

IN THE COURT OF APPEAL FOR SASKATCHEWAN

IN THE MATTER OF MARRIAGE COMMISSIONERS APPOINTED
UNDER *THE MARRIAGE ACT*, 1995, S.S. 1995, c. M-41;

AND IN THE MATTER OF A REFERENCE BY THE LIEUTENANT
GOVERNOR IN COUNCIL TO THE COURT OF APPEAL UNDER
THE CONSTITUTIONAL QUESTIONS ACT, R.S.S. 1978, c. C-29;

AND IN THE MATTER OF AN APPLICATION FOR DIRECTIONS

AFFIDAVIT OF DR. DAVID GLENN GURETZKI

I, **DAVID GLENN GURETZKI**, of the Town of Caronport, Saskatchewan, **MAKE
OATH AND SAY:**

1. I am associate professor of Christian theology at Briercrest College and Seminary in Caronport, Saskatchewan. I currently hold the position of Dean of the Seminary, and Chair of the Christian Ministry Division in the College. This affidavit outlines a Christian theology of marriage as generally understood by Evangelicals, its significance and place in the Christian Evangelical faith, and the significance of adhering to such a doctrine for an individual who might be asked to violate their belief as part of their employment or other work-related practices.

QUALIFICATIONS

2. I hold an earned Bachelor of Religious Education degree with a major in Theology from Briercrest College (Caronport, Saskatchewan); an earned Master of Arts in Historical Theology from Briercrest Seminary (Caronport, Saskatchewan), graduating with highest honours and serving as class valedictorian; and, an earned Doctor of Philosophy in Religious Studies from McGill University.
3. I have held a full-time faculty position at Briercrest College and Seminary since 1995. Appointed Dean of the Faculty at Briercrest College from 1997-2000, I have been Dean of the Seminary at Briercrest Seminary since 2005 and Chair of the Christian Ministry division at Briercrest College since 2009.
4. My teaching areas are almost solely in the area of historical and systematic Christian theology. I teach regularly on the topic of the theology of marriage as a component of a graduate level course entitled, "Theology of God and Creation." All students enrolled in graduate professional programs leading to the Master of Divinity, the Master of Arts in Marriage and Family Counselling, the Master of Arts in Leadership and Management are required to take this course. I also teach students enrolled in the Master of Arts in Theological Studies, a graduate-level degree leading many students into PhD programs in Canada, the United States and in Britain.
5. I have taught on the topic of marriage in various Evangelical churches in Western Canada.
6. I have authored a number papers, articles, chapters, and books in both refereed and non-refereed contexts.

7. I have served a portion of my career as an Assistant Pastor in a congregation in Lacombe, Alberta, as part of the Evangelical Free Church of Canada denomination. During that time of service, I was licensed by the Province of Alberta to perform marriages. As part of that service, I provided pre-marital counselling to a number of couples and on one occasion, refused to perform the marriage ceremony for one couple on the grounds that performance of said marriage would conflict with my denomination's, church's and my own theological convictions.
8. Attached as Exhibit "1" to this affidavit is my Brief Curriculum Vitae which outlines my further qualifications.

GENERAL EVANGELICAL¹ UNDERSTANDING OF MARRIAGE

9. Historical and sociological description of marriage in the history of Evangelicalism in North America shows evidence of both change and stability.² Perspectives on the purpose of marriage, and the practice of marital customs have undergone constant evolution; nevertheless there is a distinct set of doctrinal constants that have been clearly evident in an Evangelical understanding of marriage since at least the dawn of the Protestant Reformation in the sixteenth century. Indeed, these doctrinal constants have enjoyed widespread agreement within the Christian church in its three dominant historic streams (i.e., Eastern Orthodoxy, Roman Catholicism, Protestantism). The theology of marriage

¹ There are ongoing attempts to provide a precise definition of "Evangelical" in the North American context. We take here as our trajectory the definition first proposed by John G. Stackhouse, Jr. in *Canadian Evangelicalism in the Twentieth Century: An Introduction to Its Character* (Toronto: University of Toronto Press, 1993), and later expanded in "Defining 'Evangelical'" in *Church & Faith Trends*, October 2007, 1-5). Building upon the work of Bebbington (D. W. Bebbington, *Evangelicalism in Modern Britain: A History from the 1730s to the 1980s*, London: Unwin Hyman, 1989), Stackhouse argues that "Evangelicals" are 1) Orthodox and Orthodoxprax; 2) Biblicist; 3) Conversionist; 4) Missional; 5) Transdenominational.

² See, for example, Sally K. Gallagher, *Evangelical Identity and Gendered Family Life* (New Brunswick, NJ: Rutgers University Press, 2003); and John P. Bartkowski, *Remaking the Godly Marriage: Gender Negotiation in Evangelical Families* (New Brunswick, NJ: Rutgers University Press, 2001).

has been understood by those self-identified as “Evangelical Christians” in North America to be based upon a general consensual interpretation of teaching about marriage in Holy Scripture—the universally agreed upon canon of 66 books divided into Old and New Testaments used by Protestant (and therefore, Evangelical) Churches and denominations. It is vital to understand that whatever else an “Evangelical understanding of marriage” might entail, it is one that is explicitly *biblicist* in nature, i.e., it is an understanding based upon and derived from Scripture. That means that whether or not individual Evangelicals agree universally on every point (they don’t) is not so much the issue at stake as much as whether a common set of doctrinal points made on marriage can be substantiated through an appeal to Scripture. In this regard, a distinctive of an Evangelical view of marriage in contrast to, for example, a Roman Catholic view where canon law and tradition is significant, is that it must be based *fundamentally* on the exegesis of Scripture.

10. At least seven doctrinal constants in the theology of marriage have been historically and widely understood by Evangelical Christians to have been derived from Scripture: the *origin* of marriage; the *sacredness* of marriage; the *exclusivity* of marriage; the *dual-gender nature* of marriage; the *permanency* of marriage; the *pro-creative potential* of marriage; and the *common-belief* criterion of marriage.³ We will take up each of these in order, describing in brief what historically have been the Scriptural grounds for each of these Evangelical doctrinal constants on marriage.

³ It should be noted that the argument presented is not that the seven doctrinal constants have been *universally* held in every instance by Evangelicals, but that taken as a whole, the seven doctrinal constants represent, beyond reasonable doubt, the majority opinion of Evangelical theology, especially among those in some pastoral or scholarly capacity, since at least the time of the sixteenth century Protestant Reformation.

11. **The *origin of marriage*.** Evangelical Christians are in common agreement with Christian theologians and believers from all historic streams of Christianity that marriage was instituted by God as part of the natural created order. Two foundational and paradigmatic biblical texts in this regard come from the first two chapters of the Bible. In Genesis 1:27, we read that “God created man in his own image, in the image of God he created him; male and female he created them,”⁴ and Genesis 2:24 records that after the Creator God brings the newly created Man to the newly created Woman, he says, “For this reason a man will leave his father and mother and be united to his wife, and they will become one flesh.” Though these two ancient texts do not use the word “marriage,” they are both clearly identified as speaking about marriage by Jesus when he cites them in a Pharisaical dispute with him over legitimate grounds for divorce. As the Gospel of Matthew records:

"Haven't you read," [Jesus] replied, "that at the beginning the Creator 'made them male and female,' and said, 'For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh'? So they are no longer two, but one. Therefore what God has joined together, let man not separate" (Matthew 19:4-6).

12. What is critical here for an Evangelical theology of marriage founded on Scripture is that Jesus himself affirms that the origin of marriage as something established by and originating in God, whether or not those who enter into the institution acknowledge its origin. Because marriage comes from God, it is therefore commonly understood by Evangelicals as part of the good Creation and as contributing to the good of human society.

13. **The *sacredness of marriage*.** Following closely upon the doctrinal assertion that marriage has its origin in the Creator God is the universal Evangelical belief in the *sacredness* of marriage. Here one must be clear: While Evangelical Christians have

⁴ All Scriptural citations are taken from the *New International Version*, one of the most commonly used English Bible translations amongst Evangelicals.

always asserted that God is the ultimate origin of all things, this does mean that every created thing is “sacred,” (or “consecrated” or “holy”). Scripture itself distinguishes between some things that are said to be “sacred” or “holy” (i.e., set apart for special divine instrumentality) and the “profane.” For example, in the Decalogue (or “Ten Commandments”), the Sabbath day is specially “blessed” by the Lord as “holy” or “sacred” (cf. Exodus 20:11) in contrast to the other six days of the week designated as days for the carrying out of human labour.

14. In this regard, Evangelicals believe that Scripture designates marriage to be a sacred institution. This is based on two basic features of scriptural evidence on marriage. First, marriage is explicitly said to be a “covenant” (Proverbs 2:17; Malachi 2:14).⁵ This is significant because God is portrayed throughout the biblical witness as having entered into a “covenant” with Israel and the Church, and marriage is consistently used as a metaphor in both Old and New Testaments to speak of God’s covenantal relationship to his people (e.g., Isaiah 54:5-6; Ephesians 5:31-2).

15. In light of close connections in the Bible between Christ and the Church and marriage, Protestant Christians have generally tended to understand the nature of marriage as a “covenant” rather than as a “sacrament,” for example, in Roman Catholic or Eastern Orthodox traditions.⁶ The notion of a covenant implies a formalized type of structural relationship entered into between two or more parties. Consequently, the Evangelical

⁵ The Hebrew term used in the Old Testament is *b^erith* [תִּבְרִית], while the corresponding Greek word is *diathēkē* [διαθήκη]. In biblical Hebrew usage, a covenant is used 1) to describe a treaty, alliance, or league between persons, 2) an agreement between monarch and subjects, or 3) as an agreement made between God and humans. S.v. “תִּבְרִית” in *The New Brown—Driver—Briggs—Gesenius Hebrew and English Lexicon* (Peabody, MA: Hendrickson, 1979), 136-7.

⁶ For an analysis of the dominant theologies of marriage in historic Christianity, see John Witte, Jr. *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition* (Louisville, KY: Westminster John Knox Press, 1997). For a more recent Evangelical defense of marriage as a covenant in biblical perspective, see Andreas Köstenberger and David W. Jones, *God, Marriage and Family: Rebuilding the Biblical Foundation* (Wheaton, IL: Crossway Books, 2004), 81-92.

belief in marriage as a covenant includes the recognition that the fundamental terms of marriage are set by God, not by human law. Marriage, in this light, is a sacred institution because it represents and acts as a witness to the divine covenant God had established between Israel and the Church and ultimately fulfilled in Jesus Christ.

16. Second, Evangelicals believe that Scripture expressly upholds marriage as something to be honoured not only by Christians, but by all. “Marriage should be honored by all, and the marriage bed kept pure, for God will judge the adulterer and all the sexually immoral” (Hebrews 13:4). Indeed, the author of 1 Timothy warns that those who forbid people to marry fail to realize that marriage is “created to be received with thanksgiving by those who believe...” (1 Timothy 4:3). Here it is vital to recognize that Evangelicals have upheld that marriage is an institution that is not only restricted to Christians, but again, because it is part of the created order, is something to be enjoyed by all people—providing it is practiced in accord within the parameters of the natural order.

17. **The *dual-gender nature of marriage*.** It is only in recent years that the question of whether same-gender couples could be married has arisen with any sense of urgency amongst Evangelicals. Though there is clearly a movement within some Christian traditions to move toward blessing same gender unions, it is incontrovertible that within all streams of Christianity, marriage has historically viewed to be an institution entered into by a male and female only. Indeed, in 2006 a “Declaration on Marriage” was presented to the Canadian Parliament in which various Roman Catholic, Orthodox, Evangelical, Anglican, Adventist, and Muslim organizations agreed together to uphold that “marriage is by nature heterosexual.”⁷

⁷ “Declaration on Marriage.” Signed on November 9, 2006. Full document and signatories are available online at: http://files.etc-canada.net/si/Marriage%20and%20Family/DoM_English_Legal_Dec11.pdf.

18. Evangelicals have insisted, along with the mainstream of historic Christianity, that a plain sense reading of the creational accounts in Scripture explicitly states that it is a male and female who are united together in “one flesh” (Genesis 2:24). That marriage could be something other than a relationship between a male and female is something which is not even considered in Scripture. This is clearly not because the biblical authors were unfamiliar with same-gender sexual activity; at least some same-sex practices were condemned by the early Christian authors.⁸ On the contrary, it is clear that in the Graeco-Roman context in which the New Testament authors found themselves, same-gender sexual relations were prevalent, but marriage as an institution was restricted to male and females.⁹ Even theologians who more recently have argued in favour of extending marriage to same-sex partners admit that in both the biblical and historical trajectory, marriage is inherently a *heterosexual* institution.¹⁰

19. Thus, though the current legal situation in Canada has extended the definition of marriage to include same-gender partnerships, Evangelicals have largely continued to insist that such a definition stands in clear contrast to what Scripture explicitly teaches and which it implicitly assumes. In fact, many Evangelicals had been prepared to support a legal standing of “same-sex unions” as long as “marriage” was legally restricted to being a heterosexual institution.

20. **The exclusivity of marriage.** In addition to marriage being restricted to a male-female relationship, Evangelicals, again alongside historic streams of Christianity, have

⁸ For example, the Apostle Paul insists that, together with fornicators, idolaters, and adulterers, homosexual offenders (Greek, *arsenokoitai*) “will not inherit the kingdom of God” (1 Corinthians 6:9).

⁹ David G. Hunter, ed. *Marriage in the Early Church* (Minneapolis: Fortress Press, 1992), 6-7. David Greenberg insists that Roman law in the time of early Christianity simply did not recognize the concept of a same-sex marriages. David Greenberg, *The Construction of Homosexuality* (Chicago: University of Chicago Press, 1990), 92.

¹⁰ See Adrian Thatcher, *Marriage After Modernity: Christian Marriage in Postmodern Times* (New York: New York University Press, 1999), 299-301.

continued to insist that marriage is meant to be *monogamous*.¹¹ The biblical precedence for this is implied in the creational text where the man is said to leave his parents and to be “united with his wife” (Genesis 2:24), but explicitly strengthened by Jesus when citing this text and adding, “So they are no longer two, but one.” (Matthew 19:6a). While it is true that instances of polygamy (or more accurately, polygyny¹²) are recorded throughout the biblical narrative and may have been relatively common in first century Palestine, this does not counter the fact that Scripture, in both Old and New Testaments, uphold either explicitly or implicitly monogamy as the Creator’s “ideal” (e.g., Proverbs 12:4; Psalm 128:3; Ezekiel 16:8; 1 Corinthians 7:2).

21. **The permanency of marriage.** That marriage is meant to be an indissoluble bond between a man and woman, a life-long covenant, has been consistently upheld by the Christian church, including Evangelical believers. That marriage is permanent is founded primarily upon the covenantal nature of marriage. In biblical parlance, a covenant established by God is often said to be “everlasting” (e.g., Genesis 9:16; 17:7; Numbers 18:19; Isaiah 55:3). In this regard, the permanence of marriage is both assumed, and explicitly upheld. The apostle Paul, for example, speaks of marriage as an illustration of the legally binding authority of law, noting that “by law a married woman is bound to her husband as long as he is alive, but if her husband dies, she is released from that law. . .” (Roman 7:2). Elsewhere the Apostle counsels, “Are you married? Do not seek a divorce” (1 Corinthians 7:27) and “A woman is bound to her husband as long as he lives” (1 Corinthians 7:39). Whatever the case, Evangelicals have been largely convinced that

¹¹ That marriage is understood in exclusionary and monogamous terms amongst Evangelicals is particularly evident in the traditional marital vows when the man and the woman promise to “forsake all others.” E.g., *Minister’s Service Manual*, Evangelical Free Church of America, Minneapolis, MN: Free Church Publications, 1984, p. 48.

¹² Interestingly, no instance of polyandry is recorded in Scripture.

marriage is meant to be a permanent relationship by virtue of the fact that Jesus himself said of marriage: “Therefore what God has joined together, let man not separate” (Matthew 19:6b).

22. To be sure, Evangelicals have generally agreed that there may be some exceptions to the permanence of marriage. Few would go so far as to say that marriage is always to be upheld without exception, and most acknowledge that even Jesus makes allows for dissolution of marriage in cases of marital unfaithfulness (Matthew 5:32). Where Evangelicals have not been clearly in consensus in recent years is whether those so divorced can be remarried.¹³ Nevertheless, the exceptions notwithstanding, Evangelicals continue to affirm that marriage is designed to be a life-long relationship, with its bonds being severed only upon death.

23. **The *pro-creative potential of marriage*.** While the connection between marriage and child-bearing is not as generally pronounced in the Protestant tradition as a whole, the pro-creative potential for children in marriage has been widely acknowledged by Evangelicals as a distinctive feature of biblical marriage. Founded again upon the creational texts, the union of the male and the female in creation account is closely tied to being “fruitful and increas[ing] in number” (Genesis 1:28). New Testament understandings of marriage, in this regard, are in clear parallel to the expectation of marriage common in the Graeco-Roman world: that marriage produces children for the good of society in accord with natural law of male/female procreation.¹⁴

¹³ For a summary of perspectives on divorce and remarriage with particular attention to Evangelical views, see Köstenberg and Jones, *God, Marriage and Family*, 227-58; and William A. Heth and Gordon J. Wenham, *Jesus and Divorce: The Problems with the Evangelical Consensus* (Nashville: Thomas Nelson, 1984).

¹⁴ A commonly understood definition of marriage in Roman law based as it was upon natural law reads: “The natural law is that which nature has taught to all animals. For this law is proper to all animals and not only to mankind. . . . From this comes the union of a man and a woman that we call matrimony, and the procreation and rearing [*educatio*] of children.” *Digesta Iustiniani* (ed. T. Mommsen, 2 vols. Berlin, 1870), cited in Philip Lyndon

24. **The *common-faith* criterion of marriage.** Finally, Evangelicals have generally affirmed that marriages should be entered into only by those who, to use the biblical parlance, “are equally yoked.” Here the Apostle Paul’s prohibition is well-known and oft-cited amongst Evangelicals: “Do not be yoked together with unbelievers” (2 Corinthians 6:17), even though recent biblical scholarship has increasingly moved away from appealing to this passage as pertaining to the issue of a Christian entering into marriage to a non-Christian (i.e., the context of the passage does not actually support that the apostle is actually talking specifically about marriage).¹⁵ If any passage, however, supports the “common-faith” criterion of marriage it is 1 Corinthians 7:39 in which the apostle permits women whose husbands have died to remarry, providing that the new husband “must belong to the Lord.”
25. In practice Evangelicals have by and large continued to insist that believing Christians should not enter into union with non-Christians on the basis of the same principle evident in the Old Testament, mainly, that Israelites were prohibited from marrying outside of the covenant people (e.g. Deuteronomy 7:3), not so much because they were “non-Jewish” but because there was a danger than “mixed faith” marriages could lead one away from worshipping Yahweh. It is assumed, together with the general principle of avoiding entering into partnership with unbelievers, that Christians and non-Christians *ideally* should not enter into marriage covenants.

Reynolds, *Marriage in the Western Church* (Boston: Brill Academic Publishers, 2001), 8. McGill University ethicist Margaret Somerville has more recently argued that the “inherently procreative relationship” of marriage allows one to make an compelling case that “excluding same-sex couples from marriage is ethically acceptable...and is not legally actionable discrimination.” Margaret Somerville, “What about the Children?” in *Divorcing Marriage*, eds. Daniel Cere and Douglas Farrow (Montreal & Kingston: McGill-Queen’s University Press, 2004), 69.

¹⁵E.g., Donald G. McDougall, “Unequally Yoked—A Reexamination of 2 Corinthians 6:11-7:4” in *The Master’s Seminary Journal* 10.1 (Spring 1999), 113-37.

Is Marriage a Core Institution in Evangelical Belief?

26. The foregoing overview of “doctrinal constants” within an Evangelical understanding of marriage, based as they are upon Scripture, raises the question of whether a doctrine of marriage constitutes a central or core belief to Evangelical faith. Of course, the ability to answer that question depends on what is meant by “core” or “central.” A helpful clarification in this regard is first to define what is commonly understood to be “central” to Evangelical belief and practice, and then determine the proximity of marriage relative to that center. It is well established in the scholarly literature on Canadian (and North American) evangelicalism,¹⁶ as Stackhouse has argued, that Evangelicals are, amongst other things, *crucicentric*, *conversionist*, and *biblicist*. That is, Evangelicals, as *crucicentric*, hold to the centrality of the substitutionary work of Jesus Christ on the cross; as *conversionist*, believe in the need for personal conversion through trusting Jesus as Saviour and following him as Lord; and as *biblicist*, believe that the Bible is God’s written Word and to be trusted as the supreme guide for Christian life.¹⁷
27. As noted above, marriage is understood to be a sacred institution for Evangelical faith on the *prima facie* teaching of Scripture. But the special doctrinal status of marriage for Evangelical faith finds its culmination in light of the fact that marriage is so closely associated in the Bible with the relationship of Christ’s saving work toward the Church—that collective group of individuals throughout history who have confessed the name of Jesus Christ and who have believed that he rose again from the dead for their salvation

¹⁶ See especially D. W. Bebbington, *Evangelicalism*; Michael A.G. Haykin and Kenneth Stewart, *The Advent of Evangelicalism* (Nashville: B&H Academic, 2008); George A. Rawlyk, ed., *Aspects of the Canadian Evangelical Experience* (Montreal and Kingston: McGill-Queen’s Press, 1997); G. A. Rawlyk, *Is Jesus Your Personal Saviour? In Search of Canadian Evangelicals in the 1990s* (Kingston and Montreal: McGill-Queen’s University Press, 1996); and John G. Stackhouse, Jr. “Defining ‘Evangelical’,” 2007.

¹⁷ John G. Stackhouse, Jr. “Defining ‘Evangelical’,” 3. In his sociological study of Evangelicals in Canada and the US, Sam Reimer noted that “conversion, crucicentrism, and biblicism cut across denominational lines.” Sam Reimer, *Evangelicals and the Continental Divide* (Montreal & Kingston: McGill Queen’s Press, 2003), 153.

(Cf. Romans 10:9-10). In at least two separate biblical contexts, marriage is explicitly¹⁸ spoken of as a divinely given, living metaphor that reflects the relationship that exists between Jesus Christ and the Church.

28. First, in the context of his exposition on the “household code,” the apostle Paul likens the husband/wife relationship to how Christ is said to be the “head” and the Church to his body. “For the husband is the head of the wife as Christ is the head of the church, his body, of which he is the Savior. . . . For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh. This is a profound mystery—but I am talking about Christ and the church.” (Ephesians 5:23, 31-32). The marriage analogy to Christ and the Church in Ephesians 5:21-33 points to at least five of the doctrinal constants held by Evangelicals noted above: first, the relationship originates from Christ to the Church (Christ “feeds and cares for the [Church] (5:32); second, the relationship is a holy (or “sacred”) one (“Christ loved the church and gave himself up for her to make her holy (5:25-26a); third, the relationship is one of husband/wife (male/female); fourth, the relationship is exclusive (“There is one body. . . one Lord, one faith” (Ephesians 4:4-5)); fifth, and the relationship is indissoluble (Christ will “present her to him as a radiant church” (5:27a).

29. Second, the writer of the book of Revelation envisions the final eschatological union of Christ and the Church in terms of wedding feast. “Let us rejoice and be glad and give him glory! For the wedding of the Lamb [Jesus Christ] has come, and his bride [the Church]

¹⁸ There are also implicit references to marriage in the Christ/church relationship elsewhere in Scripture.

has made herself ready” (Revelation 19:7).¹⁹ In this regard, marriage is a much cherished image of Christian hope.

30. Therefore, given the commonly accepted definition of “Evangelical” noted above, the question is whether a doctrine of marriage is therefore “core” to an Evangelical’s “religious belief.” In light of the outline of an Evangelical doctrine of marriage given above, and in light of the fact that marriage is a primary biblical metaphor used to describe the relationship of God to his people, I would argue that marriage, as understood from a biblical frame, is in fact a vital component of Evangelical faith. This does not mean that Evangelical Christians have always been exemplary in living in accordance to biblical norms for marriage, nor even that Evangelicals agree on every point of doctrine outlined above; but neither does this undermine the fact that Evangelical faith has consistently upheld the biblical ideals of marriage, precisely because marriage hold such place of importance in the biblical witness to God’s salvation of his people, the Bride, in and through the Bridegroom who is Jesus Christ. Consequently, a challenge to an Evangelical’s view of marriage can legitimately be understood to be a challenge to a vital component of her or his religious beliefs.

Reference to Evangelical Christian Marriage Commissioner

31. As part of my affidavit, I have been asked to address the significance of adhering to an Evangelical understanding of marriage specifically in relation to a marriage commissioner being asked to violate her or his belief with respect to the sanctity of marriage in performing her or his work as a marriage commissioner and solemnizing such a marriage. In addition, I have been asked to comment on what issues the said

¹⁹ The connection of “bridegroom” and “bride” as a metaphor of Christ to the believer is also implicit in John 3:29: “The bride belongs to the bridegroom. The friend who attends the bridegroom waits and listens for him, and is full of joy when he hears the bridegroom’s voice. That joy is mine, and it is now complete.”

Evangelical marriage commissioner might face in being asked to solemnize a marriage involving a same sex couple.

32. In the first instance, is it important to understand that despite the broad tendency toward the privatization of faith in North American contexts, Evangelical faith resists the compartmentalization of life into separate modes of thinking and acting in “sacred” and “secular” spheres. As Clemenger has noted, “At the heart of Evangelicalism is an expressive understanding of the Christian faith that resists attempts to confine it to the personal or private sphere of an individual’s life.”²⁰ This is not to suggest that a differentiation cannot be made between the sacred and secular, or even that Evangelicals have not, to some degree, capitulated to the “privatization of faith.”²¹ However, Evangelical faith insists that the belief in the all-encompassing Lordship of Jesus Christ’s authority²² demands submission to him as the Head and Bridegroom of the Church in every arena of life, whether in home, work, leisure, or religious devotion. This necessarily means that certain vocations *de facto* and *in toto* come into conflict with Evangelical faith.²³ In such instances, it would be expected that a morally and religiously thoughtful Evangelical would refuse to enter into such vocations.

33. In reference to the carrying out of a marriage commissioner’s duty, it is reasonable to expect that, considering the high regard given to marriage by Evangelical faith, there

²⁰ Bruce J. Clemenger, “Evangelicalism and the Advancement of Religion,” *Church and Faith Trends* 2:2 (January 2009), 1.

²¹ Grenville argues that “Canada, relative to other nations . . . is neither particularly religious nor irreligious. . . . while the ratio of private to public believers is roughly 1:1 in Canada.” Andrew S. Grenville, “For by Him All Things Were Created. . . Visible and Invisible”: Sketching the Contours of Public and Private Religion in North America,” in *Rethinking Church, State, and Modernity: Canada Between Europe and America*, ed. by David Lyon and Marguerite Van Die (Toronto: University of Toronto Press, 2000), 214.

²² “Then Jesus came to them and said, “All authority in heaven and on earth has been given to me.” Matthew 28:18.

²³ For example, it would be very difficult to envision a devout Evangelical believer being able to separate her or his Evangelical faith from being an owner of an adult video store.

should be no reason an Evangelical Christian should be barred from holding such a position. However, it is also clear that if a commissioner believes in the doctrinal constants noted above, there would be good reason to expect that the solemnization of same-gender marriages would place the marriage commissioner in a conflict between her or his professional role and religious beliefs and convictions. By analogy, it should be reasonable to expect that an Evangelical medical practitioner would necessarily find certain medical procedures contrary to her or his religious beliefs, particularly beliefs regarding, for example, the sanctity of life. *Mutatis mutandis*, it should be a reasonable expectation, in my opinion, to allow a marriage commissioner to refuse to solemnize a same-gender marriage on the basis of religious belief and conviction.

34. In order to fulfill the responsibilities of being a marriage commissioner, it is important to acknowledge some of the specific issues he or she may face when being asked to solemnize a marriage involving a same-gender couple. Most important in this regard is that Evangelical marriage commissioners, again out of obedience to Scripture, are compelled both to uphold what they believe to be core religious beliefs about marriage, and at the same time serve with due respect, honour, and obedience the governing authorities over them. Evangelicals take the Apostle Paul's imperative very seriously: "Everyone must submit himself to the governing authorities, for there is no authority except that which God has established" (Romans 13:1). While there is always the possibility that an Evangelical believer will, in last resort, need to "obey God rather than men" (Acts 5:29), it seems difficult to conceive of why an Evangelical marriage commissioner in Canada should be placed in such a moral double-bind. However, by

allowing adequate legal space for marriage commissioners to act on their religious conviction, the double-bind can be sufficiently resolved.

35. More specifically, with respect to Evangelical marriage commissioners, their consciences will necessarily be informed by their beliefs about marriage, so said commissioners could face the possibility, if they are not permitted to be excluded from solemnizing same-gender marriages, of either having to give up their status as a commissioner, or rationalize their conduct in such a way that their personal religious beliefs and professional conduct are isolated from one another. If at some point Evangelicals (and for that matter, any other religious person (e.g., Muslim, Roman Catholic, etc.)) who hold religious conviction are prevented from holding the public position of marriage commissioner because they would refuse to solemnize same-gender marriages, this would mean *de facto* that certain persons are prevented from being marriage commissioners on the basis of religious belief. Such a scenario would seem ironically discriminatory, especially since most world religious systems uphold the importance and sanctity of marriage itself. The irony would be that in such a scenario, only persons who hold to the acceptability of same-gender marriage would be permitted to hold a position of marriage commissioner.

36. It not unreasonable to believe that Evangelical marriage commissioners may face the psychological pressure to compromise on their religious beliefs if by refusing to solemnize certain marriages (such as same gender marriages) their authority as a commissioner is in danger of being revoked. If they have become a marriage commissioner out of a sense of service to the community, or even as a means of

livelihood and gaining income, they may sense a threat to their personal well-being if they are unable to hold publicly to their religious convictions.

SWORN BEFORE ME at the City of)
, in the Province of)
Saskatchewan)
This day of April, 2010)
)

David Glenn Guretzki

A NOTARY PUBLIC

Exhibit “1” – Select *Curriculum Vitae* for David Guretzki, PhD

I. PERSONAL INFORMATION

Full Name: David Glenn Guretzki

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Phone: (306) 756-3231

II. EDUCATION

A) Doctor of Philosophy, October 2006, McGill University, Montreal, Quebec

Major: Western Christian Thought

Thesis: “The Genesis and Systematic Function of the *Filioque* in Karl Barth’s *Church Dogmatics*”

B) Master of Arts, April 1995, Briercrest Biblical Seminary

Major: Historical Theology

Thesis: "The Theological Methodology of Clark H. Pinnock"

C) Bachelor of Religious Education, 1989, Briercrest Bible College

Major: Theology

D) Advanced High School Diploma, 1985, Onoway Junior/Senior High School, Onoway, Alberta

III. PROFESSIONAL EXPERIENCE

2009 – Present

Associate Professor of Theology
Dean of the Seminary
Chair, Christian Ministry Division

2008-09

Associate Professor of Theology
Briercrest College & Seminary
(On Sabbatical July 2008 – December 2008)

2005-08

Dean of the Seminary
Briercrest Seminary

2002-07

Assistant Professor of Theology

2000-02

PhD Studies, McGill University (Paid Study Leave from Briercrest Bible College)

1997-2000

Dean of Faculty, Assistant Professor of Theology
Briercrest Bible College

1995-2000

Adjunct Instructor of Theology
Briercrest Biblical Seminary

1995-1997

Instructor of Bible and Theology
Briercrest Bible College

1993 – 1995

Graduate Teaching Fellow
Briercrest Bible College

1989-1993

Assistant Pastor
Calvary Evangelical Free Church
Lacombe, Alberta

IV. MEMBERSHIPS AND SOCIETIES

- Invited Contributing Scholar for Canadian Evangelicalism Bibliographies Project (CEBP), an initiative of the Centre for Research on Canadian Evangelicalism.
- Board Member for the Evangelical Fellowship of Canada, 2007 – Present.
- Past President of Canadian Evangelical Theological Association, 2008-09.
- President of Canadian Evangelical Theological Association, 2004-08.
- Secretary-Treasurer of the Executive of Canadian Evangelical Theological Association, 2003-04.
- Member, Karl Barth Society of North America, 2003 - Present
- Member, Society of Biblical Literature (SBL), 1998-2000

- Member, American Academy of Religion (AAR), 1997 - Present
- Book Review Editor, *Canadian Evangelical Review*, 1997-1999
- Member, Canadian Evangelical Theological Association, 1996-Present
- Member, Advisory Council of Briercrest family of schools, 1995-98
- Licensed Minister with Evangelical Free Church of Canada, 1989-92
- Member, Calvary Evangelical Free Church, Lacombe, Alberta, 1989-Present (Inactive)
- Member, Ministerial Association of the Evangelical Free Church of Canada, 1989-92
- Board Member, Camp Silversides (Canadian Sunday School Mission Camp), 1987-89
- Board Member, Youth Liaison, Alberta Parkland District, Evangelical Free Church of Canada, 1990-92.
- Vice-president, Lacombe Ministerial Association, 1990-92
- Member, Lacombe Ministerial Association, 1989-92

V. AWARDS, FELLOWSHIPS

- *C & E Jost Memorial Scholarship* (January 2007) – Value: \$500.
- *Jean Penner Memorial Faculty Scholarship Fund* (January 2005) – Value: \$750.
- *J. W. McConnell McGill Major Fellowship*. (2004-2005). Value: \$10,000
- *Social Sciences and Humanities Research Council of Canada*, Doctoral Fellowship (2002-2004). Value: \$35,400
- *Dean's Fellowship*, Faculty of Religious Studies, McGill University, September, 2001. Value: \$5000.00
- *Valedictorian*, Briercrest Biblical Seminary, April 23, 1995, M.A. Cumulative GPA 3.96.

VI. PUBLICATIONS

Book/Chapters

Karl Barth on the Filioque. Surrey: Ashgate Publishing, 2009. Foreword by Douglas Farrow.

“The Filioque and the Protestant Scripture Principle.” Invited Chapter for *Ecumenical Perspectives on the Filioque for the 21st Century*. Edited by Myk Habets and John McDowell. Anticipated release date: 2011.

Introduction to Trinitarian Theology. Downers Grove, IL: InterVarsity Press. [On contract]

“The *Filioque*: Assessing Evangelical Approaches to a Knotty Problem” in *Semper Reformandum: Studies in Honour of Clark H. Pinnock*. 182-207. Carlisle, UK: Paternoster Press, 2003.

Peer Reviewed Articles

“Carnell, Edward John” in *Encyclopedia of Protestantism*. Edited by Hans Hillerbrand. New York: Routledge, 2004.

“Barth, Derrida and *Différance*: Is there a difference?” *Didaskalia*. 13.2 (Spring 2002): 51-71.

“The Function of ‘Mediator’ in St. Augustine’s *De civitate Dei*, Book IX” *Hirundo: The McGill Journal of Classics*. 1 (Fall 2001): 62-75.

Popular Level Articles

- "Prayer as Political Action." *Faith Today*. September/October 2006, 22-23.
- "Can we Break the Gender Gridlock?" *Christian Week* 20.7 (June 23, 2006), 6-7.
- "Biblical Marriage." *Passport Magazine*. 64.1 (Spring 2005): 6-7.
- "Guest Comment: Now what? A Theologian Responds to Bill C-38." *Christian Week*. July 22, 2005: 5. (Reprinted in *Passport Magazine*. 64.2 (Fall 2005): 14.
- "'Never remarry' position not biblically sound." *Faith Today*, November/ December, 1998, 28.

Book Reviews

- Review of *Karl Barth and the Fifth Gospel*. In *International Journal of Systematic Theology*. Forthcoming, Spring 2010.
- Review of *Nation of Bastards* by Douglas Farrow. In *Faith Today*. January/February 2008, 49.
- Review of *Finally Feminist: A Pragmatic Christian Understanding of Gender* by John G. Stackhouse, Jr. In *Faith Today*. May/June 2006, 48.
- Review of *Recovering Theological Hermeneutics* by Jens Zimmermann. In *Faith Today*. July/August 2005, 49.
- Review of *The Divine Decision: A Process Doctrine of Election*, by Donna Bowman. In *International Journal of Systematic Theology*. 7.2 (April 2005): 208-11.
- Review of *Divorcing Marriage* edited by Douglas Farrow and Daniel Cere. In *Faith Today*. January/February 2005, 48.
- Review of *Holy Scripture: A Dogmatic Sketch* by John Webster. In *Studies in Religion/Sciences Religieuses*. 33.2 (2004): 269-70.
- Review of *A Human Being Died that Night: A South African Story of Forgiveness*, by Pumla Gobodo-Madikizela. In *Toronto Journal of Theology*. 19.2 (Fall 2003): 258-9.
- Review of *Act and Being*, by Colin E. Gunton. In *Studies in Religion/Sciences Religieuses*. 31.3-4 (2002): 438-9.

VII. PAPERS AND PRESENTATIONS

- "Karl Barth on Mark Kinzer's 'Non-supersessionist and Post-Missionary Ecclesiology': Yes! and No!" Peer-reviewed paper presented at *Canadian Evangelical Theological Association* annual meeting. Carleton University, Ottawa, ON. May 23, 2009.
- "An Unscientific Analysis of Perceptions of Karl Barth among Canadian Evangelical Theologians." Invited paper delivered to Karl Barth conference of North America, Center for Barth Studies, Princeton Theological Seminary, June 25, 2007. [Invited paper]
- "Proclamation and Dialogue. An Evangelical Response to Prof. Gregory Baum." Peer-reviewed paper presented at *Canadian Evangelical Theological Association* annual meeting, University of Saskatchewan, Saskatoon, SK. May 26, 2007.
- "A Voice in the Wilderness? Local Churches and Political Influence." Lecture given at Serve 2006 Conference, Briercrest College & Seminary, March 25, 2006.

"Marriage Matters: Theological and Practical Advice to Churches On Same-Sex Marriage."
Lecture given at Serve 2006 Conference, Briercrest College & Seminary, March 24,
2006.

"Barth and Derrida: Is there a *différance*?" Paper presented at the *Canadian Evangelical
Theological Association* meeting of the Congress of the Social Sciences and Humanities,
Université Laval, May 23, 2001. [Peer-reviewed]

IN THE COURT OF APPEAL FOR SASKATCHEWAN

IN THE MATTER OF MARRIAGE COMMISSIONERS APPOINTED
UNDER *THE MARRIAGE ACT*, 1995, S.S. 1995, c. M-41;

AND IN THE MATTER OF A REFERENCE BY THE LIEUTENANT
GOVERNOR IN COUNCIL TO THE COURT OF APPEAL UNDER
THE CONSTITUTIONAL QUESTIONS ACT, R.S.S. 1978, c. C-29;

AND IN THE MATTER OF AN APPLICATION FOR DIRECTIONS

AFFIDAVIT OF DAVID GLENN GURETZKI
SWORN the th day of April, 2010

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