

# Post-Conflict Ethics in Barmm; A Rawlsian Analysis on Transitional Justice and Reconciliation

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## ABSTRACT

John Rawls' model of justice as fairness serves as the philosophical lens through which this paper studies transitional justice and reconciliation in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). The mechanisms of transitional justice in post-conflict societies have the aim of compensating for the historical injustices, rebuilding legitimate institutions and restoring trust between the communities affected by violence and structural inequality. In the Bangsamoro situation, perhaps the most damaging complaint has been the land dispossession, which has marginalized, caused conflict and entrenched inequalities.

Using a qualitative philosophical methodology grounded in textual and conceptual analysis, the study evaluates whether BARMM's transitional justice mechanisms embody Rawlsian principles of equal basic liberties, fair equality of opportunity, and the difference principle. The research examines legal documents, peace agreements, transitional justice reports, and scholarly literature, while engaging philosophical critiques of Rawls by thinkers such as Iris Marion Young, Amartya Sen, Charles Mills, Susan Moller Okin, and Michael Sandel.

The results suggested that the TJ mechanisms of the BARMM had elements reflective of Rawlsian principles, in that they were aimed at the reform of institutions, reparations, truth-seeking and reconciliation to restore justice and legitimacy. Nevertheless, the study shows that Rawls's framework is not sufficient to tackle completely structural land injustice caused by historical dispossession. Land injustice in BARMM violate Rawls's principle of fair equality of opportunity which according to Young can be as a structural injustice that disables the capabilities, dignity, and active political participation of marginalized groups.

To address these limitations, the study proposes a Rawlsian-Complementary Framework for Post-Conflict Ethics, integrating Rawlsian institutional fairness with rectificatory justice, structural justice, and restorative justice. This framework emphasizes the need to correct historical injustices, transform institutional structures that perpetuate inequality, and promote moral repair and reconciliation in post-conflict societies.

The study contributes to political philosophy by demonstrating how Rawls's theory of justice can inform transitional justice while also highlighting the need to expand normative frameworks to address non-ideal conditions shaped by historical injustice and structural inequality. In the context of BARMM, justice requires not only fair institutional arrangements but also the rectification of historical harm and the restoration of dignity and social cooperation among affected communities.

**Keywords:** Rawlsian Justice; Transitional Justice; Post-Conflict Ethics; BARMM; Land Injustice; Structural Justice; Restorative Justice.

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## INTRODUCTION

### Background of the Study

Political philosophy serves as the building block for post conflict justice. Justice has been variously defined and explained. For Aristotle, justice was the virtue that governs the distribution of goods and the redressing of wrongs. Kant thought of justice in terms of the moral autonomy of people and their right to freedom. utilitarian approaches to maximizing welfare, and Rawls's theory of justice as fairness. Although these formulations differ, justice is understood to be that which governs social institutions in a manner that is fair and legitimate and which secures fundamental rights.

In conflict-ridden societies, a question arises as to how a set of institutions may become legitimized and process transgressions of the past. Transitional justice mechanisms are institutional reform, reparations, truth seeking, and other reconciliation processes to respond to past violations and create conditions for a more just political order. In this context, the crucial question of the reconstruction or reform of institutions arises, with a view to addressing structural inequality and restoring public trust in the political and legal systems.

John Rawls's theory of justice as fairness provides a strong set of substantive normative premises from which one can begin to evaluate this fundamental institutional reconstruction in post-conflict societies. According to Rawls (1999) in *A Theory of Justice* which has become one of the key masterpieces of the 20th century in the Political Philosophy, just institutions are ones that must secure the equal basic liberties while providing fair equality of opportunity and arranging the social and economic inequalities to the greatest benefit of the least advantaged. In the post-conflict context, the moral ethical duty of states to fix and alter structural disadvantage is vital and salient. So are Rawls's two principles of justice that enact fairness and moral equality.

In societies emerging from conflict, Rawls's theory acquires relevance as institutions require reconstruction in order to restore legitimacy, trust and social cooperation on a fair basis. In these situations, transitional justice mechanisms are installed for human rights violations and historical injustices. Transitional justice normally involves truth-seeking, reparations, institutional reform and reconciliation. Together, these processes are designed to rebuild institutions that can uphold a just and stable political order.

Through the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), the peace process between the Government of the Philippines and the Moro Islamic Liberation Front (MILF) contains the transitional justice and reconciliation component. The Transitional Justice and Reconciliation Commission (TJRC) created in 2014 as part of the process has been given the mandate to look into the causes of the Bangsamoro conflict. In a 2016 report, the TJRC noted various structural drivers of conflict arising from historical injustices, land dispossession, violations of human rights, and marginalization of the Moro and Indigenous peoples. It was land injustice that was mostly referred to as the most consistent and complex issue sustaining the Bangsamoro armed conflict.

Although current researches focusing on transitional justice in BARMM have assessed various aspects such as peacebuilding's legal, political, and institutional aspects, there are still relatively few studies which have assessed the ethical foundations of the transitional justice from a political philosophy standpoint. In particular, not much has been researched on BARMM's transitional justice measures through Rawls's justice theory as fairness. While Rawls provides an effective framework for the evaluation of fairness and legitimacy in institutions, his theory was mostly composed in the context of liberal democratic societies in ideal institutional conditions. This brings about essential philosophical questions regarding the extent to which Rawlsian principles can rectify historically rooted and structural injustices endemic in BARMM.

In addition, the Bangsamoro situation is complicated by unique identity-based grievances and colonial legacies of land dispossession, along with a fragile institutional framework, that Rawls's distribution may not be capable of addressing. This means that it would be worth recognizing whether Rawlsian justice can do justice to such complexities, or whether one needs supplementary ethical approaches to tackle historical injustice and reconciliation.

Thus, this study also looks at transitional justice and reconciliation in BARMM through the theory of justice as fairness of Rawls. This paper assesses whether Transitional Justice mechanisms in the Bangsamoro area adhere to the tenets of Rawls' theory of justice in the form of fairness and legitimacy of institutions. It also analyses how far Rawlsian justice can rectify the land injustice that is embedded in history and if there is a need for further justness's complements that can strengthen post-conflict justice and reconciliation in the Bangsamoro.

## REVIEW OF RELATED LITERATURE AND STUDIES

There are many studies on transitional justice and post-conflict reconciliation in political philosophy, peace studies, and legal studies. Researchers have studied how societies coming out of violence engage with historical injustices, rebuild legitimate institutions, and restore moral and social relations among communities. In several of those discussions, normative theories on justice are used to assess whether post-conflict measures in fact promote justice, equality and a lasting peace. In this context, the researcher can use John Rawls's theory of justice as fairness, complemented by concepts such as restorative, rectificatory and structural justice, as a philosophical framework for the analysis of transitional justice.

This section summarizes the key research in the literature that is relevant to the study. The relevance of Rawls's theory of justice as fairness for post-conflict institutional reconstruction is discussed. It then reviews the literature on transitional justice mechanisms, or truth commissions, reparations, institutional reform, and related issues relevant to Bangsamoro. This review considers philosophical critiques of Rawls and alternative moral outlooks which help see the limits and feasibility of the application of Rawlsian justice to transitional justice and reconciliation in the BARMM.

The theory of justice as fairness by John Rawls has had a huge impact on contemporary notions of justice in any post-conflict society, particularly in transitional justice. According to Rawls (1999), justice requires the fair distribution of rights, opportunities, and social goods. He illustrates two basic principles of justice, namely equal basic liberties and the difference principle, which requires that inequalities must benefit the least advantaged. There's a normative framework to help evaluate post-conflict institutional arrangement, especially in societies emerging from systematic injustice and inequality. Transitional justice comprises diverse mechanisms such as truth commissions, reparations, institutional reform and reconciliation. Such measures can be understood from a Rawlsian perspective as concerned with the restoration of justice and reconstruction of institutions capable of supporting fair social cooperation (Teitel, 2000).

The emphasis placed by Rawls on fairness and legitimacy carries significant importance in post-conflict societies where institutions were used historically to dominate, exclude, and inflict structural injustice. The framework argues that reconciliation must be ethical, not just political, requiring the restructuring of institutions to ensure fairness, equal rights and dignity for all citizens.

Many scholars directly apply Rawlsian principle to transitional justice. Murphy (2017) explains that transitional justice can be understood as restoring just social relations, in accordance with Rawls's doctrine of justice as fairness. Justice involves both reform of the institution and recognition of victim's moral status. In the same way, Freeman (2007) explains that Rawl's principle makes it possible to assess the justness of post-conflict arrangements for end-users. That includes ensuring that the least advantaged often the victims of violence, displacement, and dispossession are prioritized in justice processes. The Transitional Justice and Reconciliation Commission (TJRC) in the Bangsamoro which aims to look into the historical injustices, land dispossession and human rights violations is congruent with truth commissions, (TJRC, 2016). Truth commissions reflect Rawls's principle that justice requires fair institutional arrangements that acknowledge and correct past injustices in order to restore trust and social cooperation (Rawls, 1993). In this way, transitional justice mechanisms can help to re-establish moral legitimacy of institutions which were previously associated with violence, exclusion and injustice.

Land injustice has become one of the most serious issues addressed by transitional justice in BARMM. According to the TJRC (2016), the dispossession of land is a structural driver of conflict in Bangsamoro. This was caused by colonial land policies and massive state-sponsored resettlement programs. In addition,

displacements caused by armed conflict. Due to the land dispossession, the Moro and Indigenous people not only lost the source of their livelihoods but also their political autonomy, cultural identity and social dignity. Scholars argue that land injustice is a type of structural inequality which violates Rawls's difference principle which requires that social arrangements should benefit the least advantaged (Rawls, 1999). When historically marginalized communities have their land rights and access systematically undermined, it much contributes to poverty, exclusion, and conflict. Land disputes remain unresolved according to the International Crisis Group (2021), and this continues to obstruct peace building efforts within BARMM, as it fuels tensions and displacement and distrust amongst govern institutions. This highlights the ethical importance of land restitution and equitable land governance as central components of transitional justice.

Moreover, the recommendations made by TJRC highlight the principles of Rawlsian on restoration, institutional reform, and protecting the vulnerable.

The Commission recognized that the need to address land injustices is not merely legalistic, but also about restoring fairness and dignity to affected communities (TJRC, 2016). Proponents of transitional justice believe that restitution and reparations necessary for correcting historical injustice and restoring equality, are consistent with Rawls's framework of justice as fairness (De Greiff, 2006). Focusing on victims of dispossession and displacement transitional justice mechanisms aim to meet the Rawlsian requirement that institutions must benefit least advantaged.

In BARMM, reconciling land injustice is therefore important to a peaceful settlement and rebuilding positive relations to trust in governance and the moral legitimacy of post-conflict institutions. Failure to address land dispossession and structural inequality risks transitional justice deepening one form of injustice.

The literature regarding transitional justice concepts based on Rawlsian philosophy appears limited in relation to matters of land injustice in BARMM. Although the TJRC identified land dispossession as a key grievance, few studies have expressly analyzed the Commission's work through the lens of a Rawlsian ethics. Most literature examines the political, legal, or institutional aspects of transitional justice. However, few, if any, systematically analyze whether transitional justice mechanisms meet the principles of fairness and equality. Additionally, philosophers like Sen (2009) and Young (1990) suggest that an ideal theory from Rawls should be implemented in manners that consider structural injustice, historical oppression and the actual world. The critiques suggest the need for an ethical analysis that is sensitive to context, particularly in BARMM when land injustice has deep roots in the historical and structural inequality of post-conflict areas. This paper adds to the literature by applying Rawlsian principle to one, whether transitional justice mechanisms on land injustice contribute to fairness and reconciliation for peace in BARMM.

### **Transitional Justice in Global Contexts**

Transitional justice is the term used to describe the various mechanisms that societies employ in order to address past human rights violations. Teitel (2000) describes transitional justice as an "extraordinary form of justice" designed to respond to mass atrocities and systemic violence. According to Hayner 2011, traditional methods are trial, truth commission, reparations and institutional reform. In South Africa, forgiveness and truth-telling were privileged over retribution by the Truth and Reconciliation Commission (Tutu 1999). In Rwanda, the gacaca courts integrated traditional beliefs with modern court practices to address the crimes of genocide (Clark, 2010). These global cases demonstrate the diverse models of transitional justice but also highlight a recurring dilemma: the tension between accountability for past crimes and the pragmatic need to foster peace.

Truth commissions are something that have established detailed records of abuses related to conflict and have promoted healing and dialogue in cases such as South Africa, Sierra Leone, and Peru. The prosecution of international criminals in Rwandan and Yugoslav tribunals, according to Sikkink (2011) contributes to strengthening rule of law that deters violations in the future. Scholars in the comparative literature field have recognised the need for context-specificity, along with political, cultural and social sensitivity, in the application of transitional justice (Roht-Arriaza & Mariezcurrena, 2006). Transitional justice in Asia features marked

diversity, same as Africa. Timor-Leste, Cambodia, Nepal and Sri Lanka, which are post-conflict societies, developed their own models of transitional justice in response to violence and its legacy. In Timor-Leste, transitional justice mechanisms were implemented after independence when a unique hybrid of community reconciliation experiences and internationalized courts was utilized to address post-referendum violence (Kent, 2012). In Cambodia, ECCC (Extraordinary Chambers in the Courts of Cambodia) was established to ensure accountability of genocide committed under Khmer Rouge and was heavily influenced by international actors' participation (Hinton, 2011).

In the context of the Bangsamoro Autonomous Region, transitional justice and reconciliation is a cornerstone of the peace process between the Government of the Philippines and the Moro Islamic Liberation Front (MILF). The TJRC (2016) Report notes that the conflict was fuelled historical injustices, land dispossession and human rights abuses. Thus, truth telling, reparations, reconciliation and institutional reforms are called for. The current initiatives of BARMM such as the normalization program, decommissioning of combatants, and community healing, show an attempt at operationalizing transitional justice within an evolving political structure (OPAPP, 2019; Republic Act No. 11696, 2022). Nonetheless, studies pointed out to the presence of problems including overlapping land claims, clan conflict, displacements, and limited institutional capacity (International Crisis Group, 2021). Studies have suggested BARMM's transitional justice framework should apply formal and indigenous mechanisms for successful peace and redress the long-standing grievances of Bangsamoro people.

### **Transitional Justice and Reconciliation in the Philippines**

Scholar studies on the Philippines point out the history of authoritarian abuses, internal armed conflicts, and state neglect of Mindanao. Research demonstrates that structural inequality, increased militarization, and historical marginalization has generated recurrent violence in the area of ARMM now BARMM (Lara & Champain, 2010; Santos & Santos, 2010). According to Davies (2018), The Human Rights Victims Reparation and Recognition Act (Republic Act No. 10368, 2013) is an important attempt at the national level to address abuses that shows inconsistencies and implementation issues. The Bangsamoro Organic Law (Republic Act No. 11054 2018) established BARMM to institutionalize autonomy and finally rectify the injustice of history. Scholars argue that legal pluralism, cultural identity, and self-determination are important elements for sustaining peace (Deinla, 2015; Lingga, 2017; Santos, 2015).

### **Transitional Justice and Reconciliation in BARMM**

The function of transitional justice is basic and strategic to the peacebuilding trajectory of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). Transitional justice is a framework for addressing the deep-rooted grievances that caused rebellion, social fragmentation and mistrust, and gave rise to the decades-old armed conflict between the Government of the Republic of Philippines and the Moro Islamic Liberation Front. Based on prolonged consultations with over 3000 individuals from Moro, Indigenous and settler communities, the Transitional Justice and Reconciliation Commission (TJRC, 2016) attributes the primary structural causes of conflict to historical injustice, dispossession of land, and other human rights violations as well as violence and impunity, and neglect by state. The results point to a systemic and intergenerational injustice in the Bangsamoro, particularly regarding the dispossession of land, which is both a material and identity-based harm. As a result, TJRC emphasize that we can't have a one-off or a temporary justice agenda. To build a just and peaceful society, we require an enduring long-term agenda. Moreover, the agenda must tackle the structural inequities entrenched in governance and land systems.

Based on international transitional justice principles, the TJRC recommended a complementary framework involving truth-telling, reparations, institutional reform and reconciliation. The nobility and extent of peace in the Bangsamoro should not only acknowledge the wrongs of the past but also seek to change the institutions, political and social structures that caused inequality and marginalization. The 2024 Independent Study on the Status of the Implementation of the TJRC Recommendations recognizes the creation of BARMM which took place through the Bangsamoro Organic Law as a structural reform and a partial achievement of the TJRC recommendations, notably in the area of political recognition and autonomy. Yet there are huge implementation gaps in terms of truth-seeking, reparations, accountability, and land reforms. Though formal institutions and

formal structures exist, many of the transitional justice initiatives are constrained in their operationalization and often are not fully felt at the community level. The gulf between political autonomy and substantive rectificatory justice makes it difficult to translate institutional reform into lived justice.

In BARMM, the beginning of concrete programs and laws are recommendations for transitional justice. The decommissioning of combatants from the MILF side under the normalization track marks an essential transition from fighting to civilian and political life. These actions demonstrate the institution's commitment to accountability and non-repetition. Nevertheless, critical academic challenges the linearity of "post-conflict" assumptions by documenting ongoing violence, harms caused by the state and insufficient recognition of the suffering of civilians after the end of the conflict. These findings suggest that structural vulnerabilities and impunity may still exist within a formally autonomous system. Also, in the BARMM setting, transitional justice primarily operates in a space rent by competing narratives on reform, especially federalism which has been framed by actors as solution of the future to discrimination. According to scholars, the pursuit of institutional reform may overshadow demands for accountability and historical rectification, resulting in tension between distributive reform and rectificatory justice. These dynamic highlights the need to investigate whether transitional justice mechanisms respond to historical harm or whether they merely become one component of a political restructuring.

In addition to formal machinery, after BARMM, transitional justice features include community-based healing mechanisms, traditional conflict-resolution mechanisms, inter-clan mediation processes, youth peace-building processes and interfaith dialogues for rebuilding social cohesion. Research studies from civil society indicate that participatory work, indigenous rituals, and reconciliation promote moral repair and relational healing. The initiatives launch a "reconciliation process" to bring together the Bangsamoro and the national government. It aims to forge a bond that can overcome their past. The alliances formed between agencies of the national government such as the Office of the Presidential Adviser on Peace, Reconciliation, and Unity (OPPAPRU) and BARMM institutions already indicate a first attempt to institutionalizing transitional justice in governance and development. There are difficulties still after the developments. The ongoing limitations on the effective realization of the goals of transitional justice due to overlapping land claims, extended displacements, and fragmentation of support. Disputes concerning land are particularly systemic in nature. They have emerged as a consequence of the colonial land policy. Further, the same law involves displacement and competing tenure systems. The BARMM transitional justice process isn't linear challenge but an evolving multi-layered project requiring continuing negotiation and targeting of institutional coordination and community participation.

Overall, the empirical data indicate that BARMM's transitional justice is institutional and relational in nature. Fears linger there will be permanent structural land injustices due to the accountability gaps, unaddressed historical wrongs, while political autonomy and formal mechanism are good first steps. Accordingly, transitional justice must be inclusive of structural inequality and moral repair in the Bangsamoro and not be restricted to institutional reform. The Rawlsian lens will be deployed to assess the transitional justice system that has been constructed. It raises the question from a philosophical perspective on whether distributive institutional justice is enough to remedy identity and historical injustice.

### **Philosophical Perspectives on Post-Conflict Ethics**

Transitional justice practices ought to take lessons from various ethical and philosophical traditions. The frameworks consist of normative principles for addressing past wrongs and establishing social trust and effective institutions for peace.

John Rawl's theory of justice which is also known as fairness put emphasis on equal basic liberties, fair equality of opportunity and protecting the least advantaged. In Rawls' presentation, a moral model to reinstate the political and legal institutions in conflict-affected instances represents impartial distribution of power and resources. His suggested model for societies shaped by violence involves establishing governance structures. This makes sure of guard against domination and correcting structural inequity. Moreover, it serves as a reminder that justice should be a political virtue.

Jurgen Habermas's (1996) discourse ethics makes this institutional perspective deeper by founding legitimacy in open public deliberation. A space where just decisions are produced through the communicative process of participation of all the affected subjects victims, community and former combatants along with the state institution participating in the making of the norms that will regulate their coexistence thereafter, according to Habermas. According to Habermas, communicative action transforms adversarial conflicts into a form of deliberation that could reduce tensions and encourage resolution between the dispute.

In contrast, restorative justice theorists like Braithwaite (2002) and Zehr (2002) assert that, following a conflict, justice ought to concentrate on restoring damage, rekindling a bond, and restoring the community. The focus, instead of punishment on accountability that is relational, dialogical and community-based. Due to the culturally rich and community-oriented nature of BARMM, collective and repetitive practices can also be mechanisms for healing and reconciliation.

Retributivist views affirm that holding wrongdoers accountable especially for human rights violations should serve to re-assert the dignity of victims, strengthen the rule of law, and prevent further acts of impunity. According to Minow (1998), punishment can perform this function as it acknowledges that the victims have been harmed, discourages re-offending, and clears the fog of conflict. The retributive components are highly complementary to restorative processes in ensuring serious crimes are addressed in accordance with legal principles.

In conclusion, Hursthouse's (1999) virtue ethics draws attention to which leaders and communities ought to emerge from the conflict. Values like compassion, courage, prudence and practical wisdom should guide difficult decisions about reparations, reconciliation, institutional reform, and long-term peacebuilding. In transitional environments, presidential leadership public trust and enhances the ethical political culture which can sustain efforts at reconciliation.

The philosophical concepts introduced by these philosophers collectively convey the complex nature of justice after conflict. Transitional justice is discussed as a moral project. It is also not merely a set of mechanisms that require fairness, dialogue, healing, accountability. And more importantly, virtuous leadership. This insight offers a wealth of information for the assessment and enhancement of transitional justice programs in BARMM and other post-conflict societies.

### **Critiques of Rawls and Relevance to Transitional Justice in BARMM**

Although Rawlsian principles are often used by contemporary political philosopher and given the political philosophical foundation of transitional justice, it has received a lot of critique. Further, these criticism are relevant to transitional justice in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). Communitarian critics, including Sandel (1982, 1998), have alleged that Rawls' principles presumes an abstract, individualized self which is detached from social, historical, and cultural attachments. In societies like BARMM which are culturally pluralistic, clan identities, ancestral narratives, and community obligations shape ethical and political life, Justice cannot be articulated without invoking the collective identities that Rawls brackets out. What this means is that BARMM's transitional justice institution must take into account the significance of bangsa, clan networks, indigenous norms and Islamic moral universe in the reconciliation processes.

In the perspective of Young (1990), there is excessive fixation on primary goods distribution in the Rawlsian conception of justice. Moreover, it also fails to observe structural oppression, cultural domination and political marginalization. The critique matters most in BARMM as structural injustices that have long existed in the region, such as state neglect, militarization, land dispossession, and discrimination, cannot be corrected through mere redistribution. Young's analytical and prescriptive framework reveals the need for justice mechanism that address systemic patterns of exclusion, rather than simply more equitable distribution of resources.

Murphy also criticize Rawl's theory assuming stable condition of cooperation. According to Murphy (2010), the significant shortcoming of Rawls's principles is its failure to explain how societies move from injustice to justice,

or how reconciliation occurs. In BARMM, disagreements regarding lands lead to suspicion, displacement and violence. According to Rawls, we can achieve a fair distribution of social good at the institutional level.

Mills asserts that Rawls's ideal theory fails to recognize colonization, racial hierarchy, and historical dispossession. Amid concern that the peace process would ignore historical wrongs due to traditional peacebuilding siloization where justice fails to inform peacebuilding and vice-versa, Mills argues that the Philippines conflict necessitates a transitional justice process that goes beyond its own specificity. Without historical accounting, Rawls's framework could license status quo arrangements grounded on injustice.

According to Okin (1989) Rawls' theory does not pay enough attention to gendered injustice. In BARMM where women have suffered disproportionately from displacement, trauma, and exclusion from political processes, Okin articulates the relevance of gender-sensitive approaches in truth-telling, reparations, and institutional reform. Transitional justice that disregards gendered harms runs the risk of perpetuating patriarchal norms and failing to redress deeply rooted social inequalities.

According to Sen (2009), Rawls' central concern is idealized institutional arrangements and not comparative (real world) evaluation of injustices. BARMM's institutional fragility, uneven governance capacity and ongoing security challenges suggest the need for non-ideal, context-sensitive transitional justice approaches. Sen's outlook strengthens the assessment of progress by analyzing what has actually happened in people's lives, and not the failure of institutions in delivering what ought to have been the case.

Meanwhile, Nozick (1974) critiques Rawls on the grounds that any redistributive regime violates individual property rights and freedom of choice. While Nozick's critique is less directly connected to transitional justice objectives, it points to tensions between reparations, redistributions of resources, and localized perceptions of fairness issues that will emerge in BARMM land reform and compensation measures. According to Marxist scholars like Wolff (1977), Rawl's principle is defective because it effectively reinforces capitalist structures which reproduce inequalities. They highlighted that the critique was relevant in BARMM which has conflict-emergent poverty and economic marginalization.

Nussbaum, in a different article from 2006, argues that the idea of 'primary goods' misses the point as it is not about what you possess but what you are capable of. This is particularly relevant in a post-conflict setting when trauma, displacement, disability and psychosocial harm have altered your actual ability to function. A focus on capabilities may be more relevant for informing BARMM reparations, rehabilitation, and reintegration recognizing the different needs of survivors and affected.

These critiques suggest that although Rawls is useful, transitional justice in BARMM requires something at least richer than the Rawlsian principles alone for a fair and just outcome. The researcher needs an ethical framework that shows how cultural identity and historical injustice, gendered harms, structural inequality, and differentiated human capabilities connect to fairness and institutional legitimacy. These types of view maintain that transitional justice in BARMM is not just a matter of procedural fairness, but substantive responsiveness to the life circumstances of its communities, which is essential.

## Research Questions

This study examined these issues through the lens of post-conflict ethics, focusing on the moral foundations of transitional justice and reconciliation in BARMM. It aims to evaluate whether BARMM's transitional justice mechanisms embody fairness, inclusivity, and moral legitimacy beyond political compromise.

Specifically, this research seeks to answer the following questions:

1. To what extent do BARMM's transitional justice mechanisms embody Rawlsian principles of justice as fairness?

2. Does Rawlsian justice address historically rooted-identity based and structural injustice on land issues in BARMM
3. What other complementary frameworks can address gaps in Rawlsian Justice to support reconciliation and moral repair in post-conflict BARMM?
4. What theoretical contribution on post-conflict ethics in light of Transitional Justice and Reconciliation in BARMM does Rawls

## **THEORETICAL FRAMEWORK**

### **John Rawls's Philosophy of Justice as Fairness**

The study predominantly draws upon the political theory of John Rawls, particularly his theory of justice as fairness, which provides a normative framework for assessing legitimacy, fairness, and reconciliation of institutions in a post-conflict society like BARMM, the Bangsamoro Autonomous Region in Muslim Mindanao. According to John Rawls' theory of justice, a society's institutions must be structured in ways that respect the equality and freedom of all persons. Rawls argues that just as truth is the first virtue of systems of thought, so justice is the first virtue of social institutions. In other words, institutions which are either efficient or politically useful should be reformed or abolished if they result in injustice (Rawls, 1999). This principle shares relevance in transitional justice contexts where institutions may have a historic role in structural injustice, fluctuating imposition of land dispossession and marginalization.

John Rawls views society as a system of cooperation among free and equal men, and women. Social cooperation involves institutions that distribute rights, duties, opportunities and social goods to citizens. Because these institutions affect people's life chances, justice requires that they operate fairly. The notion of persons as free and equal is essential to Rawls's theory. The individuals are said to be free as they have the ability to arrive at, revise, and pursue their conception of the good life and equal as each person possesses the same moral worth and is entitled to equal consideration in the design of social institutions (Rawls, 1999). This notion of equality is relevant in post-conflict societies where certain communities may have been historically marginalized from having a fair say in political and economic life.

The study's framework evaluates transitional justice in BARMM based on Rawls's theory of justice as fairness while explicitly acknowledging its philosophical limitations. According to Rawls, justice is concerned with the basic structure of society and requires all citizens to have equal basic liberties, fair equality of opportunity, and institutional arrangements that are most beneficial to the least advantaged.

In BARMM, the history of land dispossession, and conflict has warped background justice. Transitional justice processes that seek to reconstruct the basic structure are typically concerned with truth-seeking, reparations, institutional reform, and reconciliation. The mechanisms are evaluated against Rawls's two principles of justice to see whether they restore fairness and protect the marginalized. Nonetheless, Rawls' theory is primarily an ideal theory. It presupposes a fairly integrated society but does not explain how to deal with serious historical injustice, colonial dispossession, and collective identity-based harm. In BARMM, and elsewhere, structure itself was shaped by injustice. In this way, Rawls's distribution alone cannot correct land dispossession, structural inequality and moral injury.

To resolve the above limitations, the framework builds on three complementary principles rectificatory justice, structural justice, and restorative justice. Corrective justice rectifies wrongful actions. Structural justice changes social structures that create inequality. Restorative justice rectifies moral relations and enhances stability for the right reasons. Hence, it recognizes the merits of Rawls while extending his theory to achieve results under non-ideal conditions. In BARMM, justice demands the right institutional design, but just that is not enough. There has been historical injustice in the region which must be settled, which can only be resolved through the recognition of moral legitimacy.

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## Significance of the Study

The quest for justice and reconciliation in post-conflict societies raises serious philosophical and policy questions concerning fairness, legitimacy, and reform about institutions. In contexts characterized by historical injustices, structural inequality, and identity-based grievances, a transitional justice mechanism must be assessed in ethical and philosophical terms as well as in legal or political terms. This study focuses on the moral foundations of transitional justice, including its contribution to peacebuilding in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

For lawmakers and policy makers, the study provides a normative framework on transitional justice policies for the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). Using Rawls's theory of justice as fairness supplemented by principles of rectificatory, structural and restorative justice, the study provides a set of normative standards to assess whether laws or policies are truly addressing historical land injustice, structural inequality, and social peace.

For philosophy, the study deepens the discourse on post-conflict justice by applying the theories of John Rawls. It enriches philosophical debates on fairness, legitimacy, and reconciliation by testing how these frameworks apply to real-world situations such as BARMM, thus enhancing their relevance beyond abstract theorization.

For researchers, this study can be used as a philosophical complement to subsequent research and policy-oriented works in BARMM by future scholars and academics.

## Scope and Limitation

The present study employs and contributes to discussions on the ethics of transitional justice and reconciliation in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). The researchers note explicitly the study's theoretical import and ambitions: the study is purely normative and philosophical in scope, and the study is theory-building. Based chiefly on Rawls's justice as fairness, Habermas's discourse ethics, restorative justice theory, the structural justice principle, the rectificatory justice principle, and some critical interventions, this paper develops an evaluative framework for thinking about the nature, aims, and practice of transitional justice in BARMM and the Bangsamoro peace process. The paper critically examines how transitional justice in BARMM ought to conceptualize and embody fairness, legitimacy, inclusiveness and moral repair. This study's main strategies consist of textual and conceptual analyses. The corpus consists of legal documents such as BARMM policy pronouncements, peace process documents, and academic literature on transitional justice and ethics.

The research relies on secondary data, which does not clearly capture the lived experiences, grassroots perceptions, and practical challenges faced by communities, institutions, and peacebuilders in the BARMM.

## Operational Definition of Terms

**Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)**-Refers to the autonomous political region established in 2019 through the Bangsamoro Organic Law (RA 11054). In this study, BARMM serves as the case study for examining transitional justice and reconciliation in a post-conflict setting.

**Bangsamoro Organic Law (BOL)**-Refers to Republic Act No. 11054, which provides the legal foundation for BARMM's autonomy. In this study, the BOL is treated as one of the primary legal texts framing transitional justice and governance in the region.

**Justice as Fairness**-Refers to John Rawls's theory that justice requires equal basic liberties and social arrangements that ensure fair equality of opportunity and benefit the least advantaged members of society. In this study, it serves as the primary normative framework for evaluating transitional justice in BARMM.

**Post-Conflict Ethics**-Refers to the normative framework that guides the restoration of justice, legitimacy, and moral relationships in societies emerging from armed conflict. In this study, it denotes the ethical reconstruction of fairness, land justice, institutional legitimacy, and reconciliation in BARMM.

**Rawlsian Justice**-Refers to the application of Rawls's principles of justice to the basic structure of society, emphasizing institutional fairness, equality, and moral legitimacy. In this study, it denotes the philosophical lens used to assess whether BARMM's transitional justice mechanisms meet standards of justice as fairness.

**Rectificatory Justice Principle**-Refers to the ethical requirement to correct historical injustices and unjust acquisitions through restitution, reparations, and institutional reform. In this study, it applies to addressing land dispossession and restoring background fairness in BARMM.

**Restorative Justice**-Refers to an approach to justice that emphasizes repairing harm, restoring dignity, and rebuilding relationships through acknowledgment, dialogue, and reconciliation. In this study, it addresses the moral repair necessary to achieve legitimacy and stability in post-conflict BARMM.

**Structural Justice Principle**-Refers to the ethical obligation to transform institutional and systemic arrangements that perpetuate inequality and marginalization. In this study, it concerns reforming land governance systems and political structures that sustain structural injustice in BARMM.

**Transitional Justice and Reconciliation**-Refers to the set of legal, institutional, and community-based mechanisms such as truth-seeking, reparations, institutional reform, and dialogue designed to address past injustice and rebuild just social relations. In this study, it pertains to the processes in BARMM evaluated through Rawlsian principles to determine whether they restore fair terms of social cooperation.

## METHODOLOGY

This study employs a qualitative philosophical methodology grounded in textual analysis. The research is primarily theoretical and normative in orientation, focusing on critical examination and interpretation of philosophical texts, scholarly literature, and academic research relevant to transitional justice, reconciliation, and justice as fairness.

Data for this study were gathered through systematic review of peer-reviewed journal articles, research papers, policy studies, official reports, and foundational philosophical works. Primary philosophical sources include John Rawls's major works, particularly *A Theory of Justice* and related writings on political liberalism and legitimacy. Secondary sources include scholarly critiques of Rawls by authors such as Charles Mills, Amartya Sen, Michael Sandel, Susan Moller Okin, and Iris Marion Young. In addition, empirical and analytical studies on transitional justice and land injustice in the Bangsamoro context were examined to ground the philosophical discussion within the specific realities of BARMM. The method of analysis consists of close textual reading, conceptual clarification, and critical interpretation.

### Research Design

This study adopts a philosophical research design aimed at evaluating the ethical foundations of transitional justice and reconciliation in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). The design focuses on interpreting and evaluating concepts, principles, and normative claims embedded in legal texts, policy documents, and scholarly literature. The research does not involve human participants or field-based data collection, however it gathered data through journals and articles that are relevant to the topic.

### Locale of the Study

The present study was conducted within the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), Philippines. BARMM is the focus because it represents a unique experiment in autonomy and transitional justice after decades of armed conflict.

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## Research Instrument

The main research tools of the study are philosophical frameworks and text analysis tool. The study examined the ethical dimensions of transitional justice in BARMM using the lenses of Rawls's concept of justice as fairness, Habermas's discourse ethics, restorative justice theory, principle of rectificatory justice, and principle of structural justice. Guided by these frameworks, one can discern how BARMM structures capture notions of fairness, legitimacy, inclusion, and reconciliation in its laws and policies.

## Data Gathering Procedure

Research was conducted using documents and libraries. Documents from the BARMM government's policy, TJRC reports, official statements on transitional justice, and reconciliation were primary source. The secondary sources included books, peer-reviewed journal articles, and scholarly commentaries on transitional justice, legal pluralism, ethics, and the Bangsamoro peace process. The academic libraries and other sources including databases such as JSTOR and Google Scholar and Government's websites.

## Methods of Analysis

The study employed different analytical approaches, like conceptual analysis, philosophical interpretation and normative analysis.

First, the approach(s) to conceptual analysis was used to clarify and analyse the main philosophical concepts which structured the study. To examine the meanings and implications of concepts of justice, fairness, legitimacy, reconciliation, structural injustice, and moral repair in the context of transitional justice. With the aid of conceptual clarification, the study will examine how these concepts were understood in the works of John Rawls and other philosophers. Further, how these concepts are encountered by post-conflict societies like BARMM.

Secondly, philosophical interpretation was used to interpret the interpretation of certain philosophical texts and theoretical frameworks. Undertaking a close reading and interpretation of some canonical philosophical texts, especially A Theory of Justice by John Rawls and related literature on political liberalism as well as the critiques by Sen, Young, Mills, Sandel, and Okin. Through philosophical interpretation the study investigated how Rawlsian justice as fairness could be employed in transitional justice mechanisms and institutional reforms in BARMM.

Third, To assess whether existing transitional justice mechanisms are just, fair, and legitimate, we carry out a normative analysis on BARMM. Through this approach, the research evaluated polices, institutional reforms and transitional justice initiatives against Rawls's principles of equal basic liberties, fair equality of opportunity and difference principle. By engaging in normative analysis, the researchers were also able to assess whether complementary frameworks like rectificatory justice, structural justice and restorative justice are adequate to address historical injustice and reconciliation in the Bangsamoro.

The ethical assessment of transitional justice in BARMM developed through the combined use of conceptual analysis, philosophical interpretation, and normative evaluation. In addition, the study proposed a Rawlsian-complementary framework for post-conflict ethics.

## ANALYSIS AND DISCUSSION

This chapter presents a philosophical analysis of transitional justice and reconciliation in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) through the framework of John Rawls's theory of justice as fairness. It examines whether BARMM's transitional justice mechanisms embody Rawlsian principles, evaluates the adequacy of Rawlsian principle in addressing land injustice and structural inequality.

This chapter advances the central argument of this thesis: while transitional justice mechanisms in BARMM partially reflect Rawlsian justice as fairness, Rawls's framework alone is insufficient to fully address structural land injustice rooted in historical dispossession. Therefore, transitional justice in BARMM requires a complementary ethical framework integrating rectificatory justice, structural justice, and restorative justice.

### **Rawlsian Justice as a Normative Framework for Transitional Justice in BARMM**

The idea of justice as fairness proposed by John Rawls's offers a powerful normative methodological framework for evaluating justice in post-conflict societies. According to Rawls (1999), whatever institution is more just must guarantee an equal basic liberty to its citizens; must ensure fair equality of opportunity; and must so structure social and economic arrangements that the least advantaged member benefits the most. Justice, according to Rawls, refers mainly to the social structure of society the political, legal, and economic institutions that determine individuals' life chances.

In post-conflict situations, transitional justice mechanisms aim to reconstruct this basic structure to restore fair, legitimate, and equal relations. Transitional justice essentially are mechanisms which addresses past injustice. They comprise things like truth commissions, reparations, institutional reform, reconciliation process which rebuilds just social institutions (Tugade, 2020). The mechanisms perform not just legal but also moral functions such as restoring victims' dignity, acknowledging wrongdoing, and rebuilding trust in society.

Transitional justice mechanisms in BARMM reflect various Rawlsian principles. The TJRC was established to investigate human rights violations, as well as historical injustices such as land dispossession. The goal of these processes is to fix structural injustice and place the marginalized above the privileged.

According to Rawls, their efforts are in line with a difference principle that institutions must favour the least advantaged in society. The least advantaged in BARMM are displaced persons, highland communities, and other Moro and Indigenous peoples impacted by land dispossession or victims of armed aggression. Transitional justice schemes involving reparations, normalization of ex-combatants, and institutional reforms seek to enhance their situation and restore justice.

In addition, transitional justice advances Rawls's idea of legitimacy. According to Rawls, institutions may be legitimate if and only if they can be rationally justified to citizens as fair and just. Truth-seeking and reparations, as transitional justice mechanisms, acknowledge past injuries and rebuild trust in institutions. Simons and Oledan report (2019) on transitional justice in the Bangsamoro notes that the need for truth-telling and reconciliation is needed to restore trust and dignity among affected communities. These efforts align with Rawls's notion that justice means fairness, this means restoring the moral equality and legitimacy of social institutions. Consequently, transitional justice mechanisms in the BARMM refer to and partially reflect Rawlsian principles because they aim to rectify injustice, restore dignity, and rebuild just institutions.

### **The Problem of Land Injustice: A Structural Failure of Justice as Fairness**

The land injustice in BARMM raises a greater philosophical problem despite these norms. One of the deepest structural injustices in the Bangsamoro is land dispossession. Land loss is due to historical land policies, displacement from conflict, and overlapping claims, resulting in dispossession of Moro and Indigenous peoples from land that historically served as the basis of their livelihood, culture, and political autonomy.

From the perspective of John Rawls, land injustice poses substantial challenges to fair equality of opportunity. According to Rawls, people with the same abilities should have equal chances of accessing social and economic positions irrespective of their background. Historical dispossession of land produces structural barriers limiting economic opportunity and political engagement for impacted communities. Land is a key social good needed for meaningful participation. When communities lose access to land, they lose a key social good.

At the same time, land injustice may also violate the difference principle, since the inequalities produced by land dispossession do not benefit the least advantaged members of society. Instead, historical patterns of land

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control have often reinforced the marginalization of already disadvantaged communities.

However, the land injustice in BARMM needs to transcend considerations of mere distribution. Iris Marion Young's notion of structural injustice offers a significant complementary framework. Young (1990) argued injustice is often not only caused by an individual but rather institutional and social structures which systematically create a disadvantage for certain groups. Structural injustice can happen even when no one intends for there to be wrongdoing, and that is because institutional arrangements reproduce patterns over time.

Land dispossession in BARMM exemplifies this form of structural injustice. The interaction of colonial land laws, administrative policies, displacement caused by armed conflict, and unequal political representation has produced a system in which certain communities experience persistent disadvantage. Young's framework therefore highlights how land injustice in BARMM is embedded in institutional structures rather than being reducible to individual acts of injustice.

Furthermore, Amartya Sen's capability approach takes the philosophical analysis of land injustice further. Sen (2009) argues that justice must be examined not only in terms of the distribution of goods and resources, but also in terms of people's capabilities, namely, their actual freedoms to pursue various ways of living that are of value to them. From this angle, the loss of land does not just lead to deprivation of economic resources, but also of people's ability to make a living, assert cultural identity and engage politically.

When analyzed through Sen's framework, land injustice in BARMM appears not only as an inequality in resource distribution but also as a deprivation of fundamental capabilities. Communities that have lost access to land may experience reduced opportunities for economic security, cultural continuity, and social participation.

### **The Limits of Rawls's Ideal Theory**

Primarily, Rawls's theory of justice is an ideal theory. This presumes a situation in which institutions operate under fair and legitimate conditions in society. Rawls focuses on the design of just institutions under fair conditions as opposed to societies shaped by injustice and structural inequality. Nonetheless, BARMM is not a perfect society. Picturing a post-conflict and post-colonial society shaped by structural injustice, historical dispossession and institutional fragility. This entails a significant limitation of Rawls' theory: It fails to account for how societies advance from injustice to justice.

Rawlsian principles may inform or change the background conditions on the basis of which principles of justice are to be selected. Injustice in land ownership in BARMM is not just a matter of distribution injustice but also a historical dispossession and structural injustice. According to Tugade (2020), transitional justice literature makes clear that justice in post-conflict requires mechanisms to deal with historical injustice through restitution, reparations and reform. These mechanisms go beyond Rawls's distributive agenda by providing remedying past injustice or structural inequality. As a consequence, the theory and ideas Rawls proposes allow for normative evaluations to be made of what is just. Alone, however, it is not sufficient to address post-conflict injustice in BARMM.

### **Transitional Justice as Rectificatory and Restorative Justice**

To address Rawls' limitations, transitional justice incorporates components of rectificatory justice and restorative justice. Rectificatory justice aims to rectify past injustices. In BARMM, transitional justice mechanisms will address historical land dispossession and structural inequality through institutional reform, reparations, and land restitution. Restorative justice aims to repair damaged relationships by injustice. Transitional justice in BARMM involves truth-telling, reconciliation, and healing practices at the community level. These mechanisms are designed to restore dignity, rebuild trust and repair relationships that have been harmed.

Research on transitional justice in the Bangsamoro highlights the significance of restorative justice mechanisms that are grounded in cultural traditions and community practices. According to Simons and Oledan (2019), these

practices help foster reconciliation, moral repair and restoration of dignity. Restorative practice addresses ethical dimensions of injustice which are not covered fully by Rawls's distributive framework, like moral repair, recognition and reconciliation. Accordingly, BARMM transitional justice is an embodiment of the holistic notion of justice which includes distributive, rectificatory, and restorative justice.

Although rectificatory justice, structural justice, and restorative justice ease the limitations of Rawls's distributive theory, nevertheless, they themselves suffer from some limitations. Rectificatory justice encounters difficulties in ensuring just restitution in cases of historical injustice, particularly when multiple claims overlap and lengthy periods of displacement and complex land tenure systems are at play. For structural justice to take place, there has to be long-term reforming of institutions. However, due to political resistance and lack of governance capacity, that may not happen in post-conflict situations. Restorative justice can help rebuild relationships and foster reconciliation; it cannot adequately deal with the structural inequalities created by larger actors and a demand for formal accountability. These limitations suggest that, while complementary frameworks broaden Rawls's account of justice, the use of any single framework will not wholly resolve the ethical challenges posed by transitional justice in BARMM.

### **Theoretical Contribution: Toward a Rawlsian-Complementary Framework for Post-Conflict Ethics**

The present study shows the strengths and weaknesses of Rawls's theory of justice as fairness, and how the same can be applied to a post-conflict BARMM society which will broaden the horizon of political philosophy as well as post-conflict ethics. The theory of Rawls provides a strong normative framework to evaluate justice. This is done by stipulating fairness, equality and legitimacy of institutions. The difference principle holds that institutions have a responsibility to give priority to the least advantaged. Essential in evaluating the transitional justice mechanisms are the principles.

Nonetheless, this research shows that Rawlsian theory must be supplemented by other ethical theories to address post-conflict injustice. Rawls's theory inadequately recognizes structural injustice stemming from historical dispossession, colonial history, and institutional inequality. To truly support reconciliation, ethical frameworks must pay heed to historical injustices and structural inequality.

In view of this analysis, the study proposes a Rawlsian-Complementary Framework for Post-Conflict Ethics, which comprises of four integrated principles. First, the Institutional Fairness Principle means that justice requires institutions to guarantee equal basic liberties, fair equality of opportunity, and institutional legitimacy consistent with Rawls's theory of justice as fairness. Transitional justice mechanisms must implement fair institutional mechanisms that safeguard equal rights and fairness. Second, Rectificatory Justice Principle this signifies justice requires correcting historical injustice, including land dispossession and structural inequality. Transitional justice should incorporate certain aspects such as restitution, reparations, and institutional reform to remedy structural injustice and create fairness. The third principle of justice is structural justice, which means justice addressing structural inequality. Transitional justice should tackle structural constraints that continue the patterns of inequality and marginalization. For example, this includes unequal land governance and institutional exclusion. The fourth principle of restorative justice states that justice requires restoring dignity, repairing moral relationships, and promoting reconciliation, transitional justice mechanisms should provide healing, reconciliation, and restoration of moral equality to affected groups.

This study provides a broader ethical framework that can address historical injustice and structural inequality through the integration of Rawlsian justice with rectificatory, structural, and reparative justice principles. This new Rawlsian-complementary framework expands Rawls's theory beyond ideal theory and applies it to the experience of post-conflict societies. Justice in post-conflict societies means not only fair distribution of social goods but also correct the imbalance of historical injustice and restore moral equality.

### **Implications for Transitional Justice in BARMM**

This analysis has several important implications for transitional justice in BARMM. First, inequalities related to land must become a priority of transitional justice. Land restitution along with institutional reform and equitable

land governance are critical to restoring fairness. Secondly, transitional justice should directly confront historical injustice and structural inequity, not just fixate on institutional reform. Third, Transitional justice framework should incorporate restorative justice principles so that they will promote reconciliation, healing and restoration of dignity. Fourth, transitional justice policy should be guided by ethical and philosophical frameworks to ensure fairness, legitimacy, and long-term stability.

## SUMMARY, AND CONCLUSIONS

### Summary of Findings

This study examined the ethical foundations of transitional justice and reconciliation in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) through the philosophical framework of John Rawls's theory of justice as fairness. The analysis focused on evaluating whether transitional justice mechanisms in BARMM embody Rawlsian principles of justice, assessing the adequacy of Rawls's theory in addressing land injustice and structural inequality, and determining whether complementary ethical frameworks are necessary to achieve genuine reconciliation and justice.

The research indicates that transitional justice mechanisms in BARMM partially reflect Rawlsian principles of justice as fairness. Transitional processes such as Truth, Reparation, Reform, and Reconciliation are not unconnected from fairness, equality, and institutional legitimacy of Rawls. These mechanisms address past injustice, create dignity for the victim and reconstruct just social institutions. The transitional justice studies assert that such measures aim to restore moral legitimacy, correct injustice and rebuild trust in institutions destroyed by violent conflict (Tugade, 2020). These reforms are consistent with Rawls' definition of justice, that is, justice requires institutions to protect equal rights so as to aid the least advantaged.

In particular, the transitional justice efforts in Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) reflects the difference principle of Rawls by giving priority to the most affected population by the conflict. The displaced community, Moro and Indigenous people, and victims of land dispossession are some of the actors of the BARMM transitional justice process. The transitional justice mechanisms acknowledgment of historical injustice and efforts to rectify structural inequality are consistent with Rawls' position. According to Rawls, justice requires that institutions benefit those in an unequal position.

Still, results also revealed serious limitations arising from applying Rawls's theory of justice as fairness to BARMM context. Land injustice is one of the most enduring structural injustices in the Bangsamoro. The perpetuated inequalities and injustice to date relate to historically amassed land dispossession, dislocation, overlapping claims. The literature on transitional justice in the Bangsamoro shows that land dispossession is a significant structural injustice that impairs social equality, political autonomy, and dignity among the Moro and indigenous peoples (Simons & Oledan 2019).

From a Rawlsian view, land injustice is a violation of fair equality of opportunity and difference principle. Land is a basic good of society. It determines people's ability to participate fully in economic, political and social life. Unequal access to land prevents the affected communities from having an equal opportunity for growth and continues to entrench structural disadvantage. This requirement contradicts Rawls's principle that institutions of society must be arranged to the advantage of the least advantaged.

The study further reveals that Rawlsian justice responds to identity-based and historical injustices and structural injustices in BARMM, but not completely. Rawls's justice as fairness theory proposes important normative framework on the legitimacy and fairness of the institutions. According to Rawlsian justice, three principles namely, equal basic liberties, fair equality of opportunity, and the difference principle, would further support institutional reforms that help protect vulnerable communities and favor the least advantaged. In this regard, Rawls's principles can justify reparations, institutional reform, and land governance reforms to combat inequality against the Moro and Indigenous peoples.

But then, Rawls's framework restricts evolving solutions to historical injustices and identity-based injustice. This is because the framework focuses on the fair sharing of social goods in a basic structure of society that is already functioning. Within the BARMM context, the fundamental structure of things had a historical genesis that was shaped by the impact of colonial land policies. The injustices do not only consist of distributional injustice, it also includes historical dispossession, cultural prohibition, and identity-based grievances. In this way, justice in the Rawlsian sense by itself is inadequate for these matters.

Consequently, the study opines that while Rawlsian justice can provide a normative framework to evaluate fairness and legitimation of institutions, the need for other normative frameworks such a rectificatory justice, structural justice and restorative justice is there for addressing identity-based injustices. Through these mechanisms, transitional justice can effectively transform existing unjust institutional structures, restore dignity and moral relationships and address historical harm.

At a more basic level, the results show that Rawls's theory supplies a standard for judging fair institutions but fails to tackle the structural injustice of historic dispossession. Rawls's theory assumes a functioning basic structure that is responsible for fair distribution of social goods. In BARMM, however, the basic structure itself has been shaped by historical injustice, dispossession, and structural inequality. As such, Rawls's theory, while helpful, is not sufficient on its own for addressing post-conflict injustice in BARMM.

## CONCLUSIONS

From this study, several philosophical insights can be drawn regarding the relationship between Rawlsian justice and transitional justice in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

First, mechanisms of transitional justice in BARMM reflect the conception of justice as fairness by Rawls. The aim of reparations, truth-telling, institutional reform and reconciliation processes is to restore fairness, dignity and equality among victims. These mechanisms help to reconstruct the basic structure of society and the conditions of fair social cooperation in Rawlsian terms. Restoring legitimacy and public trust in institutions aligns with Rawls's thesis that the institutions of a just and stable society are ones that citizens can reasonably regard as fair.

Second, the land injustice analysis proves how structural inequalities thwart the operations of Rawlsian principles. Historical land dispossession is an infringement of fair equality of opportunity, and it creates a number of inequalities that do not benefit the least fortunate, conflicting with the difference principle. To resolve historical grievances as well as to establish the institutional conditions of justice as fairness, land injustice needs to be effectively resolved.

Third, the findings of this study do not necessarily imply that Rawls's theory is irrelevant to post-conflict societies. Rather, they raise an important philosophical question about the extent to which Rawls's framework can be extended to transitional justice. Rawls's theory provides a powerful normative standard for evaluating the fairness and legitimacy of institutions, particularly through the concepts of the basic structure, background justice, and the two principles of justice. However, transitional justice contexts such as BARMM involve historical dispossession, structural inequality, and institutional fragility that may require additional normative tools beyond the scope of Rawls's primarily distributive framework.

Fourth, the analysis points toward the need for an expanded post-conflict ethics that brings together multiple dimensions of justice. Transitional justice mechanisms typically share the characteristics of distributive justice, rectificatory justice, and restorative justice. Rectificatory justice deals with the need to rectify our historical wrongs while restorative justice focuses on relationships and dignity within the community. The three dimensions of justice matter for moral repair in societies emerging from prolonged violence and structural inequality as well as historical redress.

To end with, findings of this study enrich more broad debates in political philosophy about the limits and possibilities of ideal theories of justice. The normative framework of Rawls's theory is essential for fairness,

equality, and institutional legitimacy. The experience of BARMM and other post-conflict societies indicates that justice theories must incorporate historical injustice, structural disadvantage, and reconciliation process within their ambit. This understanding does not entail a repudiation of Rawlsian theory. Rather, it signals the necessity of supplementing it with approaches that address non-ideal circumstances and historical injustice.

BARMM experience has significance in philosophy by demonstrating how justice as fairness can provide normative framework in transitional justice while simultaneously revealing the need for wider ethical framework. Consequently, post conflict justice has been understood as an extension of political philosophy which combines Rawlsian theory of institutional fairness with theories of rectification, structural justice as well as restorative reconciliation. By doing so one has a fuller account of justice for societies committed not just to the establishment of fair institutions but also to the repair of historical injury and the reinstatement of political community.

## RECOMMENDATIONS

Based on the findings of this study, several recommendations are proposed for future research and the continued development of transitional justice in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

First, future research should explore the actual implementation of transitional justice mechanisms at the community level. Since this study is primarily philosophical and based on secondary sources, empirical research involving field studies, interviews, and community engagement may help assess how affected communities perceive justice, reconciliation, and institutional reform.

Second, further interdisciplinary research is recommended to examine land injustice in BARMM more deeply. As land dispossession remains one of the most significant structural causes of conflict in the region, future studies may investigate legal, political, and ethical approaches to land restitution, equitable land governance, and sustainable conflict resolution.

Third, additional philosophical research may be conducted to further develop the Rawlsian-complementary framework proposed in this study. Future scholars may examine how Rawls's theory of justice as fairness can be integrated with other ethical perspectives such as structural justice, restorative justice, and the capabilities approach in addressing historical injustice and post-conflict reconciliation.

Finally, future studies may examine gender-sensitive and culturally grounded approaches to transitional justice in BARMM, particularly in relation to the experiences of women, Indigenous Peoples, and marginalized communities affected by displacement and violence. These perspectives may help ensure that transitional justice mechanisms promote not only institutional reform but also inclusive and meaningful reconciliation.

## REFERENCES

1. Asia Foundation. (2024). Rido: Clan feuding and conflict management in Mindanao (Updated ed.). The Asia Foundation.
2. Braithwaite, J. (2002). Restorative justice and responsive regulation. Oxford University Press.
3. Clark, P. (2010). The Gacaca courts, post-genocide justice and reconciliation in Rwanda: Justice without lawyers. Cambridge University Press.
4. Davies, S. (2018). The politics of transitional justice in the Philippines. (Discussion on post-authoritarian accountability and RA 10368).
5. De Greiff, P. (2006). The handbook of reparations. Oxford University Press.
6. Deinla, I. (2015). Towards peace: Rethinking justice and legal pluralism in the Bangsamoro. ANU College of Asia & the Pacific. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2553541](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2553541)
7. Freeman, S. (2007). Rawls. Routledge.
8. Gutierrez, E. (2019). Power-sharing and political inclusion in BARMM. Philippine Political Science Journal, 40(3), 211–230. <https://doi.org/10.1080/01154451.2019.1657843>
9. Hayner, P. B. (2011). Unspeakable truths: Transitional justice and the challenge of truth commissions (2nd ed.). Routledge.

10. Hinton, A. L. (Ed.). (2011). *Transitional justice: Global mechanisms and local realities after genocide and mass violence*. Rutgers University Press.
11. International Crisis Group. (2021). *The Philippines: Militancy and the new Bangsamoro*. International Crisis Group Report.
12. International Institute on Dialogue and Peacebuilding (IID). (2019). *Transitional justice and reconciliation: In and beyond the Bangsamoro*. IID.
13. Kent, L. (2012). *The dynamics of transitional justice: International models and local realities in East Timor*. Routledge.
14. Lamchek, J. S., & Radics, G. (2021). Dealing with the past or moving forward? Transitional justice, the Bangsamoro peace agreement and federalism in the Philippines. *International Criminal Law Review*, 21(5), 962–989. <https://doi.org/10.1163/15718123-bja10066>
15. Lara, F. J., Jr., & Champain, P. (2010). *Inclusive peace in Muslim Mindanao: Revisiting the dynamics of conflict and exclusion*. International Alert.
16. Minow, M. (1998). *Between vengeance and forgiveness: Facing history after genocide and mass violence*. Beacon Press.
17. Murphy, C. (2010). *A moral theory of political reconciliation*. Cambridge University Press.
18. Murphy, C. (2017). *The conceptual foundations of transitional justice*. Cambridge University Press.
19. Nozick, R. (1974). *Anarchy, state, and utopia*. Basic Books.
20. Office of the Presidential Adviser on the Peace Process (OPAPP). (2019). *Normalization program framework*.
21. Okin, S. M. (1989). *Justice, gender, and the family*. Basic Books.
22. Rawls, J. (1999). *Political liberalism*. Columbia University Press.
23. Refaeil, N., & Moner, Y. (2024). *Independent study on the status of implementation of the 2016 TJRC recommendations*. Swiss Federal Department of Foreign Affairs (FDFA).
24. Republic Act No. 11054. (2018). *Bangsamoro Organic Law*. Official Gazette of the Republic of the Philippines.
25. Roht-Arriaza, N., & Mariezcurrena, J. (Eds.). (2006). *Transitional justice in the twenty-first century: Beyond truth versus justice*. Cambridge University Press.
26. Sandel, M. J. (1998). *Liberalism and the limits of justice* (2nd ed.). Cambridge University Press.
27. Santos, S. M. (2015). *Delays and detours: Lessons from peace processes in Mindanao*. Conciliation Resources.
28. Santos, S. M., Jr., & Santos, P. Q. (2010). *Primed and purposeful: Armed groups and human security efforts in the Philippines*. Small Arms Survey / SSNAG.
29. Sen, A. (2009). *The idea of justice*. Harvard University Press.
30. Sikkink, K. (2011). *The justice cascade: How human rights prosecutions are changing world politics*. W. W. Norton & Company.
31. Simons, J., & Oledan, R. (2019). *Transitional justice and reconciliation in and beyond the Bangsamoro*. Initiatives for International Dialogue.
32. Taylor, V. L. (2014). Transitional justice and legal pluralism in the Bangsamoro. *Philippine Political Science Journal*, 35(2), 163–182. <https://doi.org/10.1080/01154451.2014.965865>
33. Teitel, R. G. (2000). *Transitional justice*. Oxford University Press.
34. *The Comprehensive Agreement on the Bangsamoro (CAB)*. (2014). Government of the Philippines & Moro Islamic Liberation Front.
35. *Transitional Justice and Reconciliation Commission*. (2016). *TJRC report on the Bangsamoro*. <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAsia/Docs/Publications/2016/10/TJRC%20Report.pdf>
36. Tugade, R. R. L. (2020). Beyond legal transformation: Assessing transitional justice mechanisms in the Philippines. *Philippine Law Journal*, 93, 77–99.
37. Tutu, D. (1999). *No future without forgiveness*. Image.
38. Wolff, R. P. (1977). *Understanding Rawls: A reconstruction and critique of A theory of justice*. Princeton University Press.
39. Young, I. M. (1990). *Justice and the politics of difference*. Princeton University Press.