

Strategies in the Fight for Proper Race Representation: The Effect of the 2012 Discrimination
Lawsuit on the Diversity of Casting in *The Bachelor* and *The Bachelorette*

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Abstract

This paper examines the effects of a 2012 racial discrimination class-action lawsuit on the diversity of casting in the reality shows, *The Bachelor* and *The Bachelorette*. By comparing the proportions of minority contestants and leads in *The Bachelor* and *The Bachelorette* over time, the study traces a significant increase in the proportion of minority contestants and leads following the 2012 lawsuit. As the need for racial equality through the form of proper representation has become salient in modern-day American society, the findings in this study may point to an example of how intervention and public opinion can play a role in pushing for greater representation in the film and television industry.

In 2019, the UCLA Institute for Research on Labor and Employment released its annual Hollywood Diversity Report. According to the report, Hollywood continues to underrepresent minorities in film roles as “only 2 out of 10 lead actors in film are people of color” (Hunt, Ramon, Tran 2019, 14). Furthermore, the report found that in reality television shows, white lead talents continue to dominate their minority counterparts (Hunt, Ramon, Tran 2019, 17-18). The reality is that since its inception, underrepresentation of diverse races and discrimination in the media has plagued the film and television industry, and this pattern of underrepresentation continues to this day. Ultimately, the lack of accurate and proper representation in film and television is a reflection of the racism and discrimination in American society.

Proper race representation in film and television is imperative to the well-being of modern-day American society because the fight for accurate, diverse representation in the media is a part of the struggle for racial equality. Currently, despite the growing diversity of race demographics in the United States, America is still largely dominated by the white narrative; in other words, in the supposed “melting pot” that is the United States, Whiteness is the norm. Yet, America is becoming increasingly diverse; the Census Bureau recently projected that by 2044, white Americans will no longer be the majority in the United States (Tavernise 2018). Racial equality, then, becomes vital to American society not only because it calls for equal treatment of all minorities, but also the proper representation of minorities everywhere. In addition, according to Stephen A. Schwartz’s study on white supremacy in the United States, “racial equality correlates strongly with social well-being...[and] racial equality is crucial to social well-being” (Schwartz 2017, 293). Thus, racial equality must be found across all institutions—the film and

television industry, included—and ensuring proper representation can be a step in the right direction.

In this project, I investigate the impact of the 2012 lawsuit on the diversity of the casting of *The Bachelor* and *The Bachelorette*, collectively. The representation of our diverse society is incredibly important in the media, and with large viewerships, I believe *The Bachelor* and *The Bachelorette* should be displaying a representative cast that is chosen without racial discrimination. In addition, with so many impressionable viewers, it is essential that these shows set good examples of what a diverse society looks like. The main question I focus on is a causal claim: has the cast of *The Bachelor* and *The Bachelorette* increased in diversity after the 2012 lawsuit? I hypothesize that the diversity in the casts of *The Bachelor* and *The Bachelorette* increased after the 2012 class-action racial discrimination lawsuit.

To examine this causal claim, I used a dataset that consists of information regarding 1034 contestants (across 24 seasons of *The Bachelor* and 15 seasons of *The Bachelorette*). This data was compiled from existing data from past studies of *The Bachelor* franchise as well as accumulated from publicly available databases (538 Data 2018; “The Bachelor” n.d.; ABC n.d.; “The Bachelorette n.d.; Fitzpatrick 2016; Gonzalez 2017; Swanson 2015). Taking subsets of the data, I looked at the proportion of minority candidates and the proportion of minority leads separately. I want to emphasize that I chose to focus more on the proportion of minority contestants over time in this study primarily because the data on leads is small and scarce. However, I do dedicate a small portion of this study to the demographics of minority leads as I believe the people chosen to be the leads can provide evidence as to whose stories are being selected to be told more so than others.

I used two models to investigate the proportion of minority candidates and leads from before and after the lawsuit: the first design was structured to look at the proportion of minority contestants from before versus after the lawsuit; the second design allowed for the examination of the proportion of minority contestants over time (from 2009 to 2020). Furthermore, using a test of differences in proportions on the first design, I verified whether my findings were statistically significant or not. Overall, I found that after 2012, there was an increase in both the number of minority leads and contestants. The increase in minority contestants after 2012 was statistically significant, but the increase in minority leads after 2012 was not statistically significant.

I believe these findings are important because it shows that despite an unsuccessful court case, public opinion and public pressure can be motivators in changing the way certain procedures and practices are carried out. This lawsuit can be a prime example of how intervention for proper representation and racial equality can be carried out.

Background

The issue of race representation and whiteness in the United States is of utmost importance, especially given the current political climate. The election of Donald Trump in 2016 highlighted the prevalence of white nationalism and inherent racism within American society. In a 2019 study by Eric Kaufmann, it was concluded that “White ethnicity and a White-conserving ethno-tradition American nationalism are independent forces behind the rise of Trump” (Kaufmann, 2019, 386). Furthermore, the recently increased salience of the recognition of inherent racism in America shows that “racism lingers in a landscape, and contributes to the visibility of certain raced bodies and the invisibility of others” (Pearson, 2015, 43). Clearly, in

Trump's America, white identity is dominant as the movement to conserve white nationalism becomes increasingly salient, which makes it difficult for people of color to infiltrate a white-dominated space, ultimately resulting in the underrepresentation of people of color in American society. However, as previously mentioned, the demographics of race are shifting in the United States, and white Americans will no longer dominate. The combination of the growing effort to conserve and protect Whiteness and the shifting demographics has the potential to produce an interesting political effect; in a 2014 study by Maureen A. Craig and Jennifer A. Richeson, it was found that "overall, in a nationally representative sample of White Americans, making the U.S. racial shift salient led to greater endorsement of conservative policies" (Craig and Richeson, 2014, 1192). This finding shows that though the United States is racially and ethnically diverse, the nation is still dominated by Whiteness, and Whiteness is still the norm in America. Yet, in a democratic setting, it can be easily argued that if the demographics of race are shifting, then race dynamics and race representation should shift to accurately display the diversity of thought within the United States, as well. Given the racial demographic shifts possible effect on white American's political ideology and the salience of white identity in the current political climate, it is clear that the perception and dominance of Whiteness juxtaposed with the reality of a diverse America can have a wide-scale effect in politics and political ideology if race dynamics (along with race demographics) shift, making the issue at-hand more prevalent.

The Bachelor is a multi-million dollar franchise. Since the reality show's debut in 2002, *The Bachelor* and its many spin-offs including (but not limited to) *The Bachelorette*, *Bachelor in Paradise*, and *The Bachelor Presents: Listen to Your Heart*, have accumulated a loyal fanbase

consisting of millions of people; the finale of the recent season of *The Bachelor* drew over 8 million viewers (Thorne 2020). Over the course of its 18 years running, *The Bachelor* franchise has been subjected to much criticism. Fans of the franchise or not, people have claimed that *The Bachelor* is far from what reality television should be; many say the drama on the shows are a product of scripts and manipulation by the producers, many say the premise of the show is patriarchal and heteronormative, and many say the romance as seen on screen is unrealistic and carefully manufactured. However, arguably the most criticism *The Bachelor* franchise receives is that of race representation; *The Bachelor* is an overwhelmingly white franchise in that both the lead and the contestants are white-dominated.

The white dominance and the complicity of white dominance shown throughout *The Bachelor* franchise is a part of a larger problem of underrepresentation and discrimination in not just film and television, but American society, as well. Looking towards reality shows like *The Bachelor* may seem frivolous, but as previously stated, *The Bachelor* is a multi-million franchise that attracts millions of viewers with each episode aired on any one of its shows. And despite mass criticism aimed at the unrealistic, unconventional aspects of *The Bachelor*, the prominence of the franchise in the United States can be easily seen by glancing at the sheer amount of money the franchise is worth; in 2017, just season 21 of *The Bachelor* made \$86 million via advertising revenue alone (Lowry and France 2017). Because *The Bachelor* franchise clearly holds so much value, it becomes relevant as an example of how race is perceived and depicted in American society. The true reality of reality shows like *The Bachelor* is that what is shown on-screen is a reflection of American society. Clearly, the problem of underrepresentation and discrimination against people of color in *The Bachelor* franchise is just a mirror image of underrepresentation

and discrimination in the United States. The question, then, becomes *how The Bachelor* franchise and other depictions of American society in film and television can begin to recognize the issue of race and join the fight towards racial equality through the form of proper representation and equal treatment. To answer this question, I look to a class-action discrimination lawsuit filed against *The Bachelor*.

In April 2012, a class-action racial discrimination lawsuit was filed against *The Bachelor* series. The broadcasting company ABC argued against this lawsuit, claiming that neither *The Bachelor* nor its sister show *The Bachelorette* discriminated against people of color. Ultimately, a federal judge dismissed the lawsuit on the grounds that the First Amendment protected the casting process (Holmes 2012). Despite its dismissal, the lawsuit created a larger conversation about casting discrimination, and it opened *The Bachelor* and *The Bachelorette* to public criticism about its diversity.

The question of whether or not the lawsuit was an effective strategy for intervention in increasing racial equality is incredibly important for many reasons: diverse representation in the media may contribute to reducing societal biases through both exposure to different perspectives and exposure to different groups of people. Especially as reality shows that are literally constructed to provide a gaze on supposedly real-life situations, if *The Bachelor* and *The Bachelorette* accurately represented our diverse society, it would increase awareness of not just the reality of diverse bodies of people, but diverse perspectives, as well. Furthermore, with viewerships of about 9.6 million and 7.2 million respectively and viewerships that consist mostly of people ages 18 to 49, *The Bachelor* and *The Bachelorette* clearly have large, impressionable audiences that may take after the actions and attitudes that are modeled in these shows (Porter

2020). In addition, the results of this project may reflect how public opinion and public pressure may have an impact on changing the way practices and procedures are carried out within these reputable shows.

My initial theory is the casting of both shows did grow more diverse after the lawsuit. Though a federal judge ultimately dismissed the claims of the lawsuit, the producers and casting directors of the shows were ultimately put under massive pressure to choose a more diverse cast; in fact, multiple writers of the shows have also come forth and both demanded and promised more diverse casts. Therefore, I anticipate that the diversity in the casts of *The Bachelor* and *The Bachelorette* will increase after the 2012 class-action racial discrimination lawsuit. I believe the proportion of minorities will increase for both *The Bachelor* and *The Bachelorette* collectively, as a study shows that the number of minorities in *The Bachelor* versus *The Bachelorette* is consistently parallel (Swanson 2015). Scholars studying race within *The Bachelor* and *The Bachelorette* seem to unanimously agree that these shows are overwhelmingly white; in fact, 59% of black contestants on *The Bachelor* and *The Bachelorette* leave within the first two weeks of each show (Fitzpatrick 2016). A 2008 study explains that *The Bachelor* is predominately white because the act of performing whiteness has become the norm behavior on the show, and when performing whiteness is the norm, people of color are inhibited from occupying a white-centric space (Dubrofsky & Hardy 2008, 373). Still, there has yet to be a scholarly report on the effect of the lawsuit on the diversity in casting for both leads and contestants on these shows. Thus, I will be examining the causal claim of the lawsuit's impact on the proportion of minorities on *The Bachelor* and *The Bachelorette*. I hypothesize that the lawsuit has an impact on the proportion of minorities in both shows as I believe that the public pressure that stemmed

from the lawsuit may have infiltrated the norm of whiteness on *The Bachelor* and *The Bachelorette*.

Data and Approach

For this project, I augmented existing public datasets that contain existing information about *The Bachelor* and *The Bachelorette* contestants. There are 1034 contestants in my revised dataset, and the data includes information about the contestant's race, year and season of appearance, and how far they reached on the respective show.

I must note that the information available for minority candidates was limited, so whether a contestant was coded as a minority or not was based solely on the information available for each contestant. When coding for minority contestants, I looked at the cast lists for each season of *The Bachelor* and *The Bachelorette*. For each season of the two shows from 2009 to 2020, I read several articles discussing the race composition in each season; nearly all of these articles examined black contestants in the season rather than minority contestants. I, then, proceeded to conduct research on each contestant during these years, using primarily the contestant's appearance and surname to determine whether to code the contestant as a minority or not. Of course, this method of coding is unideal as it may reinforce stereotypes regarding race. However, information regarding each contestant's race was extremely limited, and of the hundreds of candidates researched, very few contestants had articles talking about their race, suggesting that race, while widely scrutinized in public, is not necessarily a widely discussed topic on the show itself (Bowen 2017; Flanagan 2020; Variety 2020). Furthermore, I argue that the concept of the consideration of minorities through visible racial markers is one that acknowledges the fluidity and instability of race and relies on how race is perceived in these predominantly white shows

(Dubrofsky & Hardy 2008, 374). Therefore, the coding of race in the data best reflects race based on the combination of publicly available information explicitly describing a contestant's race and the physical characteristics of contestants.

Table 1 below displays the variables I used in this project and how each variable was coded. The independent variable is the 2012 class-action racial discrimination lawsuit and the dependent variable is the cast's diversity; the variable "year" was typically used as an independent variable when coding to signify the seasons before the lawsuit (prior to and during 2012) versus after the lawsuit (after 2012), and the proportion of the variable "minority" was used to examine the change in cast's diversity.

Table 1 □

Name of Variable	Description
minority	Coded 1 if contestant is minority, 0 if otherwise
year	Which year the contestant was on
LeadRace	The lead's race (Black, Latino, White) for the show the contestant was on
LeadFullName	The name of the lead (first and last) for the show the contestant was on

In my approach to analysis, I used two empirical approaches to investigate the effect of the lawsuit on the proportion of minorities over time. I first used the before-and-after model to compare the proportion of minority contestants and minority leads pooling years before the 2012 lawsuit to the proportion of minorities in the years after the lawsuit using a two-tailed test of difference in proportions. This before-and-after model gives an initial sense of the overall

over-time shift in the diversity in the casting of these shows after 2012. The second approach I used examined the proportion of minority contestants and minority leads year by year, over time. By using this method, I was able to examine the proportion of minorities in these shows each year, allowing me to see the impact of the lawsuit each year after its dismissal, as well as the consistency of diversity in these shows across the years prior to the lawsuit.

It should be noted that the use of a before-and-after model requires me, the researcher, to make one key assumption: there was no other factor that could have contributed to any changes seen in the proportion of minority candidates. In other words, I assume that the increase in the proportion of minority candidates over time is attributed to the lawsuit, and if the lawsuit did not happen, then the proportion of minority candidates would not have risen. To understand the logic behind this assumption, I put the lawsuit and the increases in minority candidates into context—a topic that I will explain in-depth in the conclusion of this paper.

In addition to studying the effect of the lawsuit on the composition of contestants, I also examine changes in lead casting. I assigned the race of each lead (using the variable `LeadRace`) to a numeric value, coding the lead as 1 if he or she was Latino or black, and 0 if the lead was white.

Results

Ultimately, I found an increase in both minority leads and minority contestants after the 2012 lawsuit. While the test of differences in proportions allowed me to deem my findings on minority contestants statistically significant ($p < 0.05$), I was unable to reject my null hypothesis regarding the increase in minority leads. Below are two graphs I coded to visualize the results of minority contestants.

Figure 1. More minority contestants after 2012 □

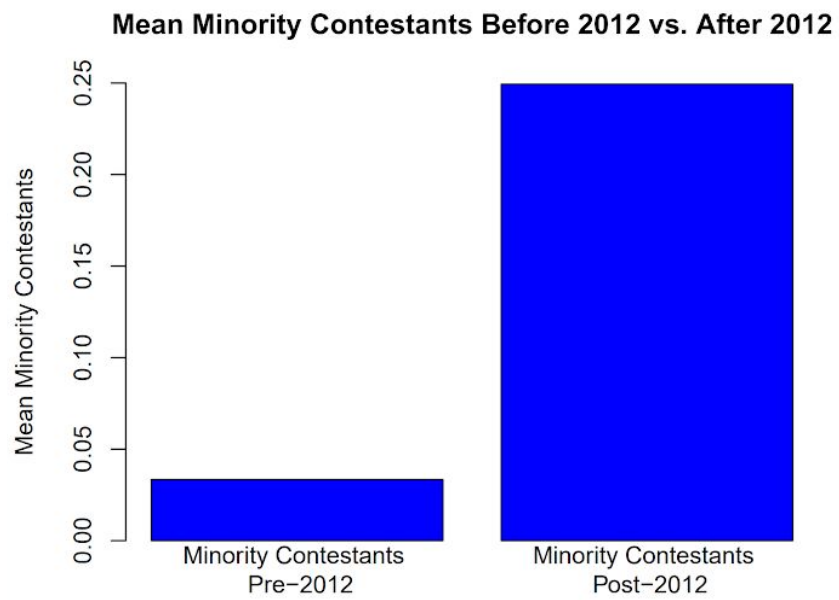
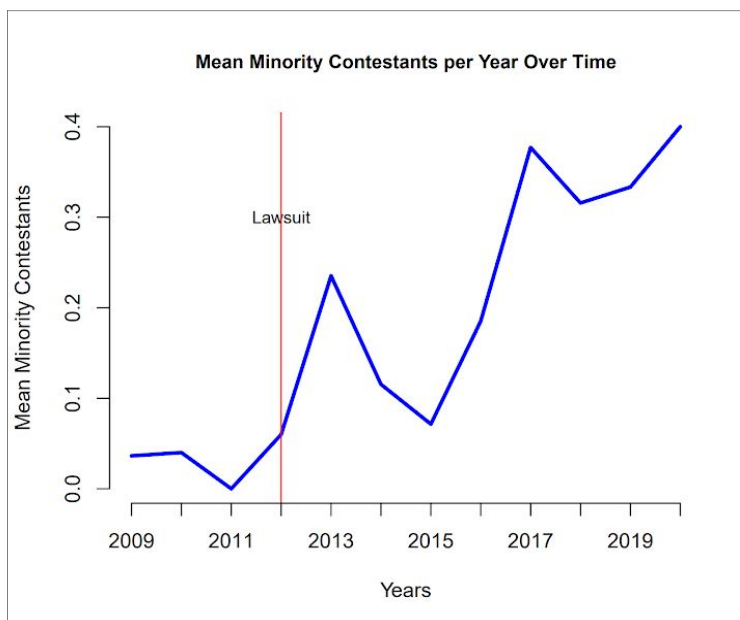


Figure 2. Minority contestants increase after 2012 □



Looking at Figures 1 and 2, there was a massive spike in the proportion of minority contestants in the years after the 2012 lawsuit. Prior to and during 2012, the proportion of minorities was 0.03 whereas, after 2012, the proportion of minorities was 0.24940618. I arrived at the raw numbers for Figure 1 by taking a subset of the data that consisted of contestants before and during 2012 and another subset of the data that consisted of contestants after 2012. I then compared the proportions of minorities before versus after the lawsuit by coding for the proportion of minority contestants before 2012 and the proportion of minority contestants after 2012, and I coded these results to be displayed in the Figure 1 bar graph. Shown in Figure 2, there was a consistent lack of minority contestants from 2009 to 2012 (none of these years reached a minority proportion of 0.1), and a spike in leads afterward, with a peak in 2020 as the minority proportion was 0.4. I arrived at the raw numbers for Figure 2 by finding the proportion of minority contestants there were for each year from 2009 to 2020, which was done first with the data from 2009 as a model, and then repeated to view the results of all proportions from each year.

These visualizations and raw numbers seem to show that there was an increase in the proportion of minority contestants after the 2012 lawsuit, therefore supporting my theory that the lawsuit increased the diversity of contestants on *The Bachelor* and *The Bachelorette*. Unlike the results from the leads, a test in the difference in proportions supports my theory on the increase of contestants; the p-value equates to $2.2e-16$, and the 95% confidence interval was -0.2821672 to -0.1938067. With a small p-value and confidence interval, I can reject the null hypothesis of no difference and interpret my findings for contestants as statistically significant. These findings

suggest that the lawsuit may have had some impact on the increase in the proportion of minorities.

Looking at the data regarding leads, there was also a massive increase in the proportion of minority leads after 2012; in fact, prior to 2012, there are no minority leads, whereas there is a proportion of 0.2 leads after 2012 (so, of the 39 leads in this dataset, only 3 leads were minorities). To arrive at the raw numbers using the before-and-after design, I took two subsets of the data: the first was a subset of the leads during and prior to 2012, and the second was a subset of the leads after 2012. I then coded for the mean of minority leads before 2012 and the mean of minority leads after 2012, comparing the proportions to one another in the form of a bar graph. Furthermore, there is a consistent lack of minority leads from 2002 to 2012, and a spike in leads afterward; there was one minority lead in 2014, another minority lead in 2017, and a final minority lead in 2020 (a proportion of 0.5 in 2014 and 2017 as there are typically 2 leads, one for each show, each year, and a proportion of 1 in 2020 as the dataset has yet to include information regarding the upcoming season of *The Bachelorette*). To arrive at the raw numbers using the second model, I found the proportion of minority leads there were for each year from 2002 to 2020, which was done first with the data from 2002 as a model, and then repeated to view the results of all proportions from each year.

These results seem to show that there was an increase in the proportion of minority leads after the 2012 lawsuit, thus supporting my theory that the lawsuit increased the diversity of *The Bachelor* and *The Bachelorette*. Yet, through conducting a test of differences in proportions, I cannot reject the null hypothesis; the p-value equates to 0.09636 and thus, not statistically significant. Therefore, I cannot say with confidence that the lawsuit caused the increase in the

proportion of minority leads after 2012. However, I believe that this hypothesis test had some limitations to it due to the small number of leads ($N=39$).

Conclusion

In searching for the answer to my question of whether the cast of *The Bachelor* and *The Bachelorette* increased after the 2012 class-action racial discrimination lawsuit, I found that after 2012, there was an increase in both the number of minority leads and contestants. Whereas there were no minority leads before 2012, there were three minority leads after 2012, and whereas the proportion of minority contestants each year never reached 0.1 prior to 2012, the proportion of minority contestants rose significantly after 2012, hitting its peak of a mean of 0.4 minorities in 2020. However, I found that the increase in minority leads after 2012 was not statistically significant, though this is most likely because of the small sample size of 39 leads that could be used. Furthermore, because leads are chosen through a cyclical process in which the lead has to have been a contestant in one of the past seasons, and past seasons are accepted to be overwhelmingly white, there is already a decreased chance of having a minority lead.

After using a difference in proportions test on the before-and-after model, I found that the increase in minority contestants after 2012 was statistically significant, showing that I can be confident to say that the lawsuit had an impact on the diversity for casting contestants. As previously mentioned, in using the before-and-after model, I had to make the assumption that the lawsuit was the cause of the increase in the proportion of minorities over time, and this rise was not attributed to any other factor. I argue this is a plausible assumption in this context. Until the 2012 lawsuit, there was no collective action towards increasing race representation within *The Bachelor* franchise. When discussing race and *The Bachelor*, it was generally accepted that the

reality show was overwhelmingly white, and there were other reality shows like *Flavor of Love* that was more welcoming to people of color. However, the 2012 class-action lawsuit triggered the beginning of what would come to be a series of constant mass public scrutiny aimed at the franchise.

The lawsuit, itself, was threatening to ABC because it gained an immense amount of attention, and the case and its arguments were completely unprecedented in the film industry (Beard 2012). We can see from the results that immediately after the lawsuit, the proportion of minorities increased, which is attributed to the timing of the lawsuit; before the lawsuit's dismissal in October, ABC had already begun selecting the new cast for the upcoming season of *The Bachelor*. Though this proportion of minority contestants dropped in the year following the end of the lawsuit and the beginning of selection for the next round of contestants, race in *The Bachelor* continued to be scrutinized by the public, generating thousands of tweets whenever microaggressions were directed towards the people of color on the show (Bowen 2017). As more tweets and more attention accumulated, the proportion of minority contestants was found to be once again on the rise from 2016 until now. Of course, there needs to be further research done on the accumulation of widespread public scrutiny towards *The Bachelor* franchise over time.

Some limitations to the dataset included the lack of available data; from 2002 to 2009, there was no data on the number of minority candidates for both shows. Furthermore, because the lawsuit was ultimately dismissed, I cannot be certain that it was the lawsuit that caused the increase in minorities, and not some other confounder such as a producer-set quota on minorities cast. Future research may be able to look into the impact of the lawsuit on the actions of the producers or the proportion of minorities who audition for the shows in order to investigate this

increase in minorities. In addition, it should be emphasized that representation does not stop at the physical occupancy of diverse bodies on-screen; *proper* representation also requires the discussion of race issues and the ability for people of color to perform race in a way in which they feel comfortable—not the way they think they should or feel obligated to. Whiteness cannot be the norm when performing race on screen. Future studies can look towards the content within *The Bachelor* franchise to determine if the physical occupancy of more diverse bodies is also met with proper representation. Moreover, I believe it would be interesting for future research to look at the possible correlation between the increase of diversity on *The Bachelor* and the rise of the Black Lives Matter movement; in light of the brutal killings of George Floyd and Breonna Taylor, more and more people (past cast members, included) have called for racial equality and proper race representation, which has contributed to the recent announcement of the first black bachelor and the second black bachelorette (Lopez 2020; The Associated Press 2020).

Ultimately, these findings are incredibly important because they depict the power of public pressure; after the lawsuit's dismissal, the producers of *The Bachelor* and *The Bachelorette* were subject to a massive amount of criticism from both the public and the staff of these shows, and they were put under pressure to select a more diverse cast. Seeing that the diversity of these two shows actually did increase after the lawsuit shows that even when formal means of resistance fail, informal means of protest such as public pressure and public criticism can be successful in changing the procedures and practices of institutions. In addition, as previously stated, representation of diversity in the media is incredibly important, and these findings suggest that the lawsuit and public pressure contributed to a positive effect on the increase of diversity in not just these two shows, but in the media in general. The successful,

though perhaps non-intentional, effects of the class-action lawsuit has shown how depictions of American society in film and television can begin to recognize the prevalence of racism in the industry and take the next step in the fight towards racial equality by showcasing some form of proper representation and equal treatment. As stated in Heath Pearson's study of white supremacy in America, "When it comes to a Black body being in a particular place at a particular time, the stakes are high. Race is not immutable" (Pearson 2015, 55). It is incredibly important to have proper representation because race matters everywhere, all the time. Having proper representation in widely-viewed shows like *The Bachelor* and *The Bachelorette* speaks volumes, and it has the potential to expose the reality of a diverse landscape across America.

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