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## **Fumbled meritocracy: improving Spanish civil service recruitment**

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### **Introduction**

Spain's *oposiciones* fail to give aspiring civil servants equal opportunity of employment and threaten to rob Spanish public administration of the high-performing, motivated staff that it needs. Given the challenges of unemployment and political corruption that the country faces, this is alarming. The Spanish constitution holds that civil servant hiring is to be guided by merit, aptitude, and equality. So far, so good. The current system relies on exams called *oposiciones* to fill positions in central, regional, and local government. While no one doubts the good intentions of the *oposiciones* in avoiding favoritism, they inadequately promote meritocracy. They frequently do not test for important personal characteristics in candidates, they constitute a waste of time, and they do not ensure equality of opportunity. This briefing proposes reforms that would make the *oposiciones* fairer and more scientific, drawing inspiration from the UK and France.

## Memory games

A core criticism is that the *oposiciones* force candidates to memorize massive amounts of information, such as sections of the legal code. This not only favors those who have a strong such ability, but leads the analytically-minded to focus on memorization instead. The risk is that sharp analysts are shut out, to the obvious detriment of the civil service. Ever-increasing automation in the workplace emphasizes the need for analytical rigor rather than retention of facts and figures.

There are no major studies on the effectiveness of the *oposiciones* as a selection method with respect to successful candidates' work performance. This lack of favorable scientific evidence highlights how the *oposiciones* are seemingly kept because they have 'always been there.' Salgado et al (2007), suggests that the predictive effectiveness of the *oposiciones* is far below 0.45, as opposed to about 0.65 for psychometric intelligence tests. This coefficient measures the correlation between test scores and work performance, where 0 denotes no predictive validity at all and 1 is perfect predictive validity.

It must be noted that the *oposiciones* are not as heavy on memorizing dull technical texts as commonly believed. For IT positions, for instance, there are practical exams and some *oposiciones* employ psychotechnical tests. Nonetheless, they generally tend to cover topics that are peripheral, or unrelated, to the job description, including constitutional law and generic culture. The *oposiciones* can learn from the UK Civil Service Fast Stream, in which quick situational and behavioural questionnaires are done online and a half-day exam tests candidates' skills in leadership, analysis, and cooperation. Additionally, all Fast Stream tracks have consistently more varied test suites than the *oposiciones*.

The emphasis on learning enormous amounts of information highlights the Spanish system's failure to separate the selection process from the learning process. The Fast Stream stresses the potential for future development of skills and abilities, not the candidates' encyclopaedic knowledge at the time of the exam. Also, in Spain, there is no guarantee that fresh civil servants get any on-the-job education in their new roles, while that is the key purpose of the Fast Stream once candidates have passed the selection process. Studying for years for exams that frequently do not reflect the tasks one will be undertaking once employed appears bizarre compared to a few weeks of preparation followed by years of learning-while-working.

## A waste of time

While people in general cannot benefit from preparing for psychometric tests for more than a few weeks, it is common for *opositores* (candidates who sit the *oposiciones*) to study full-time for three years for some jobs, for others up to ten. This makes the *oposiciones* agonizingly inefficient, a burden on all of society.

Not only do candidates often confess to feeling separated from society, living in a 'bubble,' but the studies undertaken for the *oposiciones* are practically worthless should they not get a position in the civil service. Many competent Spaniards feel discouraged from investing several years in *oposiciones* that might not go their way, time that they could spend pursuing other careers.

In France, the opportunity cost of choosing the civil service is lower. Candidates can attempt the two-stage admission exams to the École Nationale D'administration (ENA) five times in total. Education at the ENA often takes two years, including demanding practical work placements. In total, tentative French civil servants study at the ENA and find high-level employment in less time than the average *opositor* spends studying before even taking the exams.

The high opportunity cost of *the oposiciones* also adversely affects the range of personalities represented in successful candidates. The structure of the *oposiciones* is likely to deter ambitious, high-achieving individuals who wish to make rapid progress. Those willing to spend years studying at home are probably more introvert and therefore dislike change, seeking predictability and stability. As a result, Spanish public administration risks losing independently-minded decision-makers in detriment to the entire nation.

Others argue that the time needed to study and pass the *oposiciones* should remain high such that only really motivated students attempt it. This would bring excellence to the public administration. However, in today's Spanish economy, it is probably the job security in the civil service that attracts people rather than a deep conviction to improve governance. Not only are civil servants less vulnerable to temporary contracts and dismal pay, they are also nearly impossible to fire. Being set for life in the Spanish labor market is no small prize. Unfortunately, these motivating factors do not guarantee that civil servants are suitable for the jobs.

## Equality mirage

The failure of the *oposiciones* to attract candidates that collectively represent all of Spain manifests itself not just in terms of psychological profiles, but also in economic terms. The *oposiciones* are detrimental to the equality of opportunity as few people can spend years studying full-time without a job. Only those with a certain level of economic means can successfully join the public administration, regardless of talent.

As mentioned, the *oposiciones* tend to attract the 'wrong' type of people, or at any rate, a narrow slice of the demography. Successful candidates tend to be young, childless recent graduates. They are commonly in their 20s and 30s, live with their parents, and depend financially upon them. Consequently, the path to becoming a civil servant is blocked for a vast number of potential candidates; parents, the middle-aged, and the poor, to name a few. Adopting a French or British system that features a short preparation period would counteract this inequality of opportunity.

Supporters of the *oposiciones* point to how they protect the candidates from arbitrariness and political influence in the recruitment process. This would line up with the Spanish constitution - if only it were true. In 2010, a candidate relying on a source inside the Court of Auditors correctly predicted 12 out of 14 *oposidores* who would secure a job before even sitting the exams, suggesting the committee had agreed who would pass beforehand. There is reason to assume that this remains common in many branches of the civil service, especially since the Supreme Court dismissed the case.

The *oposiciones* are evaluated by committees that often consist of senior employees of the government department in question. This opens the door to nepotism and bias in favor of the well-connected. Arbitrariness and rigging are particularly likely in the interview stage, where the examiners enjoy a particularly vital *discrecionalidad técnica*, essentially making its decision impossible to appeal. Also, there can be several committees hearing interviews in the same round of *oposiciones*, again encouraging arbitrariness.

To combat bias, a first step towards securing a fairer process would be to anonymize the exams. While inapplicable to interviews, it could lead to fairer assessments of written exams. An even better reform would be to let a dedicated entity handle the selection process, as outlined above and exemplified by the UK's Fast Stream and France's ENA.

## Conclusion

The notion that the *oposiciones* are all about memorizing dull legal or technical texts is exaggerated, but they should focus more on testing the intelligence of candidates, how they reason, and how well they can defend arguments in writing as well as orally. As an indication of a candidate's future work performance, the *oposiciones* are mediocre at best. By contrast, France and Great Britain serve as models for the selection and education of civil servants, characterized by quicker, fairer selection processes and learn-as-you-work approaches.

Importantly, the *oposiciones* fail in their endeavor to shield public administration recruitment from political pressure and undue influence. Candidates are virtually powerless to contest judgements they consider unfair and, although the system might look robust enough on the surface, there is plenty of opportunity for favoritism. For Spain to be true to its meritocratic ideal, reforms such as the anonymization of exams and independently run test centers must be implemented sooner rather than later.

As seen in developing countries, preaching more meritocratic public administrations is easy. Making sure that it is actually implemented, on the other hand, can be much harder. In present-day Spain, the resistance to reform is likely not related to a lack of capacity for reform but of collective awakening. If *opositores* protested the exams' inherent inefficiency and muddling of selection and learning as the obstacles that they actually are to their personal development, and the governance of Spain more widely, a better system would soon be in place.

## Notes:

For more on the merits of predicting work performance by measuring intelligence through psychometric tests, see for example Jesús F. Salgado, Department of Social Psychology, University of Santiago de Compostela: Salgado, J. F., Anderson, N., Moscoso, S., Bertua, C. and de Fruyt, F. (2003). International validity generalization of GMA and cognitive abilities: A European community meta-analysis. *Personnel Psychology*, 56, 573–605. Also, see work by John E. Hunter.

For more on the costs of the *oposiciones* system for the individual and society at large, see for example Pablo Ibáñez Colomo, Associate Professor of Law at the London School of Economics, and Jesús Fernández-Villaverde, Professor of Economics at the University of Pennsylvania: Fernández-Villaverde, Jesús, and Pablo Ibáñez Colomo,. "¿Como Mejorar El Sistema De Acceso A La Función Pública? (I)". *Nada Es Gratis*, 2012, <http://nadaesgratis.es/fernandez-villaverde/como-mejorar-el-sistema-de-acceso-a-la-funcion-publica-i>.

For more on inequality of opportunity, such as how the probability of approving the oposicion is more than 50% higher if the candidate is among the first on the roster, see Manuel Bagüés, professor at Aalto University in Finland: Bagüés, Manuel. "Las Oposiciones: Análisis Estadístico". *Revista De Jueces Para La Democracia*, vol 59, 2007, pp. pp. 25-36. <http://www.manuelbagues.com/articulo%20Revista%2059%20julio%202007.pdf>.

For more on the merits of merit-based civil servant hiring, particularly as a tool to reduce corruption, see for example Victor Lapuente and Carl Dahlström of the University of Gothenburg, and Jan Teorell, of Lund University: Dahlström, Carl et al. "The Merit Of Meritocratization". *Political Research Quarterly*, vol 65, no. 3, 2012, pp. 656-668. *SAGE Publications*, doi:10.1177/1065912911408109.

For more information on the 2010 corruption scoop in the *oposiciones* for positionas with the Court of Auditors, see articles from 2014 by José Antonio Hernández in El País: Hernández, José Antonio. "El Opositor Que Adivinó Ante Notario Doce De Los 14 Aprobados". *El País*, 2014, [http://politica.elpais.com/politica/2014/10/05/actualidad/1412532274\\_455564.html](http://politica.elpais.com/politica/2014/10/05/actualidad/1412532274_455564.html).