

IMPLEMENTATION OF THE CLERGY'S RIGHT TO REST ACCORDING TO THE POLISH POST-CODE SYNODAL LEGISLATION

Rev. Dr. Paweł Lewandowski

The John Paul II Catholic University of Lublin, Poland
e-mail: pawel.lewandowski@kul.pl; <https://orcid.org/0000-0003-4543-4382>

Abstract. The right to rest is undoubtedly one of the most fundamental rights of every person. The ecclesiastical legislator regulated this right in the following: Canon 283 para. 2; Canon 395 para. 2; Canon 410; Canon 533 para. 2; Canon 550 para. 3 of the 1983 Code of Canon Law. Thirty-three Polish post-CIC synodal legislators recited code dispositions, promulgating detailed regulations on leaves and days off for members of the clergy. The exercise of the right must always take into account the principle of *salus animarum suprema lex*.

Keywords: clergyman; holiday leave; day off; synodal statutes

INTRODUCTION

Relaxation has been incorporated into the natural rhythm of every human being by God, who rested on the seventh day after the six days of creating the world: "By the seventh day God had finished the work he had been doing; so on the seventh day he rested from all his work. And God blessed the seventh day and made it holy, because on it he rested from all the work of creating that he had done" (Gen. 2:2-3). As the *Catechism of the Catholic Church* teaches, God's behavior is the model of human behavior. Since God "rested" on the seventh day (Ex. 31:17), man should also "abstain from work" and let others "be refreshed" (Ex. 23:12). So the Sabbath orders us to stop our daily work and give ourselves a chance for a well-deserved rest.¹

The Magisterium of the Church, in numerous documents, draws attention to the value of leisure time and calls for the proper use of the right to rest, bearing in mind the third commandment of the Decalogue, not only in relation to Sunday. This right should be perceived as one of the most important rights that a person who takes up work is entitled to.² The code

¹ *Catechismus Catholicae Ecclesiae*, Libreria Editrice Vaticana, Città del Vaticano 1997, no. 2172.

² Ioannes Paulus PP. II, *Palatium deinde adiit Nationum Unitarum; in quod ingressus, allocutionem habuit ad earundem Nationum Legatos* (02.10.1979), AAS 71 (1979), p. 1140-160, no. 13.

legislator³ regulated the analyzed right in: Canon 283 para. 2, according to which a cleric is entitled to a due and sufficient annual leave, determined by general or particular law; Canon 533 para. 2, according to which, unless there is a serious reason, the parish priest is allowed to leave the parish each year for a holiday for a maximum of one month, counted continuously or with breaks; Canon 550 para. 3, according to which an assistant priest has the same rights regarding leave as a parish priest; Canon 395 para. 2, according to which, apart from the situations specified in canon law, a diocesan bishop may, for a just cause, stay outside the diocese for a month, continuously or intermittently, if his absence does not cause any harm to the diocese; and Canon 410, according to which the coadjutor bishop and the auxiliary bishop, like the diocesan bishop, are entitled to leave not exceeding one month.

Particularly important is the indication of the Congregation for the Clergy, which notes that despite urgent pastoral needs, or rather in order to take care of them properly, the clergyman must find the humility and courage to rest. Although standard rest is the most effective means of restoring the priest's strength and continuing his pastoral ministry for the Kingdom of God, it may be necessary to give priests a longer or shorter time to unite themselves more calmly and more deeply to Jesus Christ, and thus to carry out the *munus docendi, sanctificandi* and *regendi* more fruitfully and effectively.⁴

The analyzed issue, especially in relation to common legislation, has already been addressed by, among others: Bamberg 2005, 199-220; Bieńkowski 2018, 219-38; Giemza 2012; Kroczeek 2007, 217-34; Sabbarese 2013; Woestman 2006.

In addition to the universal legislation, binding in the entire Catholic Church, there is particular legislation, a part of which is the synodal legislation, binding in individual particular Churches. Particular legislation may have a national, provincial or diocesan dimension [Pawluk 2002, 131; Lewandowski 2015, 81].

In a particular Church, four entities of authority have the right to legislate: 1) by God's institute, only the highest authority in the Church has the competence to enact normative acts, i.e. the Bishop of Rome and the College of Bishops with the Pope as its head (Canon 331-341) and the bishop diocesan (Canon 381, 391); 2) from positive law, particular synods are competent to legislate in a particular Church (Canon 445) as well as the conference of bishops (Canon 455) [Sitarz 2009, 1006; Lewandowski 2015, 81].

³ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, p. 1-317 [hereinafter: CIC/83].

⁴ Congregazione per il Clero, *Direttorio per il ministero e la vita dei presbiteri* (11.02.2013), Libreria Editrice Vaticana, Città del Vaticano 2013, no. 101.

The post-code legislation should be considered to be that which was issued after the promulgation of CIC/83, i.e. after January 25, 1983 [Lewandowski 2015, 82].

Thirty-five post-code particular and diocesan synods were held in Poland. In the area of the conducted analysis, the relevant norms were promulgated by thirty-three synodal legislators: Białystok, Częstochowa, Drohiczyn, Elk, Gdańsk, Gliwice, Gniezno, Kalisz, Katowice, Kielce, Koszalin-Kołobrzeg, Lublin, Łomża, Łowicz, Łódź, Opole, Pelplin, Płock, Poznań, Przemyśl, Radom, Rzeszów, Sandomierz, Siedlce, Sosnowiec, Tarnów, Toruń, Warmia, Warsaw, Warsaw-Praga, Włocławek, Wrocław and Zamość-Lubaczów. However, the issue was not regulated by Legnica⁵ and the Plenary Legislator.⁶

1. HOLIDAY LEAVE

The Siedlce legislator emphasizes the importance of rest as an indispensable tool for regaining strength, mental peace and energy for further priestly service. For this reason, he warns the clergy against underestimating the dangers of excessive overwork and daily struggle with various adversities and hardships of priestly work. Therefore, he recommends that priests, when planning sufficient time for a well-deserved rest, should take into account the great advantage of the possibilities of tranquility offered by monasteries or specialized centers of spirituality.⁷

As a rule, Polish post-code synodal legislators, emphasizing the importance of the obligation to maintain residence, accept the dispositions of the code legislator contained in Canon 533 para. 2 and Canon 550 para. 3, according to which parish priests and assistant priests are entitled to a monthly holiday leave in a given calendar year (Opole, Statute 236; Siedlce, Statute 46).⁸ This leave may be taken continuously or intermittently,

⁵ *I Synod Diecezji Legnickiej (2007-2012). Przypatrzmy się powołaniu naszemu* (24.03.2012), vol. I: *Program odnowy religijno-moralnej*, Biblioteka im. Jana Pawła II, Legnica 2012.

⁶ *II Polski Synod Plenarny (1991-1999)* (25.01.2001), Pallottinum, Poznań 2001.

⁷ *II Synod Diecezji Siedleckiej. Żyjąc mocą chrztu* (09.06.2018), Wydawnictwo Diecezji Siedleckiej Unitas, Siedlce 2018 [hereinafter: Siedlce], Statute 45.

⁸ *I Synod Archidiecezji Białostockiej* (25.03.2000), Kuria Metropolitalna Białostocka, Białystok 2000 [hereinafter: Białystok 1], Statute 51, 63f; Metropolitan Archbishop of Częstochowa, *Współpraca proboszcza i wikariusza w parafii* (23.11.1986), in: *II Synod Diecezji Częstochowskiej, Częstochowskie Wydawnictwo Archidiecezjalne Regina Poloniae, Częstochowa 1987* [hereinafter: Częstochowa], Article 4; *I Synod Diecezji Elckiej 1997-1999*, Kuria Biskupia Diecezji Elckiej, Elk 1999 [hereinafter: Elk], Statute 358, 387; Metropolitan Archbishop of Gdańsk, *Rozporządzenie o prawach i obowiązkach księży wikariuszy* (25.03.2002), in: *III Synod Gdański. Misja ewangelizacyjna Kościoła gdańskiego na początku Nowego Tysiąclecia. Załączniki*, vol. 2, Kuria Metropolitalna Gdańska, Gdańsk 2001 [hereinafter: Gdańsk], Article 8; *Pierwszy Synod Diecezji Gliwickiej (2017-2018). Statuty i aneksy* (04.11.2018), Kuria Diecezjalna, Gliwice 2018

generally during summer holidays (Kalisz, Statute 289; Opole, Statute 236)⁹

[hereinafter: Gliwice], Statute 174; *III Powojenny Synod Archidiecezji Gnieźnieńskiej z okazji Millenium jej powstania*, Prymasowskie Wydawnictwo Gaudentinum, Gniezno 2001 [hereinafter: Gniezno 1], Statute 50 para. 2; *Pierwszy Synod Diecezji Kaliskiej (2007-2009). Prawo diecezjalne Kościoła Kaliskiego*, Kuria Diecezjalna, Kalisz 2009 [hereinafter: Kalisz], Statute 289; *II Synod Diecezji Lubelskiej 1977-1985 (08.12.1987)*, Kuria Diecezjalna, Lubelskie Wydawnictwo Diecezjalne, Lublin 1988 [hereinafter: Lublin], Statute 289; *I Synod Diecezji Łomżyńskiej. Prawo partykularne Kościoła Łomżyńskiego*, Łomżyńska Kuria Diecezjalna, Łomża 2005 [hereinafter: Łomża], Statute 119, 160; *I Synod Diecezji Łowickiej 1995-1999 (25.03.1999)*, Apostolicum, Łowicz 1999, Statute 72; *III Synod Archidiecezji Łódzkiej (22.11.1998)*, Archidiecezjalne Wydawnictwo Łódzkie, Łódź 1999 [hereinafter: Łódź], Article 102; *Pierwszy Synod Diecezji Opolskiej (2002-2005). Statuty i Aneksy. Parafia u progu Nowego Tysiąclecia (29.03.2005)*, Wydawnictwo Świętego Krzyża, Opole 2005 [hereinafter: Opole], Statute 236; *Instrukcja o relacjach i współpracy proboszcza, wikariusza i seniora (05.12.2015)*, in: *Gdzie jest Bóg, tam jest przyszłość. XLIII Synod Diecezji Płockiej. Prawo partykularne i program odnowy pastoralnej Kościoła Płockiego*, Płocki Instytut Wydawniczy, Płock 2015, p. 530-32 [hereinafter: Płock], Article 21; *Synod Archidiecezji Poznańskiej 2004-2008 zwołany i przeprowadzony przez Arcybiskupa Stanisława Gądeckiego. Statuty (23.11.2008)*, vol. II, Wydawnictwo Święty Wojciech, Poznań 2008 [hereinafter: Poznań], Statute 42, 111; *Synod Archidiecezji Przemyskiej 1995-2000. Statuty i aneksy (01.01.2000)*, Wydawnictwo Archidiecezji Przemyskiej, Przemyśl 2000 [hereinafter: Przemyśl], Statute 166 para. 1; *Ustawa Synodalna Diecezji Radomskiej promulgowana przez Biskupa Radomskiego Edwarda Materskiego 5 kwietnia 1997 roku w Radomiu na I Synodzie Diecezji Radomskiej (05.04.1997)*, Radomskie Wydawnictwo Diecezjalne AVE, Radom 1999 [hereinafter: Radom], Statute 166 para. 1; *Pierwszy Synod Diecezji Rzeszowskiej 2001-2004 (20.11.2004)*, Poligrafia Wyższego Seminarium Duchownego w Rzeszowie, Rzeszów 2004 [hereinafter: Rzeszów], Statute 59; „*Aby nieść Światło Ewangelii*”. *Trzeci Synod Diecezji Sandomierskiej (2017-2022) (02.06.2022)*, Wydawnictwo Diecezjalne i Drukarnia w Sandomierzu, Sandomierz 2022 [hereinafter: Sandomierz], Statute 87; *I Synod Diecezji Sosnowieckiej. Prawo Partykularne Kościoła Sosnowieckiego (11.12.2004)*, Wydawnictwo «scriptum», Sosnowiec 2005 [hereinafter: Sosnowiec], Statute 133 para. 1, 138 para. 1; *IV Synod Diecezji Tarnowskiej. Ad imaginem ecclesiae universalis (Lumen gentium 23) (13.03.1986)*, Kuria Diecezjalna, Tarnów 1990 [hereinafter: Tarnów], Statute 341 para. 2; 353 para. 5; Bishop of Toruń, *Instrukcja o współpracy i uposażeniu duszpasterzy parafialnych (27.06.2011)*, in: *Uchwały Pierwszego Synodu Diecezji Toruńskiej. Prawo partykularne Kościoła Toruńskiego*, Toruńskie Wydawnictwo Diecezjalne, Toruń 2011, p. 273-84 [hereinafter: Toruń 1], Article 10 para. 1; Idem, *Instrukcja o urlopach i wyjazdach pozaurlopowych kapłanów (27.06.2011)*, in: *Uchwały Pierwszego Synodu Diecezji Toruńskiej*, p. 284-85 [hereinafter: Toruń 2], Article 2, 4 para. 1; *IV Synod Archidiecezji Warszawskiej (19.03.2003)*, Wydawnictwo Archidiecezji Warszawskiej, Warszawa 2003 [hereinafter: Warszawa], Statute 44; *Pierwszy Synod Diecezji Warszawsko-Praskiej (08.12.2000)*, Kuria Biskupia Diecezji Warszawsko-Praskiej, Warszawa 2000 [hereinafter: Warszawa-Praga], Statute 68 para. 1; *I (XIV) Synod Archidiecezji Warmińskiej (2006-2012). Misja Kościoła Warmińskiego w dziele Nowej Ewangelizacji (30.09.2012)*, Wydział Duszpasterski Kurii Archidiecezji Warmińskiej, Olsztyn 2012 [hereinafter: Olsztyn], Statute 35; *Drugi Synod Diecezji Włocławskiej. Statuty (04.04.1994)*, [no publisher information], Włocławek 1994 [hereinafter: Włocławek], Statute 317; *Porządek prawny i organizacja (06.12.1993)*, in: *Synod Archidiecezji Wrocławskiej 1985-1991* [hereinafter: Wrocław 1], p. 347-421, Article 71, 88e; *I Synod Diecezji Zamojsko-Lubaczowskiej 1996-2001 (25.03.2001)*, Kuria Diecezjalna, Zamość 2001 [hereinafter: Zamość-Lubaczów], Statute 11, 13.

⁹ *Wysłuchani w Ducha. Uchwały II Synodu Archidiecezji Katowickiej (20.11.2016)*, Księgarnia Świętego Jacka, Katowice 2016 [hereinafter: Katowice 1], Statute 124; *Statuty I Synodu*

or summer holidays and winter school holidays (Drohiczyn, Statute 243).¹⁰ The Częstochowa legislator proposes to divide the leave into twenty days in the holiday months and ten days at other times (Częstochowa, Article 4). The Toruń legislator – as a desirable action – indicates the implementation of the leave in a continuous system, however, if the pastoral possibilities do not allow it, the principle of at least two weeks of continuous leave should be maintained, and the rest of the leave should be spread over other days of the year, preferably in the summer or during school winter holidays (Toruń 1, Article 10 para 1).

Assistant priests subjected to a translocation in a given year receive appropriate decrees at the end of the school and catechetical year and until the move is subject to the parish priest *a quo*, with whom they agree the duration of the holiday leave.¹¹ In the diocese of Toruń, the parish priest, in agreement with the vicar forane, has the right to terminate the holiday leave, if a very serious pastoral reason demands it and it cannot be remedied in any other way. In such a situation, the costs resulting from the interruption of the leave are covered from the parish funds (Toruń 1, Article 10 para 3).

Employees of the diocesan curia, ecclesiastical tribunals, theological seminaries and other diocesan institutions are entitled to holiday leave, the length of which is determined by the state labor law.¹² In the dioceses of Gliwice and Siedlce, this leave does not include trips to training, courses, seminars or conferences. The date of the leave should be planned in such a way that all curial agencies have a sufficient number of employees (Siedlce, statute 46).¹³ The leave list of employees of the episcopal tribunal of the diocese of Gliwice is prepared by the tribunal office and approved by the judicial vicar. It should be prepared in such a way that one of the notaries and the judicial vicar or one of the associate judicial vicars is always present at work. Priority in planning holidays during summer holidays, winter

Diecezji Pelplińskiej (06.06.2000), Wydawnictwo Diecezji Pelplińskiej Bernardinum, Pelplin 2001 [hereinafter: Pelplin], Statute 49.

¹⁰ *I Synod Diecezji Drohiczyńskiej. Statuty. Dokumenty wykonawcze* (24.05.1997), Drohiczyńskie Wydawnictwo Diecezjalne, Drohiczyn 1997 [hereinafter: Drohiczyn], Statute 243.

¹¹ Metropolitan Archbishop of Białystok, *Dekret dotyczący przenoszenia księży wikariuszy* (15.05.2000), in: *I Synod Archidiecezji Białostockiej*, p. 272, Article 2.

¹² The length of employee leave in Poland amounts to: 20 days – if an employee has been employed for less than 10 years; 26 days – if an employee has been employed for at least 10 years. Act of 26 June 1974 The Labor Code, Journal of Laws of 1974, No. 24, item 141 as amended, Article 154 para. 1.

¹³ Bishop of Gliwice, *Aneks XVIII. Regulamin Kurii Diecezjalnej w Gliwicach*, in: *Pierwszy Synod Diecezji Gliwickiej*, p. 245-61, Article 56.

holidays and holydays is given to clergymen who additionally undertake pastoral work with children and youth.¹⁴

Permanent catechists (prefects) are entitled to a month's leave during the holiday season.¹⁵ In the remaining time free from school activities, they should organize camps and summer camps for their students, undertake self-education and participate in priestly retreats, and help pastorally in the parish (Katowice 2, Article 9).

Priests undertaking specialized studies outside the diocese, like all other clergy, are entitled to one month of leave. Students who received a financial scholarship financed from diocesan funds in a given academic year may be assigned to pastoral work in the diocese during the holidays (Sandomierz, Statutes 109-10). Continuing studies from the parish does not give the clergyman the right to additional time off in connection with commuting to study. If the advancement of the doctoral dissertation, confirmed by the head of the department in which the dissertation is being prepared, requires additional time to finalize the work, the parish priest, if the pastoral conditions allow it, should consider favorably the request of the interested student priest for the possibility of more frequent contact with the university.¹⁶

During their leave in their homeland, missionary clergymen are obliged to pay a visit to the diocesan bishop, informing him at the same time about the place of permanent residence during the holidays (Gliwice, Statute 216). The Sandomierz legislator provides spiritual and material assistance to missionaries during their holidays. To this end, he encourages parish priests to invite missionaries to parishes so that the faithful can strengthen their faith and unity with the universal Church through sermons preached by missionaries and support their missionary activity with prayer and material help (Sandomierz, Statute 100).

Nine synodal legislators state that clergy are entitled additional three days of leave for priestly retreat (Częstochowa, Article 4; Gliwice, Statute 30; Kalisz, Statute 289; Łomża, Statute 160; Płock, Article 19; Radom, Statute 166 para 1; Siedlce, Statute 46; Toruń 2, Article 2).¹⁷

¹⁴ Idem, *Aneks XVIII. Regulamin Sądu Biskupiego Diecezji Gliwickiej*, in: *Pierwszy Synod Diecezji Gliwickiej*, p. 263-77, Article 29.

¹⁵ Metropolitan Archbishop of Katowice, *Status katechety stałego w archidiecezji katowickiej* (20.11.2016), p. 85-87 [hereinafter: Katowice 2], Article 9; Metropolitan Archbishop of Warszawa, *Status księdza prefekta – rezydenta w parafii* (19.03.2003), in: *IV Synod Archidiecezji Warszawskiej*, p. 131-32, Article 12.

¹⁶ *Prawo księdza do odpoczynku* (06.12.1993), in: *Synod Archidiecezji Wrocławskiej* [hereinafter: Wrocław 2], p. 423-24, Article 3k.

¹⁷ Metropolitan Archbishop of Poznań, *Regulamin Kurii Metropolitalnej Poznańskiej* (14.06.2008), in: *Synod Archidiecezji Poznańskiej*, p. 502-505, para. 9(4).

In the archdioceses of Gdańsk and Katowice and the diocese of Płock, participation in diocesan and parish pilgrimages, camps and parish retreats – depending on the pastoral situation – is treated in whole or in part as an off-holiday activity (Gdańsk, Article 8; Katowice 1, Statute 127; Płock, Article 22). In the diocese of Gliwice, the time of such service is not included in the holiday leave only with the prior consent of one's own parish priest (Gliwice, Statute 176). The legislator of Kalisz excludes from the holiday leave the time devoted to leading the pilgrimage group of the pilgrimage of Kalisz and the diocese of Kalisz and the pilgrimage of Wieruszów to Jasna Góra as well as conducting retreats and holiday and retreat camps commissioned by the diocesan authority or the parish priest, who should first obtain the consent of the vicar general in this case (Kalisz, Statute 289). The Białystok legislator provides similarly, which stipulates that the service of priests during longer pilgrimages, i.e. to Jasna Góra and Vilnius, should not take place at the expense of the time allocated for holidays, and a clergyman who decides to participate in the aforementioned pilgrimages should be provided with leave at a different time (Białystok 1, Statute 802). Priests conducting fifteen-day oasis retreats during their leave are compensated by the Częstochowa legislator with an additional week of leave (Częstochowa, Article 4). In the diocese of Sandomierz, one pastoral trip during the holidays is not treated as a holiday (Sandomierz, Statute 87). In the archdiocese of Warsaw, the assistant priest's leave does not include the time spent on holiday pastoral care undertaken in consultation with the parish priest for up to ten days (Warsaw, Statute 44), while in the Warsaw-Praga diocese, holiday pastoral care of various formation groups as a whole is not treated as leave (Warsaw-Praga, Statute 68 para 1).

In the diocese of Gliwice, the synodal legislator provides for the possibility of taking an additional, one-week special leave, which is granted to clergy involved in the pastoral Christmast visit (Gliwice, Statute 175). In the archdiocese of Poznań, such leave is five days (Poznań, Statute 53). The Bishop of Kalisz agrees to a three-day rest for the priest after the pastoral Christmas visit, but from the monthly leave pool and only if the pastoral service is secured and social sensitivity is taken into account, which could to link the priest's departure with the offerings collected during the pastoral visit (Kalisz, Statute 292). In the Płock diocese, during the winter school holidays, catechist clergy – with the consent of the parish priest – may take advantage of additional days off (Płock, Article 20). The Katowice legislator regulates the issue of leaves taken during school winter holidays, specifying that clergy generally begin their weekly time off on Monday after the first Holy Mass morning, and finish it on Saturday before the beginning of the last Holy Mass (Katowice 1, Statute 126).

The Kalisz legislator allows – as part of the leave due to the clergy – *ad hoc* private trips, but only in the event of a necessary need. In the analyzed matter, the right is vested in: 1) assistant priests for a period of two days with the consent of the parish priest, more than two days with the consent of the vicar general; 2) parish priests and chaplains – for a period of two days without special permission, more than two days with the consent of the vicar general; 3) vicars forane – for a period of five days without special permission, more than five days with the consent of the vicar general. In each of the above-mentioned situations, a substitute in pastoral care and catechesis must be provided (Kalisz, Statute 297). In the diocese of Łowicz, a special permit must be obtained for all holiday trips: 1) an assistant priest is approved by the parish priest for up to three days, and by the vicar forane for more than three days; 2) the vicar forane consents to the parish priest's leave for a period of up to one week; 3) the assistant priest and the parish priest for a period longer than one week are approved by the diocesan curia after prior indication of the reason for the departure, the exact address of the planned stay and contact details, the written approval of the parish priest in the case of assistant priest and the proposal of the substitute to obtain the approval of the diocesan authority in the case of parish priests.¹⁸ In the archdiocese of Białystok, visits of lecturers of the theological seminary – as long as they do not interfere with educational activities – between three and seven days require the consent of the rector of the seminary, more than a week's, consent of the Ordinary.¹⁹ In the diocese of Toruń, permission from the diocesan authority is required for a non-holiday trip of more than a week. The written request should include: reasons for departure, place of stay and contact telephone number, proposal of the substitute in order to obtain the approval of the diocesan authority for him (applies to the parish priest), written approval of the parish priest (applies to assistant priests) (Toruń 2, Article 5 para. 1). The Warsaw legislator allows parish priests to leave for important reasons – apart from holidays – for three days, and after notifying the vicar forane of this fact for six days (Warsaw, Statute 55).

The diocesan bishop should be notified of the absence of the parish priest for more than a week (Białystok 1, Statute 51; Poznań, Statute 111; Przemyśl, Statute 167 para. 2; Radom, Statute 166 para. 2; Toruń 2, Article 2). The Gliwice legislator relaxes the disposition of the code legislator contained in Canon 533 para. 2 and obliges the parish priest and administrator of the parish

¹⁸ Bishop of Łowicz, *Instrukcja synodalna o urlopach i wyjazdach pozaurlopowych kapłanów Diecezji Łowickiej* (25.03.1999), in: *I Synod Diecezji Łowickiej*, p. 131-34 [hereinafter: Łowicz], Article 6-7.

¹⁹ Metropolitan Archbishop of Białystok, *Statut Archidiecezjalnego Wyższego Seminarium Duchownego* (25.03.2000), in: *I Synod Archidiecezji Białostockiej*, p. 320-29, Article 6.

leaving the parish for a period longer than seven days to inform the vicar forane of this fact in writing. The vicar forane informs the vice-vicar forane of his absence (Gliwice, Statute 178).

The legislators of Ełk and Kielce consider it an urgent matter to create the possibility of going on holiday leave, which the code legislator provides in Canon 533 para. 2, of parish priests working in parishes without an assistant priest (Ełk, Statute 139).²⁰ The bishops of Gniezno, Lublin and Przemyśl recommend mutual assistance in this respect by the clergy, especially within the deanery (Gniezno 1, Statute 327; Lublin, Statute 289; Przemyśl, Statute 166 para. 4). In the diocese of Koszalin–Kołobrzeg, the issue of replacements for the duration of the holiday is solved by priests, first of all, on their own, and in case of difficulties, they report the need to the diocesan curia.²¹ In small parishes of the Opole diocese, priests from the vicariate should provide the parish priests with a replacement at least on one or two Sundays and duty in emergency matters, such as a call to the sick or a funeral. In such situations, the bishop of Opole allows a reduction in the number of Holy Masses celebrated on Sundays in the deanery. If necessary, you can additionally celebrate the Holy Mass three or four times. This kind of fraternal help should allow at least a two-week leave for the pastor of even the smallest parish. The function of the coordinator of holiday leaves in the vicariates of the diocese of Opole is performed by the vicars forane (Opole, Statute 236). In the dioceses of Drohiczyn and Sosnowiec and the archdiocese of Warsaw, in parishes without assistant priests, the parish priest himself organizes a holiday replacement, the cost of which he covers from the parish fund (Drohiczyn, Statute 243; Sosnowiec, Statute 138 para. 3; Warsaw, Statute 44). In the Archdiocese of Poznań, monthly holiday replacements are undertaken by neo-presbyters and priests directed to specialist studies outside the archdiocese. Clergy employed at the local theological faculty, and not bound by a written contract with the parish in which they live, are obliged to undertake four Saturday-Sunday substitutes in other parishes (Poznań, Statutes 44-45, 47).

In the archdiocese of Białystok, clergymen are obliged to report all holiday trips to the metropolitan curia, specifying the exact address of their stay.²² In the diocese of Gliwice and the archdiocese of Warsaw, this obligation applies only to assistant priests, who inform the parish priest about the place of spending their leave (Gliwice, Statute 176; Warsaw, Statute 44).

²⁰ *Sprawy bytowe duchowieństwa diecezji kieleckiej* (03.06.1992), in: *III Synod Diecezji Kieleckiej 1984-1991*, Wydawnictwo Jedność, Kielce 1992, p. 91-97, Article 13.

²¹ *Uchwały II Synodu Diecezji Koszalińsko-Kołobrzeskiej* (15.10.2022), Kuria Biskupia Koszalińsko-Kołobrzaska, Koszalin 2022, Statute 108.

²² Metropolitan Archbishop of Białystok, *Dekret o rezydencji kapłanów* (25.02.2000), in: *I Synod Archidiecezji Białostockiej*, p. 268 [hereinafter: Białystok 2], Article 5.

The Opole legislator requires only to be given a contact phone number, which the assistant priests conveys to the parish priest, he in turn to the diocesan curia and substitute (Opole, Statute 236).

Foreign trips require permission from the local ordinary (Białystok 2, Article 6; Elk, Statute 145; Kalisz, Statute 298; Łomża, Statute 120; Pelplin, Statute 49; Płock, Article 23; Przemyśl, Statute 167 para. 4; Rzeszów, Statute 63; Sandomierz, Statute 88; Olsztyn, Statute 26; Wrocław 1, Article 71). In the archdiocese of Łódź, permission from the diocesan bishop is required to travel abroad, but only outside the holiday period (Łódź, Article 107). In the diocese of Siedlce, the diocesan bishop's consent is required for a trip abroad lasting more than five days (Siedlce, Statute 48). In the archdiocese of Gdańsk the diocesan bishop gives consent to travel abroad after obtaining a positive opinion in the presented case from a suitable parish priest pertaining to the request of the assistant priest or from the vicar forane pertaining to the request of the parish priest (Gdańsk, Article 9). In the diocese of Kalisz, permission for all trips abroad, including those related to participation in a pilgrimage, must be obtained with the prior consent of the diocesan bishop. In addition, a clergyman should not participate in a foreign pilgrimage more than once in a calendar year. Due to the organization of the school and catechetical year, priests should not organize pilgrimages or take part in them in the first half of September (Kalisz, Statute 299). The Łowicz legislator gives permission for clergy to travel abroad after submitting a will in a sealed envelope, if this obligation has not yet been fulfilled, and after settling all liabilities towards church legal persons, institutions and natural persons (Łowicz, Article 9). The Warmian legislator regulates only the issue of foreign trips of parish priests, making the diocesan bishop's consent in this matter subject to prior submission of an updated will to the archdiocesan curia (Olsztyn, Statute 26).

Clergy who are not involved in activities related to the area of study and higher education should use the leave they are entitled to outside the holiday months, and during the holidays they should take parish substitutes. This disposition applies to employees of diocesan curias, ecclesiastical tribunals, higher seminaries or theological faculties (Katowice 1, Statute 125).

Even during a short absence from the parish, the parish priest is obliged to provide for the spiritual needs of the parishioners (Elk, Statute 360; Poznań, Statute 111; Toruń 2, Article 3 para. 1 point 2; Warsaw, Statute 55). Therefore, the priest who is to replace him must receive the appropriate authorization, in a special way to assist at the sacrament of marriage (Elk, Statute 360; Toruń 2, Article 3 para. 1 point 3). In sudden and unforeseen situations, especially in relation to parishes without an assistant priest, pastoral needs should be addressed by the vicar forane (Elk, Statute 360). The Poznań

legislator brings to mind that a serious violation of the residency obligation may result in deprivation of office after giving a proper warning (Poznań, Statute 111).

Out of concern for the selection of the most appropriate priests for the individual parishes in the archdiocese of Białystok and the diocese of Rzeszów, parish priests prepare annual opinions concerning assistant priests according to a special questionnaire, which takes into account, among other things, the attitude of the assistant priest towards the obligation of residence and the proper use of the right to rest.²³

The Sandomierz legislator stipulates that each holiday trip of a clergyman in which a minor under the age of eighteen will participate must be notified in writing to the chancellor of the curia within thirty days before its commencement. The application should specify the date and place of departure in detail and explain the reason for the minor's participation. The application must be accompanied by a written consent of the minor's parents or legal guardians for the trip. This disposition, however, does not apply to minor members of the clergyman's family (Sandomierz, Statute 811).

2. DAY OFF

The right to rest is one of the unquestionable rights of every human being – based on the needs of human nature, discovered, described and justified by various sciences, including theology, it is protected by the Polish post-code synodal legislation. The Wrocław legislator notes that although the analyzed entitlement is obvious, its implementation can be complex and is the result of a compromise between the arguments of the individual and the claims of the community. In the opinion of the Wrocław legislator, the category of people who often face a difficult dilemma includes the clergy, because the term “day off” for a priest is rarely an unambiguous concept and is usually a resultant of the pastoral service performed and the need for rest and its role in the order of salvation (Wrocław 2, Articles 1-2).

Twenty-five Polish post-code synodal legislators promulgated relevant dispositions in this matter. According to them, the parish priest and assistant priest are entitled to one day off from pastoral and catechetical activities in the parish (Częstochowa, Article 4; Drohiczyn, Statute 243; Gdańsk, Article 7; Gniezno 1, Statute 50 para. 2; Kalisz, Statute 293; Lublin, Statute 290; Łomża, Statute 119; Łowicz, Article 8; Łódź, Statute 105; Opole,

²³ Idem, *Dekret o opiniowaniu wikariuszy* (28.02.2000), in: *I Synod Archidiecezji Białostockiej*, p. 270-71, Article II, 4; Bishop of Rzeszów, *Instrukcja dla księży proboszczów o redagowaniu opinii o księdzu wikariuszu* (20.11.2004), in: *Pierwszy Synod Diecezji Rzeszowskiej*, p. 219-20, Article III, 5.

Statute 237; Pelplin, Statute 53 para. 1; Płock, Article 17; Poznań, Statute 48; Przemyśl, Statute 167 para. 3; Rzeszów, Statute 62; Sandomierz, Statute 87; Siedlce, Statute 47; Tarnów, Statute 353 point 6; Toruń 1, Article 11 para. 1; Warsaw, Statute 45; Warsaw–Praga, Statute 68 para. 2; Olsztyn, Statute 35; Włocławek, Statute 318; Wrocław 1, Article 88e; Wrocław 2, Article 3d; Zamość–Lubaczów, Statute 11, 13).²⁴

The main purpose of a day off is to regenerate spiritual and physical strength, deepen one's inner life, contact a confessor and spiritual director, do personal study, prepare for pastoral work (Gdańsk, Article 7; Gniezno 2, p. 371; Kalisz, Statute 294; Łowicz, Article 8; Opole, Article 237; Pelplin, Statute 53 para. 1; Płock, Article 17; Rzeszów, Statute 62; Toruń 1, Article 11 para. 1; Warsaw, Statute 45; Warsaw–Praga, Statute 68 para. 3; Olsztyn, Statute 35). When leaving the parish on a day off, one should also allow time for visiting parents and siblings, priests, especially classmates and senior priests (Kalisz, Statute 295; Sandomierz, Statute 87; Włocławek, Statute 318; Wrocław 2, Article 3c).

The choice of a day off is agreed between the clergy at the beginning of the pastoral and catechetical year (Częstochowa, Article 4; Drohiczyn, Statute 243; Poznań, Statute 48). An obligatory condition for taking a day off is to provide parishioners with proper pastoral care in accordance with the code principle enshrined in Canon 1752: *salus animarum suprema lex* (Gniezno, Statute 50 para. 2, 327; Gniezno 2, p. 371; Kalisz, Statute 293; Łomża, Statute 119; Opole, Statute 237; Toruń 1, Article 11 para. 1; Warsaw, Statute 45).²⁵

The day off for pastoral reasons begins after the Holy Mass in the morning and ends in the evening of the same day (Częstochowa, Article 4; Kalisz, Statute 293; Toruń 1, Article 11 para. 1; Wrocław 2, Article 3c). If, for various reasons, a clergyman does not return to the parochial house or to a service apartment at night, he should report his absence to his immediate superior. It is considered unacceptable for a priest to leave the parochial house in the evening and return in the morning without informing the relevant superior (Białystok 2, Article 3).

In the event of extraordinary pastoral needs (e.g. the first Thursday and Friday of the month, parish retreats, the day of confession organized in the parish, the need for neighborly help, etc.) or in the event

²⁴ Metropolitan Archbishop of Gniezno, *Dekret o wolnym dniu kapłanów* (08.12.2000), in: *III Powojenny Synod Archidiecezji Gnieźnieńskiej z okazji Millenium jej powstania* [hereinafter: Gniezno 2], p. 371.

²⁵ Metropolitan Archbishop of Poznań, *Status proboszcza w archidiecezji poznańskiej* (05.04.2007), in: *Synod Archidiecezji Poznańskiej*, p. 324-31, Article V, 4; Idem, *Status wikariusza w archidiecezji poznańskiej* (05.04.2007), in: *Synod Archidiecezji Poznańskiej*, p. 332-36, Article VI, 3.

of unforeseen random events, the parish priest has the right to transfer the day off due to the assistant priest to another day, if possible or otherwise provide him with the rest he is entitled to (Kalisz, Statute 296; Łódź, Statute 105; Toruń 1, Article 11 para. 2). The right to a day off never exempts a clergyman from participating in mandatory vicariate, diocesan or formation meetings (Toruń 1, Article 11 para. 4).

A possible departure of the assistant priest outside the parish during a day off may take place with the knowledge and consent of the parish priest (Częstochowa, Article 4; Gdańsk, Article 7; Gniezno 2, p. 371; Pęplin, Statute 53 para. 1; Siedlce, Statute 47; Toruń 1, Article 12 para. 1; Wrocław 2, Article 3e). Pastoral considerations also require assistant priests to know where, if necessary, they can find the parish priest on a day off (Gniezno 2, p. 371). The Siedlce legislator obliges parish priests to inform at least the assistant priest on duty about their absence on a day off (Siedlce, Statute 47).

As a rule, Saturday is not a day off for priests. This day should be used to work with parish groups, e.g. altar servers, Catholic Youth Association, oasis or charity groups (Częstochowa, Article 4; Wrocław 2, Article 3f). Similar rules apply to other days free from school catechesis (Płock, Article 18). Saturday is a day off for full-time catechists (who teach religious education from Monday to Friday) (Rzeszów, Statute 62). Sundays and holidays are days of special importance for the life of the parish, therefore, apart from justified cases, the constant presence of priests is required (Częstochowa, Article 4; Wrocław 2, Article 3g). A priest loses the right to a day off if a holy day of obligation or another parish celebration falls on it (Toruń 1, Article 11 para. 3). The right to a day off is suspended during the holiday months (Poznań, Statute 48). A day off is not included in the leave (Sandomierz, Statute 87).

No form of free time entitles a priest to dispense from the moral obligation to celebrate the Eucharist and the Liturgy of the Hours (Płock, Article 14).

CONCLUSIONS

The analysis carried out in this article allows us to draw the following *de lege lata* and *de lege ferenda* conclusions:

1. Every clergyman has the right to rest. Thirty-three Polish post-code synodal legislators regulated the subject matter. Priests may leave the pastoral institution each year for a month's leave, either continuously or intermittently. Twenty-four synodal legislators introduced the practice of a week-day off.
2. Pastoral necessity may require changing the date of a planned holiday or day off. During seminary formation and permanent priestly formation,

a clergyman should develop the ability to follow the principle of the hierarchy of values, resign from his right and always put the good of souls before his own good.

3. Apart from unforeseen situations, great care should be taken to protect and enable the proper exercise of the right to rest, which contributes significantly to the spiritual strengthening and physical renewal of the priest. Due to the decreasing number of ordained priests and the liquidation of assistant priests in parishes, the cooperation of clergy is especially needed, even within the vicariate. It becomes necessary to engage clergy employed in diocesan curias, ecclesiastical tribunals, seminaries or theological faculties in occasional holiday replacements. Priests who do not undertake school work should take leave outside the holiday months.
4. It should be postulated to regulate all additional pastoral activities undertaken by the clergy with great commitment and physical effort during the school summer holidays and winter holidays, as activities outside the holiday leave, which will undoubtedly contribute to the activity of priests in this matter.
5. In the era of a world without borders and easy travel, dispositions of synodal legislators obliging to meet excessive requirements in order to obtain permission to travel abroad should be negatively assessed today, as exemplified by the obligation to submit an updated will to the diocesan curia or to settle all obligations towards church legal persons.
6. Organizing the possibility of rest while securing the pastoral ministry requires upbringing the cleric in freedom and responsibility. This involves the need to implement the principle of trust. What can be properly agreed between priests within a parish or vicariate does not require the involvement of the local Ordinary or even the diocesan bishop.

REFERENCES

- Bamberg, Anne. 2005. "Vacances et obligation de résidence de l'évêque diocésain : Réflexion autour de l'interprétation de canons." *Ius Ecclesiae* 17:199-220.
- Bieńkowski, Mirosław. 2018. "Obowiązek rezydencji duchownych i prawo do urlopu." In *Obowiązki i prawa duchownych w świetle Kodeksu Prawa Kanonicznego*, edited by Marek Saj, 219-38. Warszawa: Wydawnictwo Scriptum.
- Giemza, Bogdan. 2012. "Odpoczynek w procesie formacji kapłańskiej i zakonnej." <https://www.zyciezakonne.pl/dokumenty/referaty-konferencje-artykuly/zycie-wspolnotowe/giemza-b-sds-odpoczynek-w-procesie-formacji-kaplanskiej-i-zakonnej-30234/> [accessed: 06.12.2022].
- Kroczyński, Piotr. 2007. "Odpoczynek w prawie kanonicznym i polskim prawie pracy." *Świat i Słowo* 2 (9):217-34.

- Lewandowski, Paweł. 2015. *Kompetencje biskupa diecezjalnego dotyczące środków społecznego przekazu w Kodeksie Prawa Kanonicznego z 1983 roku i polskim pokodeksowym ustawodawstwie partykularnym*. Tarnów: Wydawnictwo Diecezji Tarnowskiej Biblos.
- Pawluk, Tadeusz. 2002. *Prawo kanoniczne według Kodeksu Jana Pawła II*. Vol. I: *Zagadnienia wstępne i normy ogólne*. Olsztyn: Warmińskie Wydawnictwo Diecezjalne.
- Sabbarese, Luigi. 2013. *La costituzione gerarchica della Chiesa universale e particolare. Commento al Codice di Diritto Canonico. Libro II, Parte II*. Città del Vaticano: Urbaniana University Press.
- Sitarz, Mirosław. 2009. "Polskie prawo kanoniczne." In *Prawo polskie. Próba syntezy*, edited by Tadeusz Guz, Jan Głuchowski, and Maria R. Pałubska, 1005-1018. Warszawa: Wydawnictwo C.H. Beck.
- Woestman, William H. 2006. *The Sacrament of Orders and the Clerical State. A Commentary on the Code of Canon Law*. Ottawa: Faculty of Canon Law. Saint Paul University.