

Refereed article

## **Women within Family Disputes in Rural Northern Karnataka, India: Making and Negotiating a Claim at a *Nari Adalat***

Sarah Potthoff

### **Summary**

The focus of this paper is on one type of legal forum dealing with family disputes in rural India — the *nari adalats*, women's courts. The *nari adalats* operate alongside both state and so-called "traditional" legal forums, but are at the same time entangled with those as well. Taking a perspective of legal pluralism, this paper emphasizes the need to look beyond a positive law and how women's rights are articulated within it, and shows how this is crucial for understanding women's agency within family disputes in rural India. My purpose here is to outline how women in specifically rural northern Karnataka, south India, attain the capability to make and negotiate a claim for their rights within a family dispute setting. My premise is that this capability corresponds to agency, and depends primarily on the configuration of gender and kinship relations on the one hand and on the woman's material and intangible resources on the other — the latter being exemplified by Indian women's self-organization, interpersonal trust, and alliance building. Finally, this paper makes a case for moving beyond the dichotomous conceptualizations — modern versus traditional, state versus non-state, and secular versus religious — that are often employed within the academic discourse on women's rights and law in India. Ultimately only by taking the empirical constellations and dynamics of legal pluralism carefully into account can women's gendered and pluralistic legal realities be adequately addressed.

**Keywords:** India, family disputes, legal pluralism, women's courts, agency, self-organization, trust, alliance building

**Sarah Potthoff** is a sociologist specializing in South Asia and currently doctoral candidate at Bielefeld University, Germany. Her research interests include gender, legal pluralism, and qualitative methods.