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International Digital Organization for Scientific Research  
IDOSR JOURNAL OF SCIENCE AND TECHNOLOGY 1(1): 51-57, 2016.

ISSN: 2579-079X

## **The State and the Nation**

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### Introduction

The concept of state and nations are closely related and share some similar features or attributes, the terms are interchangeably used. However the two terms are not the same. We shall in our discussion explain the meanings of the two terms, their principles and components. There are a plethora of definitions of a state as there are various authors or scholars on the subject matter. According to Encyclopedia Americana Interaction of Edition, 2004 [1] a state refers to; “a body of people politically organized under one government with sovereign character” In other words, a state means a political unit made up of men and women organized under one authority in a defined territory for the pursuit of a secular common welfare, the maintenance of order and the caring on external relations [2].

State can also be defined according to O’Connell as; “a society, association of group of persons who work together in a clearly defined territory to achieve a three-fold –ends-welfare, order and external relations [2]. From the legal perspective, a state exists when people are settled in an area under its own sovereign government. The concept of state implies political authority which establishes control and domination over a specific geographical jurisdiction. The constitution of the state defines and explains the authority and makes elaborate provision for the institution of government required to ensure internal stability, cohesion and external security. In the case of Segun Aderibigbe [3] a state is a community of persons more or less numerous, permanently occupying a definite portion of territory, independent or nearly so of external control and possessing organized government to which the great body of inhabitants render habitual obedience [4]: sees the state as; “the most inclusive organization which has institutions for regulating the most significant external relationship of men within its scope. He went further to describe the state as a polity, unit, a grouping of individuals who are organized in a defined geographical space for the pursuit of common interest.

Generally speaking, a state is a complex and special form of human association which is unique and differ from other human organizations such as trade unions, political parties, churches etc. it is an abstract concept which inevitable changes with history, scholarly analysis and several usage. We have been able to go through the various views of different authors on the concept of state, it is now clear that a state is an association of human beings who live a territorial jurisdiction, having a government with the cardinal objective to achieve common interest for its members. Examples of state include Nigeria, India, Germany, China etc. All modern state are characterized by the following features or elements.

## Features or Principles of a State

The following are the main attributes of every modern state. They include:

### Population or People

A state must be made up of a population-men and women who occupy the territory. As a social organization, a state is populated by people of divergent socio-cultural features. They should not necessarily be of the same religion or linguistic group. Some states have large populations such as Nigeria, China, India, U.S.A, Russia, Germany, France, while some have very low population's examples Togo, Cuba, Mali, Niger Chad, and Ethiopia.

### Government

This is a very essential element of the state. It is institutions of the state which it uses enforce and adjudicate laws for a particular state. The government is a group of persons who hold the mandate of the people to represent and rule them based on the existing legal framework of the land or constitution of the state. In return, the government provides order, peace and harmonies co-existence.

### Territory

A state must have a definite territory to distinguish it from others. The territorial position of a state is very vital and important because where it is located adds relevance to its power. Internationally, the state is seen as autonomous or independent [5].

### Sovereignty

This is an essential legitimate authority and independence which a state has over its citizens and territory. A state must have absolute and unhindered power in that it stands above all other associations and groups in the society. It implies that the state has supreme political authority which recognizes no superior beyond which there is no legal appeal.

### Constitution

Every state needs a legal framework to form the basis for carrying out government business. The above constitutions constitute the cost element or attribute of a state which to an extent distinguish from a nation as we shall later in this discussion.

### Functions of the State

A state has some functions and responsibilities to perform. Some of these functions include:

- i. Provision of social amenities and economic development
- ii. Maintain law and order by having fundamental rules and regulations
- iii. Administration of justice in civil cases
- iv. Determination of political duties, principles and relations of citizens
- v. Conduct the dealings of the state with foreign powers
- vi. Establish diplomatic corps and armed forces to preserve the state from external aggression or encroachment
- vii. Prescribe punishment of crime
- viii. Fixing of the legal relations between husband and wife and between parents and children.

- ix. Regulation of the holding, transmission and interchange of property and the determination of its liabilities for debt or for crime.

### Origin of the State

There is no common agreement by political writers or scholars on the origin of the state. Opinions vary as there are varied authors. Consequently, there is a gamut of theories of the origin of the state. We shall here under discuss some of these theories briefly.

### Social Contract Theory

The main thrust of the social contract theorist is that the state is a creation of man which came about as a result of contract or agreement contracted for men who formally lived under no organized government (state of nature). The theorists believe that the history of the world could be separated into two periods, the first period called the state of nature when there was no government, no law, men were regulated by rules determined by nature.

The second period belonged to the era when people decided to come together to form an organized government and give away their natural liberty and subject themselves to the laws made by the government. The main proponents of this theory include [6].

According to [6], man is essentially directed by his selfish desires, appetites and not by reason. He described the state of nature as where there is the perpetual struggle of all against all. For him, it was a lawless state where there is no justice and life of man was "solitary, poor, nasty, brutish and short".

Consequently, the necessity and urgency for self preservation, man made a covenant or a contract among themselves and formed a state, this agreement or contract is not made by the government and the people, rather by every man with every man. This resulted to the abandonment of the state of nature to civil society. All these were contained in Hobbes Treatise called the Leviathan in 1651.

However, Hobbes theory, has been criticized by other scholars who faulted him on the following grounds.;

- His social contract is described as unhistorical.
- His view of man who is a brute in the state of nature but turns out to become a saint in the political society is equally amazing and laughable.
- The submission of all rights by men to the supreme sovereignty is not tenable.

John Locke, in his view, tried to justify the ultimate authority of the people over the ruler. Like, Hobbes- he started with the state of nature but his state of nature was different from Hobbes. He did not paint an ugly picture of the state of nature as horrible and barbarian as we were made to believe in Hobbes treaties, rather his state of nature was where men were sympathetic towards others and cooperative in their attitude and enjoyed some degree of natural rights and freedom [7]. He believed that man would use their rationality to seek for their personal interests and desires without encroaching or interfering in the right of others. Men, however rationalized and feared the dangers inherent in total freedom and thus agreed to organize government in order to regulate human conduct and activities. They, therefore, entered into a sound contract among themselves and between them and government. They surrendered some of them to the state in return to life, property and liberty. The implication of the above is that the legitimacy of a government and its power to govern a people therefore depended on their consent of the people Lockes concept of natural rights and consent as the basis of government remain invaluable in all democracies

Jean Jacques Rousseau, one of the Social Contract theorists, diffused significantly from the other writers [6]. In his own state of nature they described an idyllic peace and tranquility, a joyous atmosphere with complete freedom and equity. However, with increase in population, emergence of acquisition of private property and growth of reason, a class of oppressors emerged with the poor at the receiving end.

Thus, the need for a social contract where men will surrender all their rights without reservation and hence the sovereign is absolute. One good element of Rousseau is that it represents the collective good as opposed to selfish interests of all. All the citizen form the "General Will" for total welfare of themselves and thus there can be no other interest contrary to the interest of the community.

#### Evolution theory

This theory believes that state began as a result of natural evolution and not by a deliberate human imagination or contrivance. According to Aristotle, man is by nature a political animal. It implies that state is not such a thing which was suddenly and arbitrarily created by anybody or man or God. Rather, the very necessity of self preservation and procreation have made men social and political animal. In the words of Burgess [8] "state is a gradual and continuous development of human society out of grossly imperfect beginning, through crude but improving form of manifestation toward a perfect and universal organization of mainland". This process has given rise to the growth of a civilized government some factors which dictated the process of evolution include:

- a. Kinship relationship
- b. Religious influence
- c. Economic necessity
- d. Political consciousness

#### Divine right of king theory

This theory is premised on the following principles:

- a. That the state has been ordained by Gods ordinance
- b. Its rulers are appointed by divine inspiration
- c. That they are accountable to no other authority but God.

The important of this theory is that God created the state and all human institutions are believed to have their origin in divine creation. It is also assumed that Gods will is brought to the notice of people through revelation immediately to certain persons who are his earthly representatives. The divine right theory sees obedience to the state as a religious and civil responsibility while disobedience is seen or treated as a sacrilege. One of the shortcomings of the theory is that it made proposition which must be accepted matters of faith rather than. It is a kind of dogma. It also created avenue for despots to emerge.

#### Force theory

The assumption of this theory is that the state is the result of the subjugation of the weak by the strong. It believes that a leader of a group can exercise his authority over neighboring people. This theory has the problem of believing that force is the only means of establishing a state, rather institution of a state is a gamut of other factors such as religion, kinship and political consciousness [8] [9]

#### Patriarchal theory

The assumption of this theory is that the state has its first origin in the family, indicating that it is consequently enlargement of the family. The father remained the head of the family and his children. With time, the family expanded and increased. As they increased it is assumed they are united by the bond of bold relationship. When the father dies, authority is passed to the eldest male member and consequently unity of the family is maintained.

The chief proponent of the theory is Sir Henry Maine. In his books, *Ancient Law and Early History of Institution*, he developed his theory on scientific observation from the history of ancient civilization. The theory has 3 main assumptions

- a. Permanent marriage
- b. kingship is traced to father
- c. Authority of the eldest made descendant

#### Matriarchal theory

The emergence of this theory is a direct protest against the patriarchal type of family. Its chief proponents smoothly disagreed with the patriarchal theory over the origin of the state. It was their belief that in the primitive societies, polyandry held. (A woman is having several husbands). Maternity is a fact and paternity an opinion. The mother here is the head of the family and exhibits supreme authority over its members and descent was traced from mother to daughter.

Some of the elements of the matriarchal society include the following:

- a. Transient marriage relationship
- b. Kinship is traced from mother
- c. Authority to the mother is established
- d. Females only succeed to property and authority

#### Nation

A nation has been variously defined and explained by various authors. Some have used it interchangeable with the state. However the two terms are not the same. People often use these terms in conservation,; state, nation and country interchangeable, however, state and nation have more specific meanings. A nation means: A large group of people who are bound together and recognize a similarity among themselves because of a common culture, in particular a common language seems important in creating nationhood [10]. The term "Nation" is allied to a nationality both being from the sae latin root "natus" meaning birth. According to [8] a nation is a population with ethnic unity inhabiting a territory with geographic unity. For Reacock nation refers to a body of persons united by common descent and a common language in the words of Ramsery Muir,, a nation is; A body of people who feel themselves to be naturally linked together by certain affinities which are so strong and real for them that they can Live happily together and are dissatisfied when disunited and cannot Tolerate subjugation to people who do not share these ties [10].

Andrew Heywood (2007) [5] in his definition described a nation to mean a group of people bound together by a common language, religion, history and tradition. Politically, a nation is a group of people who regard themselves as a natural political community. Generally, a nation can also be seen as a number of people who see themselves as a community or a group who generally place loyalty to the group above any conflicting loyalties.

### Characteristics of a Nation

There are some basic and distinct characteristics of a nation, they include:

- i. History: the people of a nation usually have a common source of origin. They strive to develop the group consciousness and pride that precipitate to a sense of nationhood story serves as a unifying factor for identification from one generation to another. Usually the common history and tradition is as a result of many years of sharing common feelings of victory, defeat, hurt, pride and live of fighting common wars with common cause and sharing political antecedent thus creating a national consciousness [11]
- ii. Language: people that constitute a nation usually speak or share common language in order to understand one another as it encourages a sense of belonging together. It also permits the development of a national literature. Common language makes the people feel a certain kinship with each other with the ability to exclude other people who cannot communicate in that language.
- iii. Culture: in a nation, the citizens are expected to exhibit common social and cultural traits and possesses some similar features
- iv. or such cultural traits in displaced attributes in all spheres of social interaction of social as evacuation trait are displaced in there customs and habits , example their marriage custom, religion, traditional festival, eating behavior, farming habits and other ways living or doing things [11].
- v. Territory: a nation has a definite geographical area which qualifies it to become a nation. There must be a clearly marked out geographical area which seems as a reference for the location of the peoples of that nation. However in some cases, nations are not limited by geographical boundaries. This is because people of similar nationalities can be found in different continents or their existence countries for example the Yoruba nation can found in the Benin Republic, Togo, and West Indians. Apart from Nigerian in the same vein, the Igbo's can also be found in Liberia, Sierra Leone, and West India. The Hausa Fulani nations also have their people in Chad, Niger, and Burkina Faso.

### State and Nation Compared

There are some basic differences between the “state” and “nation”. They include the followings: Different nations can exist in a state; states do not exist in a nation. It is erroneous to believe that every state is a nation or that all sovereign states are nations. Hugh Seton-Watson in his words start that states can exist without a nation or with several nations. Among their subjects and a nation can be coterminous with the population of one state or be included together with other nations within one state or be divided among several states.

An example is Nigeria. Nigeria is a state with many nations such as the Igbo's, Yoruba, Hausa/Fulani national etc. In international relations, memberships of United Nations consist of states. Nigeria is a state and not a nation. Essentially, a state is legal entity with an attribute of a government with which to carry out its functions nation do not have any legal framework backing its existence.

However, where the people of a nation come together and form a state they will then become subject to the state machineries and constitution of provisions.

- State functions transcend the cultural platforms which nations serve as state can serve the purpose of many nations. States regulate human conduct and ensure compliance with its laws.
- During conflicts, States subsume the nations because it has state machinery which nations do not have. Nations are sub servant to the state. This is because the states have the legal structure for policy formulation and protecting itself [11].

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