

Q&A: Canon Law and Traveling

By Dorothea Ludwig-Wang, 7 August 2018

Q. When traveling to another place for vacation, do we follow the canonical laws—such as for fasting and abstinence or holy days of obligation—of the place where we permanently reside?

A. We first turn to canon 100, which distinguishes between a resident (*incola*), a temporary resident (*advena*), a traveler (*peregrinus*), and a transient (*vagus*).

A resident has a domicile, which is acquired by a person if he resides within the boundaries of a parish or at least a diocese with the intention of staying permanently unless called away, or if he has in fact lived there for five years (c. 102 §1). If he has just moved to a certain area with the intention of staying there permanently, he acquires a domicile even before he remains there for the five years, due to the necessary intention; if he lacks that intention but remains there for five years, he acquires the domicile after the necessary five years have concluded.

A temporary resident is one who has a quasi-domicile, which is acquired by someone who resides within the boundaries of a parish or diocese with the intention of staying for at least three months unless called away, or if he has already remained there for three months (c. 102 §2). If he intends to remain there for, say, six years, until five of those six years are completed, he has a quasi-domicile; after he has remained there in fact for five years, the quasi-domicile becomes a domicile, according to canon 102 §1.

A traveler is a person who is outside the place of his domicile or quasi-domicile; this does not mean he has lost his domicile or quasi-domicile, but merely that for the time being, he is a traveler in the area where he currently is.

A transient is a person who does not have a domicile or a quasi-domicile anywhere.

A minor's domicile or quasi-domicile is the same as those he is subject to, usually his parents or guardians (a minor is someone under the age of eighteen, cf. c. 97 §1). However, a minor who is no longer an infant (meaning over the age of seven in canon law, cf. c. 97 §2) can acquire a quasi-domicile on his own, and an emancipated minor according to civil law can acquire his own domicile as well (c. 105 §1).

A person loses a domicile or quasi-domicile when he departs from a place with no intention to return (c. 106), except in the case of infants who do not have the use of reason and cannot freely choose to change residence.

A person visiting a place other than where he resides is either a temporary resident or a traveler, depending on how long the stay is meant to be. If he intends to remain for three months, he acquires a quasi-domicile immediately; if he has in fact remained there for three months regardless of intent, then he acquires a quasi-domicile after the three months. If he intends to remain for less than three months, then he is a traveler. So for the ordinary traveler, which ecclesiastical laws is he obligated to follow?

The distinction between universal and particular law must first be made. Universal law is promulgated for the entire Church (more specifically, the 1983 Code is binding upon the entire Latin Church), and particular law is promulgated by the competent authority over a certain region or territory, typically a diocese. As a general rule, universal law binds all those for whom they were promulgated, everywhere, regardless of territory; however, some universal laws may not be in force in a certain territory, and anyone actually present in that

territory is not obliged to follow those laws (c. 12 §2). Whether one is a resident, temporary resident, traveler, or transient is irrelevant: if he is present in that territory, he is exempted from universal laws not binding in that territory.

Particular law established in a territory binds those for whom the laws were issued as well as anyone who possesses a domicile or quasi-domicile there while actually residing there (c. 12 §3). If someone with a domicile or a quasi-domicile in one territory is a traveler in another location, for the time he is away, he does not have to follow particular laws established for his original territory, unless not following those laws will cause harm in that territory, or unless the particular laws are personal (c. 13 §2, 1°).

Travelers are not obliged to follow the particular laws in the area where they are present for the time being, except for “those laws which provide for public order, which determine the formalities of acts, or which regard immovable goods located in the territory” (c. 13 §2, 2°). The issue is simpler with transients, who possess no domicile or quasi-domicile anywhere: they simply follow the universal and particular laws present wherever they happen to be at the time.

The question makes reference to fasting and abstinence and holy days of obligation. Laws regarding both are considered universal laws, although national bishops’ conferences are free to also enact particular law regarding the specifics of each. Universal law states that the days of penance are Fridays of the whole year and also the season of Lent (c. 1250). The laws for fasting and abstinence and what they entail are found in canon 1251; however, bishops’ conferences can “determine more precisely the observance of fast and abstinence as well as substitute other forms of penance, especially works of charity and exercises of piety, in whole or in part, for abstinence and fast” (c. 1253).

If you are a traveler, you are not obliged to follow the particular laws regarding fasting in the territory of your domicile or quasi-domicile. Now it is highly unlikely for a particular fasting law to be personal, so that exception can be ruled out. Nor is it likely that not following particular fasting laws while on vacation will cause harm in the territory of your domicile or quasi-domicile, so you are not obliged. If the place where you are on vacation has particular laws regarding fasting, you do not have to follow those either, as it is extremely unlikely that they fall under canon 13 §2, 2°. In short, when traveling, you generally follow universal fasting laws alone, which are found in the Code of Canon Law.

For holy days of obligation, the days specified pertain to universal law (c. 1246 §1); however, the conference of bishops can also, in particular law, suppress some of the days or transfer them to Sunday (c. 1246 §2). As it is with laws of fasting and abstinence, it is highly unlikely that any of the exceptions found in canons 12 or 13 apply, so as a traveler, you simply follow universal law on the matter.

If you are American, for example, then the feast of Corpus Christi is transferred to the following Sunday, and there is no obligation to attend Mass on the actual day of the feast. If you travel to another country where this feast has not been transferred, however, you are obliged to attend Mass on the actual day, because you do not follow the particular law of the place where you possess a domicile or quasi-domicile, but only the universal law. On the other hand, if the territory you are traveling to has, by particular law, added holy days of obligation not mandated by universal law, then you are not obliged to attend Mass, because you are not bound by the particular laws of that territory either.