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The Concept of Autogenic Institutional Change in the Light of the Activities of the Constitutional Tribunal

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Abstract

Motivation: Theories of institutional change may be divided into three principal groups: (1) evolutionary theories, (2) theories of collective choice, and (3) the autogenic theory of institutional change. The autogenic theory occupies a distinctive position among them. It describes mechanisms of institutional change that differ both from the spontaneity of evolutionary approaches and from the intentionality characteristic of political or group-based choice. The changes that fall within its analytical scope are not random; rather, they are purposeful and oriented toward improving the functioning of the institutional system within a given domain. At the same time, they are independent, since their initiation does not require the involvement of interest groups. In fact, the initiation of change is embedded in the rules governing the functioning of the institutional system itself. This pertains to the system's protective mechanisms, whose empirical manifestation is the activity of the Constitutional Tribunal. The specificity of the autogenic theory of institutional change, which makes it possible to closely trace the process of institutional transformation, invites reflection on its epistemic capacities, understood here in terms of the adequacy of explanation and the predictive power of economic phenomena based on a given scientific theory.

Aim: The aim of this article is to demonstrate the epistemic capacities of the autogenic theory of institutional change in the study of institutional transformation within the institutional system. This objective will be pursued by seeking an answer to the research question: which factors characteristic of the autogenic theory of institutional change account for its epistemic capacities in explaining institutional changes within the institutional system?

Results: Through the examination of the autogenic theory of institutional change, both in a hypothetico-deductive framework and in an empirical perspective, it has been possible to identify the features that constitute its essential epistemic capacities. These factors are: (1) formalization, (2) hermeticity within the research domain, namely the institutional system, and (3) the interpretability of mechanisms of constitutional review, which are grounded in the activities of the Constitutional Tribunal. The analysis has also revealed the epistemic limitations of the autogenic theory of institutional change, manifested in its ability to explain only a portion of legislative processes. This implies that the theory applies to a relatively small subset of the totality of legal changes.

Keywords: autogenic theory of institutional change; institutional system; legal system; formal institutions; institutional change.

JEL: K10; B52; K40

1. Introduction

Economics, as a social science, is commonly regarded as a Multiple Paradigm Science (Czetwertyński, 2023; Dequech, 2007; Kozyr-Kowalski, 2000; Ritzer, 1975). More generally, the social sciences, according to the author of the theory of scientific revolutions, have never attained the status of a science precisely because of the lack of consensus among scholars and, consequently, the failure to establish a single paradigm (Kuhn, 1962). Regardless of the validity of Kuhn's judgment concerning the scientific status of what is commonly referred to as the "social sciences" (Chalmers, 1999), there is no doubt that economics is internally diversified, both at the descriptive and at the normative level (Keynes, 1891). Economics is not only characterized by a general diversification that can be reduced, for instance, to the distinction between orthodoxy and heterodoxy (Demsetz, 2008; Kundera, 2014), but also by a more specific diversification within highly specialized currents of thought.

The situation is no different in the case of institutionalism, within which one may distinguish a number of theories that only seemingly constitute a solid paradigm, but in fact represent distinct scientific research programmes (in Lakatos's sense (1978)). These programmes may share certain assumptions, while at the same time containing elements that are mutually exclusive. The absence of a single established paradigm need not be considered a weakness of the social sciences, including economics. On the contrary, it allows for a continuous search for theories and research methods better suited to explaining particular phenomena. Blind adherence to a single paradigm does not constitute a scholarly virtue, as Kuhn (1962) himself demonstrates by pointing to the role of the accumulation of anomalies in the process of scientific revolutions. Similarly, Lakatos (1978) emphasizes the vitality of scientific research programmes, while Feyerabend (1975), in his maxim "anything goes," expresses the pluralism of methods and their unconstrained selection free from the social regime of the academic environment (Motycka, 1980).

This article addresses a segment of the universe of economic sciences by focusing on a set of theories within institutionalism. Specifically, it concentrates on the autogenic theory of institutional change. The aim of the article is to demonstrate its epistemic capacities in the study of institutional change within the institutional system. It should be noted that the choice of the autogenic theory of institutional change as the object of the analysis of epistemic usefulness is linked to the limitation of the analysis to changes within formal institutions. This is a significant narrowing of scope, which makes it possible to highlight the importance of maintaining eclecticism in science (Sułkowski, 2012), particularly in the field of institutional economics. The aim of the article will be pursued by seeking an answer to the research question: which factors characteristic of the autogenic theory of institutional change account for its epistemic capacities in explaining institutional changes within the institutional system? The answer to this question, in turn, serves as a basis for determining the limitations of the autogenic theory of institutional change.

Attempting to answer the research question posed in this article requires situating the autogenic theory within the broader set of theories of institutional change. However, before addressing the substantive core of the research question, two clarifications must be made. First, it is necessary to specify what is meant by the epistemic capacity of a given theory. This requires certain methodological decisions, since the issue of knowledge is inherently contentious within epistemology. It is also necessary to define the institutional system, which is essentially a matter of clarifying the discourse. For the purposes of this article, the institutional system is understood as a combination of formal institutions that create a network of interrelations among streams of action in the economy. Accordingly, the research area in this article is limited to institutional changes within the institutional system.

1.1. Remarks on the Epistemic Capacity of Scientific Theories

The epistemic capacity of a given theory may be derived from the classical concept of truth introduced by Aristotle, according to which there must be correspondence between judgments and the actual state of affairs. Contemporary economic thought is grounded in a relatively simple understanding of the research domain. Hardt (2013) explicitly emphasizes that the ontological layer of economics, as a science, contains a realist postulate. This amounts to the claim that reality exists independently of the researcher and can, within certain limits, be known. In Nowak (1977), realism corresponds to the postulates of materialism and causality, which reduce the research domain of economics to material (physical) factors that interact causally. Nowak's interpretation implies nothing more than that the world observed by the economist is confined to knowable reality (albeit not fully), and therefore excludes everything metaphysical. The consequence of such a delineation of the research domain, in the context of epistemic capacities, is the possibility of explaining and predicting human decisions regarding the allocation of scarce resources to alternative ends by means of economic theories (Blaug, 1992; Robbins, 1932). Epistemic capacity can thus be reduced to the adequacy of explanation and prediction of economic phenomena. Moreover, in economics it is characteristic that counterfactual assumptions are permissible in economic theories, as long as they adequately explain and predict phenomena (Friedman, 1953) – hence the continued primacy of the model of homo oeconomicus in neoclassical economics. The main problem of assessing the adequacy of a given theory, and thus its actual epistemic capacities, lies in the criterion that makes such an assessment possible. Constructivists have demonstrated that the criterion of theory evaluation is contained within the theory itself (Scheuer, 2015), which may ultimately lead to tautology. This is characteristic of Becker's (1976) economic approach, in which the assumption of utility maximization implies tautological explanations of decisions. Simplifying, every choice made (i.e., one that has already been taken) must have been the consequence of the decision-maker's economic calculus, weighing costs and benefits so as to maximize net advantage. Thus, every choice, even seemingly irrational ones, can be explained by assuming that the decision-maker assigns particular cost and benefit values to the set of variables underlying the decision. From the standpoint of the theory itself, this is valid, and the theory evidently possesses excellent explanatory capacity—at least with respect to explaining decisions already made. Yet, its practical application reveals that individuals need not have made their choices on the basis of cost–benefit calculations, even in the context of firm behavior (Hall & Hitch, 1939). Accordingly, the capacity to predict human actions through the economic approach is limited, as behavioral economists clearly emphasize (Kahneman, 2012; Thaler, 2018). Blaug (1992), in defense of neoclassical economics, points out that it still retains explanatory potential, though he himself cannot precisely specify its effectiveness. Hence, it does have epistemic capacity, but its exact determination is not possible.

The foregoing considerations are not intended to suggest that it is impossible to determine the epistemic capacity of a given theory, but rather to highlight the difficulty of defining the criterion and subjecting the theory to assessment. In the case of theories with a high degree of generalization, where some variables must be eliminated and thus subjected to isolation by abstraction (Lange, 1978), it is difficult to grasp a clear evaluative criterion of concrete value. This results, among other things, from the fact that some of the variables influencing human decisions are not quantifiable, or researchers are unable to measure them. In such cases, the epistemic capacity of a given theory remains underdetermined. It is otherwise, however, in the case of theories referring to a research domain that can be quantified without the necessity of introducing counterfactual assumptions. This means that judgments derived from the theory can be directly compared with reality, without the need to account for counterfactual assumptions. In economics, however, such theories will be highly specific, explaining particular aspects of human action rather than providing a comprehensive picture of the economy.

1.2. Methodological Approach

The foregoing considerations on the epistemic capacity of scientific theory have revealed two levels of knowledge. This was particularly evident in the example of Becker's (1976) economic approach. His theory demonstrated excellent epistemic capacity in the deductive perspective, as could be shown by the theorem of a hypothetical cost–benefit calculus. In the empirical perspective, however, the epistemic capacity of his theory is imperfect, since individuals do not always act in accordance with the assumption of maximizing economic outcomes. Hence, the values attributed to variables may be inaccurate, which in some cases can even be demonstrated experimentally (for instance, the problem of sunk costs, which should not be taken into account in decision-making but are, in fact, considered by individuals [Thaler, 2018]).

Accordingly, the epistemic capacity of a scientific theory can be examined from two perspectives: (1) the hypothetico-deductive and (2) the empirical. In the hypothetico-deductive perspective, the study of a scientific theory consists in moving within the framework of the assumptions of the given theory and the conclusions that can be logically derived from them. Epistemic capacity in this perspective will be reflected in the determinism of reasoning, that is, in the unambiguous logical transition from assumptions to results. By contrast, the empirical perspective consists in comparing the predicted outcomes of reasoning concerning the actual values of variables with their factual state—that is, the correspondence of judgments with the actual state of affairs.

Within this dual research framework, the present article applies the hypothetico-deductive method to determine whether, given the assumptions of the autogenic theory of institutional change, the resulting conclusions are deterministic under conditions of logical reasoning. To assess the correspondence with the actual state of affairs, the method of quantitative categorization of textual material was employed.

2. The Epistemic Capacity of the Autogenic Theory of Institutional Change in the Hypothetico-Deductive Approach

The literature indicates that institutional change can take various forms and result from different mechanisms. Consequently, distinct theories of change have been formulated, which may be divided into three principal groups: (1) evolutionary theories, (2) theories of collective choice, and (3) the autogenic theory of institutional change. This division, however, entails a form of unification, in that within each group various authors have formulated more specific theories (Sukiennik, Czetwertyński, Brol, 2025). **The study of institutional change rests on a substantial body of theoretical and empirical work. Foundational contributions established institutions as the rules that structure economic and social interaction and clarified their causal weight in shaping economic performance (Hodgson, 2006; North, 1990). Building on this foundation, scholars have developed typologies of institutional transformation that go beyond the dichotomy of stability and rupture, identifying gradual modes of change such as displacement, layering, drift, conversion, and exhaustion (Mahoney & Thelen, 2010; Streeck & Thelen, 2005). Comparative reviews have further mapped the diversity of explanatory frameworks, grouping them according to the mechanisms by which institutions arise and evolve (Kingston & Caballero, 2009). It should be emphasized that institutional change is often influenced by multiple interrelated factors, reflecting its inherently multifactorial nature. This multifaceted perspective is also reflected in studies of legal-institutional change, which highlight how internal systemic logic and external pressures jointly shape the evolution of legal institutions and the formation of legal sources (Leszczyński, 2023; Pejovich, 1999).**

In evolutionary theories, the dominant feature is the spontaneous and unintended character of institutional change. Institutions evolve through gradual adaptation to new social and technological conditions, accompanied by a mechanism analogous to natural selection. This means that some arrangements persist while others disappear, often independently of the will of particular actors.

By contrast, theories grounded in the idea of collective choice emphasize the role of intentional actions. In this perspective, institutional changes are the result of deliberate decisions made through negotiation and competition among interest groups. Change is thus an end in itself, with its direction and scope depending on the balance of socio-political forces and the capacity of particular actors to influence the legislator.

Among these groups of theories of institutional change, a distinctive position is occupied by the autogenic theory of institutional change, which describes mechanisms differing both from the spontaneity of evolutionary approaches and from the intentionality of political or group choice. Changes of this type are not random; they are purposeful and directed toward improving the functioning of the institutional system within a given domain. At the same time, they are independent, since their initiation does not require the involvement of interest groups—that is, they arise spontaneously from within the logic of the institutional system itself. This theory approaches the institutional system analogously to a closed physical system, in which the actions of actors are determined by universal laws. Its importance lies in the assumption that autogenic and independent actions occur simultaneously, while at the same time being shaped by the purposeful activity of actors operating within the institutional system. The system itself emerges from the interplay and interpenetration of formal and informal institutions. It operates on two levels: (1) first-order principles and (2) second-order principles. First-order principles define the laws governing the functioning of the institutional system itself. In fact, these are enacted legal provisions that impose constraints on its functioning with the aim of ensuring its proper operation. Their analogy to physical laws lies in their universality and relative immutability. The immutability, however, is conventional, as there are instruments for changing them, although these require extraordinary measures that go beyond the normal functioning of the system (e.g., revolution, systemic transformation, or constitutional amendments). For example, in Poland, the 1997 Constitution has been amended only once, in 2006, to align national law with the EU Council Decision of 13 June 2002. In other words, first-order changes are relatively rare, complex, and far-reaching. What the analogy with physical laws does not cover is that first-order principles are in fact established deliberately, rather than emerging spontaneously (they are rationally constructed). This, however, lies outside the theoretical framework of the autogenic theory of institutional change and is treated as a baseline condition.

This distinctiveness warrants explicit demarcation from the two adjacent theoretical frameworks. Although the applicants who initiate constitutional review may superficially resemble interest groups in the public-choice sense, the analytical centre of gravity differs fundamentally: in public-choice accounts, the outcome of institutional change reflects the bargaining power and political resources of contending groups, whereas in the autogenic account it is determined by the formalized procedures of the institutional system itself, which apply uniformly irrespective of the applicant's standing or political weight. Identical motions may be dismissed or upheld depending solely on their conformity with first-order principles, not on the negotiating capacity of those filing them. Equally, autogenic change should not be conflated with the legalistic practice of harmonizing legal acts familiar to legal scholars; rather, it constitutes a theorization of that practice within institutional economics, situating it within a hierarchy of first- and second-order principles and treating institutional adjustment as an endogenous mechanism rather than a sequence of ad hoc legislative responses. The autogenic perspective is also distinct from the evolutionary one: while the latter emphasizes spontaneity and unintended adaptation, autogenic change is purposeful, with its directionality embedded in deliberately formulated first-order principles. The element of spontaneity, where present, pertains only to the triggering of change, not to the mechanism through which it unfolds. The autogenic theory thus occupies its own analytical niche, complementing rather than duplicating the explanatory work of the other two frameworks.

By contrast, at the second-order level, institutions are created or modified within the institutional system according to the first-order principles. Returning again to the case of Poland, this legal system has established special procedures for law-making, as well as for reviewing and even excluding institutions inconsistent with the first-order principles (Czetwertyński, Sukiennik, 2023). For instance, the Constitutional Tribunal, pursuant to Article 188 of the Constitution, conducts hierarchical review of the conformity of formal institutions. Its role, legitimized by first-order principles (the Constitution of the Republic of Poland), consists in derogating (removing) lower-order formal institutions inconsistent with higher-order ones (Czetwertyński et al., 2021).

The interpenetration of these two levels thus generates spontaneous changes within the institutional system, which may be called autogenic. This is a case in which changes to particular institutions introduced into the system may trigger further changes, as a consequence of the operation of first-order principles (independent of the initiators of second-order changes). In this respect, institutional change is not driven by elements found in evolutionary theories, nor by those emphasized in theories of collective choice (Sukiennik, Czetwertyński, Brol, 2025). Rather, it is autogenic, derivative of the principles governing the institutional system (first-order principles), and expressed, for instance, in mechanisms safeguarding the system against lack of harmonization or even against institutional competition within the system as a whole.

In this approach to institutional change, there emerges a combination of self-generating changes (autogenic) that result from deliberately formulated first-order principles, together with the purposeful actions of actors operating at the second-order level. Yet, although both levels are characterized by intentionality, change is derivative of purposeful action and thus autogenic. This follows from the fact that even though first-order principles were deliberately formulated, they are a constant for the institutional system in question. Remaining within the analogy to physical systems, once set in motion, the mechanism continues to operate on its own.

Institutional change within the institutional system is the result of various causes. These causes may differ in nature, corresponding to the mechanisms mentioned at the outset of this section. They, in turn, are reflected in the respective groups of theories of institutional change. In the scope adopted in this article—that is, within the institutional system—the number of changes in a given period is monitored and known. In Poland, between 1989 and 2025, a total of 6,315 formal institutions at the statutory level were enacted. In successive parliamentary terms this amounted to (Sejm of the Republic of Poland, Lists of Statutes and Records of Legislative Proceedings): 1989–1991 (247); 1991–1993 (94); 1993–1997 (473); 1997–2001 (640); 2001–2005 (894); 2005–2007 (384); 2007–2011 (952); 2011–2015 (752); 2015–2019 (923); 2019–2023 (662); 2023–2025 (294). The causes of these changes may be examined retrospectively through the respective theories of institutional change. In line with the tripartite classification, some causes are explained evolutionarily, some in terms of collective choice, and some as autogenic.

The sum of these causes corresponds to the number of registered institutional changes. For analytical purposes, it may be assumed that the dominant cause of a given institutional change can be interpreted within one of the theories of institutional change. This is a simplifying assumption adopted to maintain the clarity of the research procedure. It does not exclude the possibility that some institutional changes are multi-causal and may be partly explained by more than one theoretical framework. In such cases, the autogenic theory of institutional change should be understood as identifying a specific mechanism of change rather than providing an exhaustive explanation of all factors involved.

In general, the epistemic capacity of the theory of institutional change consists in identifying and explaining the causes of changes that occur within the institutional system. The autogenic theory has an advantage over the others in that, operating on the basis of first-order principles, it moves within a formalized and closed legal environment. As a result, the institutions initiating changes are known, as are the effects of their actions. Hence, it is possible to determine with certainty the causes of particular changes and to explain the purpose of their initiation. By contrast, the other groups of theories of institutional change operate outside the closed framework defined by first-order principles. The number of variables influencing the institutional system is indeterminate. This leads to the well-known problem in economics of an excessive number of variables, which requires abstraction (Lange, 1978), or isolation (Mäki, 1992; Mäki, 2004), or idealization (Nowak 1977). As a consequence, some causes must be omitted in the process of modeling. Only the autogenic theory of institutional change can provide a full account of that part of institutional change which has been initiated by actors through actions envisaged by first-order principles. Thus, the epistemic capacity of the autogenic theory of institutional change is excellent within its domain of application, provided the research process is properly conducted. And although it cannot account for all changes, those within its scope can be accurately identified and explained.

2.1. The Activity of the Constitutional Tribunal in the Years 1986–2025 as an Empirical Research Domain of the Autogenic Theory of Institutional Change

Before turning to the empirical material, it is worth situating the analysis that follows within the epistemic framework set out in Section 1.1. Three properties identified there—formalization, hermeticity within the research domain, and interpretability of mechanisms—are not merely abstract desiderata but the very features that the activity of the Constitutional Tribunal allows us to trace empirically. The formalized procedures of constitutional review, the hermetic character of the institutional system as a closed domain governed by first-order principles, and the resulting interpretability of the Tribunal's interventions together constitute the triad through which the epistemic capacity of the autogenic theory is examined in the remainder of this article.

The autogenic theory of institutional change finds application in the study of the activity of the Constitutional Tribunal (CT). In Poland, the CT began operating on 1 January 1986 on the basis of the Act of 29 April 1985 (Dz.U. 1985, nr 22, poz. 98), which introduced a new quality into the Polish institutional system. It should be noted that in the People's Republic of Poland (PRL) the competences of the CT were significantly limited, since under Article 33 of that Act, the Tribunal's judgments acquired legal force only after approval by the Sejm. Moreover, the catalogue of entities authorized to submit motions was very narrow, as was the Tribunal's jurisprudence (cf. Table 1). During that period, the CT's activity was limited to abstract review of the constitutionality of statutes and normative acts—specifically, the compliance of statutes and other normative acts of central state organs with the Constitution, ratified international agreements, and statutes, as provided for in Article 1 of the Act (Dz.U. 1985, nr 22, poz. 98). Abstract constitutional review, as opposed to concrete review, consists in examining a normative act “in isolation” from a specific case and without connection to its application to a particular person or situation (Kryszeń, 2014). In practice, this meant that both the possibility of initiating constitutional review and the effectiveness of judgments depended on the political balance of power. In addition, the Constitutional Tribunal functioned within the framework of second-order principles—as per the conceptual terminology adopted herein. It was not formally embedded within the first-order principles. Nevertheless, as of 1 January 1986 one may speak of the introduction into the Polish institutional system of the first—though not independent—mechanisms of legal correction. In other words, from that moment onwards, there were certain premises for the heuristic application of the concept of autogenic institutional change in Poland.

The constitutional amendment of 29 December 1989 (Dz.U. 1989, nr 75, poz. 444), which modified the Constitution of the PRL, strengthened the position of the CT and anchored its functioning within the first-order principles. Pursuant to the newly added Article 33a(1) of the 1952 Constitution of the PRL, “The Constitutional Tribunal shall adjudicate on the conformity of statutes and other normative acts with the Constitution.” This could be read literally as a narrowing of the CT’s scope of action, yet under the applicable Act (second-order principles), the catalogue of activities remained exactly the same as before the amendment. The most important change occurred in the Tribunal’s rulings, which no longer required approval by the Sejm but were binding. The earlier mechanism of political control over the force of CT judgments, contained in Article 33 of the 1985 Act (Dz.U. 1985, nr 22, poz. 98), was thus removed. At the same time, the amendment expanded the range of entities entitled to petition the Tribunal (cf. Table 1). According to the 1985 Act on the Constitutional Tribunal as amended in 1989 (Dz.U. 1989, nr 75, poz. 444, Article 11), applications for review of conformity of a normative act with the Constitution could be submitted by: the President of the Republic of Poland, the Presidium of the Sejm, the Prime Minister, the First President of the Supreme Court, the President of the Supreme Administrative Court, the Prosecutor General, the President of the Supreme Audit Office, the Commissioner for Citizens’ Rights (Ombudsman), a group of at least 50 deputies, and a group of at least 30 senators. This introduced a qualitative change, as although the CT’s activities still primarily consisted of abstract review, the foundations were already in place for the development of concrete review. The latter consists in examining the conformity of a normative act with the Constitution within the context of a specific case pending before a court. Such a regulation was included in Article 12 of the Act on the CT (Dz.U. 1989, nr 19, poz. 101), providing: “If a court hearing a case has doubts as to the conformity of a normative act with the Constitution, a ratified international agreement, or a statute, it may present a legal question to the Constitutional Tribunal concerning the conformity of that act.” Thus, even though the CT's activity remained limited in terms of the scope of actions and the entities authorized to initiate it, it assumed a more autonomous character in safeguarding the institutional system. In this context, it should be noted that as of 29 December 1989, the heuristic potential and applicability of the concept of autogenic institutional change in explaining formal institutional transformations in Poland became more apparent compared to the preceding period. This follows from the fact that one of the features of this model is independence. Prior to 1989, the ultimate say on constitutionality rested with the Sejm (the law-making body), rather than with the Constitutional Tribunal (a body not engaged in law-making). Thus, the application of the concept of autogenic institutional change between 1986 and 1989 may be considered questionable due to the absence of independence. After 1989, however, this problem was resolved, and the CT's activity was situated within the framework of first-order principles.

Another decisive moment for the heuristic potential of the concept of autogenic institutional change in Poland was the adoption of the Constitution of the Republic of Poland of 2 April 1997 (Dz.U. 1997, nr 78, poz. 483). The amendment of the Constitution—that is, of the first-order principles—transformed the Constitutional Tribunal into a body with broader powers in terms of its range of activities and strengthened its decisional position. This change affected the catalogue of CT's activities, thereby increasing the frequency of situations in which the concept of autogenic institutional change could be applied. Returning to the substance, Article 188 of the Constitution of the RP provides: "The Constitutional Tribunal shall adjudicate in matters: the conformity of statutes and international agreements with the Constitution, the conformity of statutes with ratified international agreements whose ratification required prior statutory consent, the conformity of legal regulations issued by central state organs with the Constitution, ratified international agreements and statutes, the conformity with the Constitution of the purposes or activities of political parties, and constitutional complaints as referred to in Article 79(1)." Furthermore, Article 190(1) of the Constitution of the RP stipulates that: "Judgments of the Constitutional Tribunal shall be universally binding and final." The range of entities authorized to apply to the Tribunal was also expanded. According to Article 191(1) of the Constitution of the RP, applications in matters specified in Article 188 may be filed by: the President of the Republic, the Marshal of the Sejm, the Marshal of the Senate, the Prime Minister, 50 deputies, 30 senators, the First President of the Supreme Court, the President of the Supreme Administrative Court, the Prosecutor General, the President of the Supreme Audit Office, the Commissioner for Citizens' Rights, the National Council of the Judiciary—within the scope referred to in Article 186(2), legislative bodies of local self-government units, nationwide authorities of trade unions, nationwide authorities of employers' organizations and professional organizations, churches and other religious associations, and entities indicated in Article 79 within the scope specified therein (constitutional complaint).

The introduction of this catalogue meant that a wide range of actors—state institutions, social organizations, and individual citizens—gained access to the Tribunal. It should be emphasized that these changes resulted in the CT for the first time combining different forms of review (Garlicki, 2010; Koniecko, 2022):

– abstract review (examination of the constitutionality of statutes, international agreements, and normative acts of central bodies),
– specific review (examination of the conformity with the Constitution of the goals and activities of political parties),
– concrete review (in the form of constitutional complaint).

The foregoing adjustments within the functioning of the protective mechanisms of the institutional system contributed to transforming the Constitutional Tribunal into a body with far broader capacities to influence the legal system. Thus, the Tribunal became a key element of the system safeguarding the institutional order in Poland. To summarize, from the moment the Constitution of the Republic of Poland of 1997 entered into force—broadening the catalogue of the CT's competences and granting its judgments final and universally binding force (Article 190(1))—the protective mechanisms of the institutional system increasingly began to display features of autogenicity (cf. Table 1), in comparison with earlier periods.

The autogenic character of changes within the institutional system, expressed through the activity of the CT, is neither spontaneous nor accidental. These changes are purposeful and directed, as they arise from the constitutional systemic principles deliberately established by the legislator. It is these principles that define the framework and direction of subsequent changes within the institutional system. At the same time, the consequences of these actions may extend beyond what was directly envisaged in the legislative process, since the harmonization of legal provisions triggers further adjustments within the institutional system, resulting from the very logic of its functioning.

The significance of these autogenic mechanisms became particularly evident during the systemic transformation after 1989 and following Poland's accession to the European Union in 2004. Membership in the EU entailed the obligation to adapt domestic law to the Community legal order (acquis communautaire), as provided in the Accession Treaty of 16 April 2003 (Dz.U. 2004, nr 90, poz. 864/865) and in Article 91(3) of the Constitution of the Republic of Poland, which stipulates that: "If it follows from a ratified international agreement constituting an international organization to which the Republic of Poland belongs, the law established by that organization shall be applied directly and shall take precedence in the event of a conflict with statutes." Consequently, law enacted by an international organization of which

Poland is a member takes precedence in the case of inconsistency with a statute. This process required a series of deliberate changes in legislation as well as in the jurisprudence of the Constitutional Tribunal, which reviewed the conformity of new regulations with the Constitution.

An example of the Constitutional Tribunal's activity that illustrates the autogenic character of the institutional system is the constitutional amendment of 8 September 2006 (Dz.U. 2006 nr 200 poz. 1471). This amendment introduced exceptions in Article 55(2) and (3) to the prohibition on extraditing Polish citizens, following the CT's judgment of 27 April 2005 (case no. P 1/05, OTK ZU 2005/4A/42), which declared the provisions of the Code of Criminal Procedure on the European Arrest Warrant (EAW) inconsistent with Article 55(1) of the Constitution. Such actions set in motion further adaptive processes within the entire legal system. Initially, the changes were of an adjustment character, but their effects spread further, leading to additional harmonization within Poland's institutional system.

In the case of the EAW, amendments were required inter alia to the Code of Criminal Procedure (Act of 18 March 2004 amending the Penal Code, the Code of Criminal Procedure, and the Code of Petty Offences, Dz.U. 2004, nr 69, poz. 626) and to the provisions regulating judicial cooperation. In particular, this concerned:

- the Act of 27 July 2001 – Law on the System of Common Courts (Dz.U. 2001, nr 98, poz. 1070), which was adjusted in respect of the competence of courts to examine applications for surrender under the EAW,
- the Act of 29 July 2005 amending the Code of Criminal Procedure and certain other statutes (Dz.U. 2005, nr 163, poz. 1363), which clarified the procedure for the surrender of Polish citizens.

The combined application of these legal acts ensured the consistency of domestic law with both the Constitution of the Republic of Poland and EU law. At the same time, each of these steps entailed further changes in the legal system. In other words, once triggered, the mechanism safeguarding the institutional system led to successive adjustments in judicial practice and legislation, which aptly illustrates the autogenic theory of institutional change.

2.2. Research Procedure within the Autogenic Theory of Institutional Change

The data used in the quantitative categorization method of textual material, concerning case codes and types of judgments, were obtained from the Internet Portal of Constitutional Tribunal Judgments (https://ipo.trybunal.gov.pl). The analysis adopted a division of Constitutional Tribunal judgments according to the criterion of the timing of constitutional review (a priori vs. a posteriori) and the form of constitutional review (abstract, specific, concrete). Within the first element, two categories were distinguished: a priori—

that is, review of the conformity of a normative act with the Constitution before it enters into force; and a posteriori—that is, review of the conformity of a normative act with the Constitution after it has entered into force and been applied in practice. Within the second element, three principal categories were distinguished:

- abstract review, covering the examination of the conformity of statutes, international treaties, and legal acts of central state organs with the Constitution (case code K, U);
- specific review, concerning the assessment of the objectives and activities of political parties (case code Pp);
- concrete review, referring to individual cases conducted through legal questions submitted by courts and constitutional complaints (case code P, SK).

For the sake of completeness and transparency, other competences of the CT were excluded from the analysis, such as the resolution of competence disputes (case code Kpt) and the determination of an obstacle to the exercise of the office of the President of the Republic of Poland (case code M), which were treated as separate from the main stream of constitutional review. For the purpose of analysis, it should be added that in the years 1986–1997 the database also includes historical case codes:

- Uw – applications for declaring the conformity of legal provisions issued by central state organs with the Constitution, ratified international treaties, or statutes, initiated ex officio by the Constitutional Tribunal;
- Kw – applications for declaring the conformity of statutes or ratified international treaties with the Constitution and the conformity of statutes with international treaties requiring prior statutory consent, initiated ex officio by the Constitutional Tribunal.

The possibility of initiating cases ex officio existed under the Act of 29 April 1985; since the 1997 Constitution, the CT has not initiated proceedings ex officio, and therefore case codes such as Uw and Kw do not appear in the contemporary register. In the classification presented in section 2.3 (Results), these case codes were treated as follows: Uw – equivalent to a posteriori abstract review type U; Kw – equivalent to a posteriori abstract review type K. Additionally, the research distinguishes the following case code:

- W – cases concerning universally binding interpretation of statutes (interpretative resolutions in force until the entry into effect of the 1997 Constitution). This was an interpretative, not a review instrument; reported separately, without classification as abstract/specific/concrete review;
- S – resolutions with a signaling function (sygnalizacje) under Article 80 of the Act on the CT. A non-binding, recommendatory instrument; reported separately as an indicator of pressure for legal change, without classification as constitutional review;

- T – interim orders (security). A procedural, provisional instrument; recorded for a full picture of case proceedings, without classification as review;
- Ts – preliminary review of constitutional complaints. Under this case code, the CT conducts the stage of formal selection of complaints; once admitted, the case is assigned a final symbol SK (or ends with an order at the preliminary stage);
- Tw – preliminary review of applications, which after positive selection receive a case code K or U, depending on the subject.

It should be noted that cases marked with case code Kp—applications of the President of the Republic of Poland for review of the constitutionality of statutes before signing or international treaties before ratification—were deliberately excluded from the category of abstract review. Such cases were treated as a separate category, since they correspond to a special form of a priori review, i.e. the assessment of constitutionality before a normative act enters into force. All other forms of review (K, U, Pp, P, SK) concern acts already in force and thus fall within the category of a posteriori review. This distinction makes it possible to capture the dual role of the CT as a preventive body, safeguarding the system against the adoption of unconstitutional regulations, and as a corrective body, eliminating from the legal order norms inconsistent with the Constitution only after their application.

The study was conducted in a chronological framework corresponding to three identified stages in the institutional development of the Tribunal: the initial period (1986–1989), when the CT operated solely on the basis of the 1985 Act and thus within the second-order principles; the transitional period (1989–1997), when it was incorporated into the PRL Constitution and its competences were gradually expanded—the CT then operated already within the first-order principles; and the contemporary period (1997–2025), in which the CT operates within the first-order principles, i.e. the 1997 Constitution of the Republic of Poland. These temporal frames make it possible to capture changes both in the intensity and in the structure of the Tribunal's interventions in the various forms of review, with an additional distinction between a priori and a posteriori review.

For a full understanding of the specificity of the examined judgments, it is also necessary to consider their procedural characteristics. Therefore, the analysis refers to two additional dimensions: the stage of proceedings and the type of document. In terms of stage of proceedings, three basic categories are distinguished. First, preliminary review, in which the CT examines the admissibility of an application, legal question, or constitutional complaint in formal and procedural terms; many cases are terminated at this stage without substantive examination. Second, resolutions with a signaling function (sygnalizacyjne resolutions), i.e. resolutions adopted under Article 80 of the Act on the CT, in which the Tribunal indicates the need for legislative changes or the removal of legal defects; this instrument is recommendatory and does not entail binding consequences for the legislator. Third, substantive adjudication, the stage in which the CT assesses the conformity of law with the Constitution and issues a judgment—the only form of decision that is universally binding and final. Other documents, such as orders or signaling resolutions, do not have such an effect, serving instead a procedural or advisory role.

As for the type of document, several forms of decision can be distinguished:

- judgment (wyrok) – the basic form of substantive decision, in which the CT declares the conformity or non-conformity of a normative act with the Constitution of the RP, a statute, or an international treaty. It is universally binding and final (Article 190 of the Constitution of the RP);
- order (postanowienie) – the most common form of decision, concerning mainly procedural issues (dismissal of a complaint, discontinuance of proceedings, refusal to admit). It does not decide on the merits of conformity with the Constitution;
- interim order (postanowienie tymczasowe) – a special category of orders serving to secure proceedings. The CT may suspend the application of a provision until judgment to avoid irreversible consequences;
- resolution (uchwała) – used especially in signaling resolutions (Article 80 of the Act on the CT), in which the Tribunal indicates the need for legal changes, even if it does not directly declare unconstitutionality;
- decision (rozstrzygnięcie) – a document issued in special cases, e.g. when resolving competence disputes (case code Kpt) or in the procedure for determining an obstacle to the exercise of the office of the President of the RP (case code M);
- ruling (orzeczenie) – a collective category used in the database for various types of final documents, including those that do not fit neatly into the above classifications.

The inclusion of these categories makes it possible not only to classify the actions of the Constitutional Tribunal formally, but also to understand the mechanics of its functioning—from preliminary case selection, through its advisory role, to issuing binding judgments that transform the legal system. **Each type of Tribunal judgment was then assessed to determine whether it contained an autogenic protective mechanism as defined in Table 1. Judgments with this mechanism present were interpreted as instances of autogenic institutional change, whereas other judgments were treated as falling outside the direct explanatory scope of the autogenic theory and as potentially requiring alternative theoretical explanations.**

2.3. Results

In the first period of the Constitutional Tribunal's activity (1986–1989), 60 cases were decided in substantive proceedings, with only a marginal share of resolutions with a signaling function (7) and preliminary review (2).

The core of activity consisted of a posteriori abstract review, which—according to the adopted methodology—is counted jointly as: U (applications for declaring the conformity of legal provisions issued by central state organs with the Constitution, ratified international treaties, or statutes) and Uw (cases initiated ex officio—the historical equivalent of U), as well as K (applications for declaring the conformity of statutes or ratified treaties with the Constitution and the conformity of statutes with treaties requiring prior statutory consent) and Kw (cases initiated ex officio—the historical equivalent of K). In this framework, a posteriori abstract review comprised a total of 52 cases: U (28) + Uw (12) and K (11) + Kw (1).

A posteriori concrete review was less frequent: P (legal questions concerning the conformity of a normative act with the Constitution, ratified treaties, or statutes) – 8 cases.

Specific review did not occur: Pp (applications concerning the conformity of the objectives or activities of political parties with the Constitution) – 0.

In the second period (1989–1997), substantive proceedings dominated (298), with smaller shares of resolutions with a signaling function (12) and preliminary review (11). From the perspective of the adopted classification, the core remained a posteriori abstract review, i.e.: K – applications for declaring the conformity of statutes or ratified international treaties with the Constitution, and the conformity of statutes with treaties requiring prior statutory consent (118), plus historical cases Kw—applications initiated ex officio (2), giving a total of K+Kw = 120; and U – applications for declaring the conformity of legal provisions issued by central state organs with the Constitution, ratified international treaties, or statutes (65).

A posteriori concrete review was less common and limited to legal questions (P) – 19 cases.

Specific review did not occur (0), nor did a priori review (0).

For a full picture, the study also included categories outside the main typology: W – cases concerning universally binding interpretation of statutes (94) – a competence valid until the entry into force of the 1997 Constitution; S – resolutions with a signaling function (12); T – interim orders (11).

From the perspective of document type, the distribution was: rulings (orzeczenia) (142), orders (98), resolutions (81), which together yield 321 items in the results (including substantive proceedings, signaling resolutions, and preliminary review).

In the third period (16 October 1997–2025), the Tribunal's activity included substantive proceedings (3,228), preliminary review (10,150), and resolutions with a signaling function (68).

Within the adopted categories of review, a posteriori review dominated: K – applications for declaring the conformity of statutes or ratified treaties with the Constitution, and the conformity of statutes with treaties requiring prior statutory consent (923); and U – applications for declaring the conformity of legal provisions issued by central state organs with the Constitution, ratified treaties, or statutes (179).

A posteriori concrete review included P – legal questions (739) and SK – constitutional complaints (1,331).

Specific review occurred sporadically: Pp – applications concerning the conformity of the objectives or activities of political parties with the Constitution (7).

A priori review was incidental and remains separated from abstract review: Kp – applications of the President of the Republic of Poland for review of statutes before signing or international treaties before ratification (41). Outside the main typology, the study also recorded: Kpt – applications concerning competence disputes between central constitutional organs of the state (5); and, marginally, W – cases concerning universally binding interpretation of statutes (3). No cases of type M – applications of the Marshal of the Sejm for declaring an obstacle to the exercise of the office of the President of the Republic of Poland – were recorded (0).

From the perspective of document types, orders dominated (11,898), followed by judgments (1,529), interim orders (16), and individual decisions (3). In preliminary review, the majority of cases were registered under Ts (9,300) and Tw (789), which—according to the adopted research procedure—are not included in the indicators of constitutional review.

3. Conclusion

The heuristic usefulness of particular theories of institutional change reveals itself in their selection in such a way that they reflect the actual conditions of change and correspond to the aim that the researcher intends to achieve. When seeking a specific initiator of change, it is worth turning to theories that assume the agency of an individual actor. If, on the other hand, the focus is on the conditions under which change may arise, it is more appropriate to apply theories that take into account the influence of endogenous conditions or extraordinary events. Other theories will be relevant in the study of social transformations and civilizational evolution, while still others may provide explanations for the actions of interest groups (Sukiennik, Czetwertyński, Brol, 2025).

When examining institutional changes within the institutional system, the researcher should employ the autogenic theory of institutional change, though its explanatory capacity is naturally limited. Referring back to the research question posed at the outset of this article—namely: which factors characteristic of the autogenic theory of institutional change account for its epistemic capacity in explaining institutional changes within the institutional system?—the answer should be formulated in two perspectives.

First, in the hypothetico-deductive perspective, the factors shaping the epistemic capacity of the autogenic theory of institutional change are: (1) formalization and (2) closed nature within the research domain. This domain is the institutional system, whose formalized character and closed nature make it possible to achieve an excellent level of epistemic capacity with respect to explaining the relationship between causes and outcomes of institutional change.

Second, in the empirical perspective, the research method of the autogenic theory of institutional change makes it possible to adequately explain the specificity of certain processes occurring within the Polish institutional system. This concerns its legal component, and specifically the changes initiated by the Constitutional Tribunal. The epistemic capacity of the autogenic theory of institutional change in the empirical perspective finds expression in the interpretation of mechanisms of constitutional review and the resulting transformations within the legal system. Thus, in this perspective, the relevant factor is (3) the interpretability of constitutional review mechanisms. However, its epistemic capacity is not perfect, first, due to the unintended consequences of legal harmonization, and second, due to the limited scope of the Constitutional Tribunal's activities, which are confined to mechanisms of constitutional review.

The analysis carried out in both the hypothetico-deductive and empirical perspectives confirms that the autogenic theory of institutional change makes it possible to adequately explain the specificity of certain processes occurring within the Polish institutional system—specifically its legal component, i.e. changes initiated by the Constitutional Tribunal. It should nevertheless be emphasized that this represents only a fragment of the broader picture, as the overall scale of legislative production in Poland is vast, and the changes that can be explained by means of the autogenic theory constitute only a limited fraction of the whole. Nevertheless, within the institutional system, processes initiated by the Constitutional Tribunal are accurately interpreted, and the transition from causes to changes can be closely traced. Therefore, the epistemic capacity of the autogenic theory of institutional change is significant from the perspective of studying institutional change in general. **At the same time, the scope of generalization of the findings should be treated with caution. The analysis conducted in this article refers to the Polish Constitutional Tribunal and therefore demonstrates the operation of autogenic institutional change within a specific constitutional and legal order. However, the proposed framework may provide a starting point for further comparative research on similar mechanisms**

in other countries. In such cases, autogenic institutional change could be examined as a mechanism through which the internal logic of the legal system generates further institutional adjustments. The transferability of this framework depends, however, on the constitutional position of the reviewing body, the binding force of its judgments, access to constitutional review, and the relationship between constitutional adjudication and legislative response. For this reason, the comparative verification of autogenic mechanisms in other legal systems should be regarded as a separate research task and a promising direction for future studies.

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Appendix

Table 1. Autogenic Protective Mechanisms of the Institutional System in the CT

Period	Legal Basis	Nature of CT Judgments	Scope of Constitutional Review	Active Legitimacy
1985–1989	Dz.U. 1985, nr 22, poz. 98	Judgments required approval by the Sejm (Art. 33)	Abstract review: compliance of statutes and other normative acts of central state organs with the Constitution, ratified international agreements, and statutes	Presidium of the Sejm, Prime Minister, First President of the Supreme Court, Prosecutor General, President of the Supreme Administrative Court (Art. 11)
1989–1997	Dz.U. 1989, nr 75, poz. 444 oraz Dz.U. 1989, nr 19, poz. 101).	Binding judgments, no longer requiring approval by the Sejm (Art. 33a of the PRL Constitution)	Abstract review, and to some extent concrete review through legal questions submitted by courts	President, Presidium of the Sejm, Prime Minister, First President of the Supreme Court, President of the Supreme Administrative Court, Prosecutor General, President of the Supreme Audit Office, Ombudsman, group of 50 deputies, group of 30 senators
od 1997 r.	Dz.U. 1997, nr 78, poz. 483	Judgments are universally binding and final (Art. 190)	Review: abstract, specific, and concrete	President, Marshals of the Sejm and Senate, Prime Minister, 50 deputies, 30 senators, First President of the Supreme Court, President of the Supreme Administrative Court, Prosecutor General, President of the Supreme Audit Office, Ombudsman, National Council of the Judiciary, local government bodies, nationwide trade unions, nationwide employers' and professional organizations, churches and religious associations, citizens

Source: Author's compilation based on Dz.U. 1985, nr 22, poz. 98; Dz.U. 1989, nr 75, poz. 444; Dz.U. 1989, nr 19, poz. 101; Dz.U. 1997, nr 78, poz. 483.