"Nobody	is	above	the	law."
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This is how Karim Khan, the prosecutor of the International Criminal Court, on Monday explained his application for arrest warrants for Israeli Prime Minister Benjamin Netanyahu, his defense minister and several top Hamas leaders.

The ICC's decision to accuse Netanyahu, Hamas leader Yahya Sinwar and others of war crimes and crimes against humanity created global shockwaves – and caused uproar in the internal politics of Israel and its close ally, the United States.

It is unlikely that anyone named will go on trial anytime soon. Neither Israel nor the United States recognizes the jurisdiction of the ICC, although the court says Gaza falls within its writ after Palestinian leaders formally agreed to be bound by the court's founding principles in 2015. There is also no clear way to extricate Sinwar from Gaza to face justice.

Hamas' October 7 attacks in Israel killed 1,200 people and took around 240 hostage. Israel's subsequent campaign in Gaza has killed tens of thousands of people and spread hunger across the enclave, as it tries to eradicate the terror group. Supporters of Khan's move on Monday would argue that the victims on both sides – many of them civilians – deserve some kind of justice. But the great power politics that have long hampered the ICC are already threatening to make its latest attempt to take action as impossible to implement as its previous arrest warrants against Russian President Vladimir Putin over his invasion of Ukraine.

The United States has long opposed the ICC because of the possibility that it could prosecute Americans. Like Russia and China, it does not recognize the jurisdiction of the court, blunting its effectiveness. Yet again, we saw the contradictions exposed when the US bemoans Israel's failure to do more to protect civilians – but balks at serious attempts to make those responsible pay a legal price.

US President Joe Biden called Khan's request for arrest warrants "outrageous" and said "whatever this prosecutor might imply, there is no equivalence — none between Israel and Hamas." Republicans are already warning of sanctions against the court. "The ICC has no authority over Israel or the United States, and today's baseless and illegitimate decision should face global condemnation," House Speaker Mike Johnson said. "International bureaucrats cannot be allowed to use lawfare to usurp the authority of democratic nations that maintain the rule of law." Biden has been at odds with Netanyahu recently over the prime minister's unwillingness to take US advice to roll back his plan for an even bigger incursion into the southern Gaza city of Rafah. While his defense of Israel on Monday might ease some of the criticism to his right, the politics of Monday's developments are horrible for the president. Every time Biden defends Netanyahu, he gets in trouble again with the progressive and younger voters who are irate about the terrible civilian toll in Gaza and whose indifference to Biden threatens his hopes in November's election.

And the US' defense of what many see as Israel's disproportionate response to the horror of Hamas' original terrorist crime will only increase cynicism, even among its friends, the next time Washington raises human rights and the global rule of law.