

The Right to Bear Arms as a Human Right or a Threat to Public Security? An Analysis from the Perspective of Natural Rights Theory

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1. Round 1

1.1. Reviewer 1

Reviewer:

The paragraph that states, “The terminology must also be distinguished from the procedural doctrine known as the ‘equality of arms,’” introduces sources on procedural equality that are only tangentially related to the article’s core subject. The citations to Davies, Ashrafi, Tavassoli Naini, and Ebadi appear to be included primarily because of lexical similarity rather than substantive relevance to weapon possession. This is methodologically problematic because it risks creating an impression of evidentiary support where the literature addresses a different doctrine entirely. The paragraph should either substantially narrow this discussion to a brief terminological clarification or explain why procedural equality is theoretically relevant to licensing, access to judicial review, or fairness in administrative deprivation of firearms rights. Otherwise, these sources should not carry significant analytical weight.

In the paragraph beginning with “The contemporary relevance of the debate is intensified by the circulation of small arms and light weapons beyond effective state control,” the article shifts from individual rights to terrorism, illicit markets, and armed groups. This is a legitimate public-security concern, but the inferential bridge needs to be made more explicit. The article should distinguish between lawful civilian possession, illicit trafficking, and organized armed proliferation rather than treating them as points on an undifferentiated continuum. The current paragraph risks committing an ecological inference by using evidence from terrorism and illicit arms circulation to support regulation of ordinary civilian possession. I recommend adding a sentence clarifying that these phenomena are analytically distinct, while explaining how diversion from lawful channels can create a regulatory nexus between them.

The sentence, “Characterizing the right to arms as a human right requires a further analytical step beyond recognizing its possible basis in natural-rights philosophy,” marks an important transition, but the article should establish explicit criteria for

when a natural right becomes recognizable as a human right. At present, the manuscript refers to universality, fundamental importance, compatibility with others' rights, and legal formulation, but these criteria are introduced descriptively rather than systematically. I recommend stating a concise evaluative framework and then applying it to the right to arms throughout the section. This would make the argument more transparent and less impressionistic.

The paragraph containing the sentence, "A victim of an armed assault cannot meaningfully be told that the state monopolizes protection if police assistance will arrive only after the lethal danger has materialized," is rhetorically effective but needs greater analytical restraint. The statement assumes that possession of a weapon would materially improve the victim's capacity for self-defense, which may vary greatly across circumstances. The manuscript should acknowledge that the effectiveness of armed self-defense is an empirical question and distinguish normative entitlement from empirical effectiveness. Even if the article does not undertake quantitative empirical analysis, it should avoid treating weapon possession as necessarily equivalent to effective protection.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The sentence, "If an individual possesses a pre-political right to preserve his or her own life, and if effective preservation may in some circumstances require defensive force, then it may be argued that the state cannot prohibit all meaningful means through which such defensive force may be exercised," is central to the article's thesis but currently rests on assertion rather than a sufficiently articulated philosophical argument. The article should reconstruct the derivation step by step: first, establish the natural right to self-preservation; second, explain why a right can entail access to necessary instrumental conditions; third, identify the threshold of necessity; and fourth, distinguish necessary means from merely preferred means. This would transform the article's core claim from an intuitive proposition into a defensible analytical argument.

The paragraph beginning with "Natural-rights theory begins from the proposition that certain human interests possess moral significance independently of recognition by political authorities" should engage more directly with canonical natural-rights thinkers. The article refers generally to the tradition but does not analyze the positions of Locke, Hobbes, Aquinas, or later natural-law theorists in a way that would substantiate its theoretical claims. Because the article explicitly presents itself as an analysis "from the perspective of natural rights theory," the theoretical section should not remain largely generic. I recommend adding a concise but substantive treatment of how different natural-rights traditions conceptualize self-preservation, political authority, transfer of coercive power to the state, and resistance to aggression.

In the sentence, "The right to life provides the strongest starting point for such an inquiry," the article proceeds from the right to life to the right of self-defense, but the relationship between these two concepts requires more doctrinal nuance. The right to life in human rights law is generally framed as a protection against arbitrary deprivation of life and as a source of positive state obligations, whereas self-defense is usually a justification or excuse within criminal law. The manuscript should avoid treating these concepts as legally interchangeable. I recommend explicitly distinguishing the philosophical natural right to preserve life from the positive-law human right to life and from the criminal-law doctrine of self-defense. This distinction would prevent the article from moving too easily from one normative register to another.

The paragraph containing the sentence, "A person cannot invoke natural liberty to justify arbitrary violence, enslavement, or conduct that destroys the equal freedom of others," introduces the reciprocal character of natural rights effectively, but the analysis would be stronger if it developed a clear collision-of-rights framework. The article repeatedly states that one person's right to arms is limited by another person's right to life and security, yet it does not specify how competing rights are to be ranked or reconciled. A more rigorous approach would explain whether the article adopts proportionality, harm prevention, equal liberty, or another normative principle as the primary balancing mechanism. The current treatment anticipates proportionality but does not fully integrate it at this stage.

The sentence, "Property rights provide another potential foundation for private weapon ownership, but they are insufficient on their own," introduces an important but underdeveloped line of reasoning. The manuscript should explain whether weapon

possession is protected because of the general liberty to acquire property, because of the specific defensive function of weapons, or because of both. It should also distinguish regulation of ownership from confiscation and prohibition. If the article wishes to argue that property is a secondary foundation, it should explain why ordinary property-rights analysis cannot independently sustain a strong claim against state interference with weapons. This would improve the internal coherence of the natural-rights section.

The paragraph beginning with “A more persuasive defense of a limited right to arms is consequently derived from the convergence of self-preservation, autonomy, and distrust of absolute governmental monopoly over personal protection” contains one of the strongest formulations in the manuscript, but the concept of “limited right” needs operational definition. The article should specify the circumstances in which the right would become legally actionable. For example, would it apply only when state protection is objectively inadequate, or would all competent adults possess it presumptively? Would it protect possession in the home but not public carrying? Would it apply only to conventional firearms or also to other defensive tools? A theoretical right without defined scope remains difficult to test or apply.

In the paragraph addressing resistance to tyranny, particularly the sentence, “The anti-tyranny argument, however, is considerably more difficult to translate into a modern human-rights doctrine,” the manuscript reaches a plausible conclusion but does not sufficiently differentiate between a right of revolution, a right of resistance, and an individual right to possess arms in peacetime. These are distinct concepts in political philosophy and constitutional theory. The article should make clear that a possible natural right to resist extreme oppression does not necessarily entail a standing individual right to military preparedness against the state. This distinction is especially important to prevent the article from appearing to dismiss resistance theory on purely practical grounds related to modern military asymmetry.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.