

NASIR AL-DIN TUSI ON PUBLIC ADMINISTRATION AND LEGAL DOCTRINE

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ABSTRACT: The article examines the political and legal views of the great 13th-century Azerbaijani thinker Nasir al-Din Tusi. It analyzes Tusi's ideas concerning the origin of the state, principles of governance, the concept of justice, legality, the duties of the ruler, the social structure of society, and issues of foreign policy. It has been determined that Tusi regarded the state as a political union formed as a result of the mutual needs of human beings, while justice was considered the principal foundation of the state. He maintained that the ideal ruler should be wise, educated, and just, and identified the welfare of the people as the primary objective of state policy. Tusi also emphasized that war should serve only as a last resort, advocating instead the superiority of peace and diplomatic relations. The article concludes that the political and legal ideas of the author are consonant with the principles of modern statehood and international law.

Keywords: *Muslim law, political-legal thought, Islam, feudalism, state, justice, thinker, public administration, ruler, punishment, head of state*

Introduction

The Middle Ages, or the feudal period, constituted not only an era of significant development in the history of Azerbaijani statehood and law, but also a flourishing stage in the history of science, culture, and socio-political thought. During this period, alongside other spheres of socio-political life and branches of scientific thought, legal science also experienced considerable advancement. Among Azerbaijani rulers, one may observe a number of figures who were closely engaged with jurisprudence and legality. At the same time, the works of jurists and Islamic legal scholars (fuqaha), renowned throughout the Islamic East, became widespread. The books written by these distinguished scholars, together with the theory and practice of Muslim law developed prior to them, played an important role in the systems of governance and legal doctrines of the period under discussion.

During the feudal era, Azerbaijani thinkers who lived and worked in various regions of the Islamic East made valuable contributions to political and legal thought. One of the most prominent personalities of this period, Azerbaijani by origin and celebrated throughout the Islamic East as a scholar, thinker, statesman, and politician, was Nasir al-Din Tusi.

Having received an excellent education in his youth, Tusi graduated from the “Ash‘ariyya” madrasa in Khorasan and the “Nasiriyya” madrasa in Nishapur. In addition, the future great thinker studied a wide range of sciences under eminent scholars in Baghdad, Herat, Qom, Khwarazm, and other cities of the Islamic East.

Tusi was not only an outstanding scholar possessing encyclopedic knowledge, but also a profound expert in public administration and law. In such works as *Akhlaq-i Nasiri*, *Awsaf al-Ashraf*, *Akhlaq-i Muhtashami*, and *Adab al-Muta‘allimin*, he expounded his political and legal views as well as his ideas concerning social justice. In general, a substantial portion of the 76 works attributed to this world-renowned scholar (although some researchers claim that Tusi authored more than one hundred works) was devoted to questions of statehood and law. The great thinker was an expert not only in medieval Muslim law but also in classical legal thought. His writings demonstrate that his views on the state, law, and politics were shaped under

the influence of eminent Eastern thinkers such as Al-Farabi, Ibn Sina, and Al-Biruni, as well as Western philosophers including Socrates, Plato, and Aristotle. (Rzayev, A. 1996).

Nasir al-Din Tusi's Political and Legal Views on the State and Justice

In the history of Azerbaijani political and legal thought, Tusi was among the first to advance theoretical generalizations concerning the state. According to Tusi, the state is a union established by human beings in order to sustain life and provide themselves with necessary means of existence. The state emerges where individuals are unable to secure their lives independently and therefore voluntarily unite in pursuit of their common interests. Thus, Tusi perceived the state not merely as a special mechanism or apparatus, but rather as a political community of united individuals:

“Since human beings are dependent upon one another, and since the perfection and completeness of one individual depend upon the perfection and completeness of others of the same kind, as well as upon their mutual assistance, no person can attain perfection alone. Consequently, there arises the necessity of establishing an order that unites all people who assist one another into a single body. As man is by nature created as a being inclined toward development, he is naturally in need of such a union.”

Through this approach, Tusi, like many thinkers before and after him, associated the origin of the state with a form of social contract and did not conceive of the state and its citizens as separate entities.

The concept of justice occupies a central place in Tusi's political and legal doctrine. He wrote:

“Among all virtues, none is more noble than justice, for justice exists at the center of truth, while everything outside it revolves around it and is directed toward it.”

Elsewhere, Tusi stated:

“Justice means that the powers of wisdom, courage, and chastity unite in harmony, accepting the faculty of reason—which distinguishes good from evil—as their supreme guide and never deviating from its command.” (Rustamov, Y. 2000).

Tusi regarded divine justice as the highest form of justice. In his view, justice is the representative of the Almighty Creator within the human being. Every individual should employ the sense of justice bestowed upon him by God in relation to all those around him, making use of his moral feelings, judgment, and actions within the limits of his abilities and capacities. A person who preserves divine justice within himself and directs it toward the benefit of humanity thereby attains moral perfection. Justice, according to Tusi, must become a habitual and integral norm of daily life for every individual.

When individuals are deprived of what rightfully belongs to them, and when the principle of reward and punishment is violated, the principle of justice itself is undermined. In such circumstances, weakness and tyranny emerge within the state, while love turns into hostility and friendship into enmity. Tusi therefore concluded that “a state can endure for a long time only on the basis of justice” (Rustamov, Y. 2000). Hence, justice constitutes the very foundation of the state.

Tusi identified three essential conditions of justice:

- **First**, harmony must be established among the various social strata of society. By these strata, Tusi referred to the classes existing within feudal society: intellectuals, the military class, merchants and artisans, as well as peasants and herdsmen. The thinker firmly believed that when these four groups function together in unity and harmony, a system of civilization, virtue, and prosperity emerges.
- **Second**, every individual should be appointed to office according to his dignity, merit, and abilities.
- **Third**, in the distribution of public revenues, consideration must be given to justice and to each person’s service and contribution.

For the implementation of these three conditions of justice, the ruler of the country must himself be just, since the state cannot preserve itself on the basis of injustice. (Mammadov, Ş.2020).

Tusi not only criticized the existing unjust social order, but also advanced concrete proposals aimed at rescuing the people from their difficult conditions. He envisioned a society in which individuals would live in freedom. In this “free city,” the population would possess equal rights and would not be divided into the rich and the poor. The inhabitants of such a city would stand above state officials, since public authorities would be elected by the people themselves.

While regarding justice as one of the highest virtues, Tusi simultaneously characterized injustice as oppression, humiliation, and despotism. He wrote:

“Certain forms of oppression appear more openly than others. For example, they may quickly emerge in such civil matters as pledges, trade, receipts, and deposits. However, theft, plunder, treachery, lying, and similar acts are relatively more difficult to expose and resemble cruelty. There are also forms of oppression such as fastening shackles to one’s feet, chains to one’s wrists, and fetters to one’s neck, which are equivalent to torment and torture.” (Malikova, M., & Bayramov, E. 1984). Tusi considered rulers and those entrusted with governing the country to be the principal source of the suffering inflicted upon the people. According to the scholar, a just ruler must prevent such injustices and demonstrate his commitment to justice through punitive and corrective measures.

Tusi also advanced valuable ideas concerning the head of state (the ruler) and methods of governance. In this regard, the thinker wrote:

“Not every era and every age necessarily requires a ruler. If order and discipline prevail among the people, this may suffice for them for a long time. However, in all periods there is a need for a wise leader and prudent administrators. Without prudence, order and discipline disappear, and human society cannot develop as it should.”

The great thinker maintained that a ruler must, above all, be wise and just. An unjust ruler would not only lose the affection of the people, but could even provoke resistance against himself. A just head of state should take close interest in the living conditions of the people and should not entrust human destinies to cruel and bloodthirsty commanders. According to Tusi, however, a ruler can only be just if he is educated and knowledgeable.

Tusi asserted that the head of state must embody seven essential qualities and characteristics:

1. Paternal care;
2. Nobility;
3. Courage;
4. Determination;
5. Patience;
6. Wealth;
7. Loyalty. (History of political and legal doctrines. 2001).

Analyzing each of these qualities separately, Tusi concluded that the ruler must demonstrate paternal concern for the people, win their hearts, restrain anger, and refrain from coveting the property of his subjects.

Discussing methods of state administration, Tusi arrived at the conclusion that it is impossible to govern a state without imperfections. Every state possesses its own laws and regulations. When these laws and regulations are violated, injustice emerges and disorder begins within the state, allowing enemies to exploit the situation. (Malikova, M., & Bayramov, E. 1984)

According to Tusi, public opinion must be taken into consideration in the governance of the state. The will of the people should be reflected both in the ruler's decrees and in their implementation. Only under such conditions can the ruler gain the respect of the people.

The thinker considered five elements indispensable for ideal state administration:

1. Wise men;
2. Educators who perfect the population through religious and secular knowledge;
3. Supervisors who ensure state control over legality, the administration of justice, and trade regulations;
4. Guardians who protect the population and their property from thieves and fraudsters while safeguarding public order;
5. Financiers responsible for economic accounting and the food supply of the population.

Tusi regarded politics as the science of state administration and, like the state itself, divided politics into two categories: noble and ignoble.

“The first is virtuous politics (*fazila*), also called imamate. Its aim is to perfect the people, and its result is the attainment of happiness.

The second is deficient politics (*naqis*), also called tyranny. Its aim is to enslave the people, and its result is misery and condemnation.”

The great thinker considered the ruler to be the physician of the state and maintained that:

“Disease arises from two causes: first, when there is tyrannical kingship in the country; second, when the country is abandoned to anarchy. Tyrannical kingship is harmful because vile and oppressive men are praised within it; anarchy is sorrowful because base and wicked individuals become honored.” (Rustamov, Y. 2000). According to Tusi, the people would either benefit or suffer depending on whether politics was virtuous (*fazila*) or deficient (*naqis*):

“The welfare of the people consists in security, tranquility, mutual assistance, friendship, justice, happiness, chastity, kindness, and similar virtues.

The harm of the people consists in disorder, suffering, fear, anxiety, turmoil, conflict, oppression, torment, envy, hypocrisy, treachery, humiliation, slander, and similar evils.”

Summarizing his views on the domestic policy of the state, Tusi wrote:

“The strength of the state depends upon the ruler, the strength of the ruler depends upon politics, and the strength of politics depends upon wisdom.

If wisdom applied within the state is properly ordered and the laws of justice are observed, order and discipline will emerge, and everything will develop toward perfection. However, if wisdom is deficient and inconsistent with circumstances, injustice will begin to appear in the laws. Once injustice finds its way into society, the beauty of the country disappears, ugliness and discord arise, fairness and humanity vanish, and love is replaced by hatred.” (Mammadov, Ş. 2020).

Tusi understood feudal society as a collection of distinct social estates and, just as nature consists of four elements, he divided the population into four social classes:

“Just as the health of the human body depends upon the harmony among the four elements, the harmony of society depends upon the mutual compatibility of four classes.

First, the people of the pen (the intellectuals): scholars, enlighteners, jurists of religious law, judges, scribes, mathematicians, engineers, astrologers, physicians, poets, and the like. The continuity of religion and worldly affairs depends upon their existence. Among the natural elements, they correspond to water.

Second, the people of the sword (the army and military class): warriors, fighters for the faith, knights, veterans, border guards, sentinels, champions, heroes, palace guards, and protectors of the state. The order and stability of the world depend upon their existence. Among the natural elements, they correspond to fire.

Third, the people of commerce: merchants who transport and sell goods from one place to another, craftsmen, and tax collectors. Without their assistance, it would be

impossible to sustain and provide for human livelihood. Among the natural elements, they correspond to air.

Fourth, the people of agriculture: farmers, harvesters, villagers, irrigators, and those engaged in animal husbandry. They provide food and sustenance for all people. Without their labor, human life would not be possible. Among the natural elements, they correspond to earth.” (3, p. 436)

Attaching great importance to ideal state administration, the thinker also emphasized strict observance of law and legality. According to him, in a society where legality is violated, it is impossible to speak of any other virtues. Tusi regarded violations of legality as a grave fault and even as a sin, writing:

“...if one reflects carefully, it becomes clear that such people resemble not the possessors of virtue and wisdom, but lifeless stones and spiritless corpses; for those endowed with virtue and wisdom never act against the rules and laws established by the state.” (History of political and legal doctrines. (2001). In addition, the great thinker advanced valuable ideas in the field of criminal law, particularly concerning the distinction between an actual crime and a suspected offense, as well as the application of appropriate punishments such as imprisonment, restriction of liberty, exile, and others. According to Tusi, a criminal must be punished; however, the punishment must be proportionate to the crime. As a major humanist of his time, he considered the death penalty unnecessary.

Tusi believed that in the ruler’s system of governance, punishment and encouragement must complement each other. He wrote:

“However, these rewards and gifts must be accompanied by the awe of the ruler, for the favors and benefactions bestowed by the sovereign are intended to win the hearts of those who are filled with fear, and are given after demonstrating authority. The gifts of a ruler who lacks awe and authority lead to the insolence and boldness of subordinates; gradually their greed and avarice increase, and once this occurs, even if the entire country is given to one of them, he will still not be satisfied.”

At the same time, the great humanist Tusi did not mean literal fear and terror by the ruler's "awe," but rather responsibility, accountability, and discipline required for the assigned duties. From this perspective, Tusi called upon feudal lords of various ranks and positions not to abuse their authority to oppress the people, and urged merchants to refrain from greed and excessive exploitation. He also advocated the principle that landowners should be taxed not arbitrarily, but according to the actual income of the land. (Akbarov, R., & Salimov, S., 2001)

Nasir al-Din Tusi's Concept of Foreign Policy, War, and Peace

As a great master of interstate relations and foreign policy, Tusi held significant influence during the nearly 22 years he spent in the Ismaili court, and later during his approximately 20-year activity in the Hulagu state. He had a profound impact on the foreign policy orientation of these states and their relations with neighboring rulers. He gained the trust and respect of some of the most powerful and often feared rulers of his time, including the Ismaili leaders Ala al-Din and Rukn al-Din, as well as the Mongol rulers Hulagu Khan and Abaqa Khan. Even Möngke Khan of the Mongol Empire and Abbasid Caliph al-Musta'sim, along with other regional rulers, sought his counsel and benefited from his intellectual authority. Tusi served as an advisor in the Ismaili state and as a counselor—and according to some sources even as vizier—in the Hulagu Empire, playing an important role in its foreign policy and historical trajectory.

Issues of foreign policy, war, and peace were reflected not only in Tusi's practical state activities as a statesman but also in his numerous scholarly works. Among these, the most prominent is *Akhlaq-i Nasiri*, which he wrote in 1232–1233 in the Ismaili court in the name of the ruler Muhtasham. (Rzayev, A. 2000). In this work, Tusi, alongside many other issues, also addresses matters of foreign policy and clarifies various aspects of interstate relations. For instance, the long-standing practice—still used by major world powers today—of maintaining control over different peoples by inciting internal conflicts was already known in antiquity and the Middle Ages. Tusi wrote on this subject:

“After Alexander conquered Darius’s country, he realized that the Iranians were a civilized, powerful, and well-ordered people with many capable commanders, large quantities of weapons, and a strong army. He understood that if he left, those seeking revenge would soon rise among them and bring an end to Roman rule. It would also be naïve to expect loyalty and justice from them. Deep in thought and finding himself helpless, he explained his concerns to Aristotle. The philosopher said: ‘Sow discord among them so that they become preoccupied with one another; then you can be at ease regarding them.’ Alexander created a system of ‘tribal rule,’ appointing a feudal lord in every region. From that time until the era of Ardashir Babakan, neither unity nor the voice of revenge was heard in Iran.” (Efendiyev, M. 2002) According to Tusi, “Man is rational and does not desire war. No nation desires war; it is rulers who compel them into this bloodshed.”

Tusi emphasized that a ruler must not neglect the defense of the state, the protection of its borders, and the condition of the guards, because the measures taken by the ruler for the defense of the country are often more powerful than the strength of large armies. For this purpose, it is necessary that intelligence agents and scouts gather information and uncover the situation and hidden intentions of enemies, since the most powerful weapon in resisting adversaries is foreknowledge of their plans.

Tusi condemned wars of aggression and believed that military conflicts are not always necessary for resolving interstate disputes. Therefore, a head of state must “strive with utmost effort and caution to reconcile with enemies and conclude agreements with them in such a way that there remains no need for war and bloodshed.” He also believed that for the improvement of interstate relations, rulers should meet with each other regularly. (Tusi, N. 1980).

According to the scholar, in cases of war, the purpose of the attacking side must be nothing other than justice and legitimate struggle (*jihad*). An attack is only justified when there is certainty of victory. If there is no hope of victory, war must not be initiated. A ruler should instead seek to avoid armed conflict through strategy, diplomacy, and sowing discord among enemies, so that recourse to weapons becomes unnecessary. As the wise say, “one does not use a whip where a lash suffices, nor a sword where a staff is adequate.” Thus, “war should be the last resort.” (Rustamov,

Y. 2000). Tusi also considered it essential in military operations to remain steadfast and composed, and he regarded underestimating the enemy, neglecting preparedness, and failing to fully mobilize one's forces as acts of ignorance. For it is not uncommon, he noted, that "the few, with God's help, overcome the many." The great humanist scholar also advised that, in order to minimize civilian casualties during war, people should be gathered in safe, secure, and well-protected places such as fortresses.

According to the thinker, after victory, killing and massacre must be stopped, and when it is possible to take captives, the defeated should not be killed.

"After victory, one must certainly abandon hatred and enmity, and put an end to hostility, because after victory the defeated become like servants and subjects... Once Aristotle was informed that Alexander, after conquering a city, did not stop the massacre of its inhabitants. Aristotle immediately wrote him an admonitory letter, saying: 'If you had an excuse to kill the enemy before victory, what justification can you offer for killing your own subjects after victory?'... Forgiving rulers are better than unforgiving ones, because forgiveness after demonstrating power has a special nobility." (Tusi, N. 1980).

According to Tusi, a great humanist, the oppression of the population of a conquered country is a sign of the ruler's weakness. According to a legend, when Hulagu Khan heard about the oppression inflicted upon the people of Tabriz by Jalal al-Din Khwarazmshah during his conquest of the city, he said: "We, thanks be to God, conquer the world and also govern it. For our enemies I am a conqueror, and for those who submit I am a ruler. I am not as weak and powerless as Jalal al-Din."

Tusi believed that during wartime defense, trenches should be dug, ambushes prepared, and night raids organized against the enemy. As for cities forced into war and unable to resist, it was necessary for them to take precautionary measures in advance, resort to diplomacy, and offer wealth in order to secure peace agreements.

Although the great thinker justified just wars, he nevertheless urged rulers toward peace, reminding them of the well-known command of the Holy Qur'an: "Enter into peace completely, and do not follow the footsteps of Satan; indeed, he is your clear

enemy... Fight those who fight you, but do not transgress; indeed, God does not love transgressors” (History of political and legal doctrines. 2001). Thus, the strategic reflections and tactical recommendations of the great scholar and statesman on interstate relations, peace, and war were aimed at generalizing historical experience in this field and orienting it toward the future. His views on these matters closely correspond to the fundamental principles of modern international law and international relations.

Conclusion

Nasir al-Din Tusi is one of the most prominent thinkers and statesmen in the history of medieval Azerbaijani and broader Islamic Eastern political and legal thought. His ideas on the origin of the state, principles of governance, justice, legality, and the duties of the ruler not only reflect the socio-political realities of his time but also demonstrate notable parallels with modern principles of statehood. Tusi defined the state as a political union arising from the mutual needs of people and regarded justice as the fundamental pillar of the state.

The thinker emphasized that the ideal ruler must be wise, educated, and committed to the welfare of the people, and he considered the protection of law and social justice as essential conditions of governance. He also viewed the harmonious functioning of different social classes as a key factor in ensuring state stability.

Tusi’s views on foreign policy, war, and peace are of particular importance. He regarded war as a last resort and strongly supported the superiority of peace and diplomatic relations between states. From a humanistic standpoint, he stressed the protection of civilians during war and the humane treatment of prisoners of war.

Thus, the political and legal ideas of Nasir al-Din Tusi may be regarded not only as an important contribution to medieval Eastern political thought but also as a valuable part of the universal history of legal and political ideas.

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