Artificial Intimacy: The Ethics and Law of Emotional Reliance on Generative AI

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Introduction

There was a time where the greatest fear in the use of Artificial Intelligence was its potential to replace human labour. Today, a more subtle concern has emerged in the form of humans and a heavy dependence on AI for basic activities. The fear surrounding AI capabilities is more pronounced and is fueled by the increasing ability of AI to perform tasks and exhibit traits that were previously only attributed to humans. This phenomenon, known in academic circles as *anthropomorphization, has* led to the recent pandemic in which humans form emotional connections with emotionally intelligent AI systems more technically known as *artificial intimacy*. It further raises legal questions about what AI does or is trained to do, how it makes people feel, and whether those feelings should create obligations or liabilities for the creators of these systems, which the law should necessarily govern. As GenAI systems grow more emotionally intelligent, this article considers the possible legal implications and the need for the law to evolve to protect humans from real risks of anthropomorphization and artificial intimacy. Perhaps an important preface to this discourse would be to ask if this discussion is merely a philosophical quirk or if there are actual legal issues to be deduced from the growing intimacy of humans with Generative AI and this article provides a perspective on that answer. The crux of this discussion is that people are not just using AI to perform tasks, they're bonding with it. It considers the concept of artificial intimacy in today's current social environment, the possible legal and ethical implications including privacy, and confidentiality. Subsequently, it also highlights practical strategies in tackling the legal loopholes that could potentially arise following the incoming pandemic of Artificial intimacy. This article argues that as Generative AI systems grow increasingly emotionally intelligent, existing legal frameworks are inadequate to address the psychological, ethical, and privacy risks arising from AI intimacy. It proposes a governance approach that emphasizes transparency, duty of care, and strengthening data protection.

The Concept Of AI And The Rise Of Emotionally Intelligent AI Systems

The OECD's Expert Group on Artificial Intelligence defines AI as a *'machine-based system that infers outputs, such as predictions or decisions from input data to achieve explicit or implicit objectives*".[1] More particularly, Generative AI is a subfield of AI that uses generative models to produce text, images, videos, or other forms of data. These models learn the underlying patterns and structures of their training data and use them to produce new data.[2] Without doubt, Generative AI is revolutionary, arguably one of the greatest embodiments of the fifth revolution. It is changing how humans work, create, learn, interact, and think, in ways and scales that are yet unforeseen.

Artificial Intelligence has evolved from a system that performs logical, repetitive, and analytical tasks. Developers are now designing systems that can recognize, interpret, and even respond to human emotions. This is a concept often referred to as emotionally intelligent AI and it goes beyond traditional data processing; they rely on natural language processing, sentiment analysis, facial recognition, and behavioral pattern mapping to engage with people in a more human-like way. Rather than functioning as purely mechanical tools, these systems are being positioned as companions, assistants that can adapt to the emotional context of conversations. The downside is that humans are increasingly unable to differentiate between AI-induced intimacy and the human one.

Anthropomorphization, Artificial Intimacy, and Humans Forming an Emotional Connection with Generative AI

Artificial intimacy and anthropomorphization are two concepts that are invariably relevant to this discussion but are less discussed in the conversation surrounding AI and its effect on the human race. Humans projecting their emotions onto non-human entities is not a new phenomenon. Psychologists call this anthropomorphism. It is simply the attribution of human characteristics or behaviour to a non-human entity or object. With the rise of Generative AI, anthropomorphic projection has taken an interesting evolution. Unlike inanimate objects, Generative AI responds in real time, remembers interactions, and adapts easily to prompts. This makes it easier for users to be under the illusion that there is a human responding to them behind the system and providing intelligible responses, a trait peculiar to the human race at least so far in the development of science. Now that technology has become more responsive, it's easier for humans to become easily persuaded and vulnerable which underscores the need

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[1]*Marko Grobelnik, Karine Perset, Stuart Russell, " What is AI? Can you make a clear distinction between AI and non-AI systems?" <https://oecd.ai/en/wonk/definition>*
[2] *Kim Martineau, "What is generative AI?" <https://research.ibm.com/blog/what-is-generative-AI>*

for proper governance that in some way protects especially vulnerable individuals from being exploited.

Artificial Intimacy refers to the perceived connection, or emotional bond that individuals form with AI, such as chatbots, virtual assistants, or AI companions. It describes the feeling of intimacy, understanding, and even affection that can develop from interactions with these technologies, despite the lack of actual human reciprocity. Users anthropomorphize GenerativeAI chatbot like GPT-4o, when they rationalize its actions in an attempt to humanize these systems in spite of the fact that the AI has no consciousness or emotions or ability to relate. Such dependence is a cognitive bias, a way for the human mind to make sense of an unfamiliar phenomenon by projecting familiar (human) qualities onto it.[3]

More and more, people are treating GenAI tools like ChatGPT as a therapist and confiding in it with sensitive matters a way deepens the illusion that AI has human characteristics. These are all phenomena arising from anthropomorphization. An extreme instance of this artificial intimacy is the incidence of people marrying their AI companions.[4] These are not fictional headlines but real-world events. Although the focus of this discourse like most might be on Chat GPT, being the more mainstream Generative AI system, there are nonetheless other systems aside from Chat GPT, that mimic human traits almost accurately, creating the illusion of loved ones by mimicking their voices, or portraying their visuals. As users interact with these systems, they may begin to perceive it as a person.

Recently, in a safety report conducted by OpenAI on GPT-4o, the company highlighted the concerns about users developing emotional dependence on the AI system.[5] This testing showed that some users would commonly use language that indicated emotional attachment to the system such as 'This is our last day together.' This kind of expression suggests that the user has formed a deep reliance on the chatbot which is a serious safety issue. These concerns are heightened by the increasingly sophisticated capabilities of models like GPT-4o with its anthropomorphic voice mode which amplifies the system's human-like qualities and the potential for artificial intimacy. The risks in artificial intimacy also stems from the fact that these systems are unable to reciprocate most if not all emotional feelings humans project onto them.

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[3] Esmeralda G. Urquiza-Haas, Kurt Kotrschal, The mind behind anthropomorphic thinking: attribution of mental states to other species,
https://www.sciencedirect.com/science/article/pii/S0003347215003085#:~:text=It%20may%20be%20considered%20a,are%20instances%20of%20interpretative%20anthropomorphism.
[4] *Stuart Heritage,*
<https://www.theguardian.com/tv-and-radio/2025/jul/12/i-felt-pure-unconditional-love-the-people-who-marry-their-ai-chatbots#:~:text=She%20is%20married%20to%20Gryff,her%20home%20in%20the%20US.>
[5] *GPT-4o System Card, https://openai.com/index/gpt-4o-system-card/*

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This is captured by the comment of Dr. Jonathan Williams[6], "For the many emotions we may offer to generative AI, only a select few can be returned to us".[7]

The Legal and Ethical Intricacies of Artificial Intimacy

In discussing the potential legal issues arising from artificial intimacy, it's not far-fetched to think; *Are emotional connections with AI necessarily a legal concern?* The answer to this would be affirmative, supported by the constant clamour for governance of the use of GenAI and the contributions of stakeholders, developers, and thought leaders on this discussion. Despite its undeniable usefulness, the current manner in which individuals utilize and interact with these systems raises concerns about different ethical and legal issues discussed hereunder.

● **Data Privacy and Confidentiality**

Plethora of studies currently point to the fact that AI is handling even more sensitive data than ever.[8] Individuals are feeding these systems with sensitive personal data through the intimate conversations they have with it. In an interview on the "This Past Weekend" podcast, OpenAI's CEO, Sam Altman spoke extensively on his concerns about the legal implications of how people interact with ChatGPT [9] He pointed out that many users, especially young people, are turning to AI for emotional support as therapists, often confiding in it for deeply personal issues from relationship troubles to mental health concerns. According to him, conversations in ChatGPT are not confidential contrary to what users might believe. These conversations can be shared in lawsuits without prior consent since there are no confidentiality obligations with AI under the law. Unlike conversations with a doctor, therapist, or lawyer, which are all protected to a large extent as privileged conversations, conversations with AI currently have no such protections. Therefore, where someone confides their most personal issues to ChatGPT, and that ends up in legal proceedings, OpenAI could be compelled to hand that data over.

Altman also emphasized the urgency of addressing this privacy loophole, arguing that AI interactions deserve similar confidentiality safeguards as traditional professional relationships. In his words, "We need to rethink privacy norms for this new kind of relationship, one we didn't

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[6] Clinical Assistant Professor, Human-Centered Design

[7] Katie Todd, The Risk of Building Emotional Ties with Responsive AI, (Pace University) https://www.pace.edu/news/risk-of-building-emotional-ties-responsive-ai

[8] Alice Gomstyn, Alexandra Jonker, "Exploring privacy issues in the age of AI" IBM Think <https://www.ibm.com/think/insights/ai-privacy#:~:text=One%20reason%20AI%20arguably%20poses,that%20infringe%20on%20privacy%20rights.>

[9] Times of India,"Why ChatGPT Legal Queries can be Used Against You as Court Evidence" https://timesofindia.indiatimes.com/world/us/think-before-you-ask-why-chatgpt-legal-queries-can-be-used-against-you-as-court-evidence/articleshow/123034984.cms

even imagine would exist just a year ago." Altman also admitted to being scared sometimes to use certain AI as it is unclear who is going to have access to such information. Even deleted chats are not safe from legal scrutiny and OpenAI like other developers can be compelled as of law to provide these conversations.

He's essentially warning people against confiding into ChatGPT for extremely sensitive reasons, and the very fact that he felt compelled to voice such concerns shows just how significant these issues appear from the developers' perspective behind the scenes.

- **Consumer Protection and Liability for the Harm of Vulnerable Populations**

If artificial intimacy causes emotional, and physical harm or reinforces risky behavior, who is responsible? The developer, distributor, or user. It is important to recognize liability where AI actually causes harm especially for members of the vulnerable population. Many of the AI products that promote artificial intimacy products often target lonely, grieving, or socially isolated individuals, groups that might be considered "vulnerable consumers." Research shows that these intimacy AIs use manipulative design tactics to encourage prolonged use and encourage users to keep spending, requiring payment to unlock even deeper emotional connections.[10] These vulnerable consumers could include persons with mental illnesses, and children who interact with these systems. There have been incidences of teenagers and young adults getting obsessed with AI systems and harming themselves as a result. The tragic case of Sewell Setzer III, a 14-year-old who died by suicide after developing an emotional dependence on Character.ai, AI-powered chatbot comes to mind.[11] In the lawsuit filed by his mother against Character.ai, the profound questions about accountability, ethical design, and the adequacy of existing legal framework in protecting vulnerable users from psychological harm caused by AI systems. It goes to show that many AI technologies that are marketed as companions are often deployed with minimal regulation and virtually no age-appropriate limits. When minors engage with such systems, the risks of manipulation, emotional dependency, and psychological distress are magnified but the current consumer protection laws were not built to address these. The law is responsible for establishing frameworks that protect people against abuse and exploitation.

- **Ethical and Psychological Gaps**

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[10] Yike Shi et al, The Siren Song of LLMs: How Users Perceive and Respond to Dark Patterns in Large Language Models <https://arxiv.org/html/2509.10830#:~:text=We%20found%20that%20the%20recognition,%2C%20develoloper%2C%20and%20governance%20levels.>
[11] Blake Montgomery, "Mother says AI chatbot led her son to kill himself in lawsuit against its maker (The Guardian) https://www.theguardian.com/technology/2024/oct/23/character-ai-chatbot-sewell-setzer-death

Becoming emotionally addicted to AI is risky as AI cannot offer a relationship that is truly reciprocal like humans would. And while these systems may convincingly simulate empathy, understanding, or companionship, these are one-sided not shared experiences that are very peculiar to human communications. The real concern isn't the technology itself, but the illusion it creates and how this can be detrimental to the development of the human race. When users begin to treat AI as if it can genuinely care or relate, it blurs the line between AI simulation of human connection and real human connection. This is a nuanced and yet very important ethical consideration to be made. Also, users are often unaware that they are interacting with non-sentient systems. The use of emotional cues like tone of voice, text style, simulated empathy commonly misleads people into believing the AI could evoke or reciprocate any kind of emotions.

The Need of AI Governance

It goes without saying that there is a need for legal, and regulatory safeguards that take into cognizance the well-being of humans in this age of intelligent AI systems. It is important to monitor how these systems are developed, mobilized and used by the general public and their effects. History has shown that every technological advancement comes with both promise and peril. The key is not in resisting innovation but in engaging with it responsibly. The line between using the AI systems for assistance and overreliance might be difficult to draw, but it has become a necessity.

To address these new realities, the law must tackle the current challenges while anticipating the ones that emotionally intelligent AI could create. Transparency and disclosure by developers responsible for the creation of these systems is first of all very important. AI systems that simulate empathy or emotional understanding should include clear disclaimers to help users distinguish between genuine human connection and algorithmic responses. This not only preserves trust but also helps mitigate emotional manipulation and unrealistic expectations.

One AI governance approach is the implementation of certification standards for AI systems that are designed to interact directly with humans. Such a framework would ensure that only systems that meet specific ethical, psychological, and safety requirements are permitted for public use. The EU AI Act, for instance, classifies AI systems that manipulate human emotions as 'high risk,'. Similar categorizations could inform emerging frameworks in other jurisdictions.

In addition, there is a need to call attention to the duty of care owed by AI developers and platform owners. Under traditional consumer protection principles, manufacturers are required

to ensure that their products are safe, non-deceptive, and do not exploit users. Extending these principles to AI means requiring transparency in how chatbots simulate empathy, implementing content moderation, and enforcing parental controls or user verification for systems especially ones likely to attract minors and other vulnerable consumers.

Finally, the current data privacy standards must be strengthened. Emotionally intelligent AI relies heavily on personal and behavioral data to function properly. Data protection mechanisms and strict compliance with privacy regulations would help prevent misuse or exploitation of users' sensitive data.

AI governance should be strengthened and the goal ultimately should not be to stifle innovation, but to create a balance between technological progress and safety. As we move further into the era of emotionally intelligent machines, thoughtful regulation will determine whether AI becomes a force for empowerment or a tool that quietly reshapes human dynamics.