



## PRINCIPLES OF GOOD LOCAL DEVELOPMENT COURSE

### 7. Worldview, Culture & Customary Law



1

Importance of our own worldview in our work

2

Customary/traditional law and governance

3

Engaging with customary systems & norms

Our worldview is not neutral! We are all influenced by our culture

Cultural & religious upbringing shapes how we see the world

Worldview shapes our relationships with each other, with our environment, and how we do our work

Privileging own worldview = missing local worldview / may do harm

This blindness a particular problem with customary law & governance

Customary law & governance = precolonial systems that still exist

Customary systems are important!

Shape interactions  
between family  
groups/clans

Provide dispute  
resolution  
mechanisms

Custodianship of  
natural resources

Customary law & governance binds communities together

This means communities live under two sets of law & governance!

Co-existing laws managed by governments in different ways

Constitutional  
or legal  
recognition

Symbolic  
recognition  
only

Ignored as a  
policy issue

Balancing of co-existing laws carried out by local leaders

Crossing between systems ordinary life for millions of people!

Despite this, outsiders often dismiss it as 'backward', not rights-based

The reality is much more complex!

Bridging Peoples Podcast interview with Assoc. Prof. Kripa Ananthpur  
(Madras Institute of Development Studies)

“It’s a pejorative word, ok? Anything customary or traditional is pejorative... whether it helps people or not. I mean, just because it’s not rooted in your liberal democratic principles, immediately it is seen as being ‘bad’.

“But it has survived, it has some sort of utility. And then, even women find it actually makes a difference to them, because it affords them some sort of a protection.”



## Bridging Peoples Podcast interview with Assoc. Prof. Kripa Ananthpur (Madras Institute of Development Studies)

[Following a customary case] “So subsequently, I was talking to them. And they said: ‘you actually watched what was going on. Did you think it was fair?’ I said: ‘yes, what was going on, it was very fair.’ And they said ‘What guarantee is there, that had she gone to the courts, there would have been a female judge? It would have been a male judge that gave the decision. So why do you have a problem with us giving these decisions?’

“You know, it’s not taken lightly. The level of debate that went into making a decision, I was really, really impressed. But if you talk to people who are out of this frame of mind of trying to see how various institutions work, they’re just going to say that it’s not formal, so they cannot exist.”

We should respect, but not romanticise customary systems

Customary systems might mean accepting hierarchies, giving up freedoms, marginalising particular groups

BUT: rather than becoming arbiter of customary systems, return to basic principles: what is your place?

Centring community realities can open up new possibilities  
(eg. Indigenous bushfire management)

Family

Nutrition &  
Health

Education

ADR

Criminal Justice

Communities may decide it's inappropriate, but it's worth exploring

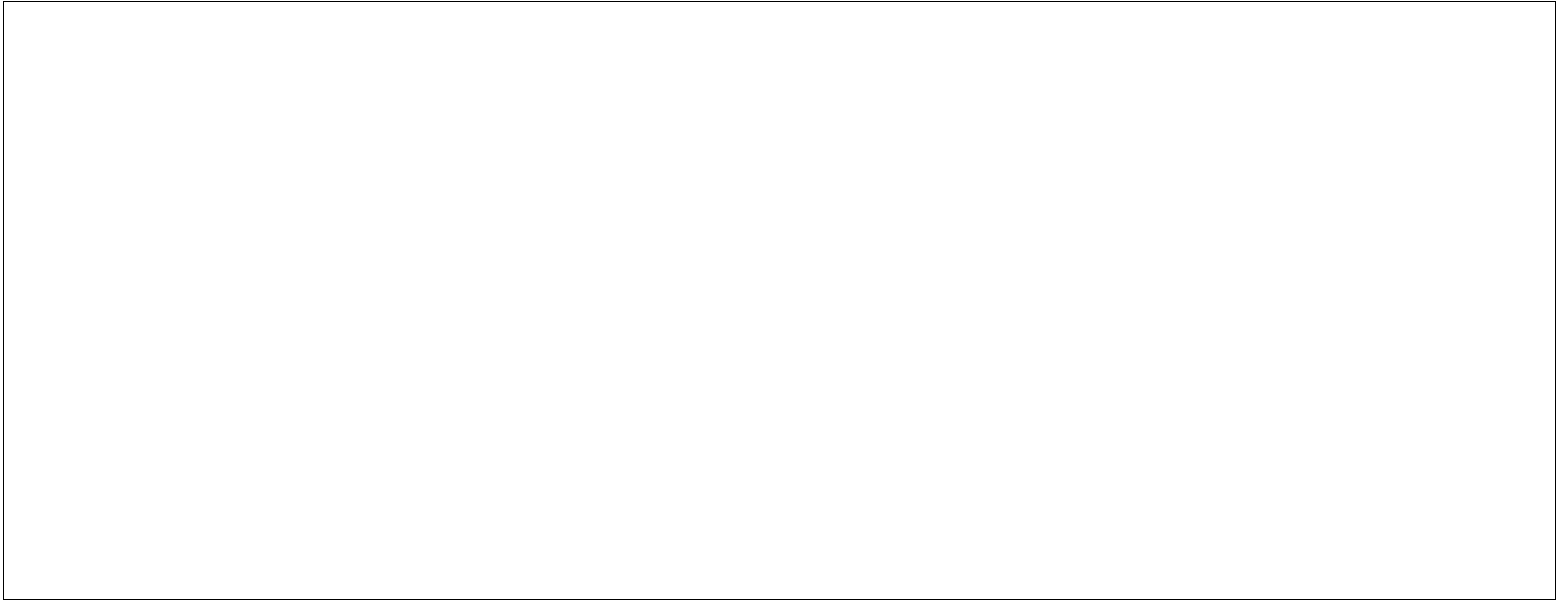


Our worldview shapes how we carry out our work

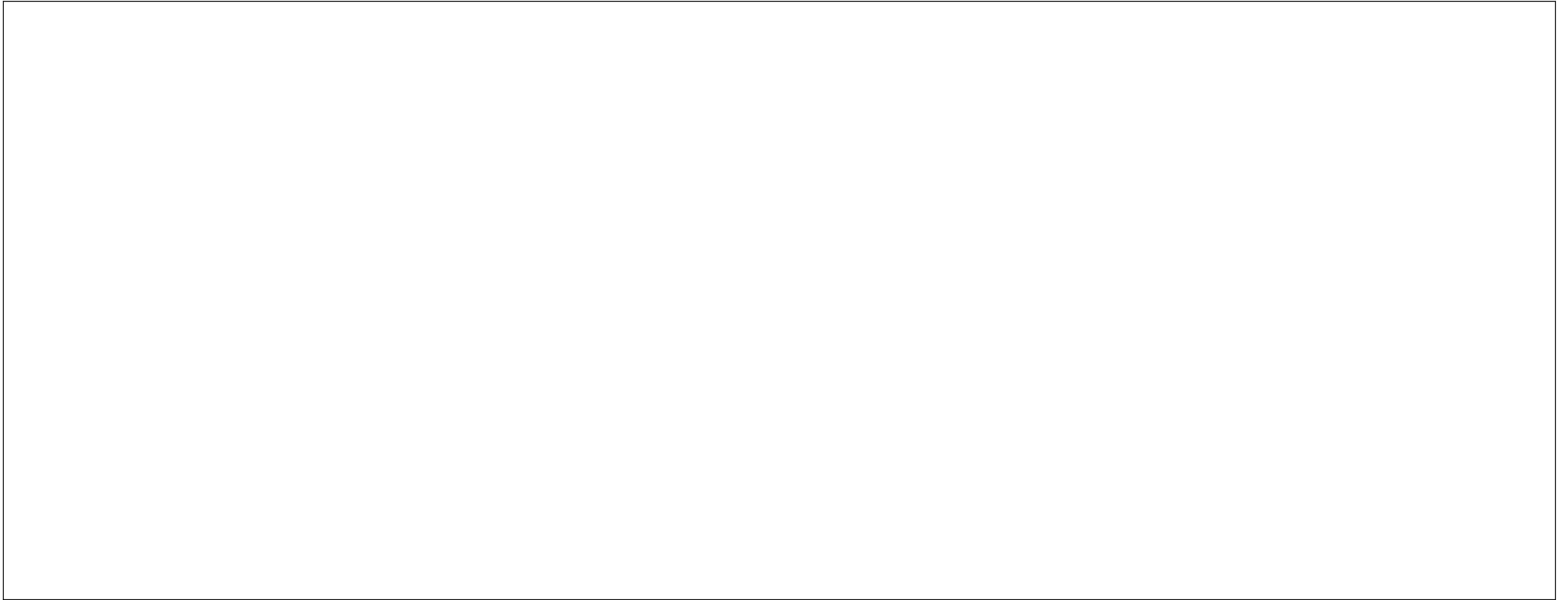
Co-existence of customary & state-based law and governance

Practical implications for your work

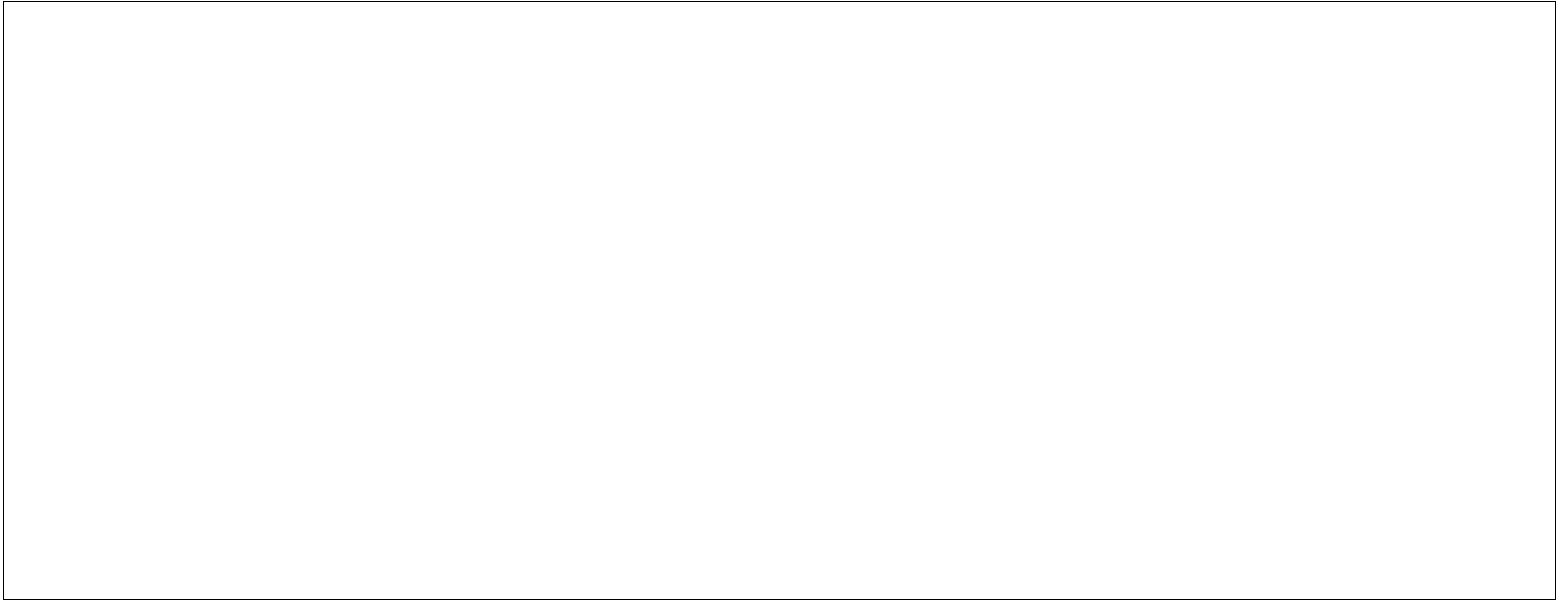
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