

## Abstract

Article 897 in the current Civil Code contains the following provision: Despite the provision of the preceding Article [on inheritance], rights to ownership of a genealogy, equipment used in rituals, and any grave, shall be succeeded by the person who custom dictates shall preside over rituals for ancestors; provided that if the decedent designates a person who shall preside over rituals for ancestors, this person shall succeed rights to ownership. If in the case referred to in the main text of the preceding paragraph, the custom is not evident, the family court shall determine who shall succeed the rights in that paragraph. The article may seem to be only a residue of the Japanese patriarchal family system, but the sentence, "the person who custom dictates shall preside over rituals for ancestors," is an addition which did not exist even in the Meiji Civil Code. This sentence, in my opinion, may produce some crucial problems concerning the relationship between law in general and the specific religion of ancestor-worship, from the viewpoint of individualist ethics. In this paper, I shall clarify the nature of the problems and indicate ways to solve them.