



Reflections on AI

Q&A with

Prof. José-Antonio Santos

“Ethics and law are stronger when they cooperate together, because without an ethically aware society, technically adequate law cannot be made.”

The [TUM IEAI](#) had the pleasure of speaking with José-Antonio Santos, Professor of Legal Philosophy at the Rey Juan Carlos University, Spain.

Q: What is the biggest misconception about AI?

A: It is not easy to establish the most important misconception, because in reality there are several. There is still a lot of science fiction around the advances in AI, although it is true that part of these advances will be fulfilled little by little in society. In my opinion, the biggest misconception is that AI is going to solve our lives. AI can help us lead a more comfortable life, but the solutions have to come from human intervention with or without the help of AI. In relation to this, is the naive idea that in the short or medium term, generative artificial intelligence can become artificial general intelligence - that is, artificial intelligences that truly understands the world. The generality of generative artificial intelligence is now very limited because human intervention is increasingly necessary.

Q: What is the most important question in AI ethics right now?

A: The most important question right now in AI ethics may be the responsible use of AI by different users. I am concerned about the impact of AI on children, adolescents, and the elderly, given that they are especially vulnerable groups and less aware of the harms of misuse of AI than other types of groups. We must not forget that AI is at the service of people and not the other way around. For this reason, ethical responses should not be left in the hands of AI systems, but rather to the qualified members who are part of the state

organs, international organizations and civil society.

Q: What is the role of academia when it comes to the regulation of AI?

A: Academics has to serve as a link between governments, companies and developers, in order to fulfill a triple function: (1) a pedagogical function with the objective of training users in the appropriate use of technology in the field of AI; (2) a purely legal function of carrying out *lege lata* and *lege referenda* proposals with the help of state organs and civil society and (3) a prevention function against the dangers of misuse of AI (fake news, threats to cybersecurity, increase in cybercrime, inadequate training of students, etc.), as well as solutions once that damage has been caused.

The academy must be aware that in the coming years there will be increasingly vulnerable groups to the advances of AI, due to population aging and the economic impoverishment of society motivated by different crises. This will make it necessary to regulate in states that guarantee effective mechanisms for a universal, neutral and secure right of access to the Internet.

Q: Why is accountability a key issue for the responsible use of AI?

A: Accountability is a fairly vague concept in the field of AI. It is a value and principle that forces AI systems to be evaluated and audited in order to establish the legal subjects responsible for their actions. Accountability is a key issue in AI because it guarantees its responsible use, while also serving as a guarantee to generate, from an ethical point of view, trust and human well-being in the users of AI systems. As a starting point, it is necessary



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to understand the potential risks and benefits of AI and design systems that are transparent, explainable and, above all, accountable.

An important issue to highlight is the possible bias of the models that are generated, given that the data used for training may be biased. AI systems are imperfect models like the data on which they are trained. Therefore, regulation by the states that generates legal certainty is necessary, so that these biases do not occur and, if detected, there is a legal framework on how to act against them.

From a legal point of view, the trust and well-being of users generate legal certainty towards the use of AI systems. That is, it entails a series of legal obligations for the providers of AI systems, which guarantee in the European context that the technology is used in a safe way and in accordance with the AI Act of the European Union and with respect for fundamental rights. It is rigorous and demanding guaranteeing law that sets clear limits for the responsible use of AI.

Thus, for example, Article 17.1, has highlighted the importance of accountability for suppliers of high-risk AI systems, which will establish a quality management system that guarantees compliance with this act. This system will be documented in a systematic and orderly manner through policies, procedures and instructions with an accountability framework that defines the responsibilities of management and other personnel in relation to aspects such as the strategy for regulatory compliance of high-risk AI systems; the techniques, procedures and systematic actions used in the design and quality of the high-risk AI system; as well as the examination, testing and validation procedures that will be carried out before, during and after the development of the high-risk AI system, among other things.

Q: How do you interpret the relationship between law and ethics when it comes to AI?

A: The relationship between law and ethics has always been complex and interesting in the West from its beginnings in classical antiquity to the present day. I consider the inclusion of AI, in this relationship, has motivated greater cooperation between both areas. I believe that in recent decades there has been a revitalization of the ethical and legal debate with the development of AI. The possibilities and risks of AI systems have generated some alarm in society, so law and ethics must prudently serve as a control and brake on the development of AI systems. Ethics and law are stronger when they cooperate together, because without an ethically aware society, technically adequate law cannot be made. This fruitful relationship is especially observed in problems related to justice, equality and freedom that occur between human beings and AI systems.

From a legal point of view, I think that we must create effective regulation guided by clear principles, while society must internalize the protection of privacy more. The effort made by the EU with the AI Act is notable. We have put aside our privacy in exchange for having access to apps on mobile phones, computers, tablets, etc. In the context of AI, the role of law is crucial to protect citizens against the violation of their fundamental rights in the constitutional democratic state. On the other hand, ethics helps raise awareness about the challenges of the development of AI, by states and European institutions, with the aim of creating a more informed and democratic society.



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Q: We often say that AI is changing or transforming the world. To what extent is AI changing us as humans?

A: We are at a moment in the history of humanity in which making future judgments about what will happen with the progress of AI is reckless. AI has changed the world more in 20 years than in the last 100 years. We are in a moment of transition towards a new technological era based on which we are increasingly more prepared, but not sufficiently due to the magnitude of the changes. I believe that important progress has been made in the EU. There are challenges for which we cannot gauge either their magnitude or their consequences, such as the case of generative intelligence.

We should not be afraid of the advances of AI, but we should not overvalue them and think that AI is going to end the world. The attitude of the human being is crucial because it is people who, today, can control AI systems. I believe that the transformation of the world involves a question of reinterpretation of the world by humans. That is, interpret it again and in a different way than it has traditionally been done.

We already know that AI is changing the work environment of companies and also the education of educational centers at different levels. It is necessary to create other ways for people to interact with AI. In the case of the labor market, with the creation of new jobs that serve to compensate for the jobs that are being lost and will be lost due to AI. In the case of education, face-to-face education should be maintained, without prejudice to it being combined with online education; especially, at higher educational levels.

Meet the Expert:



[José-Antonio Santos](#) is professor of Legal Philosophy at the Rey Juan Carlos University in Spain. He graduated with a Law degree with honors from Complutense University in Spain, and received his PhD in Law with honors from Rey Juan Carlos University. Prof. Santos obtained the “Luis Portero Prize” for Human Rights of the Royal Academy of Jurisprudence and Legislation of Granada in Spain. He was appointed corresponding academic of the Royal Academy of Jurisprudence and Legislation of Spain. In relation to his research and teaching activity, he carried out research and teaching stays at the University of Frankfurt, University of Göttingen, University of Salento (Italy), National Taipei University (NTPU - Taiwan), University of Guayaquil (Ecuador), among others. He is author of books and papers on philosophy of law, public law, artificial intelligence and law.

Disclaimer: Please note that the text version of this interview has undergone slight edits for clarity and conciseness.