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## FUTURE OF THE STATE – WELFARE STATE? LITHUANIA'S PATH

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**Abstract.** This article analyses the rapport between the concepts of the welfare state and the social state. It also reveals the diversity of theoretical typologies of the welfare state and their significance in assessing the status of a country as a welfare state. By analysing the Lithuanian constitutional jurisprudence and legal doctrine, this article seeks to reveal Lithuania's status as a welfare state, its origin and the connection with solidarity as an essential principle in the implementation of social rights nowadays and in the future.

**Keywords:** welfare state, principle of solidarity, constitutional principles.

### INTRODUCTION

The development of industrial society, the rise of scientific positivism, the changing concept of solidarity and other changes in the 19<sup>th</sup> century created the preconditions for the emergence of the concept of a modern welfare state, sometimes also called a welfare state, enshrined in national legal regulation. As a result, the need to restore confidence in the state appeared in the democratic states by entrusting it with the legal guarantees of the social well-being of its citizens which are ensured in the field of economic and social relations. The historical development shows that the elements of the welfare state has constantly changed, therefore, the task of the modern welfare state is to establish such legal regulation in the national legal system that meets the real needs of society and ensures both their satisfaction and proper functioning of the state by implementing the constitutional principles of social solidarity, justice, proportionality and other principles of social security. The development of public services and social insurance, the consolidation of social and economic human rights and their guarantee presuppose the identification of Lithuania as a welfare state. This article, analysing the concept of the welfare state, reveals the status of Lithuania as a welfare state and the perspectives of the modern welfare state.

Despite the fact that the concept of the welfare state is widely analysed by various representatives of the social sciences both in Lithuania and abroad, from the scientific legal point of view, this field, especially in Lithuania, does not receive sufficient attention. The works of Lithuanian scientists are especially important in the topic of this article. J. Aidukaitė examines the development of social policy in Lithuania extensively in her works. Economist and sociologist R. Lazutka devotes a huge part of his research to the general basics of social security (Lazutka, 2012, p. 9–22), however, especially, he often examines individual elements of social security, such as pension reform issues (Lazutka, 2008) and economic indicators of social security, which influence the implementation of the concept of the

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welfare state in practice (Lazutka, Poviliūnas, 2010). The dissertation of legal scholar A. Bitinas “Models of Pension Systems and Management Tendencies in the European Union” and his monograph “Social Security in the European Union: Modernization of Pension Systems” was sufficiently significant for one of the fields of social security (a pension system). V. Petrylaitė had analysed welfare state models and social security principles in 2012 in her dissertation “Basic Principles of Social Security Law”. G. Svirbutaitė-Krutkienė and R. Dužinskas also analyse social models, distinguishing their characteristic features and characteristics. A. Guogis has paid a lot of attention to the general theory of social security, the concepts of the welfare state and, in particular, the analysis of solidarity. The development of Lithuania as a welfare state was examined systematically (observing the chronology of changes, identifying their reasons) and comprehensively (examining both the views of experts and the influence of historical and global factors) by revealing its factors, features and origins for the first time in 2012 in the co-authors’ book “Creation of a welfare state in Lithuania: Myth or Reality?” Certain constitutional aspects of social security law have been examined by constitutionalists T. Birmontienė and V. Vaičaitis. Social aspects are found in T. Birmontienė’s publications related to the analysis of constitutional doctrine which examines in detail the development of human rights, including social rights, in the jurisprudence of the Constitutional Court of the Republic of Lithuania. The principle of solidarity in medical law has been analysed by I. Špokienė.

Using historical, source analysis and systematisation methods, the article aims to reveal the status of Lithuania in relation to the welfare state. To this end, the analysis is carried out in the context of scientific tasks. Firstly, it seeks to reveal the relationship between the welfare state and social state. Secondly, the article aims to reveal the general concept of the welfare state with its characteristic features. Theoretical concepts of the welfare state are also examined to accomplish this task. Thirdly, it seeks to identify the status and perspectives of Lithuania as a modern welfare state.

## 1. WELFARE STATE AND SOCIAL STATE (IN)IDENTITY

The word welfare in itself means a good situation, a good life (see VLLK Consulting Bank). Welfare can be guaranteed by the family, a certain community, the state or the individuals themselves. The main goal of the welfare state is to ensure the welfare of society and its members through social means. Thus, the term welfare state is often equated with the term of social state. An analysis of texts from many different disciplines reveals that the use of one of these terms in individual fields is more common than another. For example, the term welfare state is more commonly used in the economic field. Meanwhile, the analysis of the works of the authors of Lithuanian law (J. Aidukaitė, A. Guogis, J. Žilys, etc.) allows to state that the concept of the social state is more common in the field of law. This may give the impression that each of these terms is a concept in a specific field (economics, politics, law, etc.). However, the use of each of them usually depends on the individual choice of the author (Bieliauskaitė, 2011). Most importantly, however, both the welfare state and the social state can be understood in a narrow and broad sense. In the narrow sense, the welfare state or the social state can be understood and defined only within the limits of social security. In a broad sense, such a state is understood as regulating not only social security, but also labor law,

employment policy, and, according to researchers, public services (Ramaux, 2016). The latter are considered to be inseparable from social security (Chevallier, 1987, p. 21–124) and are therefore not always distinguished as a separate pillar of the welfare state. However, in many works, the concept of a social or otherwise welfare state, defined solely through social security, is quite too narrow (Ramaux, 2016). French author C. Ramaux is inclined to take the view that, when it comes to the social state (French term *l'État providence*), we can also speak of both the social state and the British welfare state. It should be noted that these terms, however strange, are not defined internationally and there is no specific uniform definition of them. Although some authors acknowledge that historically the terms *l'État-providence*, *Sozialstaat*, and *British Welfare State* are not identical, they also argue that modern welfare the concept of the state arises from a triple nature (Merrien, 2007, p. 12–19). This means that it combines three historical and national concepts: the French idea of the welfare state (*l'État-providence*)<sup>2</sup>, the German concept of the social state (German: *Sozialstaat*)<sup>3</sup> and the British concept of the welfare state<sup>4</sup> (Merrien, 2007, p. 12–19). Therefore, in accordance with this position, the choice to use any of these terms would be appropriate. Meanwhile, J. Bieliauskaitė states that the concept of the welfare state focuses on the result of the functioning of the state, while the concept of the social rule of law expresses the social goals of the state (social orientation) and emphasizes that these goals will be achieved by justice. It can be assumed that the Constitutional Court of the Republic of Lithuania would also be more in favor of the term social state, as it identifies in its rather abundant doctrine on this issue that Lithuania is a socially oriented state. Thus, it is likely that the welfare state in Lithuania is a more political and / or economic term. However, it is also considered to be broader than the notion of the social state, which falls within legal terminology only to a rather limited extent. It is also considered that the impact of globalization should take into account the correspondence of terms used abroad. As a result, the welfare state, although perhaps less legally precise than the social state, is chosen in this article as a key term (considering the welfare state as its synonym), also taking into account the threefold nature of the modern welfare state and the broader concept.

2 The French term *l'État-providence*, also used to define the welfare state today, historically expresses the idea that in a society where professional organizations or communities such as the family can no longer fulfill their solidarity function, the state must intervene, despite the emergence of the risk of a reduction in “natural solidarity”.

3 Historically, the German *Sozialstaat* defines the concept of social or otherwise the welfare state, which was introduced in Germany in 1850 by Lorenz von Stein, a lawyer, sociologist and economist, and inspired by Otto von Bismarck (Bismarck), a social peace-based model these days. According to this concept, the state has a social obligation, which Bismarck has realized by establishing a social insurance system in the state, which includes many laws regulating the relations of compulsory social insurance. Thus, the German social state has historically been a state that takes responsibility for the fate of the workers and in return expects it from them as an expression of absolute loyalty and solidarity.

4 The Anglo-Saxon concept of *Welfare state*, named after Archbishop William Temple, only emerged during World War II. At the beginning of the 19th century, the idea of “social security for all” as a means of strengthening democracy and social peace began to grow internationally. This is also reflected in Article 5 of the Atlantic Charter, signed in 1941, which states that international cooperation is essential to ensure the best working conditions for all, economic growth and social protection. After the war, *Welfare State* quickly became a term used in speech, originally describing a new British universal social policy that included free education, housing support, old-age pension, and so on. According to researchers, the *British Welfare State* is a democratic protectionist welfare state that guarantees minimum social rights and is no longer based on agreements between workers and employers, but on the provision of public services.

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## 2. EXAMPLES AND TYPOLOGIES OF THE MODERN WELFARE STATE

History testifies that in individual states, welfare models were formed not only in different periods, but also under the influence of different societal experiences on the individual foundations of the nation-state. According to scholars, the common history, language, territory and religion of the nation formed a sense of solidarity and mutual help of citizens (Aidukaitė et al., 2012, p. 259). From which, over time, welfare states emerged and developed, on the basis of which solidarity and communion remain. The historical, political and economic context of each country created the preconditions for the emergence and establishment of different models of welfare states in each state. Constant change and model transformations are still taking place under the same influence. Thus, the formation of the modern welfare state is associated with the twentieth century. the end of the year, when the global market began to develop rapidly, limiting the financial and political powers of the state and changing the nature of ensuring human socio-economic rights (Bieliauskaitė, 2011). Researchers note that the attitudes of the administrative, political and economic elites towards social policy also have a significant impact. The dependence of welfare states on political decisions is unquestionable. Undoubtedly, the economic context, as a source of resources, as well as the legal, as well as defining legal boundaries and guaranteeing fundamental rights, carry considerable weight in the social policy that is being formed. However, in recent decades, the effects of globalization and Europeanization have become increasingly noticeable and emphasized (Aidukaitė et al., 2012, p. 15). Therefore, on this day, national welfare models in European countries, including Lithuania, regardless of the basis for their creation, must be assessed more globally, taking into account the current political, legal, economic and social situation and other national processes and common European Union policy. On the one hand, the situation of each state is unique due to its historical and national context, and the systemic nature reminds us that certain individual solutions that work well in one state, in another may be worthless or even lead to a negative outcome. On the other hand, it is under the influence of globalization and Europeanization that the processes of similarity between neighbour countries take place and the goal of achieving similar economic and social indicators encourages the transfer of good practices from one country to another. The important role of the European Union, which requires Member States to meet minimum common requirements, should also be borne in mind, including on issues relevant to the context of this article, such as work-life balance, employment promotion, etc. Therefore, in order to reveal the concept of the welfare state and Lithuania's path in creating the welfare state, it is important to briefly discuss the historical context, the main typologies and assess the current situation, not forgetting the international context.

It has already been mentioned that the general concept of the welfare state varies from narrow to broad and even extremely broad. According to N. Smelser, the concept of the welfare state implies an increased responsibility of the state to guarantee the material well-being of citizens through the provision of a service. The variety of services provided by the state is wide and includes health insurance, pension provision, unemployment benefits, maternity and paternity support, etc. Huber and Stephens also include the country's defense and police as welfare state services. The author of this

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article follows a slightly narrower concept of the Welfare State, which does not include national and domestic defense and defense, but is limited to areas that directly affect and ensure social welfare and dignified and decent living conditions, *inter alia*, education, health care, etc.

As scholars note, the concept of the welfare state may have slightly different meanings in different countries. In Sweden, for example, the ideal welfare state model is one in which the state assumes responsibility for the comprehensive and universal provision of welfare services to its citizens (Aidukaitė et al., 2012, p. 259). Meanwhile, in many other welfare states in Western Europe, social security is a concern not only of the state but also of independent and voluntary public service providers. However, in a general sense, under modern comparative constitutional law, regardless of the scope and limits of its functioning, the welfare state is the one that takes care of the well-being of citizens and their social security and ensuring social justice. The philosopher A. Anzenbacher points out that the right choice of means to achieve a goal can be made only by knowing the goal, and in the welfare state it is the common good. This can be understood through everyone's personal well-being, i. e. by guaranteeing it to each member of society personally, universal well-being is also likely to be achieved. According to the philosopher, this requires an explanation of what constitutes the personal well-being of members of society. Thus, the welfare state, or otherwise the welfare state, is the one that ensures the universal welfare that meets the pressing needs of society.

Researchers note that since the Second World War, a broader concept of the welfare state has taken root, encompassing the functioning of the state through redistribution of budgetary resources, ensuring people's employment and an adequate standard of living, providing protection for workers, and so on (Žilys, 2006). Thus, over time, the role of the welfare state has increased in health care, education, family policy, and other areas of social life. According to scientists, the state that assumes the greatest responsibility for ensuring the well-being of citizens is considered to be the most modern and most advanced welfare state (Aidukaitė et al., 2012, p. 259). However, it is not possible for a state where at least a small part of the responsibility would be lost to the family, the individuals themselves and / or the communities. The extent to which the responsibility for the well-being of society lies with the state and other entities depends not only on the economic capabilities of the state, but most of all on the country's cultural and historical traditions influenced by religion, past experience, and so on. According to scientists, every state that has at least a slightly, albeit minimal, developed welfare services and social security system is considered a welfare state, although it will not be classified as a modern developed welfare state (Aidukaitė et al., 2012, p. 259). Still, the welfare status of such states is likely to be questioned. Meanwhile, other states that can boldly be classified as welfare states are also not, as already mentioned, identical. The concept of social policy in each state depends on its chosen model of the welfare state. As a result, each country can be assigned to an appropriate general typology. It is worth noting that its models of welfare states and the assignment of states to them are conditional. A unified ideal model of the welfare state. However, researchers divide states into welfare models in order to better understand the processes of policy development (Stankūnienė et al., 2001), to distinguish the strengths and weaknesses of the system in order to create and strengthen the welfare of societies.

The first models of the welfare state without assigning them to specific countries were constructed by the English political scientist R. Titmuss. He distinguished three models: the residual, in which the family and the individuals themselves take care of the welfare; the industrial achievement-performance model, the development of which meets the needs of social needs directly depends on the performance of work and productivity; institutional redistributive, in which the provision of social services to individuals depends on needs (Titmuss, 1963). With regard to the different areas of public life that receive state support, R. Titmuss also distinguished three types of well-being: financial, social, and professional (Bernotas, Guogis, 2003, p. 40). Financial wealth is created through various tax rebates and a system of financial incentives. Social welfare, which includes health care, social security, education, etc., is created through social means. Occupational well-being is created through social services and benefits provided in the labour market. A. Guogis observes that G. Pingsmus Andersen applied these models of R. Titmuss to the science of political science, calling them liberal (Anglo-Saxon), conservative-corporate (Bismarck) and social-democratic (Scandinavian) models (Guogis, 2000, p. 17). Thus, in essence, in her typology, Ms Esping-Andersen, like Ms Titmuss, grouped models of the welfare state according to who is responsible for the welfare of citizens, whether the state, the employer, the family or the individual.

Currently the most common and best known are the three aforementioned G. Esping-Andersen theoretical models of the welfare state. It should be noted that it would be not easy to find states that correspond to pure theoretical models. Regardless of the typology presented, specific states are usually characterised by mixed types of welfare states, with more or less model-specific features that allow them to be theoretically assigned to one of three categories. Moreover, the relative fourth model, the post-Soviet social model typical of the modern states that belonged to the Soviet Union, has been increasingly discussed and singled out recently. Meanwhile, according to the Lithuanian economist M. Skuodis, there are at least five models in the enlarged European Union. He takes the position that next to the typology formulated by G. Esping-Andersen and the post-communist social model, there is a fifth – southern model (Skuodis, 2009, p. 132). This model is also distinguished by Kleinan and Gelissen. M. Skuodis doubts whether all the states of the European Union can really be attributed to the respective models and to what extent each model should be interpreted and applied. Thus, to date, it is not even clear how exactly many theoretical models of the welfare state exist in the European Union, as different authors take different positions and see the existence of different types of typologies. However, based on G. Esping-Andersen's most common division of social models and the aforementioned historical French *l'État-providence idea* and German *Sozialstaat*, as well as, British *Welfare state* concepts, a theoretical general definition of the welfare state can be formulated, regardless of the specific model is in question.

Thus, a modern welfare state can be understood as a state whose legislations enshrines social rights, both providing for the possibility for a member of society at risk or belonging to a certain category of persons to acquire the right to a provided benefit, allowance or other form of assistance and service, as well as to receive and presuppose an obligation of the state, through its institutions and provided public services, to ensure an adequate standard of living for persons, allowing them

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to be a full-fledged participants in social life and guaranteeing the person dignity, safe and decent living conditions. The welfare state covers the following areas of state legal regulation – ensuring a sufficient standard of living for citizens through social security, the labour market, housing, education, public security, income equality, regional development and health care.

### 3. LITHUANIA – A WELFARE STATE

The Constitutional Court of the Republic of Lithuania (also called the Constitutional Court) held in its ruling as of 12 March 1997 that Article 52 expresses the social nature of the state. Also the fact that for social security, i. e. the status of a constitutional value is recognized for the contribution of the society to the maintenance of those of its members who, due to important reasons provided by law, are unable to obtain self-employment and other income or are insufficiently supplied. In the opinion of the Constitutional Court, this corresponds both to the modern concept of state functions and to the 20<sup>th</sup> century. The constitutional tradition of the Lithuanian state, the origins of which date to the Constitution as of 1992. The social orientation of the state is revealed in more detail in the 2003 December 3 Constitutional Court ruling and in resolutions of subsequent years. They emphasize that according to the Constitution, the state, as an organization of the whole society, has a duty to take care of its members in cases of old age, disability, unemployment, illness, widowhood, loss of a breadwinner and other cases provided for in the Constitution and laws. Social security measures express the idea of social solidarity, help a person to protect themselves from possible social risks. According to I. Špokienė, such jurisprudence of the Constitutional Court creates serious preconditions for believing that the principle of solidarity is a part of Lithuanian national law (Špokienė, 2010, p. 329–348). It should be noted that solidarity plays an important role in both national legal systems and European Union law. Solidarity has been recognized as one of the most important values in European Union law for more than a decade. According to G. G. Balandi and T. Hervey, in recent years various expressions of solidarity have become particularly apparent in the discourse of European Union law.

The principle of solidarity is also on the list of values listed in the preamble to the Charter of Fundamental Rights. It, like dignity, freedom, equality and justice, is endowed with the status of a fundamental value on which the Union is founded and which it seeks to preserve and develop. However, the meaning of the content of this principle is not clarified in more detail in the acts of the European Union. The fact that solidarity is inseparable from the modern welfare state is also confirmed by foreign law. For example, according to M. Borgetto, fraternity in the French motto is nothing but an expression of solidarity. According to him, solidarity is a legal category that helps to put the fraternity into practice (Borgetto, 1993, p. 17–339). The French Social Security Code also states that all social security in the country is based on the principle of national solidarity. According to the practice of the French Constitutional Council, the principle of fraternity consists of two essential parts. One includes everything related to the demand for solidarity that arose from the proclamation of Article 1 of the Constitution, according to which, France is a social republic, and the other means tolerance in

society, respect for each other and the fight against exclusion. Solidarity is thus an integral principle of the welfare state, on which the whole typology of the welfare state is based.

According to the jurisprudence of the Constitutional Court, K. Lapinskas also identifies Lithuania's social orientation. According to him, the social orientation of the state is reflected not only in the provisions of the Constitution establishing the above-mentioned human social rights, but also in the provisions establishing economic and cultural rights, as well as civil and political rights, relations between society and the state, principles of nation organization and regulation (Lapinskas, 2006, p. 357). It is obvious that the Constitutional Court, when disclosing the content and essence of social rights, cannot interpret them in isolation, without relying on other, especially economic, human rights or without mentioning them. For example, the right to social security is almost always linked to a certain state-guaranteed financial assistance, which is expressed in certain cash benefits or services (pensions, benefits, social services, etc.). According to J. Bieliauskaitė, the fact of enshrining socio-economic human rights in the Constitution reveals the social orientation of the state and corresponds to the principle of social justice formulated on the basis of J. Rawls' theory of justice (Bieliauskaitė, 2011, p. 130). This means that every resident is given equal rights, which he or she has the potential to enjoy. However, whether if it can do it realistically will depend on the person's own abilities, efforts, desires, etc. and from the state's efforts to ensure the implementation of these rights.

Thus, the level of each country as a welfare state should also be measured by the extent to which the state can and contributes, through its institutions, public services, policies on individual issues, inter alia, family policy, to the realisation of each member of society, which must in any case meet minimum standards and, above all, be applied universally and uniformly.

T. Birmontienė observes that such rights as the right to social security, health care, healthy environment in constitutional jurisprudence can be interpreted both as social (programmatic) and as individual rights of a person, they are closely interrelated and mutually determining (Birmontienė, 2012, p. 1005–1030). K. Lapinskas also emphasises that the constitutional entrenchment of a wide range of social rights provides grounds for talking about the obligations of the state in the field of social policy, especially the obligations to take care of the creation of social welfare (Lapinskas, 2006, p. 357). Thus, for example, the provisions of the Constitution guaranteeing the right to social security oblige the state to establish sufficient measures for the implementation and legal protection of that right.

The fact that Lithuania is a social (or otherwise welfare state) is derived from the Constitution in the same way as the principle of the rule of law. J. Žilys states that in the modern doctrine of constitutional law the social state is not opposed to the rule of law – they form an indivisible whole, characteristic of the concept of a democratic state (Žilys, 2006). Although the Constitutional Court, unlike the institutions of constitutional review of some other states, *inter alia* France (see Decision No. 2006-540 of the Constitutional Council of the French Republic of 27 July 2006), has not ruled directly on the constitutional identity of Lithuania. According to D. Žalimas, some constitutional principles and values can reasonably be considered a part of this identity. The professor states that respect for natural human rights is in itself an integral part of Lithuania's constitutional identity (Žalimas, 2017, p. 35–49). From his point of view, in the context of the modern Lithuanian state, respect for



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natural rights can be traced back to the Act of Independence, which proclaims the restoration of a democratic state. M. Maksimaitis notes that the idea of protection of natural rights was embodied in the Constitution of 1922, the chapter “Lithuanian Citizens and Their Rights” is linked to the 1789 the French Declaration of Human and Civil Rights was published (Maksimaitis, 1999, p. 98). In his opinion, even the Soviet occupation did not prevent Lithuania from committing itself to the Universal Declaration of Human Rights, the preamble of which states that “*the recognition of natural dignity and of equal and inalienable rights is the foundation of freedom, justice and peace in the world.*” D. Žalimas also notices that this commitment was achieved by the Declaration of the Council of the Lithuanian Freedom Fighting Movement as of 16 February 1949, i.e. two months after the adoption of the Universal Declaration of Human Rights. Thus, although the Lithuanian state, having a turbulent historical past, cannot boast of stably nurtured traditions in creating a modern welfare state, it can be seen that the basic principles and values characteristic of the welfare state have been entrenched and respected constitutionally for a long time. It is obvious that Lithuania, at least since the 20th century, began to build the constitutional foundations of the welfare state. The values that express them are constitutionally protected and cherished to this day.

As it was already mentioned, after the restoration of Lithuania’s independence and the establishment of the Constitutional Court, the Constitutional Court of the Republic of Lithuania stated in some rulings from the very beginning that according to the Constitution, the Lithuanian state is socially oriented and noted that social security, i.e. the status of constitutional value is recognised for the contribution of the society in maintaining its members who, for the reasons specified in the law, are unable to receive work and other income or are insufficiently received. Thus, first of all, it can be seen that the Constitutional Court has indirectly established the principle of public solidarity – mandatory assistance of members of society to each other in fact of the necessity. This position is also shared by T. Birmontienė (2006, p. 325–336). Secondly, the Constitutional Court linked the principle of solidarity to the social orientation of the state, which bases the status of Lithuania as a welfare state. And finally, it gave a special constitutional significance to the principle of solidarity, which is inseparable from the social status of the state.

It is important to mention that the Constitutional Court has also repeatedly noted that the principle of solidarity does not deny the personal responsibility of each member of society for his or her own destiny. For example, the resolution as of 25 November 2002 states that the legal regulation of social security must be such as to create preconditions and incentives for each member of society to take care of his or her own well-being, and not to rely solely on state-guaranteed social security. Meanwhile, the resolution as of 26 September 2007 no longer captures such an open position on individual responsibility for well-being. The resolution states that the state must create such a social security system that would help maintain living conditions that meet the dignity of the individual. The principle of solidarity presupposes that the burden of fulfilling certain obligations must be distributed to a certain extent to the members of society, but that distribution must be constitutionally justified, it shall not be disproportionate and shall not deny the state’s social orientation, as well as, constitutional obligations to the state. Such mutual recognition of personal and public responsibility is important

in ensuring social cohesion, guaranteeing personal freedom and the possibility to protect oneself from difficulties that a person alone would not be able to overcome (Ruling of the Constitutional Court of the Republic of Lithuania of 26 September 2007). It is understood that the state implements these functions primarily by redistributing income. However, another issue is already being raised here, although it is no longer within the scope of this article. What is the relationship between the principles of solidarity, proportionality and justice? As V. Petrylaitė observes, in the modern state, where a social security system based on legal instruments is in force, solidarity becomes essentially coercive, therefore, it is important to ensure that the limits of this principle are set correctly. Otherwise, the excessive demand for solidarity expressed for one group of persons could lead to distrust of the social security system and unwillingness to participate in it (Petrylaitė, 2012). Of particular importance here is the correlation between the principle of solidarity and the principles of justice and proportionality. Their relationship directly affects the country's status as a welfare state. This means that measuring it not only identifies the type of welfare state the country belongs to, how developed it is, but also whether it can be assigned to the status of a welfare state at all.

As a result of scientific progress, human work is being replaced by technology, medical advances and the average life expectancy of the population are increasing, and human rights are becoming more widely recognised, newly identified and strengthened. Due to this, the question arises as to what legal future, *inter alia* in terms of socio-economic rights, awaits modern states. The political system correlates with the rule of law and other principles, *inter alia*, of the welfare state. There is no doubt that the population's expectations for prosperity in democracies are increasing, but as in all ages, and in the future, the challenge is to reconcile the individual and general needs of society and the state's ability to meet them. As consumerism and manifestations of individualism emerge in society, it is important to understand the content of the modern welfare state. It is understood that ensuring the social peace, the principles of justice and equality will remain an unquestionable priority. However, the redistribution of income and state intervention in more and more spheres of public life, even with positive goals and results, risks becoming excessive and upsetting the balance between the fundamental principle of the welfare state – solidarity and other main legal principles of justice and proportionality.

## CONCLUSIONS

1. It is recognised that the term social state is more common in the legal terminology than the term welfare state, which is more widely used in economic and political spheres. However, given the concepts of the welfare state and the social state, it would not be a mistake to consider both of these terms synonymous, depending on the individual choice of each author, i.e. to what extent, by expanding or narrowing, do they understand the social, or otherwise welfare, state.
2. The concepts of the welfare state differ not only depending on the theoretical typology (the number of which is not specific, although based on the most common opinions, vary between the existence of 3 and 5 different theoretical models), but also on the values and priorities cherished

in different states. Nevertheless, a possible general definition of the welfare state, according to which even states with the least developed welfare services and social security systems are likely to be included in the list of welfare states. Therefore, the mere classification of a country as a welfare state does not mean the existence of a modern and developed national welfare system.

3. Lithuania is undoubtedly a social state, and in keeping with the prevailing position of the identity of social and welfare states prevailing throughout the article, it must be stated that Lithuania also belongs to the category of welfare states. The constitutional jurisprudence developed in Lithuania since the restoration of independence not only develops the idea of the state's social orientation, but also indirectly establishes solidarity as a constitutional principle.
4. The role of welfare states in the application of the principle of solidarity in the life of society is likely to increase in the distant future in proportion to the scientific and technological progress that is leading to population growth, longer life expectancy and declining employment. Ensuring a balance between the common interests of individuals and society as a whole, by reconciling the three fundamental principles of the welfare state – solidarity, justice and proportionality – should be a key challenge for welfare states.

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