DEMOCRACY AND SOCIETY 16.03.2021 | Christoph Heuser

Lula is back

After the Supreme Court annulled his corruption convictions, Brazil could now see a showdown between Lula and Bolsonaro in the 2022 elections

In the middle of Brazil's massive Covid-19 crisis, the Supreme Court took everyone by surprise when it annulled four judgements against the former president Lula da Silva last Monday. That includes the judgment for which Lula had been sitting in prison for a year and a half — and, as a result, he has had his political rights reinstated. The decision is nothing less than political earthquake with far-reaching consequences.

It's easy to imagine that Brazil would be a different country if the President of the biggest Latin American country would be Luiz Inácio Lula da Silva and not Jair Bolsonaro. Lula had been the candidate with the best prospects for the 2018 presidential election, until he was prevented from running by convictions of alleged corruption.

Very quickly, however, there were clear indications that the judgements against Lula had not been made legitimately. The procedures are full of irregularities and mistakes. After hacked Telegram messages revealed agreements between the public prosecution and the judge Sergio Moro, the allegations of bias grew louder. By that time, Moro had become Minister of Justice in Bolsonaro's cabinet.

The current ruling recognises a procedural mistake: at that time, the court did not have jurisdiction. The Supreme Court is only now acting on a petition that Lula's defence counsel had filed back in 2016. The more important decision about Moro's bias and the question of whether the judge's and public prosecutors' actions were politically motivated was, however, deferred. As things stand, Lula could theoretically be charged again with the evidence that has been presented hitherto by the competent court in Brasília. Some at the Supreme Court already voiced their intention to reopen the discussion on the decision. In any case, however, the luminary of the Brazilian Left is back.

The big showdown in 2022?

It's still a long way until the presidential election in October 2022. But many already speculate about the big showdown between Lula and Bolsonaro. According to current polling, Lula has the biggest electoral potential, even if Bolsonaro's polling results are relatively high so far. The polarisation in such a scenario would be enormous. Lula and Bolsonaro are at opposite ends of the Brazilian political spectrum.

In his first speech last Wednesday, Lula adopted a statesmanlike and reconciliatory tone – even though he levelled sharp criticism at the current government. Lula would be fully justified in being furious on four counts: about one-sided media reporting by the highly concentrated media landscape in Brazil, which, instead of thorough research, spread the myth of the corrupt former president and his party; about a justice system, which, despite all the evidence presented, has taken years to publicly recognise the procedural mistakes and to discuss the bias of the judge; at conservative parties that went along with the movement against the Workers' Party and supported Bolsonaro; and at his politics, which has led to a disaster in the areas of health and the environment, to a dismantling of the welfare system, to a departure from multilateralism and to an erosion of democracy. The list could go on and on.

All things considered, Bolsonaro is still doing well.

The Workers' Party and Lula became a symbol for everything wrong with Brazil – despite its obvious successes in welfare and economic policy, which lifted millions out of poverty; its anti-racism politics; improvements in the health system and education; and even though Brazil has become a respected partner on the world stage during his tenure.

However, structural inequality only diminished slowly despite the economically strong years with rising incomes, a reduction in poverty and an improvement in the Gini index. As many Brazilians slipped back again economically and corruption scandals shook the political elite in the years of the recession from 2014, the Workers' Party was branded as the scapegoat. The extreme polarisation that emerged still permeates Brazilian society to this very day.

Not everyone hates Bolsonaro

Lula's speech shows that he will openly criticise the politics of the Bolsonaro government. But he also presented himself as being open for discussions outside his own camp and as someone who wants to unify the

country. That also became clear from his straight talking to the economic, military and conservative powers in the country. Whether he will succeed is another matter. Admittedly Lula is by far the most promising challenger to Bolsonaro. At the same time, a large part of the population rejects him. A first step would be to unify the left and progressive forces.

In any case, it's clear that, with the judgement, the political landscape has changed significantly. That also concerns Jair Bolsonaro's chances of being re-elected. It is easy for him to mobilise his supporters against Lula and to start an ideological and dirty form of trench warfare. The aforementioned anti-Workers' Party atmosphere accounted for a considerable share of the Bolsonaro vote. In addition, in the current situation, using the old bogeyman image is a welcome distraction for Bolsonaro. That's because the effects of the coronavirus crisis are clearly disastrous: 270,000 coronavirus deaths in a situation where numbers are rising markedly, a sluggish and chaotic vaccine campaign, environmental destruction at record levels, with unemployment being officially at over 14 per cent and increasing poverty. Internationally, the country has become a pariah and has now, with Trump, lost its most important allies.

All things considered, Bolsonaro is still doing well. Even if 60 per cent of the population reject hi, as good as 35 per cent see his government's work in a positive light. He is being carried along by radical supporters, parts of the military and by coronavirus aid payments in particular , which were initially paid until December and are now being introduced again on a smaller scale. Last year over 60 million people benefitted from them. However, most people don't know that the high payments were introduced last year because of pressure from the opposition .

Bolsonaro can now paint a false picture of Lula as a communist bogeyman who poses a threat to the economy despite the fact that, during the years when Lula governed, Brazil rose to become the sixth biggest economy on the planet. The reaction on the stock market seemed to initially support Bolsonaro's strategy as the Brazilian index fell by four per cent on the day that the ruling was announced. But it may be that the stock exchange was also reacting to the impending polarisation of the country.

The reinstatement of Lula's political rights has put the cat among the pigeons.

Many people already fear a confrontation similar to 2018. But quite a lot has changed since then. Bolsonaro has lost support and, in the meantime, has based his power on opportunistic parties in the parliament. The latest local elections have shown that the

limitations of this approach. Bolsonaro has to rely on coalitions and, since his last exit from a party, has not managed to found a party of his own. Above all, last week has shown that Lula is managing to dictate the public debate and to put Bolsonaro on the backfoot.

The future of the Brazilian Left

There is already a lot of attention on the 2022 elections. First of all, a common programme as well as structured opposition will be crucial for the Left in the coming months. After having his political rights reinstated, Lula can play a supporting role. Even if there was sporadic criticism of Lula, it is a good sign for the Left that representatives of other progressive parties, trade unions and grassroots movements stood together on the stage with Lula. Instead of relying on confrontation, the Left's strategy could look like the one that Joe Biden pursued: reconciliation, reconstruction and a clear line against a right-wing populist government.

The military are an important variable here. It has never had so much power in Brazilian democracy, not even during the time of the military dictatorship. Over 6,000 jobs in the public administration are held by military personnel. In the cabinet, nine of 23 ministers are military personnel and hold down key ministerial posts. In addition, in the meantime, more than a third of state enterprises are run by military personnel, including the oil company Petrobras.

Now we're not in any way talking about an ideologically monolithic bloc among the military. There are also people voicing criticism of the government. But everyone should remain on high alert, in particular to thinly veiled threats, such as social media posts by the influential General Villas Bôas, who practically threatened a military coup in 2018 if Lula were not condemned. In a recently published book, he noted that this was a targeted provocation that had been discussed with actively serving generals to push for Lula to be convicted.

In the short period of the Bolsonaro government, the borders between military and civil government have become blurry. Likewise, Bolsonaro himself has never made a secret of his contempt for democracy and his admiration for the military dictatorship. Recently, he has also once again relaxed laws about owning weapons in a country in which militias, which are made up of former or active policemen among others, have *de facto* control over large parts of Rio.

The reinstatement of Lula's political rights has put the cat among the pigeons. Lula's appearance and presence have shown his enormous political power. He will try to act as a unifying force within the Left but also to sound out potential cooperation with the conservatives. Leading personalities from the left parties PSOL and PCdoB have already shown themselves to be on Lula's side. Mobilising one's own members, mobilising the base and get back in touch with those who have voted for the Left in the past will be crucial. However, for that to succed direct contact is essential — and that is not possible for the time being.

That's because — as significant as the annulment of the judgement against Lula may be for the political situation — the most important issue continues to be the coronavirus, which is totally out of control. The numbers are going up and up. With over 2,000 deaths per day and overcrowded hospitals, Brazil is in the most dramatic phase of the pandemic and the situation will get worse in the coming days and weeks. .As good as last week's news for democracy was, Brazil continues to face a major crisis.



Christoph Heuser
Seoul

Christoph Heuser heads the Friedrich-Ebert-Stiftung's (FES) office in South Korea. Previously, he headed the FES office in Brazil.