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[cjdseditor@uwaterloo.ca](mailto:cjdseditor@uwaterloo.ca)

## **Resisting Disability, Claiming HIV:**

### **Introducing the Ability Contract and Conceptualizations of Liberal Citizenship**

Ally Day, PhD  
Assistant Professor, Disability Studies Program  
University of Toledo

[Allyson.Day@utoledo.edu](mailto:Allyson.Day@utoledo.edu)

#### **Abstract**

This paper interrogates the ambiguity of disability identification for women living with HIV, drawing on a nine-month field research project where participants formed a book group, reading memoirs about chronic episodic conditions such as HIV, lupus, MS, and chronic depression, and discussed their relationships to disability. In investigating this ambiguity, this paper re-reads Social Contract Theory, primarily the work of John Locke, Mills, Pateman, and Winnubst, to introduce the Ability Contract. Social Contract Theory can provide us with an understanding of labor's centrality in the construction of the liberal subject, which implicitly shapes construction of dis/ability. Several scholars have written about Social Contract Theory's applicability to gendered subjects and racialized subjects, but few scholars have used dis/ability to interrogate Social Contract Theory. This project looks at John Locke to argue that his understanding of labor, utility and waste, and the predictability of what will be produced, is a result of understanding one's bodily boundaries. The Ability Contract is this triad of labor-utility-predictability that is foundational to liberal subjectivity. Disability upsets this construction of liberal subjectivity, which in turn, enables an unstable negotiation of identity that extends Chicana feminist theorist Chela Sandoval's theorization differential consciousness. For women living with HIV, disability identification is useful for accessing temporary assistance but ultimately, the women who participated in this nine-month book group, disidentified with disability through a negotiation of labor. Through the Ability Contract, and the centrality of labor-utility-predictability, we can understand that a stable identification with disability is a privilege dependent upon male-bodied whiteness.

#### **Keywords**

Ability Contract; Social Contract; Sexual Contract; Racial Contract; Women with HIV; Liberal Citizenship; Differential Consciousness; Feminist Disability Studies

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I take an immediate liking to K., who arrives at the AIDS Resource Center with an inhale of breath, appreciative of the air-conditioned relief from what is shaping up to be a 100-degree-humid day.<sup>1</sup> Before she speaks, she pauses thoughtfully and smiles. K., a cis-gendered, heterosexual, 45 year old African American woman living with HIV, was meeting with me to talk about my new reading group project, an IRB approved research project. The objective of the reading group was to have conversations with women living with HIV about disability identity. In order to facilitate these conversations, participants would be reading popular memoirs about different kinds of chronic, episodic conditions, such as lupus and multiple sclerosis, and comparing their experience of reading these memoirs with the experience of reading recent memoirs written by women living with HIV. For our initial meeting, I wanted to find out a little about K's life history and her attraction to the project. At the time of our meeting, K. had been living with her diagnosis for two years; she did not know any other women living with HIV.<sup>2</sup>

While K. does not identify as a person with disability in our first meeting, I ask if she identifies as a person with HIV. "You know, I do. [...] I think identify myself with that because I

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<sup>1</sup> The women chosen for this study were asked to use pseudonyms. This article refers to the woman by the first initial of their pseudonym, to secure their anonymity.

<sup>2</sup> While I was recruiting women through a local AIDS Advocacy and Service organization, an organization with many coalition partners and thirty years of service, there were no current support groups geared toward women

<sup>2</sup> While I was recruiting women through a local AIDS Advocacy and Service organization, an organization with many coalition partners and thirty years of service, there were no current support groups geared toward women living with HIV. Programs did exist in the past but volunteer coordinator, Tania Slack-Peterson, laments that they usually "fell apart after a few months."

have to look at it every day. It's something that's always, always in the forefront of my mind.” For K., her sero-status has become a part of her identity. Yet her hesitation may imply that she hasn't thought much about HIV as an identity marker, at least not in the same way as her gender and race. To complicate K.'s experience with HIV, later in the interview, when I ask a little about her work experience, I find out about another experience K. has with disability. “A few years prior to that [my HIV diagnosis], I had gotten into a car accident that really messed up my back. So I was dealing with that. So when I was going to the doctors and everything, I wasn't able to work and I was waiting on my disability and I didn't want to go on disability. Even to this day, I don't know if I want to stay on disability. I would like, if possible, to go back to work.” I ask K. more about this ambivalence with being on Disability. “I don't want to stay on disability. I mean, it was nice, I mean it was good when I did get it because I really needed it, you know? But I would like to go back to work. Make my own way. Start having my own things again. You know, and building my own future, well what little bit, I want to plan on the future, and I can't really do that on disability.” In K.'s experience, disability is only a temporary form of assistance and she does not connect her disability assistance with her identity (7/24/2012).

What explains this ambiguity with disability identification? How is disability being negotiated in relation to labor? How is disability connected to K.'s experience of gender (being a working woman, mother, grandmother) and race (experiencing racial discrimination)? In the following article, I apply Social Contract Theory to disability to understand why the negotiation of labor, in our understandings of the liberal subject, is in the forefront of disability (dis)identification. Doing so, I introduce the Ability Contract, my theorization that centers labor-utility-predictability as central in the construction of liberal subjectivity. The purpose of theorizing the Ability Contract is two-fold: first, to highlight the centrality of predictability in the

value of labor; and second, to demonstrate how identifying as a person with disability, as a stable identity, is contingent upon male-bodied whiteness and global north citizenship. Ultimately, moving in and out of a disability identification, what I understand as a differential identification in solidarity with Chicana feminist theorist, Chela Sandoval, radically disrupts the Ability Contract.

### **Social Contract Theory and Labor-Utility-Predictability**

Social Contract Theory can provide us with an understanding of labor's centrality in the construction of the liberal subject, which implicitly shapes construction of dis/ability. Several scholars, notably Carole Pateman and Charles Mills, have written about Social Contract Theory's applicability to gendered subjects and racialized subjects, but few scholars have used dis/ability to interrogate Social Contract Theory. In taking up this project, I turn to a primary theorist of social contract, John Locke, to argue that his understanding of labor, utility and waste, and the predictability of what will be produced a result of understanding one's bodily boundaries, creates the Ability Contract. In conceptualizing the Ability Contract, I am extending Shannon Winnubst's readings of Locke; while Winnubst focuses on the importance of enclosure in the work of Locke, I propose that it is this enclosure that provides predictable production. The triad of labor-utility-predictability is the foundation of the Ability Contract.

In his *Second Treatise on Government*, Locke proposes a foundation for understanding property. For Locke, land without labor is waste. While no individual in nature has property, once one begins to work on land, and use that land to produce what he/she needs for survival, one can claim ownership over that land, appropriate it. Locke understands that labor must be connected to utility; goods left in Nature are not useful; thus removing goods from Nature and transforming

them by laboring to make them useful is what provides a distinction between Man and Nature (Locke 1960, 288-299). This understanding of Labor-Utility-Waste, theorized by Shannon Winnubst, that Locke provides as the foundation for private property also relies on a distinct understanding of the boundaries of one's body. If labor is understood as the property of the individual body, then understanding labor requires an understanding of the boundaries of the individual body; I must know where my body ends and your body begins to understand my private property. According to Winnubst, "Limits constitute property and propriety.

Demarcating a 'body' or 'subject' from the vagueness of backgrounds, conditions, cultures, or histories, they serve as the site of individuation" (Winnubst 2006, 23). In exploring the limits of the individual, Winnubst writes of Locke:

we introduce ownership from the model of private property into the social field when we conceive of an entity as individuated on the basis of its enclosure and containment by clear boundaries. This model of ownership, grounded in the fundamental preference for labor that enacts a future temporality, in turn initiates an economics of scarcity into the field of social relations (Winnubst 2006, 24).

This look to futurity is exactly the predictability, and quantifiability, that accompanies labor and utility, creating the Ability Contract.

We identify the boundaries of an individual through labor and the very idea that the body is productive relies on understanding that what is produced is predictable: to use Locke's agricultural model of labor, I plough this field, plant seeds and produce food. The land itself is valuable because we can predict and quantify what it will produce. Disability requires us to resist quantifying the human body, as Tobin Siebers notes, which unsettles the social contract that measures the labor of the body through predictable production. It is this predictability that Winnubst approaches in her reading of Locke:

As he tells us early in this section on property, enclosure works in a circular and (literally) self-grounding fashion in this system of labor-utility-property-rights: man must enclose a piece of land before he can work on it, make it useful, and thereby have a right to it; and yet he only encloses it by working on it and making it useful. Enclosure is the decisive trait. It is only insofar as Locke reads the body as enclosed that he can frame the labor which issues from that body as an enclosing of the object upon which it labors [...] To labor is to appropriate (Winnubst 2006, 29).

Here, Winnubst focuses on how labor and utility is connected to property and rights; in my conceptualization of the Ability Contract, labor and utility gain meaning through predictability. It's not just that to labor is to enclose an object and make it useful, but it is also to expect that object to *continue to be* useful. To stake a claim on utility would be redundant (because by using it one is already claiming its utility) unless the current utility of an object/piece of land is a prediction of what that land/object will do in the future. The same can be said in claiming the utility of one's own body. To labor is also to understand oneself through predictable production, or even predictable ability. Currently, in North America through legislation like the Americans with Disability Act, we accommodate body abnormalities in order to make labor predictable; providing wheelchair ramps, screen readers, CART services. However, when someone has not only an invisible chronic illness, as Susan Wendell theorizes (Wendell 2001,18-33), but also an episodic one, meaning their physical, mental and/or cognitive abilities change on a daily and unpredictable basis, accommodating in order to produce predictable outcomes becomes much for difficult, unsettling the conceptualization of the individual within the social contract.

This logic of use and enclosure, however, becomes complicated when durable goods, and the invention of currency, enter into the equation (Locke 1960, 293). It is with the invention of currency that the Ability Contract takes shape. Locke writes:

For 'tis *Labour* indeed that puts the *difference of value* on every thing; and let anyone consider, what the difference is between an Acre of Land planted with Tobacco, or Sugar, sown with Wheat or Barley; and an Acre of the same Land lying in common, without any Husbandry upon it, and he will find that the improvement of *labour makes* the far greater part of *the value*. [...] An Acre of Land that bears here Twenty Bushels of Wheat, and another in *America*, which, with the same Husbandry, would do the like, are, without a doubt, of the same natural, intrinsick (sic) Value. And yet the benefits mankind receives from one, in a Year, is worth 5 *l.* and from another possibly not worth a Penny, if all the Profit an Indian received from it were to be valued, and sold here; at least, I may truly say, not 1/1000" (Locke 1960, 297-298).

Locke emphasizes the importance of measuring product outcome: ten acres must produce what 100 acres uncultivated produced in order to be valuable. Value does not come intrinsic in the land itself but in the predictable production of the bodies laboring on that land. Yet the increase of value would not matter if there were no one with whom to buy and sell products; before currency, one would only produce as much as he could use; anything extra was waste. Thus, there was little need for measurement and predictability, until this predictability could be related to profit. "For I ask, what would a man value Ten Thousand, or a Hundred Thousand Acres of excellent *Land*, ready cultivated, and well stocked too with Cattle, in the middle of the in-land parts of *America*, where he had no hope of Commerce with other Parts of the World, to draw *Money* to him with the sale of the Product?" (Locke 1960, 301). In sum, with the invention of currency, which enables commerce, man's private property could increase beyond labor and utility; in doing so, he relies upon understandings of his own labor, and the predictability of the labor, reifying stable boundaries of the body. Thus, predictability is central to the meaning of labor and utility.

According to Winnubst, an economy of scarcity emerges when an increasing amount of property is enclosed; at the same time, we justify private property through nature's abundance



(Winnubst 2006, 33-34). Winnubst also emphasizes the futural temporality of labor (Winnubst 2006 34), an emphasis I connect more explicitly with predictability. While this future temporality of labor provides room for profit, it also necessitates predictability; in the chain of action, in order for something intentional to be produced, we must know exactly what each individual is capable of producing. Capital provides the measure of this predictability. Thus, under capitalism, predictability becomes an essential lynch-pin for the labor and utility; labor-utility-predictability become the central triad of the Ability Contract. Disability, then, becomes something that must either be accommodated to achieve predictability or discarded as waste.

Disability theorist Nirmala Erevelles specifically critiques social contract theorists, proposing “ability as property”, extending Harris’ argument of whiteness as property (Erevelles 2011, 164-165):

I am arguing here that whiteness as property justifies and (re)iterates the centrality of the nondisabled white heterosexual male body as the most productive and profitable citizen for the burgeoning capitalist society. As such, it became critical that, in addition to whiteness, ‘ability’ (both cognitive and physical) would also be an important property right that had to be safeguarded, protected and defended in an effort to decide who could and could not be a citizen. (Erevelles 2011, 166)

In connecting Erevelles’s readings of the social contract to my conceptualization of the Ability Contract, it is not Ability as property, but that Ability actually constitutes property, stemming from Locke’s triad of labor-utility-predictability. Without both enclosure of an individual and a means to measure what that individual should produce, we cannot create a value/profit system within transnational capitalism. Property is not valuable, and not worth protecting, without predictable production. Erevelles’s readings of the social contract contribute to a larger understanding of the Ability Contract.

I theorize the Ability Contract in order to draw attention to the importance of labor, utility and predictability as the underlying epistemology of the autonomous liberal subject. In extending Winnubst's reading of Locke, the liberal subject is constructed through a prediction of what he will produce; this prediction depends upon stable bodies that can be accommodated predictably. A person living with HIV, or another chronic illness, falls outside of the parameters of the social contract because her labor is not predictable. As we will see with my readings of Pateman and Mills, this exclusion is further complicated for gendered and racialized bodies.

### **The Ability Contract, the Sexual Contract and the Racial Contract**

Foucault proposes that, in modernity, power is no longer simply sovereign. As power begins to function less as a prohibitive force and more as fostering particular kinds of life, what Foucault calls biopower, individual subjects begin to understand themselves as part of a population (Foucault 1978, 25-26). Demography becomes a force that normalizes a population (Foucault 1978, 25-27). I am proposing that it is precisely when we understand ourselves as part of a larger population, that we see individual white bodies excluding impaired white bodies, thus creating disability by erecting structural barriers of exclusion.

Ladelle McWhorter's genealogical project of race and sexuality in Anglo-America elaborates more precisely on the connection between sexuality and race, which is also an important foundation for understanding the Ability Contract. According to McWhorter's genealogy, as race moved from being understood as a static entity through life science to one of developmental process through biology, a focus on looking for patterns of development emerges (McWhorter 2009, 73-98). From this focus on looking for patterns comes an understanding of normal and abnormal development (McWhorter 2009, 97-101, 110). McWhorter proposes that

discourses of disability and race are mutually constituted because they both come out of understandings of the abnormal (McWhorter 2009, 150-152, 162-168). I contend that, with the proliferation of biological discourses, disability can only be produced with an understanding of demography. Biopower operates so that white bodies can maintain population boundaries that operate to exclude entire racial groups as well as white bodies who threaten the white, heterosexual reproduction of the population (i.e. bodies with impairments), which we can understand by extending the work of Carole Pateman.

While I am arguing that the social contract is composed, in part, by the Ability Contract through its construction of labor-utility-predictability, Carole Pateman suggests that the social contract itself is only half of the contract (Pateman 1988, 1). As is well-known to feminist scholars, Pateman argues that the social contract is also a sexual contract because it establishes both men's political right over women and men's access to women's bodies (Pateman 1988, 2). Pateman suggests that at the time that Locke is writing in the 17<sup>th</sup> century, civil freedom for men actually depends on the marriage contract because men understand the accumulation of private property through reproduction, which extends the boundaries of men's own bodies through the production of sons (Pateman 1988, 4). We know what it means to be an individual, under the social contract, by contrasting the role of the individual with the role of women in the private sphere; women are never considered to be laborers (Pateman 1988, 11). There is no sexual difference between individuals; individuals are those who enter into the social contract (Pateman 1988, 17). Drawing from Pateman's argument that the fiction of the male liberal subject is precisely the work of the sexual contract, I am arguing that this sexual contract could not function without The Ability Contract produced through Locke's conceptualizations of labor-utility-predictability. Without an understanding of the predictability of one's body and the labor

that body produces, we cannot conceptualize the accumulation of private property. Thus, the liberal subject is both male as a result of the sexual contract and with a body that can be easily accommodated so to be able to participate in predictable production, a production that is understood through The Ability Contract.

Tobin Siebers, without using social contract theory, makes a similar argument when he suggests that the sex/gender system is produced through the ideology of ability (Siebers 2009, 172). Siebers contends that masculinity is understood through ability; there is no such thing as a masculine disability experience (Siebers 2009, 172-173). Pateman's conceptualization of the sexual contract reveals precisely how labor itself belongs to the masculine individual. With Pateman, we can understand Siebers's contention that the disabled subject is never a liberal subject because, like women, the disabled subject is not labor-producing. I would extend Pateman and Siebers, however, to argue that it is not that a disabled subject per se is incapable of being labor-producing, since we can make accommodations for individual bodies, but that unpredictable bodies, bodies experiencing invisible episodic conditions, are incapable of being labor-producing.

Thus, a key difference between The Ability Contract and the sexual contract is predictability; predictability can also be understood as lacking a threat of failure. Both contracts are contingent upon understandings of labor.

Charles Mills expands on the centrality of labor within the social contract when he theorizes the racial contract, rooted in subsidiary contracts of slavery and colonialism (Mills 1999, 24). The racial contract is an agreement between white bodies based on an epistemology of ignorance to misinterpret the world into white and nonwhite bodies (Mills 1999, 11, 18). A significant way in which the racial contract works is through the racializing of space, beginning

first with continents that are interpreted as wasting space (drawing from Locke's understanding of labor, utility and waste), legitimating colonialism (Mills 1999, 83-89). As geographic land becomes understood as in need of (white) production, populations and eventually individual bodies begin to signify waste, thus becoming racialized (Mills 1999, 83-89). As racialized space moves from geographical land to individual bodies, the waste becomes harder to contain and bodies can infiltrate otherwise productive space, bringing the state of nature (waste) into the civil space (Mills 1999, 83-89).

[i]n a Lockean state of nature, in the absence of a constituted juridical and penal authority, natural law permits individuals themselves to punish wrongdoers. Those who show by their actions that they lack or have "renounced" the reason of natural law and are like "wild Savage Beasts, with whom men can have no Society or Security" may licitly be destroyed. But if in the racial polity, nonwhites may be regarded as *inherently* bestial and savage (quite independently of what they happen to be doing at any particular moment), then by extension they can be conceptualized in part as carrying the state of nature around with them, incarnating wildness and wilderness in their person (Mills 1999, 86-87).

Once Europeans understand the racializing of space through Locke's interpretation of utility/waste, Europeans can colonize land that is waste in order to make it useful; once this waste is transferred from land to person, Europeans can justify slavery. Thus, the racial contract works as a set of ideas that perpetuate material consequences of slavery and colonialism. Even when steps are taken to eliminate the material conditions of slavery (eliminating the trans-oceanic slave trade), the ideological aspects of the Racial Contract persist (the idea that black bodies are still inferior to white bodies). Bodies can be understood as disabled with the two-fold emergence of demography: conceptualizing individual bodies as a part of a population and the emergence of the racial contract. Bodies must be understood as both endangering the reproduction of a population, which must be understood as labor-producing, while also

understood as not representing a geography of waste, as are racialized bodies. Thus, disability is dependent on whiteness.

### **The Ability Contract in a Transnational Perspective**

Historian and Disability scholar Kim Nielson provides an overview of disability history in the United States, providing material and historical details that reinforce the Ability Contract and its connection to capitalism through labor-utility-predictability. “My work also suggests US capitalism and industrialization both literally and conceptually contributed to the creation of disability. Significant scholarship remains to be done” (Nielson xviii). What the Ability Contract does is theorize exactly how disability emerged as central to the liberal citizen-subject after industrialization.

When Europeans began colonizing North America, their understanding of disability was an individual’s “inability to perform labor”; this was not so much a designation based on physical impairment, since physical adaptations were considered a normative part of family life, but a mental and cognitive condition (Nielson 2012, 20). Thus, under the law, those with mental or cognitive impairments were grouped with women and under-aged children, creating a complicated connection between the sexual contract and the Ability Contract (Nielson 2012, 20-21). In fact, women evaded a label of disability even when they did enter public record, being most often understood as “poor” (Nielson 2012, 35). African Americans, following her interpretation of slave trade documents, were understood already as disabled; this reinforces my reading of Mills and the racial contract through the Ability Contract. With industrialization and the standardization of labor, less accommodations could be made for impaired bodies (Nielson 2012, 74-75). Additionally, more bodies became physically impaired due to contagious illness and industrial accidents (Nielson 2012, 75). Definitions of disability became increasingly

regulated by law and medicine, though the designation of disability was still primarily available to white, physically impaired male citizens (Nielson 2012, 86-87). Immigration law focused on keeping impaired bodies outside of the state while at the same time, impaired African American citizens were still expected to labor (Nielson 2012, 129-130). I argue that the Ability Contract, which came into full fruition with the onset of industrialization and the evolution of American citizenship, is historically compounded with the racial and sexual contracts. Disability is understood as an inability to labor; labor is understood as participating in a capitalist infrastructure where predictable production must be regulated to produce profit. People of color and women, due to the exploitation of their labor, fall outside of constructions of disability. Social Contract Theory, from Locke to Pateman to Mills, provides us with the tools for understanding how this exclusion historically shapes law, policy and medicine.

In extrapolating a transnational feminist disability studies perspective, Nirmala Erevelles uses Social Contract Theory to understand the invisibility of disability in representations of the Third World, which is “already designated as a space of terror” (Erevelles 2011, 122). This invisibility is due to, in Erevelles’s intervention, the over determination of the meanings of both “disability” and “Third World” that construct both as “ ‘natural’ conditions that defy any further explanation, treating the trope as if it is self-evident. As a result, the mere articulation of either of these terms is expected to instantly conjure up imagery of ‘abjection’” (Erevelles 2009, 124). Erevelles, in resisting this imagery and ideology, unveils the “structural inequality created out of the violence of transnational capitalism” (Erevelles 2009, 125), connections that bring forth my conceptualizations of the Ability Contract. The Ability Contract responds to Erevelles’s critique of the limitations of feminist disability studies, limitations that stem from the “overreliance on metaphor rather than materiality” (Erevelles 2009, 129) because of its articulation of the

centrality of labor-utility-predictability in the understanding of the liberal citizen-subject. But the Ability Contract also highlights a deeper ideology, one that came into existence before transnational capitalism, for the invisibility of disability in the Global South; this invisibility is due to the unavailability of disability because of geographies of waste inherent in the racial contract. Through the Ability Contract, we can understand that disability is not only invisible in the Global South, but unavailable through the exploitation of labor in transnational capital production.

### **Why The Ability Contract Matters: Understanding Resistance to Disability Identification for Women Living with HIV**

In the previous sections, I have analyzed, through the Ability Contract, how disability becomes unavailable for bodies that cannot be easily accommodated because they are unpredictable, female bodies, racialized bodies, and finally, bodies in the Global South. This is because of the centrality of labor-utility-predictability in the construction of liberal subjectivity. For women living with HIV, disability is useful for accessing temporary assistance but ultimately, the women I spoke with distanced themselves from disability through a negotiation of labor. In one of our final meetings, K. discusses whether she can afford to get off disability and find a job that would cover the cost of her health insurance; this highlights how those who are on disability uphold the Ability Contract because the employment system remains unavailable to them with our current insurance infrastructure and accommodation process. But K. also goes on to emphasize that she's not "looking for a job anymore, I'm looking for a career", highlighting that she is willing to receive disability assistance until she can fuse her ideological and material needs:



K: Yes, I have decided, well, I want to go back to school to be retrained. Because, uh, I guess lately I just been seeing I gotta, I've outgrown my little four walls I've gotten into right now and I got to have more and I want to be a little better prepared and comfortable.

A: So what do it mean to go back to school for you?

K: Um, to be re-trained, um, while I already found what school I want to go to. I already chose that. Because they have a curriculum that I'm looking for. Which is in a growing field already. And I think, um, as I do that, I'll also be able to, you know, get more involved into this HIV study thing and maybe branch out. You know what I'm saying? So I'll have a specific area that I want to go into once I get done.

[...]

A: When do you think you'll start?

K: I'm looking to start this fall.

A: Wow!

[...]

A: And you think you might figure out how to make your job HIV-related in the end?

K: That's right. Because I want to, um, this is something that crossed my mind. This is what I want--the last couple of years, I've been going through this, in and out of doctor's offices, different types of doctor's offices, and you get familiar with the scene [laughs]

A: I can imagine!

K: And it's pretty cool, you know? So I feel like maybe I'll talk to one of doctor's and say 'can I maybe like sit in and help you, help your office out one afternoon or here and there?' And

A: And see

K: And see how it goes, you know?

A: I mean, I can imagine how awesome it would be to be visiting your HIV specialist and to know that folks that work in the office understand in part, what you're going through and are able to relate to you and help you out going through that process. Especially when you are new to it, but in general, when you are trying to feel at home--I mean, it's so hard to feel comfortable in a doctor's office anyway.

K: And every, like the lab I go to, and the doctor's office, the people are just so genuinely kind, you know what I mean? And um that stigma isn't there. You don't see it. And that's what really has gotten me like, we need more people. (March 26 2013)

K. understands her career as labor that is both material and ideological. K. can directly affect the material conditions of her life by making an income and the material conditions of other's lives by making it easier to access care; she can also, by claiming an identification of worker, remove

the stigma of HIV, a stigma that is connected directly to this future threat of being unable to work. Even after working together for six months, K. still holds an ambiguous identification with disability, understanding the limits her body lives with as a result of her HIV but also resisting long-term access to disability income. As K. demonstrates, for women living with HIV, disability identification is useful for accessing temporary assistance but ultimately, the women I spoke with dis-identified with disability through a negotiation of labor.

If disability is dependent on having a predictable body, having a white, male body, and Global North citizenship, then understanding K.'s ambiguity in accessing disability resources, and claiming a disability identification, becomes more clear. In all of my initial interviews with women living with HIV, there was an ambiguity with disability identification, despite accessing disability services and social security. In order to understand this ambiguity, I turned first to interrogating disability within Social Contract Theory, theorizing The Ability Contract through Locke's understanding of labor-utility-waste that implies firm boundaries between one body's labor and the labor of another. This triad of labor-utility-waste also depends on predictable production. Chronic illnesses, like HIV, cause living with them to move in and out disability; this movement, literal and figurative, resonates with Chela Sandoval's differential consciousness, a mobile consciousness (Sandoval 2000, 44). As a Chicana feminist theorist, Sandoval understands third world feminism as providing that theoretical and methodological approach for oppositional consciousness (Sandoval 2000, 45-54). By reading Sandoval in conjunction with Social Contract Theory, and my proposal of The Ability Contract, we can understand differential consciousness as, at its very root, a disability consciousness.

Fiona Kumari Campbell, a legal scholar, draws on Fanon to understand the ways in which processes of internalizing ableism are not predictable, proposing that claiming a disability

label in order to gain access does not mean an individual believes they are disabled (Campbell 2009, 26). Campbell proposes that we actually do not know how much individuals internalize this ableism of the existing legal structure or refashion it into resistance (Campbell 2009, 37). Campbell's theorizing is useful here but it is also dualistically limiting. Instead of thinking dualistically, I'm interested in understanding processes of negotiation of labor in relation to disability identity by exploring the experience of women living with HIV. Does one move back and forth between identities of disability and ability in relation to their labor? As Sandoval proposes, "The differential mode of social movement and consciousness depends on the practitioners' ability to read the current situation of power and self –consciously choosing or adopting the ideological stand best suited to push against its configurations, a survival skill well-known to oppressed peoples" (Sandoval 2000, 59). Thus, for women living with HIV, claiming disability, and negotiating the predictability of their labor, makes the process of claiming disability identification, and the corresponding process of distancing oneself from disability identification, a transformative act within the context of the Ability Contract.

A central tenet of Disability Studies is the understanding that we are all temporarily able-bodied, regardless of race, class, sex, and citizenship, and thus unpredictable as laborers; this, too, upsets the Ability Contract because it highlights the movement of bodies from predictability to unpredictability. What my application of Sandoval's work does is highlight the transformative possibilities of the movement itself; my utilization of Sandoval's work as a tool for understanding the experience of women living with HIV not just the movement of able-bodies to disabled but the movement back and forth as a constant mode of being. The claim of disability relies on one's analysis of power and the self-conscious mobilization of resistance to that power.

Movement in and out of disability destabilizes the Ability Contract, calling for new approaches to labor and citizenship beyond the social contract.

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