). But this dual aspect of the street policing habitus does not make it wholly
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38 deterministic. Rather, while the policing habitus constrains actions, a level of spontaneity
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40 remains (Hallett, 2003).
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47 Few criminology scholars engage with the policing habitus, with some clearly sceptical of its
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49 value for analysing policing. Holdaway (2013), for example, is dubious of the concept,
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51 particularly about the habitus's ability to change (Chan, 1997). Holdaway (2013) argues the
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53 core tenets of street police cultures are too firmly entrenched in police organisations
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55 regardless of significant shifts in the field. Although Bourdieu never addressed the policing
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57 habitus, the policing context is an important illustration of the powerful and resilient habitus
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he studied in different fields. Bourdieu’s research (2000) acknowledged the habitus’s resiliency and its difficulty in changing. Even with changes in the field like new technologies, globalisation, and privatisation, the habitus remains influential and change incremental. As Chan (1996: 151) observed, lasting changes to the policing habitus require significant reinforcement: ‘unless the field is changed in a way that reinforces the new habitus, habitus itself may revert to its old dispositions.’ Despite scepticism within criminology of the value of the policing habitus as an analytical tool, it is an essential for improving understanding of overarching power structures and interpersonal dynamics shaping policing organisations and their practices.

Examining the resiliency of the habitus in a field like policing helps understand the nature of its practices. For the NYPD, its complex adversarial habitus propelled its competition with the FBI and its new and aggressive counterterrorism practices, as discussed below. The origins of the NYPD’s habitus date back to the 1840s, but were formed through dispositions including the distribution of capital, organisational structure, shifting power dynamics of the policing field, local politics, legal parameters, officer training, informal practices, officer experiences on the job, and knowledge passed from senior to junior officers. Empirical criminology research has shed light on aspects of the NYPD’s particularly aggressive policing habitus including furthering the goals of the political establishment (Miller, 1977), habitual use of force (Leavitt, 2009), routine misconduct and impeding systemic reforms (Punch 2011).

Documentary analysis conducted herein suggests the embedded dispositions of the NYPD’s policing habitus also include many core characteristics typical of other street policing habitus described above by Chan (1997) and Reiner (2010), such as adversarial relations with many

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3 poor and ethnic minority communities. This aspect of the NYPD habitus is evidenced in
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5 lawsuits including *Handschu v. Special Services Division* (1985) filed by the Black Panthers
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7 and other left-wing activists accusing the department of unconstitutional surveillance and
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9 infiltration, which when settled imposed legal guidelines on the NYPD governing
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11 investigation and surveillance of political, ethnic, and social minority groups.
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17 More recently, evidence suggests the 1990s was an important period for developing NYPD
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19 habitus dispositions that persisted in post-9/11 'War on Terror' policing. During this era, the
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21 crack cocaine epidemic prompted the hiring of Police Commissioner William Bratton to
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23 remould NYPD officers into 'crime fighters' waging a 'war on crime' with bold new policing
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25 practices and technologies (Manning, 2001). During this period, research suggests the NYPD
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27 police academy trained officers to wage 'open warfare' in communities to reduce crime
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29 (Crawford and Adler, 2016). New York Attorney General (2000) analysis, among others,
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31 suggests this 'war on crime' focused on poor and ethnic minority neighbourhoods, which
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33 were subjected to increased patrols, arrests for minor offences, aggressive stops and frisks,
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35 racial profiling, police abuse and killings. These NYPD policing dispositions reinforced
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37 cynical views of community members, and influenced how officers determined which
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39 neighbourhoods were 'high crime' and whom they viewed as potential criminals (Fagan et
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41 al., 2009). Whistleblower lawsuits including *Floyd v. City of New York* (2013) and *Raymond*
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43 *v. City of New York* (2017) suggest the NYPD's hostility toward many poor and ethnic
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45 minority communities contributed to widespread racial profiling practices in the 1990s and
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47 2000s. These key dispositions accumulated during the 'war on crime' further contributed to
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49 the resiliency of the NYPD habitus later applied in post-9/11 counterterrorism.
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The contributions to Bordieusian criminology and security literature in this article are made having analysed 90 documents including every reported counterterrorism arrest and prosecution in New York City between 2002 and 2013, FBI and NYPD terrorism press releases, public interviews with senior NYPD officials, federal and state court criminal complaints, criminal indictments, plea agreements and court orders in New York terrorism cases. Moreover, federal court complaints and orders in lawsuits filed against the NYPD for its policing and counterterrorism practices were also reviewed. Additionally, government documents including reports from the FBI, NYPD, 9/11 Commission, and the Office of the NYPD Inspector General were also analysed. Further, reports on NYPD policing and counterterrorism activities from organisations including the American Civil Liberties Union, New York Civil Liberties Union, Human Rights Watch, and Muslim American Civil Liberties Coalition were also evaluated. Finally, given the confidentiality surrounding counterterrorism operations in New York City, media accounts of FBI and NYPD counterterrorism activities were also reviewed. All of these documents were coded and analysed using thematic data analysis, which produced clear evidence of the NYPD's resilient policing habitus and how it facilitated the department's pursuit of power and capital in the counterterrorism field through competition with the FBI, as disussed herein.

The NYPD Competes For Power and Capital in the Post-9/11 Counterterrorism Field

The ways resilient policing habitus shape conflicts and practices of subordinate fields are illustrated by examining the post-9/11 NYPD. The NYPD's desire to end its subordinate status to the FBI after 9/11 was the type of field conflict anticipated by Bourdieu, who believed it inevitable that subordinate factions attempt to displace social hierarchies in the field (Bourdieu, 1993, 1994). Several significant socio-political factors in the post-9/11 counterterrorism field made the NYPD's pursuit of increased power and capital possible.

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3 First, a rhetorical, political and literal global ‘War on Terror’ was launched to fight the Al
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5 Qaeda inspired terrorism threat, shifting security priorities (Bayley and Weisburd, 2007).
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8 Second, the NYPD obtained \$110 million annually in post-9/11 funding from the federal
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10 government to support its new counterterrorism programme (NYS Homeland Security,
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12 2011). The political shifts and increased economic capital, coupled with its aggressive
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14 policing habitus, gave the NYPD power, confidence and means to challenge its subordinate
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16 status to the FBI in the post-9/11 counterterrorism field.
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21 Essential to the NYPD’s power struggle was its architect, 35-year CIA veteran David Cohen,
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23 hired to lead the department’s counterterrorism efforts from the Counterterrorism Bureau
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25 and Intelligence Division (Horowitz, 2003). Cohen channelled his CIA experiences into
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27 creating new counterterrorism practices harnessing the NYPD’s aggressive habitus. As
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29 examined below, Cohen’s programme involved broader NYPD police powers, revamped
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31 organisational structure, sweeping surveillance, and independent intelligence collection and
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33 analysis in the post-9/11 field.
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40 A review of the evidence shows one of Cohen’s first acts was expanding the NYPD’s
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42 policing powers to surveil and infiltrate local communities. By 2003, a federal judge in
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44 *Handschu v. City of New York* (2003) granted the NYPD significantly broader
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46 counterterrorism powers, relying on Cohen’s assertion that greater surveillance in mosques
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48 and communities was required to prevent further terror attacks. The breadth of these domestic
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50 surveillance powers was unprecedented for an American local police force, but was
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52 operationalised by the NYPD’s policing habitus (Dickey, 2009).
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The data show that grasping power from the FBI in the post-9/11 counterterrorism field required the NYPD to use its entire 35,000-strong police force well versed in its aggressive policing habitus. By relying on all officers, including the 2,000 members to the Intelligence Division, the NYPD far exceeded the FBI’s counterterrorism personnel (FBI, 2008). US Senate testimony by then NYPD Deputy Commissioner for Counterterrorism Richard Falkenrath (2006), among others, suggests the NYPD structured its counterterrorism programme to best use the core dispositions of its policing habitus, with the Intelligence Division developing sources and leads, conducting surveillance, monitoring suspects and infiltrating minority groups, while over 30,000 patrol officers engaged in high volume and high visibility practices first used during the 1990s ‘war on crime’. Some officers, for example, guarded landmarks and manned security barriers, others stopped and searched subway passengers for terrorism materials at checkpoints, while others participated in daily ‘shows of force’ with officers from all NYPD precincts converging on key locations to deter terror attacks (Horowitz, 2003).

The NYPD’s resilient habitus also led to gathering its own foreign intelligence after 9/11. The evidence shows the NYPD stationed detectives overseas in locations including London, Cairo and Tel Aviv to independently source intelligence (Associated Press, 2008). A speech by Falkenrath (2009), among other documents, highlights that the NYPD deliberately chose not to situate detectives in American embassies alongside the FBI, instead embedding them with local police. As told to Dickey (2009), the NYPD asserted its policing habitus made it better suited than the FBI to gather local intelligence from local police, while the FBI regarded this move outside established intelligence networks as direct competition.

The data further show the NYPD's habitus provided sufficient confidence to cease relying on the FBI to forward counterterrorism information, instead pursuing equal access to the agency's intelligence sources. Domestically, the NYPD was the first local policing agency to join the national Joint Terrorism Task Force (Falkenrath, 2009). Internationally, Falkenrath's (2006) US Senate testimony shows the NYPD independently investigated terrorism threats against New York City from Afghanistan to Guantánamo Bay, which had never been done large-scale by a local policing agency. The FBI bristled at these NYPD encroachments, which threatened the established structure of counterterrorism policing. Accounts of internal NYPD operations relayed to Leavitt (2009), Dickey (2009) and others are replete with examples of how this NYPD intelligence gathering created conflicts with the FBI, including when NYPD officials insisted on interviewing 9/11 mastermind Khaleed Sheik Mohammed and sought access to Brooklyn Bridge attacker Iyman Faris, requests the FBI vehemently opposed.

A key way the NYPD habitus drove its post-9/11 counterterrorism practices is evidenced by its sweeping surveillance and infiltration of Muslim communities. Review of the *Handschu v. City of New York* (2003) lawsuit and related documents suggest the practices of the 'War on Terror' were heavily informed by the core dispositions of the surveillance and policing practices targeting ethnic minority and left-wing groups from the 1970s to the 2000s. The *Hassan v. City of New York* (2012) lawsuit, among others, shows the aggressive post-9/11 counterterrorism practices during this period included widespread NYPD surveillance and infiltration by officers and confidential informants in New York area mosques, Muslim civic organisations, businesses and university clubs. Leaked NYPD Intelligence Division documents (2006a, 2006b, 2006c, 2006d, 2006e, 2006f, 2006g, 2007a, 2007b) show its counterterrorism surveillance and infiltration tactics involved monitoring New York area

Muslim neighbourhoods for jihadist rhetoric, recording license plate numbers at Muslim community events, creating dossiers on Muslim businesses including travel agencies, and surveilling sports venues and public libraries. These documents evidence how the NYPD's policing habitus drove sweeping domestic counterterrorism practices never before undertaken by the FBI or any other agency. It was these novel post-9/11 approaches that the NYPD used to challenge its subordinate position to the FBI in the counterterrorism field.

The dispositions of the NYPD's aggressive policing habitus also guided its covert counterterrorism investigations, leading to numerous controversies. One notable example is from the criminal complaint against Ahmed Ferhani (State of New York v. Ferhani, 2011), who after an undercover NYPD investigation was accused of plotting to blow up a Manhattan synagogue. Ferhani's history of mental illness and the NYPD officer's aggressively encouraging behaviour led the FBI to decline participation (Knefel, 2013). But the NYPD pressed ahead with criminal charges, which required prosecution under little used in New York State terrorism laws, suggesting the case against Ferhani was not particularly strong (Rashbaum and Moynihan, 2011).

A second example is drawn from the criminal complaint against Jose Pimentel (State of New York v. Pimentel, 2012), whom the NYPD accused of building pipe bombs to detonate in New York City. The FBI declined to pursue Pimentel after determining he was too mentally unstable to be a terrorism threat (Rashbaum and Goldstein, 2011). But the NYPD insisted on bringing criminal charges, which again led to prosecution under rarely used state terrorism laws, suggesting the evidence against Pimentel was also fragile (Barrett and Gardiner, 2011). Records from the Ferhani and Pimentel cases are just two examples highlighting the ways the

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3 NYPD's aggressive policing habitus propelled novel approaches to counterterrorism to earn
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5 increased power, capital and recognition in the post-9/11 counterterrorism field.
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10 **The NYPD Habitus Drives Aggressive Policing of Muslims**

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12 Bourdieu (1993) argued that subordinate factions use their habitus to adopt new practices
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14 differentiating them from dominant factions to shift a field's balance of power. Using the
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16 NYPD as an illustrative example, this article has discussed numerous ways the department
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18 relied on its resilient habitus to engage in unprecedented counterterrorism practices
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20 distinguishing it from the FBI. One of the most significant ways the NYPD made its mark in
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22 the post-9/11 counterterrorism field to challenge the FBI's dominant position was using its
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24 habitus to aggressively police Muslim communities in novel ways.
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31 The NYPD's post-9/11 counterterrorism programme centred around adversarial policing of
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33 Muslim communities. This approach was reflected in numerous NYPD documents including
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35 a 2007 Intelligence Division report (Silber and Bhatt, 2007). A key document evidencing the
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37 NYPD's strategy to achieve greater power, recognition and capital in the post-9/11
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39 counterterrorism field, the report examined New York City's vulnerability to Al Qaeda
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41 inspired terrorism and devised methods for preventing attacks by focusing on Muslim
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43 communities. The report identified alleged 'steps' in the radicalisation process and supposed
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45 'signatures' of radicalised Muslims. The operationalisation of this aggressive
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47 counterterrorism policing approach is detailed in leaked NYPD Intelligence Division
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49 documents (2006a, 2006b, 2006c, 2006d, 2006e, 2006f, 2006g, 2007a, 2007b), as discussed
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51 above evidencing sweeping practices extending beyond even those of the FBI.
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The consequences of the NYPD’s adversarial policing practices targeting Muslim communities included significant alienation and loss of legitimacy in these communities in ways reminiscent of the ‘war on crime’, as described above. For example, a Muslim American Civil Liberties Coalition (2013) report including interviews with 57 Muslim community leaders showed many believed post-9/11 NYPD counterterrorism strategies primarily relied on Muslim surveillance, causing them to fear monitoring in mosques and public spaces, to deeply mistrust the NYPD, and to suspect wrongful targeting in terrorism investigations. Federal complaints from the *Hassan v. City of New York* (2012), *Handschu vs. City of New York* (2013), *Raza v. City of New York* (2013) lawsuits filed by Muslim community groups, mosques and businesses also accused the department of unconstitutional singling out of Muslims and detailed the extent of community fear and anger.

Quantitative data further illustrated the damage to NYPD relations with Muslim and non-Muslim New Yorkers alike stemming from the application of its adversarial habitus to post-9/11 counterterrorism (Tyler et al., 2010; Huq et al., 2011). One survey of 300 Muslim New Yorkers (Tyler et al., 2010) found respondents trusted police less and were less willing to cooperate when they viewed counterterrorism policing practices as unjust. This also meant respondents were less likely to work with police or report crimes including terrorism. A related survey of non-Muslim New Yorkers (Huq et al., 2011) had similar findings, showing spillover effects from the post-9/11 counterterrorism policing of Muslims. These non-Muslim respondents also indicated they were less likely to cooperate with police investigations or provide tips about crimes including terrorism when they saw police targeting Muslims and treating them disrespectfully.

The evidence shows that while the NYPD harnessed its aggressive policing habitus to engage in new counterterrorism policing practices after 9/11, seeking greater power, recognition and capital in the counterterrorism field, this had negative consequences with both the FBI and local communities. The documents analysed herein from the first decade of the 'War on Terror' show the NYPD's competition with the FBI strained relations not only with the agency but with many Muslim and non-Muslim communities, making both groups less inclined to work with the NYPD on post-9/11 counterterrorism.

Shifting Contexts, Changing Habitus?

The tenures of Mayor Bloomberg and Commissioner Kelly, proponents of the NYPD's habitus-driven post-9/11 counterterrorism programme, concluded when Mayor Bill de Blasio and Police Commissioner William Bratton were installed in 2014. Their departures signalled significant socio-political changes in New York's counterterrorism field, and potential for shifts in the resilient NYPD policing habitus.

The evidence shows several new oversight structures were imposed on the NYPD around this time as a result of the changed political climate and settlements of the many lawsuits discussed above. First, a court order in *Floyd v. City of New York* (2013) found the NYPD had engaged in systemic racial profiling of ethnic minorities from 2004 to 2012, and mandated institutional reforms overseen by an independent monitor. Second, in 2014 the new independent government watchdog, the NYPD Office of Inspector General, began overseeing NYPD activities, producing annual reports and investigating practices including counterterrorism (OIG-NYPD, 2015). Together, these unprecedented oversight measures evidenced changing political priorities and external pressures on the NYPD to enhance the accountability of its habitus-driven practices. While the impacts of these reforms require

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further empirical research, they suggest changing socio-political dynamics affecting the counterterrorism policing field could spark incremental changes in the NYPD policing habitus if properly supported.

The post-Kelly era has also seen a reduction in the NYPD’s aggressive competition with the FBI for power, recognition and capital in the counterterrorism field. The analysis suggests important personnel changes were key to this change. Most significantly, NYPD counterterrorism programme architect David Cohen departed along with Commissioner Kelly, and was replaced by John Miller, with lengthy FBI experience (Straw et al., 2014). As NYPD officials recounted to Leavitt (2015), Bratton and Miller also made repairing the FBI relationship a priority, acknowledging that competitive relations had been counterproductive. The NYPD also hired other top officials with significant FBI experience, creating greater transparency and communication between the agencies. While Bourdieusian theory makes clear that competition between the NYPD and FBI is inevitable given their respective field positions, these field changes show potential for gradual NYPD habitus change.

The shifting social and political climates of the New York counterterrorism field also suggest pressure on the NYPD to scale back its most controversial counterterrorism practices. For example, the NYPD settled the Handschu v. Special Services Division (2016), Raza v. City of New York (2016), and Hassan v. City of New York (2018) lawsuits discussed above alleging unconstitutional counterterrorism practices targeting Muslims, agreements which mandated increased transparency and operational changes. Further, after public outcry, in 2014 the NYPD released a statement announcing the closure of the Intelligence Division’s Demographics Unit, accused of the most invasive surveillance of Muslim communities (Apuzzo and Goldstein, 2014). In recent years, the NYPD also began meeting more regularly

with Muslim community leaders to address counterterrorism concerns (Lemire, 2015). While these moves indicate more positive Muslim community engagement, as Chan (1996) observed, shifting a resilient policing habitus requires significant reinforcement for lasting changes. Because the NYPD habitus has long regarded many community members adversarially, including Muslim communities, more empirical research is required to assess whether these field shifts can propel incremental habitus change.

Conclusion

Bourdieu's research focused on the ways power and capital define relations and practices in diverse fields. His field, capital and habitus theories are essential tools for developing greater understandings of field practices and social structures that shape them. Too often, however, these sociological approaches addressing overarching structural analyses are dismissed in criminological and security research. This article endeavours to extend Bourdieusian theory applications to criminology and security through the illustrative example of the NYPD's post-9/11 counterterrorism practices.

Of all Bourdieusian theories, the habitus is most controversial and misunderstood. Many scholars resist the application of the habitus in contexts like policing, arguing that police organisational culture analysis can suffice (Holdaway 2013). However, this article adopted a different view, arguing that the policing habitus is indispensable for understanding the way policing practices are structured. Specifically, this paper endeavoured to develop richer understanding of the resilient policing habitus in two ways.

In the first instance, this article built on Chan's (1997) works and emerging Bourdieusian criminology (Robinson et al., 2013; Phillips, 2015; Shammass and Sandberg, 2016; Sandberg

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and Fleetwood, 2016) to show why the resilient habitus analysis provides richer understanding of the complexities of institutions and their practices. Specifically, this paper examined the resilient nature of the policing habitus, showing how it becomes embedded in a policing organisations like the NYPD, making it difficult to change despite dramatic socio-political changes in the field.

In the second instance, this article examined how the resilient habitus shapes competition between subordinate and dominant factions in the same field, causing profound conflicts. This paper used the example of NYPD counterterrorism practices to extend Bourdieusian criminological theory about the resiliency of the policing habitus and the way it facilitates displacement of existing social hierarchies within fields. Specifically, it analysed how after 9/11, the surge in NYPD counterterrorism funding provided the capital to use its aggressive policing habitus to challenge the FBI’s dominant counterterrorism field position. This article explored how the NYPD’s aggressive policing habitus drove novel counterterrorism practices so sweeping they extended beyond those of the FBI to disrupt the field’s social hierarchy. In doing so, it provided new understanding of Bourdieusian theory in criminology and security research.

The consequences of the NYPD’s use of its resilient policing habitus to disrupt the established social hierarchy in the post-9/11 counterterrorism field were significant. The NYPD’s broad counterterrorism practices eroded social relations with the FBI and local communities alike in the first decade of the ‘War on Terror’. The evidence suggests these strained relations hampered the NYPD’s ability to work seamlessly with the FBI and further alienated key communities, particularly ethnic minority communities, in ways that seemingly made both groups less inclined to assist the NYPD with counterterrorism during this period,

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3 although this requires more empirical study. It is only through further research and
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5 engagement with Bourdieusian theories that richer understandings of overarching impacts of
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7 social relations and power dynamics on practices in the criminology and security fields can
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For Peer Review

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