Earlier this week, the U.S. Supreme Court decided both of the Ten Commandments cases pending in its docket, each by a 5-4 vote. In McCreary County v. ACLU, the Court ordered Ten Commandments displays removed from two Kentucky courthouses, whereas in Van Orden v. Perry, the Court allowed a Ten Commandments monument to remain in a Texas park with many other monuments and displays. A total of 10 opinions were written by the nine justices in these two cases.

While many commentators decried the result in one of these cases or the other (and some mourned the lack of unity in the Court on this issue), the fact remains that when one reads through the many different opinions in both of these cases, one sees very little disagreement about principals of constitutional law. Everyone important principles:

I Displays that are intended to advance one religion over another practice of religion at the expense of those who do not believe unconstitutional;

I Displays that share the common culture and heritage in the United States I And the context of these displays plays an important role in determining their constitutionality.

Thus, all nine justices agree that a display of any religious symbol in the context that would cause reasonable people to feel that only those who agree with this religious symbol are actually "full" citizens who belong in our society would certainly be unconstitutional.

What the Supreme Court could not agree on specifics of these (and many other) particular cases. How should one understand a park in Texas with some 38 monuments of many different types Confederate war veterans religious nature? Is its uniqueness as the sole religious monument a form of endorsement or is its context as one of many monuments (some for lost causes) more dispositive? By a vote of 5 to 4, the court accepted the second rationale.

On the other hand, five justices in the Kentucky case felt that a framed display of the Ten Commandments in a courthouse with no other displays on its walls constituted a much greater risk of endorsement, and thus was prohibited by the Constitution. (Notwithstanding the fact that Kentucky subsequently added other displays, the initial endorsement of religion could not be overcome.) The many opinions make it clear that, even in a courthouse, the Commandments may be displayed when context does not create endorsement.

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So what do we learn from these two cases? I suspect not much new law has been generated by either case, and indeed, significant change in this area of constitutional law seems unlikely given the stability of the principles the court has used in this area for the last 30 years. Not one of the nine justices seems attracted to the formulation of the law advanced by the former chief justice of Alabama has a fundamentally Christian basis to it that can be championed single opinion maintained that the display of the Ten Commandments would always be improper.

Rather, we see yet again the basic principles of religious freedom in the United States of religious beliefs and the duty of the government not to establish any religion as more valid than any other, and that this balance is complex and without firm lines.

Indeed, the truth is that the precise balance between the free exercise rights of citizens as found in the First Amendment and the disestablishment obligation also found in the First Amendment will continue to be an area of law where the Supreme Court the line, just as at the margins the rights of people to free expression of religion is at tension with the duty of the government to prevent the establishment of any religion. That is the vitality of our First Amendment law.

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