MARRIAGE: THE 1983 CODE OF CANON LAW, 
AND THE 1987 FAMILY CODE OF THE PHILIPPINES

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For the past few years we have all been striving to understand 
and implement the 1983 Code of Canon Law, the altogether 
"new code," the "Code of the Council," the final document of the 
Vatican II Council, as Pope John Paul II called it. Fortuitously 
there has recently been published a commentary on this new code 
by a canonist of international renown. The book has been praised 
as one of the most refreshing commentaries on the canon law of 
marriage to date, and the author has been lauded for his profound 
sensitivity to the theological and pastoral dimensions of modern 
marriage.

Adding to our good fortune, the new "Family Code of the 
Philippines" was promulgated by President Corazon C. Aquino 
on July 6, 1987, to take effect one year later. It seems most 
timely to present some reflections on both the commentary by 
Fr. Ladislas Orsy, S.J. and the new Family Code, comparing and 
contrasting the new Church law and the new civil law on the sub-
ject of marriage, which is always a most relevant topic. The new-
ness of both codes calls for comment. Many others will surely take 
up the task as time goes on.

NEED FOR NEW CODES

The Bishops of the whole Church were not only asking the Pope 
to promulgate the new Code but indeed they were "insistently and 
vehemently demanding it" as the Pope tells us in his Apostolic 
Constitution of January 25, 1983 promulgating the Code as the 
universal law for the Latin Church. The Philippines Family Code 
Committee met each week for years to update the civil law on
marriage which was admittedly inadequate for this last part of the twentieth century. Both Codes have made profound changes inasmuch as both have opened up to the behavioral sciences in evaluating the existential reality of contemporary marriages. The points of similarity and dissimilarity in this new development call for clarification since the vast majority of the people of the Philippines, as Catholics, live under both the Church and the Family Codes.

SCOPE OF THIS REVIEW ARTICLE

Because this is primarily a review of Fr. Orsy’s commentary this writer will stress the contribution that he makes, his insights and analysis of the new Code. In the area where the Family Code overlaps the Canon Law the two will be compared to see the practical consequences of such overlapping and to draw out the pastoral applications as much as possible. Thus only a few, but very important provisions of the Family Code will be treated. The remainder as proper to civil law are not pertinent to the matter at hand which is basically concerned with Catholic marriage as a sacrament.

Orsy’s book begins with a brief but very valuable historical survey of marriage. Orsy gives us his principles of interpretation (literary form, the value enshrined in the law, the hermeneutical principle of pastoral orientation), followed by commentary proper and then a very interesting and thought-provoking “Problem Areas and Disputed Questions.” A selected and annotated bibliography rounds out the volume.

ROLE OF HISTORY

Orsy never loses sight of the role that history has played in shaping our current Canon Law. It is reflected in his principles of interpretation as he applies them to each canon. In his section on “the unfinished business” of the Code, the Problem Areas and Disputed Questions, he draws much from his wide reading in history, examining the philosophical and theological roots of important canonical pastoral problems of great concern to the People of God today. In his selected and annotated bibliography he shows the strength of authors who appreciate the historical and theolog-
tical roots, and the weakness of those who "remain within a strict juridical horizon, with little ambition to examine the canons critically." Orsy has read widely in the literature of the Oriental branch of the Church on marriage and is very much impressed by the riches of the Orthodox tradition. In the Byzantine church Orsy finds "another understanding of marriage that would burst our canons" (p. 318). That single remark is enough to indicate the courageous creativity of the author who respects the contributions of the older commentators but faults them when necessary (even the immortal Capello!) as displaying vast erudition but being "neither original nor critical" (ibid.).

ORSY'S APPROACH

For each canon Orsy gives a challenging question which helps to sharpen the focus, then the original Latin text, followed by a literal English translation, always seeking clarity in the contemporary idiom. Depending on the nature of the canon, Orsy gives a lengthy or brief or even no commentary. When dealing with a major advance in canonical jurisprudence as in cn. 1095, concerning the psychological capacity or incapacity to assume the obligations of marriage, Orsy gives us seven pages, insightful and most practical. History always contributes much to his insights, and the great concern of the new Code with the person rather than merely with the institution of marriage is well expressed and carefully examined. The opening of the new Code to the world of empirical psychology is praised while admitting that it results in "a less cohesive system where the traditional abstract principles coexist uneasily with recent developments in human sciences" (p. 125). Orsy notes that this uneasy coexistence is inevitable due to the radical nature of the change from the 1917 Code where "the laws displayed the characteristics of an ideology: logically they were clear and consistent but often in conflict with the concrete demands of justice and equity" (ibid.).

COVENANT AND CONTRACT

The very first canon (1055) of the 1983 Code breaks away from the rigidly limited 1917 Code's contractual concept of marriage, employing the much richer term covenant (foedus) which in Scrip-
ture is used to describe the relationship of Yahweh to his people, his covenant with Israel. Covenant, in English, is the apt word to bring out the sacred dimensions of marriage as Orsy notes (p. 50). It does not exclude the contractual elements or deny them but puts them in a sacred context. Orsy explains it as a move to a higher viewpoint: “nothing is lost, everything is enriched, contract is contained in the covenant but does not exhaust it” (ibid.).

In addition to the religiously sanctioned agreement between the spouses there is also, in Christian marriage, “a covenant between God and the couple, much in the same way as there was a covenant between Yahweh and his people and there is one between Christ and his Church” (p. 51). This covenant on God’s part is found in his gift of grace. It is precisely in God’s own promises and in his fidelity to his own word and to the couple whom he calls and consecrates through the sacrament that Orsy finds the source of the firmness of Christian marriage.

CIVIL LAW CONTRACT

Civil law is perforce restricted to a more pragmatic term, not at all enriched by Scripture or theology but still striving to put the secular reality of marriage in a very special category among contracts. The new Family Code calls it “a special contract of permanent union between a man and a woman — it is the foundation of the family and an inviolable institution” (art. 1).

AGE: CANON LAW/CIVIL LAW

The age for validity in marriage in the 1983 Code is set at 16 for the male and 14 for the female (cn. 1083). The Episcopal Conference of each nation or region may set a higher age but this will be only for liceity (cn. 1081, 2) since only the Pope can establish an invalidating impediment (cn. 1075, 1, 2). In the Philippines the Catholic Bishops’ Conference has set the minimum age at 20 for the male and 18 for the female. Any dispensation is reserved to the Ordinary (CBCP Monitor 6, no. 6 [Nov.-Dec. 1985]).

The Family Code (art. 5) sets the minimum age for validity at 18 for both spouses. With so many problems plaguing marriages in the modern world it is the part of pastoral prudence to discour-
age young people from entering marriage “before the age customarily accepted in the region” (cn. 1072).

Thus the Catholic Bishops’ Conference requires a higher minimum age for the male, 20, while the Family Code is content with 18 as the minimum age for both spouses. Since immaturity and irresponsibility are the most common cause today for troubled and even broken marriages, there is much pastoral wisdom in the Bishops’ ruling.

CONDITIONAL CONSENT

Any conditions brought to the marriage convenant are displeasing to Orsy. He believes that, as in cn. 1102, 3, allowing some conditions, the hierarchy of values can easily be perverted when the validity of marriage can depend on some flimsy event. Better to delay the marriage until the condition is fulfilled or renounce the condition (p. 146).

ERROR CONCERNING A QUALITY OF THE PERSON

Likewise with regard to an error in the quality of the person (cn. 1097, 2) which does not invalidate the marriage, even though it is the cause of the contract, Orsy expresses strong disapproval. His basic objection is that the distinction is too subtle. He observes that “the dividing line between the two situations must be drawn in the field of operation of the human psyche, obscure and complex beyond all telling” (p. 138). He questions the prudence of making the validity of a marriage “depend on such refined theoretical distinctions that even the experts find hard to explain” (ibid.).

FRAUD AS CANONICALLY INVALIDATING

The advantage of the 1983 Code over that of 1917 is again clearly evident in cn. 1098 wherein a marriage brought about by fraud, perpetrated to obtain consent, concerning a quality of the other party, which can disturb gravely, by its nature, the consortium of conjugal life, renders the marriage null and void. This canon clearly aims at protecting the innocent spouse from wilful deception, but it does introduce new concepts which will require clarification in ongoing jurisprudence. This was noted by the Pope
in his 1984 talk to the judges of the Roman Rota. What is a "quality which by its nature can disrupt conjugal harmony"? It could be very different in different countries, different cultures, even for different persons within the same culture. The 1917 Code offered no relief for such a spouse except to separate. The former concerned with protecting the institution at the expense of the person was quite evident. Today's law shows much more regard for the innocent spouse.

FRAUD IN THE FAMILY CODE

Fraud in the new Family Code of the Philippines is more limited and makes a marriage "voidable," a concept unknown to Church law. It states that a marriage may be annulled if "the consent of either party was obtained by fraud" (art. 45, 3). It also adds a condition unknown to Church law: "unless such party afterwards, with full knowledge of facts constituting the fraud, freely cohabited with the other as husband and wife" (ibid.). Thus the victim could sanate or heal their own marriage eliminating the defect that made it voidable. Canon Law, concentrating on the consent as giving existence to the marriage, has no allowance for couples healing, sanating their own marriage. Either it was valid or invalid at the time of the wedding. If they wish to overlook the fraud and remain in the marriage, they must have it formally validated by the Church. For Catholics a marriage cannot heal itself. This greatly facilitates the work of matrimonial tribunals when such marriages break up, but Orsy feels that it is "a deficiency in our laws, mainly because it goes so much against the ordinary course of nature and because it perpetuates a defect instead of letting it be healed" (p. 278). For many centuries the Church was content with the ancient Roman Law that judged a marriage to exist when the parties were found to be living together with obvious marital affection, no matter how it started. It was only the introduction of the Tridentine law making canonical form compulsory that brought the canonical necessity of judging the validity of the marriage "according to the state of things at the moment when the ritual words were pronounced. . . . Even if God is ready to give his healing grace and bring the couple to the maturity of the sacrament, we must stand by the initial invalidity" (p. 279). In this acceptance of self-healing
marriages Orsy would consider the Family Code superior to Canon Law.

RESTRICTIONS IN UNDERSTANDING FRAUD

While Canon Law leaves the concept of fraud open-ended, the Family Code restricts it to four cases: 1) non-disclosure of a previous conviction by final judgement of the other party of a crime involving moral turpitude; 2) concealment by the wife of the fact of being pregnant by another man at the time of marriage; 3) concealment of a sexually-transmissible disease, regardless of its nature, existing at the time of marriage; 4) concealment of drug addiction, habitual alcoholism, homosexuality or lesbianism existing at the time of marriage. "No other misrepresentation or deceit as to character, health, rank, fortune or chastity shall constitute such fraud as will give grounds for action for the annulment of marriage" (art. 46).

This is a great improvement over the old civil code and covers most grounds that would seriously interfere with conjugal harmony. Before, for example, the homosexual could conceal his condition and the innocent spouse, after discovering the truth, had no recourse in civil court. In the Church for some years, homosexuality has been judged as invalidating a marriage. It is not explicitly mentioned in the 1983 Code but easily falls under cn. 1095, 3: incapacity to assume essential marital obligations such as fidelity and/or inability to establish the heterosexual "partnership of the whole of life" that is an essential element of marriage. Homosexuality fraudulently concealed would also be invalidating under cn. 1098.

PROVING HOMOSEXUALITY

In passing, it is worth noting that while the law is now clearly in favor of the declaration of nullity when homosexuality or lesbianism is present in a marriage, it is often very difficult to prove if the guilty party refuses to admit it. His/her homosexual partners will almost surely refuse to admit their involvement. The case may be stymied for lack of witnesses. The Tribunal process may have to come to a halt leaving the victim of the fraud with no formal solution to their terrible marriage situation. This, of course, can hap-
pen in any Tribunal case, even when someone was forced to get married but all parties deny the fact. However, in cases involving homosexuality, it is more likely to occur because of the embarrassment to the guilty party.

INSTITUTION VIS-A-VIS THE PERSON

Orsy frequently calls attention to the tension remaining in the new Code as a result of an incomplete turning away from an over-emphasis on safeguarding the institution of marriage at the expense of the person, e.g., in discussing the historical development of the Code (p. 37) and in his reflection on the current Tribunal system (p. 386).

PSYCHOLOGICAL INCAPACITY FOR MARRIAGE

The new Code’s opening to the behavioral sciences necessarily requires that the Tribunal staff include an expert in psychiatry or psychology since so many cases today are based on lack of due discretion or the invalidating personality problems of cn. 1095. This is a great advance over the 1917 Code.

The new Philippine Family Code also includes psychological incapacity as invalidating marriage. This also represents a great improvement over the previous civil code. The law reads: “A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization” (art. 36). There is every reason to believe that this article will be understood in the same way as the ecclesiastical cn. 1095, 3.

INDEPENDENCE OF CANONICAL AND CIVIL LAW

It is important to note that there is at present no connection between canonical and civil jurisprudence in the Philippines. If the Church declares a marriage null and void according to cn. 1095, it still remains civilly valid according to Philippine law. A bill in favor of civil recognition of Church annulments is currently under study in Congress. With the new Family Code the same arguments
and proofs that sufficed for a Church declaration of nullity could in certain cases also merit a declaration of nullity if the case was brought to the civil court, allowing always for certain obvious differences in the codes, e.g. prescription.

PRESCRIPTION IN CIVIL LAW

Prescription, wherein the right to file the action for annulment ceases by the mere passage of a fixed time, applies to voidable marriages in the new Family Code. Five years after the discovery of the fraud, if the party has not initiated court action, he or she loses the right to seek a declaration of nullity (art. 47, 3). There is no similar prescription in Canon Law since there are no “voidable” marriages. In Canon Law the marriage is either valid or invalid ab initio. The passage of time means nothing. As noted above, the marriage cannot be healed by a harmonious conjugal life. Its invalidity remains and it must be validated formally.

CHURCH MATRIMONIAL TRIBUNALS: SOME DEFICIENCIES

Discussing the Church Tribunal system Orsy notes the great diversity in practise. “In one place immense delays may occur and the cases are judged with extreme severity. In another place there is speed, and declarations of nullity are granted with some generosity” (p. 284). For Orsy the Tribunal system itself contains unsatisfactory elements, and even in its revised form the new Code favors the institution over the individual (p. 286). It is a system that was conceived and developed in the Western world with a long standing legal tradition and easy access to the courts. But in many regions of the world communications are difficult, people are poor, there are few, if any, trained canon lawyers. In such areas it is virtually impossible to have a Tribunal system and follow canonical procedures. To the faithful suffering in an invalid marriage Canon Law offers little help (p. 287).

Much of South East Asia would fit under that description of the existential Tribunal situation. In the Philippines we must consider also the additional problems arising from the intensifying communist insurgency, and the overall political instability and economic hardships which lead so many to go abroad. It can all
add up to a superhuman task of reconstructing the marriage story, contacting witnesses, finding documents, etc.

FORM: INVOLVEMENT OF A BISHOP/PRIEST/DEACON/ LAY PERSON

With regard to form, the need for every marriage of a Catholic to actively involve a bishop, priest, deacon or a properly designated lay person (cns. 1108, 1112), Orsy questions the need to continue this practice which only started in the Church with a Tridentine Decree in 1563, "Tametsi." The whole value of the law was found in the need to put an end to clandestine marriages. Since such marriages are almost unheard of today because of the universal practice of compulsory civil registration of marriages there seems no value to be upheld as justifying the continuation of the law especially when it concerns validity.

Orsy examines this question at length and develops six arguments in favor of abolishing compulsory canonical form and three in favor of continuing with it in its 1983 Code form where it is more adapted to present day situations being dispensable under certain strict conditions. Orsy admits that all the evidence is not in yet and the question of recognizing the civil marriages of the baptized who no longer believe, but have not formally broken with the Church, is still a very thorny issue (p. 283). In this we have a good example of Orsy examining a canon critically in the light of the value involved, within the historical perspective, and considering the far-reaching pastoral implications.

THE CHURCH SUPPLIES FOR ERROR

In case of a human error on the part of the Church when the representative at a wedding was not really designated, the 1983 Code explicitly applies common error (cn. 144) so that the Church supplies authorization. Before this, "ecclesia supplet" was not explicit for marriage in the 1917 Code. In practice, this makes it almost impossible to prove that a marriage was invalid because the officiating minister did not have proper delegation.
CONSANGUINITY AS INVALIDATING

The new Family Code and the 1983 Code are in agreement with regard to the impediment of consanguinity in the direct and collateral line. Both forbid marriages in the collateral line up to the fourth degree inclusive (cn. 1091, 1; art. 38, 1). Therefore first cousins are forbidden to marry. In the 1983 Code second cousins are no longer forbidden to marry. The Church has adopted the civil code way of computing consanguinity.

DISPENSATIONS

An important difference between Church law and civil law involves the power to dispense from certain laws. Consanguinity is a case in point. The power to dispense is granted by Church law but it is not known to civil law. Juridically the power to dispense is granted in very restricted circumstances to the Bishop (cns. 1079, 1; 1080, 1) and, when the Bishop is not available, to the assisting minister in sacred orders (ibid.). Since it would result in a serious conflict between civil and Church law (the State considering the marriage invalid with all its serious civil consequences, while the Church judged it to be valid because of the dispensation) it would seem most imprudent to invoke this power of dispensation in the Philippines. Canon 1071, 1 warns against officiating “at a marriage which according to the norm of civil law cannot be recognized or celebrated.” The matter must be referred to the Bishop. Orsy advises, wisely, that there should be a fixed policy among Bishops with regard to such marriages in any given ecclesiastical region (p. 82). “The welfare of the community, the reputation or integrity of the couple or the witnesses and of the one officiating at the marriage may be at stake” (ibid.). Even if valid before the Church, still civil law will hold such a marriage as illegitimate and unqualified for normal inheritance.

UNFINISHED BUSINESS: PROBLEMS AND QUESTIONS

When treating of “Problem Areas and Disputed Questions,” some of which we have already discussed, Orsy shows how much unfinished business remains even after the monumental work of
producing the Code of 1983. Many serious and relevant pastoral problems with deep theological and historical roots are calling for a solution. As Orsy observes, it cannot be otherwise since “the law of marriage like any other law is subject to the law of history, it must change as our understanding of the mystery develops” (p. 260). Most of the recent changes in Church law are the practical consequences of the new insights into the Christian mysteries by the Fathers of the Vatican II Council (p. 261). There is no reason to believe that the Fathers exhausted the meaning of this great mystery called marriage. And so problems remain and should be faced even though they are not ready for a definitive solution.

Many medieval writers proceeded in this manner, Aquinas being the most prominent among them (ibid.).

SOME REMAINING PROBLEMS

Separating the contract from the Sacrament, the limits of indissolubility, and the problem of admitting divorced and remarried Catholics to Communion are some of the more urgent among the questions needing to be faced, and treated by Orsy.

Anyone active in the pastoral ministry knows the importance of these questions and their effect on the lives of many Catholics around the world.

THE EASTERN CHURCH AND MARRIAGE

Orsy is impressed with the practice of the Eastern Church in allowing second marriages, after repentance for the faults in the failed first marriage. More than once he praises the Eastern notion of oikonomía, a mysterious and undefinable power given by Christ to his Church, which “empowers it to heal and redress a situation that cannot be helped in any other way” (p. 294).

For Orsy the power of the Church to dissolve a marriage might extend even to sacramental and consummated marriages. The refusal to use it might be the result of a prudential judgement. Indissolubility might be considered more a moral obligation than an unbreakable bond.
CATHOLICS IN A SECOND MARRIAGE

With a growing number of writers, including Joseph Ratzinger in 1972, before he became Cardinal, Orsy believes that Catholics in a second, stable, edifying marriage should be allowed to receive Communion. Such writers accept the fact that the first marriage was valid but is now ended for all practical purposes with a new marriage in place and well tested. They appeal to "a radical power in the Church that can go beyond the ordinary rules and can provide forgiveness and healing when most needed" (p. 293). This approach is very much in harmony with the final phrase in the Code reminding all of us that "salvation of souls is the supreme law in the Church" (cn. 1752). Orsy himself cites this canon in his own brief but impressive Epilogue (p. 325).

DIVORCE IN THE FAMILY CODE

The only mention of divorce in the new Family Code is a very restrictive one. It reads: "Where a marriage between a Filipino citizen and a foreigner is validly celebrated and a divorce is thereafter validly obtained abroad by the alien spouse capacitating him or her to remarry, the Filipino spouse shall likewise have capacity to remarry under Philippine law" (art. 26, as amended by E.O. no. 277, dated July 17, 1987).

Thus it is only for the Filipino married to a foreigner when the foreigner obtained a divorce abroad. The Filipino is then freed from the civil marriage bond also under Philippine law. Before the Filipino was in the position of being free to marry civilly outside the Philippines but it would not be recognized here as a second marriage. The rest of the world would judge him/her to be single and free to marry civilly; but the Philippine law would consider them still bound by the first marriage. A second marriage would be a bigamous one in Philippine law with no consideration of the divorce. This anomalous civil situation will now be ended by the new Family Code.

DIVORCE FOR MUSLIMS

There is no mention in the new Family Code of the Presidential Decree no. 1083 of the previous administration which became
effective on the 4th day of February 1977. It was known as the "Code of Muslim Personal Law of the Philippines," (Book One, Title I, art. 1). It recognized absolute divorce for marriages "wherein both parties are Muslim or wherein only the male party is a Muslim and the marriage is solemnized in accordance with Muslim law or this Code in any part of the Philippines" (Title II, Marriage and Divorce, art. 13). Poligamy is also allowed (art. 27). The reasons for divorce are those recognized under Muslim law, many of them being only causes for legal separation under the new Family Code binding all non-Muslims. No objection was registered on the grounds of separation of Church and State: the Muslim religious laws concerning divorce were simply approved. Nor was there any question of a review of their divorce procedure by a regular Philippine court.

DIVORCE AND CANON LAW

Consistent with the constant teaching of the Church, the 1983 code of Canon Law does not allow divorce which always involves setting aside a valid marriage. After a civil divorce no Catholic under the 1983 Code is free to remarry. The only way to gain permission for a second marriage in the Church is to obtain a Church declaration of nullity of the former marriage.

Thus the Filipino who will be freed to remarry under Philippine law according to the new Family Code (art. 26 as amended), must seek a canonical declaration of nullity to his/her first marriage, if he/she wishes to remarry in the Church. It is important to recall that this applies to all divorced people who wish to remarry in the Church, even to non-Catholics who wish to remarry a Catholic. Today it often happens that a Filipino wishes to marry a foreigner who is a baptized non-Catholic and divorced. Civilly free to marry they are often surprised to discover that they cannot get married in the Catholic Church, which is so important for the Catholic Filipino. Even if the baptized non-Catholic was married civilly, with no religious ceremony, the Catholic Church judges their marriage to be valid and sacramental and indissoluble, until the opposite is proven. The only hope is that there was a substantial invalidating defect in the previous marriage that would merit a declaration of nullity. The matrimonial tribunal of the Church is the only competent forum for such a declaration. The divorce decrees of any
civil court are not honored by the Church. Defending the sacredness of any and every marriage bond wherever and however it is validly contracted, the Church firmly and consistently states: "From a valid marriage there arises between the spouses a bond which of its own nature is permanent and exclusive" (cn. 1134). For all baptized this bond is sacramental (cn. 1055, 1) and once it has been "consummated cannot be dissolved by any human power or by any cause other than death" (cn. 1141).

In practice there could be a basis for a Church declaration of nullity for many non-Catholic marriages in today's world. The new grounds for annulment in Canon Law, especially on psychological grounds, or a lack of a true commitment due to the divorce mentality that is so prevalent in our secular age might be verified in a given case. It is always worthwhile to examine that previous marriage in the light of the 1983 Code. A previous marriage wherein one or both parties was/were not baptized might possibly merit a papal dissolution to permit marriage to a Catholic.

USEFUL SUMMARIES OF ORSY

Orsy has included various summaries which will prove most useful to all concerned with marriage problems. There is one on dispensations (p. 101), another on invalidating causes (p. 152), a third on the patterns in the application of the Pauline Privilege and the Privilege of the Faith (pp. 231-33), another summarizes the patterns in simple validation of marriages (pp. 250-52).

CONCLUSION

The very strength of Orsy's commentary as a challenging reflection on the 1983 Code would seem to be its weakness as a text for the undergraduate seminary student. The seminarian would be in danger of confusing the law as it is and the law as Father Orsy thinks it ought to be, as one review noted. As another review notes it is not a full systematic treatise on the Theology of marriage, but is much more provisional, taking into account the state of canonical discipline and pastoral practice in the way marriage is dealt with in the Church today. For the professor and graduate student and those active in marriage counselling, Orsy's commentary will prove to be refreshing, enlightening and stimulating.