

## Commodore M. C. Perry's Expedition of an American Squadron to Japan, 182, 1853, and 1854: A Case of "Nested Deliberation"

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Our georhetoric analysis of Commodore Perry's *Narrative of the Expedition of an American Squadron to the China Seas and Japan* includes four-dimensions of argumentation ethnography of this new cultural encounters: intercultural encounter, information exchange, dialogical argumentation, and negotiation (Suzuki & Foreman-Takano 2004). The study looks at the beginnings of competition and cooperation, conflict and construction, borrowing and learning uniqueness between the United States and Japan. The complex dynamics of argument weave into place across time argumentation that comes to define and continue to entangle relations among nations. The case of Japan-US relation is one model; other initial encounters likely exhibit across dimension different outcomes and relations, and outcomes.

Commodore Matthew C. Perry's Expedition of an American Squadron to Japan, 1853 and 1854 is a celebrated case of first formal encounters between nations. The *American History of the Republic* defines the event as an "opening" of Japan after its long night of withdrawal from international relations.

Japan had been closed for two centuries to all foreign intercourse, save a strictly regulated trade with the Dutch and Chinese at Nagasaki. Her government was feudal, her economy medieval—no factories, no steamships or steam engines, only small. Junks allowed to be built in order to keep the Japanese at home. Foreign sailors wrecked on the shores of Japan were not allowed to leave, and Japanese sailors wrecked on foreign coasts were not permitted to return. (Morrison, Commanger, Leuchtenburg, 1980, p. 575)

At a time when European nations were extending colonization practices globally, the United States, a rising power, and Japan, an ancient civilization experienced a different encounter. We explore its legacy of the historical event that initiated a unique relationship through a formal ethnography of nested deliberation.

The American-Japan exchange encounter created an East-West deliberative space that lead after two years to the Kanasaga treaty, a document initiating a line of human rights commitments. The US and Japan worked out reciprocal concerns and envisioning the means of most appropriate assuring trade. The visit is celebrated as initiating an overall productive formal relation among rising nations, peoples and cultures over two centuries. It represented a first meeting between an opening, new society, committed to democratic experiment, from the Western Hemisphere and an ancient society, committed to dynastic governance, and embedded in the domestic, Eastern cultural traditions. The encounter initiated at this first point of contact among government, people, and cultures has cast a long shadow over the Pacific frontier and world history.

Specifically, we propose a critical discourse ethnography that reads several prominent narratives of the time as they were constituted in argumentation. We take up Perry's autobiography and several reports from the time. Our ethnography reconstructs ways of arguing between agents of power at an initial stage defining a nested deliberation. Nested deliberations are ongoing talks produced through acts of initiation, information assertion, gifts and exchange, time-capacitating dialogue, and self-

sustaining negotiation. In each dimension of deliberation, difference appears as an asset rather than a liability to immediate and long term talks. Our primary strategy in this paper is to examine selections from Commodore Perry's diary and a contemporary observation on the scene of discussion. The paper is not a definitive inquiry but an initiating ethnography of historical argument. Historical argument is that reasoning which shapes public memory. Herodotus and Thucydides began the tradition of analyze speech and events to reveal the consequences of actions. Neo-classical and modern historians continue to inquiry into discourse and events. Our analysis works within these traditions to show how communication among nations is achieved, but how its ambiguities create ambivalence that may turn around relationships.

Our analysis of Commodore Perry's *Narrative of the Expedition of an American Squadron to the China Seas and Japan* includes four-dimensions of argumentation ethnography: appraisal of appearances in initial impression, information exchange, dialogical argumentation, and negotiation (Suzuki & Foreman-Takano 2004). The study looks at the beginnings of competition and cooperation, conflict and construction, borrowing and learning, and initiating the process of bridging differences between the United States and Japan. The complex dynamics of argument weave into place across time communication among state leaders, political parties, institutional actors, military institutions, market dynamics and publics that come to define and continue to entangle relations among nations.

The case of Japan-US relation offers a model of great success, marred by significantly by an imperial war fought largely in Asia and across the Pacific Ocean. Initial relations are set by the manner of which a relationship becomes first embodied and then and extends across history in repetition, variation, and departures from traditions and breaks across time. We define this relation among two nations as 'nested deliberation' a historical, multiplex space for contestation and cooperation. Deliberations expand and build trust during times of peace and prosperity. Traditions, too, may be ignored or corrupted by propaganda, self-promoting ideology and claiming accommodation of difference to be acts of disloyalty and betrayal. The initial symbolic and argumentative discourse are important to recall for purposes of probative

analysis and critique—with purposes of repair and building in mind.

## 1. FIRST APPEARANCES AND ENCOUNTER

A key dimension of argumentation ethnography refers to intercultural encounters, both intended and accidental, that generate cultural reciprocity and exchange (Suzuki & Foreman-Takano 2004). In this encounter, the visit may begin in partly out of curiosity or out a desire for benefits. Propinquity encourages the development of frontiers. China's Old Silk Road constituted an ancient, mobile, cross cultural and material argument space. In modern cases, first encounters by Europeans were generated by the search for goods, turned commodities, then processed and entered into commerce. Spice constituted trade where goods brought about deliberation over practices, rights, and value between nations and powers.

Regarding the, "intercultural encounters," that is the subject of our study, F. L. Hawks, the editor of Perry's narrative, argues that a dispassionate read of an event contains distortions of interpretation brought on by national pride. So, Hawks claims in gathering elements of the story are to be read in Perry's (2019) own reports:

[T]he facts here embodied were to be gathered not merely from the pages of [Perry's] own journal, but from those also of several of his official reports to him, he thought it better to confide the compilations to a disinterested third party, who might weave the various materials into a connected narrative of all the important events, uninfluenced by that partiality for his own words or acts, from which, owing to the infirmities of human nature, the most honest and best of men are not always entirely exempt. (p. 2)

Hence, Perry concluded that the constitution of initial encounters between cultures are often made not by an individual hero, but by a group of people who, with different purposes, pursue a threshold objective. Thus, intercultural encounter is often at the same time involves a mesh of interpersonal and formal encounters among individuals drawn together over time as a group. A group of mixed national agents who participate

in multiple symbolic, material, and experiential argument create fresh, nested deliberation.

Perry was not the first United States officer to lead an American mission with the goal of opening bi-lateral relations with Japan. In 1836 President Andrew Jackson sent Edmund Roberts who only made it to Macao, then died. In 1837 Jackson sent Charles W. King with a ship. King was turned back at Uraga by force and ordered to go to Nagasaki if he wished to make contact. In 1846, President Polk sent James Biddle with two warships. Biddle had negotiated diplomatic relations with China, but his experience with a compliant Qing dynasty were not to be repeated in Japan. On July 20, 1846, he anchored two warships USS Columbus and USS Vincennes in Uraga Channel at the mouth to Edo Bay. The Shogun sent out a Junk and he was asked to come aboard. He did. An accident occurred. Mistakes were made. A Tokugawa shogun apologized, but he also told Biddle that the US representative would get no talks and no deal. Biddle sailed off without sufferance. The Mexican war broke out. No future ambassadors were sent, so Biddle's mis-expectation and accidental encounter with Japan combined to fail the mission. Further US absence was interpreted by Japan as disinterest. The United States was not one of the prime international powers, yet it continued to look West. James Glynn was sent in 1849 and did manage to rescue some sailors. In 1851 Captain Aulick was sent, but had to be removed for reasons of abuse. The young democracy was working out how to project interest into international waters.

The opium wars of the 1840s and the European treatment of China after those shameful conflicts rendered the issues of opening relevant. International engagement had been strictly regulated for some time. Japanese boats did not venture into international waters. On the other hand, Japanese ships became lost and their sailors marooned—not allowed to return to home. Similarly, shipwrecks on the Japanese coast left surviving sailors without recourse to home. International questions arose in Japan and European colonialism offered a looming, dreadful example of leaving the question of opening, open. Ship wrecks could offer pretexts for interventions in the name of national property and citizen rescue. A nest of issues knit together. Shipwrecked seamen were but the product of accidents, but as such they constituted beginning points rendering urgent a concrete, successful response to the larger question of international

relations to be addressed—before European invaders took the issue into their own hands (Minohara and Iokibe, 2017, p. 5).

President Polk assigned Perry the task of opening of diplomatic relations with Japan in 1842, permitting the use of force, only as a last resort. Commodore Perry, the brother of a famous American naval war hero, took the mission seriously. He studied every book he could find on Japan, an area of the world little known (save for books by Dutch traders and writers). He commented that “[v]iewed in any of its aspects, the Empire of Japan has long presented to the thoughtful mind an object of uncommon interest. And this interest has been greatly increased by the mystery with which, for the last two centuries, an exclusive policy has sought to surround the institutions of this remarkable country. The curiosity of Christendom has been on the alert; and the several votaries of various pursuits have naturally longed to add more to the little that is known of this self-isolated Kingdom” (2019, p. 18). Therefore, Perry believed that it was a mission and opportunity of the United States of America, as the youngest world power, to be the first country to ratify the Friendship and Trade Treaty with Japan in history. This orientation to situated argument was unusual for the 19<sup>th</sup> century, which generally represented Nihon as either a romantic scene of mystery or a barbaric place of violence.

## 2. INFORMATION EXCHANGE

A second dimension of nested deliberation is constituted by information exchanges that spread useful concepts and important knowledge (Suzuki & Foreman-Takano 2004). *Information* literally means what is *in*-formation within which existing institutions and orders are being transformed into new ones. The transfer of religious or philosophical traditions is a prime example. Such an information and knowledge forms practical expectation, for good or for bad. Informing contributes to constructing “Otherness.” For instance, Perry (2019) learned from previous approaches made by the United States: “In 1846 an expedition was sent from the government of the United States to Japan: its business was, if possible, to open negotiations with the Empire. ... The answer of the [Shogun Tokugawa] to the application for license was very short: ‘No trade can be allowed with any foreign nation except Holland’” (p. 62). After

careful examination, Perry (2019) believed that “under all the circumstances, there was a favorable opportunity for our country to establish commercial relations with Japan, and the avowed his belief to several of his brother officers, as well as to some of the dignitaries the government, and eminent citizens, long before the subject was publicly discussed, and the expedition resolved on” (p. 91). In fact, he evaluated the nature of Japanese people highly by saying that they “are an exceedingly industrious and ingenious people, and in certain manufactures are surpassed by no nation” (2019, p. 64). Perry informed himself of relevant features of the situation before embarking.

*Information exchange* is useful in identifying constraints; but, unplanned knowledge kicks in, too, to generate part confusion (to be worked out) and part opportunity (to be used in negotiation). For example, Perry takes pain to describe not only the mainland of Japan but also Lew Chew (currently known as Okinawa) islands (See Ch 7, 8, 9, 11, 15, 17 & 25) and Ogasawara islands (See Ch 10) where he visited before meeting representatives of the Edo Samurai Government of Japan. Ryukyu was an independent nation at that time. So, the path that Perry took before visiting the mainland likely influenced his thinking and actions when meeting representatives of the Edo Government. We must of course accept that the capital city is not the sole representation of a country in terms of culture, society, and above all people. So Perry’s extrapolation of experiences of a quasi-China Japan intermediary were not correct, but the information did contribute to productive ambiguities, a place to start.

Perry grew to regard Lew Chew as a nexus between China and the mainland Japan. Perry actually spent a huge space and energy to describe his visit to Lew Chew and his interaction with people there. He (2019) stated:

It is a question yet discussed to what power Lew Chew belongs. By some it is said that to be a dependency of the Prince of Satsuma, of Japan; others suppose it to belong to China. The probabilities, however, are all on the side of the dependence, more or less absolute, of Lew Chew on Japan, and probably, also, of some qualified subordination to China, as they undoubtedly send tribute to that country. Language, customs, laws, dress, virtues, vices, and commercial intercourse,

all are corroborative of such an opinion. But of this more will be said hereafter. (p. 184)

Regarding the identity problem of Lew Chew people, who lived some years in Lew Chew, believed for several good reasons that “the country, though independent to a certain extent, (its ruler being permitted, for a good contribution to Peking, to assume the high-sounding title of king,) yet is, to all end and purposes, an integral part of Japan” (as quoted by Perry 2019, p. 274). Also, the English Bishop of Victoria who, in the discharge of his official duties, visited Lew Chew in 1850, thus, spoke of this subject:

On the whole, it seems far the most probable opinion that Lew Chew was peopled by a colony from Japan, to which people their physiognomy, language, and customs have a close affinity; and that to China they owe the far more important debt of their partial civilization and literature. The government of the country appears to consist in a grievous oligarchy of literati immediately dependent upon Japan. They stand in great fear of the latter country, and look to it, and not to China, for protection in time of need. They have an historical tradition that a few hundred years ago, during the Ming dynasty, a war broke out between China and Japan, during which the former, wanting to detach Lew Chew from the latter, raised it to the dignity of a separate kingdom. In token of vassalage, every new king receives a formal investiture from a Chinese officer, specially deputed and sent for that purpose from Foo Chow; to which city, also, a biennial tribute-junk is sent from Lew Chew. At the Tartar invasion of China, and the commencement of the present foreign dynasty, above two hundred years ago, about thirty-six Chinese families, unwilling to confirm to the Tartar changes of custom and rule, emigrated to Lew Chew, the descendants of who have become, generally, the schoolmasters of the country, and amalgamated with the people. (as cited by Perry, 2019, p. 275)

Perry (2019) concluded from these observations that “the Lew Chew were a mixture, made up possibly of Japanese, (who preponderated),

Chinese, Formosans, and, Malays; and that the island, commencing its population at a very early period, from some accident, such as shipwreck, had, from time to time, added to its inhabitants from the adjacent regions, until the whole was fused into the present stock" (p. 275).

Perry returned to Lew Chew and established hopes for a coaling station, thereby creating a power projection of modern commerce into a space that exhibited a mix of Japanese and Chinese historical characteristics. Since Lew Chew had an ambiguous identity, Perry and the Shoguns could draw upon the place as a potential space of agreement, with the Commodore fulfilling two ambitions: coal station and a place to repair boats or save sailors. All information is situated and so binds rationality in ways that are planned and unplanned. Impressions here were not entirely correct, but the places ambiguity created room for both sides to contemplate opening a space for a treaty.

### 3. DIALOGICAL ARGUMENTATION

Dialogical argumentation constitutes the third element of our discourse ethnography of nested deliberation (Suzuki & Foreman-Takano 2004). Many people, East and West, conceive of argumentation as a disruptive, even hostile activity. Yet, one manifestation of argumentation is its capacity to generate co-operative, critical discussions where people genuinely strive to discover an outcome that is right and good for both contesting parties. For example, engaging in argumentation enables nations to succeed conflict management for better mutual understanding. Alternatively, a national quarrel can escalate into a catastrophic violent confrontation. Public debate and discussions about possible alternatives to the status quo requires dialogical aspects of nested deliberation to prevail. Dialog refers to discussion between parties present at an initial international event; it also includes succeeding visits by the public of its time, and by others who participate within the tradition. The Commodore achieved dialog through impersonal display that mobilized a game metaphor where reciprocity and power were in play—at the highest levels.

Perry presented a detailed analysis of "First 10 days of his initial visit" (See Ch 12, 13 & 14). His story of the dialogues intrigued American publics and furnished the attributed understanding of the strange world he

experienced across 19<sup>th</sup> century generations. Interestingly, Perry (2019) applied the game metaphor to his mission:

The question of landing by force was let to be decided by the development of succeeding events; it was, of course, the very last measure to be resorted to, and the last that was desired; but in order to be prepared for the worst, the Commodore caused the ships constantly to be kept in perfect readiness, and the crews to be drilled as thoroughly as they are in time of active war. He was prepared, also, to meet the Japanese on their own ground, and exhibit toward them a game at which he could play as well as they. It was well to let them know that other people had dignity also, which they knew how to protect, and that they did not acknowledge the Japanese to be their superiors. Hence he forbade the admission of a single Japanese on board any of the ships, except those officers who might have business with him; and the visits even of such were to be confined to the flag-ship, to which they were admitted only on the declaration of their rank and business. The Commodore, also, was well aware that the more exclusive he should make himself, and the more unyielding he might be in adhering to his declared intentions, the more respect these people of forms and ceremonies would be disposed to award him; therefore it was that he deliberately resolved to confer personally with no one but a functionary of the highest rank in the empire. (p. 289)

Games are an important aspect of communication through strategic argument. The visual power of gun-ships and formal regalia and rituals imply an awareness of significance and respect for power, a fitting beginning place to initiate relations.

Dialog between nations includes formality in address. Instead of landing by force, Perry prepared the following letter to the Emperor:

"United States Steam Frigate *Susquehanna*,

*Uraga*, July 12, 1853.

"The Commander-in-chief of the United States naval forces in these seas, being

invested with full powers to negotiate treaties, is desirous of conferring with one of the highest officers of the Empire of Japan, in view of making arrangements for the presentation of the original of his letter of credence, as also the original of a letter with which he is charged, addressed to his Imperial Majesty by the President of the United States.

“It is hoped that an early day will be appointed for the proposed interview.

“To his Imperial Majesty the Emperor of Japan.”

On July 14, 1853, Perry finally submitted three letters from the President of the United States to the Emperor by which he meant the Tokugawa Shogun who were in charge of the governmental function. The following excerpt from one of the letters stated clearly the aim of the United States:

We know that the ancient laws of your imperial majesty’s government do not allow of foreign trade, except with the Chinese and the Dutch; but as the state of the world changes and new governments are formed, it seems to be wise, from time to time, to make new laws. There was a time when the ancient laws of your imperial majesty’s government were first time.

About the same time America, which is sometimes called the New World, was first discovered and settled by the Europeans. For a long time there were but a people, and they were poor. They have now become quite numerous; their commerce is very extensive; and they think that if your imperial majesty were so far to change the ancient laws as to allow a free trade between the two countries it would be extremely beneficial to both.

If your imperial majesty is not satisfied that it would be safe altogether to abrogate the ancient laws which forbid foreign trade, they might be suspended for five or ten years, so as to try the experiment. If it does not prove as beneficial as was hoped, the ancient laws can be restored. The United States often limit their treaties with foreign States to a few years, and then renew them or not, as they please. (2019, pp. 311-312)

Note that Perry realized that “the propositions contained in the President’s letter were of such

importance as to require time for deliberation, overturning, as they would, if acceded to, many of the fundamental laws of the Empire, the Commodore deemed it advisable not to wait for a reply” (2019, p. 327).

The creation of time-capacity is part of a dialog of material argument. Perry did not demand an immediate response. Rather, he ‘gamed’ the actions of his fleet, to withdraw for refueling. Perry (2019)

had not provisions or water sufficient to allow of his remaining on the coast more than a month longer, and he well knew that the Japanese authorities could easily, and with every apparent show of reason, defer any satisfactory reply to a period beyond the time when it would be absolutely necessary for him to leave. They would be prepared, as an excuse for delay, to allege the necessity of calling together and conferring with the princes of the Empire, as also of consulting the Dairi or Ecclesiastical Emperor, and thus the Commodore might be put off from day to day, and ultimately be obliged to sail without any satisfaction whatever. Such a result would have been construed into a triumph by the Japanese, and would have caused, as the Commodore believed, a serious injury to the success of his mission. (p. 327)

Moreover, Perry was glad to have a good excuse for waiting until the ensuing spring for the final answer from the Japanese government because he knew that some of his ships were required to protect American interests on the coast of China. Consequently,

The Commodore preferred, then, to wait until the ensuing spring, when he would be able to concentrate his whole force, and he prepared with store and coal vessels, and all other conveniences for remaining an indefinite time to secure whatever concessions the Japanese should be disposed to make. His policy, though in conformity with the exigencies of his position, was at the same time a courteous concession to the deliberate ceremoniousness of Japanese diplomacy; and was crowned by the happiest result. (2019, p. 328)

In essence, there are a number of results to be outlined of Perry's initial (1852) visit to Japan (Perry 2019, pp. 329-330). First is the release of the American squadron from the perpetual presence of the Japanese guard-boats, which had always hitherto surrounded foreign ships, and placed them, as it were, under arrest during their visits. In addition, the accomplishment of the Commodore's predetermined intention to confer with no one but a dignitary of the highest rank in the Empire, and to obtain a reception of diplomatic courtesy recognized by American institutions. Additionally, the letters nested deliberation in a warm proposal to a joint "experiment", time situations deliberation in a duration in which ripeness for decision matures. Distancing is a dialogical strategy, not often acknowledged by philosophical approaches. Perry could have asked for fresh supplies from facilities at hand in Edo. Rather than show a sign of weakness and create dependency, he sailed out of view, leaving his partners to think through the single proposal at hand.

#### 4. NEGOTIATION

The final dimension of our ethnography is *negotiation* about what specific programs of relations can be created and contracted to advance mutually national interests (Suzuki & Foreman-Takano 2004). Negotiations take place in 1853. Negotiations take on a personal, material side with the exchange of gifts and cultural observations and performance (ambiguously construed). Negotiations also take place over legal and geographical particulars of immediate and long term purposes set in the language of a treaty (ambivalently conceded). Regarding the final framework, Perry explained how each party acted (See Ch 19, 20, 21, 22, 23 & 24). In the end, such a process leads to complicated acts of transformation, making international agreement, and forming consensus about the protocols of relationships.

The squadron sailed into waters leading to Edo February 13, 1854. Negotiations began on land March 8, 1854 and extended for 3 weeks. The exchanges of culture and material gifts were set up near a village. Onlookers were attracted, as were ship members to the village and local country side. The ship interpreter, for example, comments on the cultural negotiations that underwrote the nest of good will which guided objections and additions to the treaty. Japan

officials had moved from 'diffidence' to a cautious construction on the side of formal relations. Success in the technical realm fed curiosity and good feelings generated by the energizing moments of exchange.

On March 8, 1853, Perry "made every preparation to distinguish the occasion of his second landing in Japan by all necessary parade, knowing, as he did, the importance and moral influence of such show upon so ceremonious and artificial a people as the Japanese" (2019, p. 410). During the meeting with the Japanese representatives, Perry (2019) received a first reply letter with the following content:

It is quite impossible to give satisfactory answers at once to all the proposals of your government, as it is most positively forbidden by the laws of our Imperial ancestors; but for us to continue attached laws, seems to misunderstand the spirit of the age; however, we are governed now by imperative necessity.

At the visit of your excellency last year to this Empire, his Majesty the former Emperor [12<sup>th</sup> Shogun Ieyoshi] was sick, and is now dead. Subsequently, his Majesty the present Emperor [13<sup>th</sup> Shogun Iesada] ascended the throne; the many occupations in consequence thereof are not yet finished, and there is no time to settle other business thoroughly. Moreover, his Majesty the new Emperor, at the succession to the throne, promised to the princes and high officers of the Empire to observe the laws. It is therefore evident that he cannot now bring about any alteration in the ancient laws.

[...] However, we admit the urgency of, and shall entirely comply with, the proposals of your government concerning coal, wood, water, provisions, and the saving of ships and their crews in distress. After being informed which harbor your excellency selects, that harbor shall be prepared, which preparation it is estimated will take about five years. Meanwhile a commencement can be made with the coal at Nangasaki (sic) by the next Japanese first month, (Siogoots,) (16<sup>th</sup> of February, 1855)

After receiving the letter, Perry (2019) remarked that "it would be better for the two nations that a treaty similar to the one between the United

States and China should be made. He had been sent, he continued, by his government to make a treaty, and if he did not succeed, the United States would probably send more ships to make one; but he hoped that everything would be soon settled in an amicable manner, and that he would be enabled to send two of his ships, as he desired, to prevent others from coming" (p. 417).

The four "black warships" had left an impression. The power of a modern naval squadron that had sailed the Pacific Ocean was something to behold. The second meeting, Perry came ashore. The formality of spectacle rendered the appearance of "gravity and dignity" two values where the virtues of a dynasty and a republic converge.

The meeting of dignitaries featured and exchange of gifts. "Conferences were held at the little village of Yokohama, where gifts were exchanged: lacquers and bronzes, porcelain and brocades, for a set of telegraph instruments, a quarter-size steam locomotive complete with track and cars, Audubon's Birds and Quadrupeds of America, an assortment of farming implements and firearms, a barrel of whiskey, and several cases of Champaign" (Morrison, Commanger, Leuchtenberg, 1980, p. 575). Diplomatic arguments are not reducible to words or timing; rather, the act of exchange between cultures remains quite meaningful. In this exchange, Japan offers objects of beauty, value, and aesthetic quality—the product of a sophisticated arts, a key feature of cultures deemed to be civilized, if not "advanced." The American officers offer the gifts of modernity in a broad range signaling optics, transportation, machinery, naturalism—everything but finance and management.

The movement of ships, the rituals of initial encounter, the sharing of Presidential letters were important in initial encounter. In the second visit, an event of exchange was built and a space for deliberation open. Treaty negotiations could begin. Perry asked for 4 times as much access to ports as he did initially. The expression of confidence set up the Commodore in an advantageous bargaining position.

The American gift sight included the mini-railroad line and the telegraph wires. These were made operational and were popular, as were the treats of China culture to the Americans.

Indeed there was a curious mélange today, a junction of east and west, railroads and telegraph, boxers and

educated athletae, epaulettes and uniforms, shaven pates and night gowns, soldiers with muskets and drilling in close array, soldiers with petticoats, sandals, two swords and all in disorder, like a crowd—all these things, and many other things, exhibiting the difference between our civilization and usages and those of this secluded, pagan people." (Wells, 1910, p. 148)

The exchange of cultural gifts from a warehouse and supplies underwent days of presentation, eating, viewing, and performance. The attributed exoticism of cultural performance was matched against an appreciation (through walking farm lands and forests) that Japan was a highly cultivated society, judging from the farming of richness soils. The Commodore took advantage of his "toughness" tactics, too. Perry had expanded requests from one port to five, according to his interpreter. Still "friendly" talk was exchanged about details of space, time, and prospects of an extended relations.

The outside context drove Japanese flexibility, too. Already in 1842 it had muted its harsh ship wreck policy. The harsh realities of Opium sales and the drug wars inflicted on the Qing dynasty were known. Progressive elements persuaded the Shogun to sign the Treaty of Kanagawa (31 March 1854). The treaty of Kanagawa was a limited opening, but a bounded-peer basis of agreement between nations. The pressures on Japan were known by the US captain: "... it was Perry's proud boast that without firing a shot he had effected what European nations had failed to do by using force" (Morrison, Commanger, Leuchtenberg, 1980, p. 575). "Cushing's Chinese treaty and Perry's Japan Expedition were far more significant than their immediate results. They mark the beginning of an active role for the United States in East Asia" (Morrison, Commanger, & Leuchtenberg, 1980, p. 576). From a Japan standpoint, this agreement opened the pathway to the Meiji era restoration where Japan pursued its own, unique pathways into modernization and creating a global presence.

In this general context of "game" strategic maneuvering, Commodore Perry's ideas about negotiations in the context of his second encounter are worth pursuing. What could be accomplished? How to negotiate not only the legal particulars of access but also what conditions would create future productive relations. Japanese people's "inordinate curiosity"



appears to be key to his complex self-negotiated vision for future development and prosperity of Japan-US relations. In his journal, he observes a noticeable quality of people, drawn from his immediate encounters:

The Japanese always evinced an inordinate curiosity, for the gratification of which the various articles of strange fabric, and the pieces of mechanism, of ingenious and novel invention, brought from the United States, gave them a full opportunity. They were not satisfied with the minutest examination of all these things, so surprisingly wonderful as they appeared to them, but followed the officers and men about the seized upon every occasion to examine each part of their dress. [...]

At the same time, Perry (2019) noticed that the Japanese people were shy and hesitant to show their own cultural aspects to foreigners:

Notwithstanding the Japanese are so fond of indulging their curiosity, they are by no means communicative about themselves. They allege, as a reason for their provoking reserve, that their laws forbid them to communicate to foreigners anything relating to their country and its institutions, habits, and customs. Their silence on the part of the Japanese was a serious obstacle to acquiring that minute information about a strange people of whom curiosity is toward a thorough knowledge of Japan, until some of our men of intelligence are established in the country in the character of consular agents, merchants, or missionaries, who may thus be enabled to acquire the language and mingle in intimate social relations with the people. (p. 430)

The contradiction of open and closed qualities appeared duplicated in his formal negotiations. After several interactions, including the exchange of letters, with the Japanese representative, on March 28<sup>th</sup>, 1854. The bargain embedded complicated mix of affordances and hesitations, at the same time agreeing and disagreeing on port access,

the Commodore landed to have a conference in regard to the three ports [to

be opened to the United States], and directed his interpreter to read it in Dutch. When the document had been thus read and afterwards carefully perused by the Japanese, they stated that they were prepared to concur in everything except *as to the immediate opening* of Shimoda. After discussion, it was finally settled that thought the port might be opened, the Japanese would address a note to the Commodore, stating that everything which might be wanting by ships could not be furnished there before the expiration of ten months, but that wood and water, and whatever else the place possessed would be supplied immediately; and to this note the Commander promised to reply, and express his satisfaction with such an arrangement. (2019, pp. 449-450)

The deliberative nest assembled in cross-anticipations constitute a careful, mix designed to be strong on caution while at the same time meeting goals of cooperation. Perry observes this deliberative work. He isolates a number of important points in the treaty between the United States and Japan. Perry (2019) notes:

it is to be remarked first, that is evidently implies, in its language and proper construction, future and more charged regulations as to commerce. Thus, in article VI, it is declared: "If there be any other sort of good wanted, or any business which shall require to be arranged, there shall be careful deliberation between the parties in order to settle such matters." [...] This, it must be remembered, was the first formal treaty they ever made on the subject of foreign trade, at least since the expulsion of the Portuguese, and they evidently meant to proceed cautiously by single steps. Again, in article VII, the word "*temporarily*" is used, inserted by them, and meant to imply some future action toward a more concrete commercial arrangement or treaty, for which, at the present, they were not prepared. They meant, therefore, their action to be initiative only now, but contemplating, prospectively, a more enlarged commercial intercourse. (p. 459)

In addition to the future implication of the treaty, Perry (2019) argues that there "is observable

throughout, the predominating influence of the national prejudice against the permanent introduction of foreigners among them”:

The word “reside” is but once used in the whole treaty, and that in the eleventh article relative to consuls. The details of conferences, already given, show how anxiously they sought to avoid having consuls at all. Indeed, Commodore Perry says, “I could only induce the commissioners to argue to this article, by endeavoring to convince them that it would save the Japanese government much trouble, if an American agent were to *reside* at one or both of the ports opened by the treaty, to whom complaints might be made of any mal-practice of the United States’ citizens who might visit the Japanese dominions.” They wanted no *permanent* foreign residents among them, official or unofficial. (p. 459)

In the final analysis, Perry (2019) believed that “all, and indeed, more than all, that under the circumstances, could reasonably have been expected, has been accomplished.” He concluded with an optimistic view on the future negotiation with Japan:

Japan has been opened to the nations of the west, and it is not to be believed, that having once effected an entrance, the enlightened powers that have made treaties with her will *go backward*, and, by any indiscretion, lose what, after so many unavailing efforts for centuries, has at last been happily attained. It belongs to these nations to show Japan that her interests will be promoted by communication with them; and, as prejudice gradually vanishes, we may hope to see the future negotiation of commercial treaties, more and more liberal, for the benefit, not of ourselves only, but of all the maritime powers of Empire, for the advancement of Japan, and for the upward progress of our common humanity. (pp. 461-462)

The treaty itself outlined restricted agreements to solve problems of recovery and repair and so sailor safety and ship refueling did increase, as did trade. To negotiate as peers is a unique strategy for the times. Perry thinks the attitude of ethnic isolation will gradually disappear and in

some cases he is right, as Japan as contributed cosmopolitan diplomacy to the contemporary world. However, reluctance to accept foreigners and suspicion of outsiders remained part of the deliberative nest, a branch of thought weakening the deliberative space developed through this first encounter. Argument ambiguity was a necessary part of “caution” in signing a treaty. Argument ambivalence about strangers was a difference maintained by the treaty’s reluctant concessions. The nested ambivalence signaled a nationalist commitment that would stress and break the friendship among nations in the greater pacific war.

## 5. CONCLUSION: ARGUMENT, ETHNOGRAPHY, AND NESTED DELIBERATION

The histories of legacy shaping events are filled with arguments that are handed down through the century. This paper develops a way of examining the ways arguments are made through encounter. The initial conditions of confrontation and disagreement are studied, the position of information among those working to create an exchange or communicate are examined, the dialogical time and space to accommodate deliberation are isolated and finally the cultural, material and political terms of negotiation are examined. We found in the case of the opening of Japan, difference played a role in each place of argumentation. The mutual choice to start cautiously and to create a unique legacy of mutual regard and seriousness was a unique feature, not characterizing European or China-oriented US policy efforts. Iokibe and Minohara (2017) point out:

The Bakufu’s chief negotiator, scholar-diplomat Hayashi Fukusai, and a number of other Bakufu officials accepted Perry’s request to shelter American castaways since it was a purely humanitarian issue. Hayashi wisely suggested that because the issue of trade relations was less pressing it should be discussed in depth at a later date. Perry concurred, and on March 31, 1854, a 12-article treaty entitled the Treaty of Peace and Amity between the United States and the Empire of Japan (Nichibeiwashin jōyaku) was drafted. This treaty, known more commonly as the Treaty of Kanagawa, marked the official

beginning of relations between the US and Japan.

The Treaty was later reviewed and the Meiji relations continued to develop international relations, even with the stresses contained in the negotiation remained built in ambivalence to Japan's national and international roles, as well as American inconsistency between human rights and trade profits. The ethnographic study of nested deliberations offers an addition to analyses of peace and the argumentative relations among nations. Argumentation studies needs address further the nested deliberative spaces that define the relations among nations over time. Such ethnographic inquiries will contribute to understanding the "georhetorics" of our day (Goodnight and Hingstman, 2019).

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