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The Hiroshima and Nagasaki Atomic Bombs: A Crossroads Between Ethics, Law and the Ambition of Victory

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ABSTRACT

The atomic bombings of Hiroshima and Nagasaki (1945) remain pivotal to debates on warfare ethics and international humanitarian law (IHL). Despite extensive historical analysis, gaps persist in reconciling these events with contemporary IHL frameworks and emerging technologies. This study evaluates the bombings' compliance with IHL principles—distinction, proportionality, and prohibition of unnecessary suffering—and explores their relevance to modern conflict. A qualitative-descriptive, juridical-normative approach analyzes legal documents, historical archives, and *hibakusha* testimonies. The bombings violated core IHL principles, causing indiscriminate civilian harm (70,000–140,000 deaths) and prolonged suffering (radiation effects, *hibakusha* accounts). Legal justifications based on "military necessity" fail under proportionality tests. The study underscores the urgency of adapting IHL to address autonomous weapons and cyber warfare, while reinforcing nuclear disarmament efforts. It calls for policy reforms to prioritize civilian protection in 21st-century warfare.

Keywords: humanitarian law, atomic bomb, Hiroshima-Nagasaki.

INTRODUCTION

World War II was a global conflict that claimed tens of millions of lives and recorded a dark history in the form of a humanitarian tragedy that is not easily forgotten (Rhodes, 1986). The war, which penetrated the European, African, Mediterranean, Balkan, and Pacific fronts, reached its climax with the use of weapons that had never been used in the history of previous wars, namely the atomic bomb. On August 6, 1945, *the Little Boy* bomb was dropped on Hiroshima, and three days later, on August 9, 1945, the *Fat Man* bomb devastated Nagasaki.

This controversial decision to use weapons of mass destruction, taken by U.S. President Harry S. Truman, on the advice of his military advisers such as Secretary of War Henry Stimson and General Leslie Groves as director of the Manhattan Project not only ended the war with Japan but also opened the nuclear era with profound consequences (Schell, 1982).

The U.S. strategic context at the time reflected a combination of ambition to end the war as quickly as possible and with minimal losses to Allied forces, as well as broader geopolitical considerations related to the Soviet Union (Sherwin, 2003). The Allies, after fighting hard in various theaters of war, faced the prospect of a land invasion of Japan, which was expected to cost many casualties on both sides. The atomic bomb was considered a way to force Japan to surrender without having to carry out the bloody invasion (Alperovitz, 1995).

However, the use of the atomic bomb in Hiroshima and Nagasaki is inseparable from the complex ethical and legal debates. This action is inherently contrary to the basic principles of humanitarian law, a legal framework designed to minimize human suffering in armed conflict (Pictet, 1967). The purpose of this essay is to analyze the use of the atomic bomb from a humanitarian law perspective, exploring how the ambition of victory collides with the moral and legal imperatives to protect civilians and avoid unnecessary suffering.

This study aims to critically analyze the use of atomic bombs in Hiroshima and Nagasaki through the perspective of international humanitarian law. The main emphasis is placed on

three fundamental principles in humanitarian law, namely the principle of distinction, the principle of proportionality, and the prohibition of unnecessary suffering. With this approach, this study wants to show that military action, even in extreme war situations, must still be within the legal and moral limits agreed upon by the international community.

Theoretically, this research is expected to enrich academic studies in the field of international humanitarian law, especially related to the application of legal norms in the context of the use of weapons of mass destruction. Practically, the results of this research can be a material for reflection and learning for the Indonesian military, especially the TNI, in formulating military policies and strategies that are oriented towards respect for the laws of war. This research is also expected to increase public and policy-making awareness of the importance of ethics and law in determining military actions, especially in modern armed conflicts that are increasingly complex.

This research advances existing scholarship by conducting a systematic juridical-normative analysis of the Hiroshima and Nagasaki bombings, bridging historical precedent with contemporary humanitarian law debates on modern warfare technologies. Unlike prior studies (e.g., Dinstein 2016; Sassòli 2019) that focused on violations of distinction, proportionality, and unnecessary suffering, this work uniquely integrates survivor testimonies (*hibakusha*) with legal analysis to highlight the human cost of humanitarian law violations (Lifton 1991; Hersey 1946), critically reevaluates the "military necessity" justification by contrasting 1945 decision-making with modern legal standards (Alperovitz 1995; Protocol I, 1977), and proposes forward-looking regulatory frameworks for emerging technologies like autonomous weapons and cyber warfare, drawing lessons from nuclear atrocities (ICRC, 2005; Wellerstein, 2021). This approach not only deepens the historical-legal understanding of these events but also informs current efforts to adapt humanitarian law to 21st-century warfare challenges.

RESEARCH METHODS

This study uses a qualitative-descriptive method with a juridical-normative approach to analyze the events of the Hiroshima and Nagasaki bombings within the framework of international humanitarian law. Data were obtained through literature studies of secondary sources such as the Geneva Convention documents and their supplementary protocols, international legal literature, historical archives, and survivors' testimonies (hibakusha). In addition, a normative analysis of the main principles of humanitarian law, namely the principles of discrimination, proportionality, and the prohibition of unnecessary suffering, was conducted in order to evaluate whether the use of the atomic bomb by the United States violated the provisions of international law and ethical norms.

RESULTS AND DISCUSSION

Principle of Distinction: Distinguishing Combatants and Non-Combatants

The principle of distinction is the foundation of humanitarian law. This principle requires the parties to the conflict to at all times distinguish between combatants (members of the armed forces) and non-combatants (civilians), as well as between military objects and civilian objects (ICRC, 2005). Attacks should only be directed at legitimate military targets, and precautions should be taken to minimize civilian losses (Dinstein, 2016). Additional Protocol I to the Geneva Conventions explicitly prohibits attacks that cannot distinguish between military and civilian targets (*Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Article 48*, 2020).

Violations of the principle of discrimination occur when intentional or indiscriminate attacks are directed at civilians or civilian objects. Attacks that cannot distinguish between

military and civilian targets are considered unlawful (Sassòli, 2019). Humanitarian law requires parties to the conflict to take all appropriate measures to verify that the target to be attacked is a military target, and to cancel or postpone an attack if it is clear that the target is not a military target or that the attack would violate the principle of proportionality (ICRC, 2005).

The bombings of Hiroshima and Nagasaki raised serious questions about the fulfillment of the principle of distinction. Although both cities have military facilities, such as ammunition factories and military bases (Servant, 1991), they are also densely populated civilian populations. The use of atomic bombs, with their explosive power and large radius of destruction, effectively eliminated the ability to distinguish between military and civilian targets. The immediate and long-term effects of radiation, fire, and total destruction are causing indistinguishable suffering and death on an unprecedented scale (Lifton, 1991).

According to estimates, in Hiroshima, about 70,000 to 80,000 people died instantly, and the number increased to 140,000 by the end of 1945 due to the effects of radiation and injuries (Rezelman & others, 1946). In Nagasaki, about 40,000 to 75,000 people were killed in the first few months after the bombing (Wellerstein, 2021). Most of these victims were civilians who were not involved in military operations. This action clearly violates the fundamental principle of distinction in humanitarian law.

The Principle of Proportionality to Balance Military Gain and Civilian Loss

The principle of proportionality prohibits attacks that are expected to cause excessive civilian losses compared to the anticipated direct and concrete military gains (ICRC, 2005). This means that even if a legitimate military target is attacked, the resulting civilian losses should not be too great compared to the military value of the target. Additional Protocol I to the Geneva Conventions stipulates that "attacks that are expected to cause loss of civilian life, injury to civilians, damage to civilian objects, or a combination of both, which are excessive compared to the anticipated direct and concrete military gains, shall be prohibited" (*Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Article 51(5)(b)*, 2020).

In the context of Hiroshima and Nagasaki, the argument is often put forward that the bombing was necessary to avoid a ground invasion that would have caused more casualties, both on the Allied and Japanese sides (Hosted by, 2009). However, the principle of proportionality requires careful consideration of whether the expected military gain (hastening the end of the war) is proportional to the enormous civilian losses incurred. Experts in international law, such as Professor Yoram Dinstein, have argued that the use of the atomic bomb exceeds the limits of proportionality due to its vast and uncontrollable destructive impact (Dinstein, 2007).

Careful analysis shows that the use of atomic bombs in Hiroshima and Nagasaki was a disproportionate act. The immediate and long-term effects of radiation, fire, and total destruction cause suffering and death that is not commensurate with the military value of the target. The decision to use such weapons exceeds the acceptable limits in armed conflict and constitutes a serious violation of humanitarian law. The expected military gains, i.e., forcing Japan to surrender, could not justify the widespread destruction and countless suffering inflicted on the civilian population.

Prohibition of Causing Unnecessary Suffering

This principle prohibits the use of weapons and tactics that cause unnecessary or excessive suffering to combatants and non-combatants (ICRC, 2005). The goal of this principle is to minimize atrocities and suffering in war, even when violence is inevitable. The 1907 Hague Convention explicitly prohibits the use of weapons "designed to cause unnecessary suffering" (*Hague Convention IV respecting the Laws and Customs of War on Land, 1907, Article 23(e)*, 2020).

The atomic bomb, with its prolonged radiation properties and its devastating combustion effect, violates the principle of prohibition of causing unnecessary suffering. Victims not only suffered instant death from explosions and heat, but also suffered horrific burns, radiation sickness, and psychological trauma that lasted a lifetime (Hersey, 1946). The long-term impact of radiation leads to an increase in cases of cancer, birth defects, and various other health problems.

The survivors of Hiroshima and Nagasaki (known as *hibakusha*) have given horrific testimony to the suffering they endured. The incurable wounds, prolonged illness, and social stigma experienced by the victims suggest that the use of the atomic bomb caused suffering far beyond what is acceptable in war (Yamazaki & Fleming, 1981). Medical studies have documented the long-term effects of radiation on survivors, including an increased risk of leukemia and other cancers (Shimizu & others, 1990).

The ambition to win war, while understandable in the context of World War II, cannot justify a violation of the basic principles of humanitarian law. The use of atomic bombs in Hiroshima and Nagasaki shows how the ambition of victory can trump ethical and legal considerations, resulting in an indelible humanitarian tragedy (Orend, 2006). The suffering experienced by the victims, both direct and long-term, is tangible evidence of a violation of these principles.

CONCLUSION

The atomic bombings of Hiroshima and Nagasaki, widely condemned under humanitarian law for violating principles of distinction, proportionality, and the prohibition of unnecessary suffering, underscore the enduring need to regulate warfare and protect civilians. These tragedies highlight the dangers of justifying mass civilian casualties for strategic ends, reinforcing the continued relevance of humanitarian law in limiting wartime atrocities. Moving forward, research should explore how these legal and ethical frameworks apply to emerging technologies—such as autonomous weapons, cyber warfare, hypersonic missiles, and modernized nuclear arsenals—to prevent future humanitarian catastrophes. By learning from history and adapting legal norms to new threats, the international community can strengthen efforts toward disarmament, conflict prevention, and the preservation of human dignity in war.

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