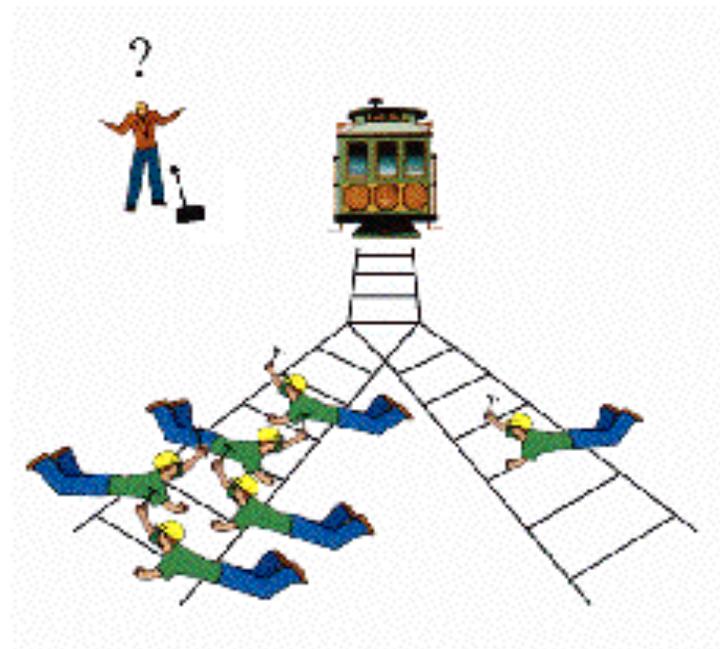


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ANDREAS TEUBER**

“The Trolley Problem”

:



An Exercise in Moral Reasoning

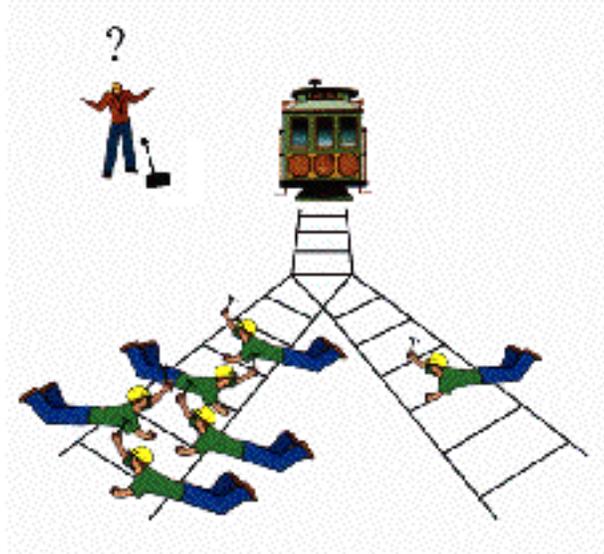
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“The Trolley Problem”

I. The Problem



Imagine that a trolley is hurtling down the tracks. The hill is steep. It has lost its brakes. The driver of the trolley cannot stop its forward motion.

Imagine, too, now, that you are standing beside the tracks a bit further down the hill (the drawing could be better) and you see the trolley coming. You can also see that even further down from where you are standing are five workmen on the tracks and you realize immediately that the trolley will kill all five of the workmen were it to continue on its path. There is steep ravine covered with gravel on either side of the tracks where the men are working. If they try to scramble out of the way, they will only slide back onto to the tracks, into the path of the trolley and face certain death.

But suppose there is a side spur, off to the right and there is a lever in front of you that you can pull and that if you pull the lever you can switch the track and send the trolley off onto the side-spur and divert it from its path towards the workmen on the main track below. The lives of the five workmen will be spared. Unfortunately, you notice that further down the side-spur, the side-track, there is another workmen at work. There is a steep ravine on either side of the work area. If he were to try to scramble out of the way, he would only slide back onto the track and face certain death.

What should you do?

Pull the lever and send the trolley onto the side-spur, killing the one to save the five? Or let the trolley continue on its way and kill the five workmen?

What is your immediate intuitive response?

This is the trolley problem or, rather the first formulation of the trolley problem.

The “trolley problem” is believed to have been invented by an English philosopher by the name of Philippa Foot. She was born in 1920 and taught for many years at Oxford.



PHILIPPA FOOT

The trolley problem was further developed and made popular by another woman philosopher, Judith Jarvis Thomson, who teaches at M. I. T.

It is now used as an exercise in many law schools as well as many introductory ethics courses around the country as well as in Great Britain and Australia.



JUDITH JARVIS THOMSON

Why did you respond in the way you did? What is your reason for, say, pulling the lever and sending the trolley onto the side-spur; killing the one to save the five? Or if you thought it would be wrong to pull the lever and let the five workmen die, what is your reason for believing that?

Not so long ago the BBC did a poll of more than fourteen thousand of its listeners and found that 77% per cent would pull the lever and turn the trolley. That is a fairly high percentage, no? It suggests a fairly high degree of consensus.

Where do you come out? in the majority or the minority?

What reason would you give for your choice? And what about the numbers? Do they count? Is it always better to sacrifice one to save five, to kill one to save five or is that too simple? Are there other values we ought to take into account besides the numbers?

What do you think?

And, then, after thinking for a bit, consider the following:

The Emergency Room Case

Imagine a homeless person enters an emergency room of a large city hospital. Imagine that after a quick check, the homeless person is judged to be “fit as a fiddle,” in excellent good health. Now imagine the hospital has five patients on the upper floors in need of a transplant: two in need of a kidney, two in need of a lung and one in need of a heart.

Imagine that the heart, lungs and kidneys of the homeless make a good match for each of the five. Say, too, that unless each of the five receive a transplant of the required organ, he or she will die straightaway. Their only hope for survival are the lungs, kidneys and heart of this homeless person. Why not harvest the organs from the homeless person and transplant his organs, thereby saving the lives of five for the price of one? Imagine you are the doctor on call in the emergency room at this moment. What should you do?

Again: what is your immediate, intuitive response?

Is it permissible to kill the homeless person, harvest his organs and save the five patients who are each in need of an organ transplant?

If not, what is the difference between the emergency room case and the trolley problem case (above)?

In both cases there is the opportunity to save five lives for the price of one.

What's the difference?

There are, of course, differences between the two cases. One takes place in a hospital; the other outside on some trolley tracks. One case, the trolley case, involves you in the role of a bystander in the other you in the role of a doctor in an emergency room.

But do these differences make a moral difference? Remember, the question is not "what would you do?" but "what should you do?"

What do you think is permissible?

Some people just like you and me think there is a morally significant difference between the two cases. One reason they think so is because they think in the emergency room case there is a complex institutional system in play. The decision to take the life of the homeless person is a decision that has to be made by someone drawn from the medical profession, a doctor, who very likely has taken the Hippocratic oath, someone who has sworn to "do no harm." In this case, of course, more lives would be saved than lost but to get to the saving, one life would have to be taken and doctors have sworn to do no harm.

Some people upon hearing the emergency case also express the concern that if it's decided to harvest the homeless person's organs for transplant, others in the community upon hearing of this practice may be reluctant to visit emergency rooms for fear of finding themselves in a similar position as our homeless person.

And over the long haul, this would not be good because people who are ill will be hesitant to check into emergency rooms for fear of losing their organs and their illness will go undetected and they will suffer and perhaps die from lack of treatment.

As a result of speculations such as these, Judith Jarvis Thomson came up with a variation of Phillipa Foot's "Emergency Room Case," a case that was like the it but without the social and institutional complications.

Judith Thomson suggested we imagine the following:

The Footbridge Case



Imagine that a trolley is hurtling down the tracks. The hill is steep. It has lost its brakes. The driver of the trolley cannot stop its forward motion.

Imagine, too, now, that you are standing on a footbridge over the tracks a bit further down the hill and you can see the trolley coming. You can also see, further down from where you are standing, five workmen on the tracks and you realize immediately that the trolley will kill all five of the workmen were it to continue on its path.

There is a steep ravine covered with gravel on either side of the tracks where the men are working. If they try to scramble out of the way, they will only slide back onto to the tracks, into the path of the trolley and face certain death.

But suppose there is a fairly large person who is also standing on the footbridge. He is standing on the far side, by the rail, enjoying the view. You realize that if you pushed this person, this fairly large person, over the rail, onto the tracks, the trolley would be stopped although this person will be killed, the five, the five workmen would be spared. What should you do? Push the fairly large person over the rail, killing him, killing the one to the save five or should you let the trolley continue on its way?

What is your immediate intuitive response?

What will you do? And why?

* * * * *

So there you have it. That's the trolley problem.

Now I'm going to guess that in the first case some of you were reluctant to pull the lever and send the trolley onto the side-spur, saving the five workmen on the main track, but killing the workman off to the side.

If there were not many who thought this way, I'm going to guess there was at least one who did. One of you thought that maybe it would be best not to intervene.

I'm guessing some of you and if not some, at least one of you hesitated before grabbing the lever to send the trolley onto the side-spur and I guess so because of how people have decided this case before after hearing it for the first time.

The BBC, remember, gave the problem to fourteen thousand of its listeners and three out of four pulled the lever.

But 25% elected not to. And one of you may have been among that group, One reason that one or more of you may have given for not switching the trolley onto the side-spur is you just did not want to be part of this trolley business in any way. Other members of the group, however, may have pointed out that by your doing nothing, as far as they're concerned, you've in effect still done something. Inaction in this case where so little is required of you is still an action. The lever, by the way, is easy to pull and you do not even need both hands. You can pull it with one finger and you do not have to tug, a gentle, easy, pull with one finger will do it. Someone may have even gone so far as to suggest that if you can prevent something bad from happening – in this case: the death of five workmen – at no great cost to yourself by gently and easily pulling a lever, you should do so. Indeed, they may have gone further and said it's wrong not to do so. But this last observations sound a lot like a principle and so I'm getting ahead of myself.

II. Killing v. Letting Die

Some or any one of you who refused to pull the lever, may have thought that it's morally wrong under the circumstances to pull the lever and send the trolley onto the side-spur killing the one workman. And you may have believed this because you believe there's a difference, not just any difference, but a moral difference between "killing" and "letting die," realizing that if you sent the trolley onto the side-spur you would be killing the workman whereas if you did nothing, you would simply let the five die.

What do you think?

Is this a difference that makes a moral difference?

Is there a moral difference between killing and letting die, between "causing" someone's death and "allowing" it, between what the law sometimes calls "acts of commission" and "acts of omission?"

James Rachels in an article on "Active and Passive Euthanasia" published in the *New England Journal of Medicine* in 1975 does not think there is a significant moral difference between "killing" and "letting die." Even though he knew at the time that many people "think *killing* someone is morally worse than *letting someone die*."



JAMES RACHELS

James Rachels asked: "Is it? Is killing, in itself, worse than letting die?"

Here's the example he gave in the *Journal of Medicine*:

To investigate this issue, two cases may be considered that are exactly alike except that one involves killing whereas the other involves letting someone die. Then, it can be asked whether this difference makes any difference to the moral assessments. It is important that the cases be exactly alike, except for this one difference, since otherwise one cannot be confident that it is this difference and not some other that accounts for any variation in the assessments of the two cases. So, let us consider this pair of cases:

In the first, Smith stands to gain a large inheritance if anything should happen to his six-year-old cousin.

One evening while the child is taking his bath, Smith sneaks into the bathroom and drowns the child, and then arranges things so that it will look like an accident.

In the second, Jones also stands to gain if anything should happen to his six-year-old cousin. Like Smith. Jones sneaks in planning to drown the child in his bath. However, just as he enters the bathroom Jones sees the child slip and hit his head, and fall face down in the water. Jones is delighted; he stands by, ready to push the child's head back under if it is necessary, but it is not necessary. With only a little thrashing about, the child drowns all by himself, "accidentally," as Jones watches and does nothing.

Now Smith killed the child, whereas Jones "merely" let the child die. That is the only difference between them. Did either man behave better, from a moral point of view?

What do you think? Did Jones behave any better than Smith?

How might this example apply to the Trolley Problem?

Here's what James Rachels thinks:

If the difference between killing and letting die were in itself a morally important matter, one should say that Jones's behavior was less reprehensible than Smith's. But does one really want to say that? I think not. In the first place, both men acted from the same motive, personal gain, and both had exactly the same end in view when they acted. It may be inferred from Smith's conduct that he is a bad man, although that judgment may be withdrawn or modified if certain further facts are learned about him – for example, that he is mentally deranged.

But would not the very same thing be inferred about Jones from his conduct? And would not the same further considerations also be relevant to any, modification of this judgment? Moreover, suppose Jones pleaded, in his own defense, "After all, I didn't do anything except just stand there and watch the child drown. I didn't kill him; I only let him die."

Again, if letting die were in itself less bad than killing, this defense should have at least some weight. But it does not. Such a "defense" can only be regarded as a grotesque perversion of moral reasoning. Morally speaking, it is no defense at all.

Do you agree or disagree with Rachels?

And if you disagree, why do you disagree?

What's your reason?

Assume Rachels is correct and there is no moral difference between killing and letting die, between causing someone's death and allowing them to die, what reason might you give for pulling the lever and sending the trolley onto the side-track?

What's the most obvious reason?

Is not the most obvious reason that by turning the trolley five lives are saved while only one is lost? Isn't this true? And isn't it always better to save five lives than to lose just one.

But is it always better?

Many people's intuitions – not everyone's, but the intuitions of a quite large number of us – suggest it may not be true.

We're hesitant to kill the homeless person to save five in need of an organ transplant in the Emergency Room case and we're reluctant to push the fairly large person over the rail onto the tracks to stop the trolley and save the five workmen in the Footbridge case. And we may be hesitant in the one case and reluctant in the other because of some feature of the two cases we have yet to put our finger on.

Maybe we should replace the principle: "save five by sacrificing one rather than let five die."

It is true we have different intuitions about the Footbridge Case and the original Trolley case and that gives us pause. In both cases we kill one person to save five, but in the original trolley case many think it is permissible to sacrifice one to save five, but do not think it would be permissible to push the fairly large person onto the tracks in the footbridge case.

But intuitions alone cannot settle the matter. Something more is required, no?

They may “tell” us something and perhaps we should pay attention to what they are trying to tell us, but they are signs of something we have yet to articulate rather than arguments for this or that point of view. No?

III. Principles v. Intuitions;

“The Greatest Good for the Greatest Number

Before saying anything more about whether we should revise our reasoning in the first case and try, perhaps, to come up with a new principle that will fit both the Trolley case and the Footbridge case, for those strongly committed to the principle: “it is always better to save the lives of five persons by sacrificing one life rather than let five die” the fault may lie with our intuitions, not in our principles. It’s our intuitions we should revise. Our intuitions are misleading us, pulling us in opposite directions at once, not our principles.

One person who strongly believes in the above principle is Peter Singer, an Australian philosopher who now teaches at Princeton. Singer believes our intuitions are what lead us astray in “The Footbridge Case” not our principles and we should ignore our intuitions or change them.

Singer believes we should always act so as to bring about the best consequences overall and so we should get over our reluctance to push the fairly large person and do the right thing: save the five workmen further down the tracks by sacrificing the one.

Singer’s explanation why we are misled and hesitate to do the right thing in “The Footbridge Case” is due to fact that we’re asked to put our bare hands on another human being and shove that person to his death. We should always, Singer believes, “save five by sacrificing one” but because we are asked to do something that produces an intense emotional response, that very intense emotional response gets in the way of our capacity to think clearly and rationally about the problem.

Singer acknowledges that there are differences in the two cases. He agrees that our immediate intuitive responses upon hearing each case, the original Trolley case and the Footbridge case, point in different directions. In the first case we’re ready to sacrifice one to save five, in the Footbridge case, we are not. But Singer believes the examples simply reveal that we should revise or bracket our intuitions and act rationally.



PETER SINGER

These examples show, he believes, that our intuitions are not to be trusted. They vary from one situation to the next and their variability often depends on features of a situation that cause us to act irrationally. In the first formulation of the trolley problem, we asked if we would pull a lever. We are some distance away from the person who is killed whereas in “The Footbridge Case” we are asked to put our hands directly on the back of another person and shove them to their death. This act, unlike the act of pulling a lever, causes anxiety that, in turn, causes us to act irrationally or, at the very least, to think less than clearly about what’s best to do under the circumstances.

For that matter Singer believes that our intuitions are never to be trusted as guides to moral action. We should always and only rely on what reason dictates. The first formulation of the trolley problem asks us to perform an action that is not nearly so emotional as having to push a large person off a footbridge. The pulling of a lever leaves room for thought. It creates a “space of reason” however small, in which we have an opportunity to reflect on the situation and do what’s rational to do: save the five by sacrificing one.

Singer cites a number of experiments in brain science in support of his hypothesis. We still know very little about how the brain works but neuro-science is one of the fastest growing areas of science in the twentieth century. Recently Joshua Greene and several others at Princeton University designed a series of experiments where they gave subjects various moral dilemmas and looked to see what parts of their brains would light up when their subjects set about trying to solve the dilemmas. Among the problems subjects were given was the Trolley Problem in the two versions you are now discussing, the original trolley case and the Footbridge case.

To see what parts of the brain became active when subjects were given the trolley problems, Josh Greene and his team subjected subjects into functional Magnetic Resonance Imaging Machines or fMRI Machines. Perhaps not unsurprisingly when their subjects were given the Footbridge case, their MRI results showed “increased activity in those areas of the brain associated with the emotions.” When they were given the original Trolley problem where they are asked to pull a lever, parts of the brain lit up that are more associated with cognition.

Singer is happy with these results. He believes that over the last several hundred years we have culturally and evolutionarily developed. Whereas some time ago it made sense to protect one’s own tribe or clan by using one’s bare hands, this way of protecting ourselves and others who are close to us no longer makes evolutionary sense. We have developed inhibitions and created cultural taboos against using our hands to protect ourselves from outsiders and over time this mode of self-protection has been selected out. So whereas there was a time, quite some time ago, where people did use their bare hands to ward off outsiders who invaded the community, now this way of acting towards has been tamped down through the evolutionary process. As a result we are hesitant to use our bare hands to push the fairly large person over the rail onto the tracks to are the five workmen, but in the original version of the trolley problem since lever-pulling is not emotion-inducing, reason “kicks in,” leaving us in a calm and collected state to think rationally about what, under the circumstances, would be the right thing to do. Singer believes we should “trust our reasoning and overlook our evolutionarily selected inhibitions.”

What do you think? Do you agree with Singer?

Peter Singer, of course, is not without his own biases. He endorses the very general principle that “if it is in our power to prevent something bad from happening without thereby sacrificing something of comparable moral importance, we ought to do it and it’s wrong not to do so.”

But perhaps Singer isn’t reasoning carefully enough.

In Singer’s case it may be that he is bedazzled by his general principle. It is obscuring his discovery of some fact or facts about the two cases that distinguish them from one another.

Rather than distrust our intuitions perhaps we should modify or replace the principle that it’s always better to save five by sacrificing one?

One reason to suspect that Singer may not have it completely right is to consider how people respond to a version of the footbridge case that does not require the laying on of bare hands.

V. The Trolley Problem Revisited

Consider the following:

Imagine that a trolley is hurtling down the tracks. The hill is steep. It has lost its brakes. The driver of the trolley cannot stop its forward motion.

There are five workmen further down on the tracks. There is a steep ravine covered with gravel on either side of the tracks where the men are working. If they try to scramble out of the way, they will only slide back onto the tracks, into the path of the on-coming trolley and face certain death.

Suppose there is as there was before a fairly large person who is standing on the footbridge. He is by the rail, enjoying the view. You notice the on-coming trolley, the five workmen, and the fairly large person but unlike the first version of the case, you are not on the footbridge, but nearby, next to the tracks, where there is a lever connected to a trap-door upon which the fairly large person is standing. If you pull the lever, it will open the trap-door and send the fairly large person onto the tracks, stopping the trolley, killing the large person and save the five workmen. Do you pull the lever?

What's your immediate intuitive response?

Most people given this variant of the Footbridge case hesitate to pull the lever in about the same numbers who hesitate to push the large person over the rail into the path of the on-coming trolley.

This result creates a problem for Singer because here we have lever-pulling just as there was a lever-pulling in the original trolley case and yet in the first case most people are ready to pull the lever and send the trolley onto the side-spur, killing the one to save the five, but here most are inclined not to pull the lever to send the fairly large person through a trap door into the path of a trolley to save the five workmen further down the tracks..

So: pulling in both cases, but a much greater reluctance to pull in one case than in the other. We have no laying on of bare hands in either case and so we can presume no hyper-active emotional areas of the brain light up. Given Peter Singer's reading of the two cases, the Footbridge case and the first formulation of the trolley problem, this new version of the Footbridge case cries out for explanation and prompt us to look deeper for some explanation of the difference between the two cases than the explanation Singer gives. Perhaps there is, after all, a moral difference between the two cases that we have overlooked?

Some believe there is.

V. The Principle of Double-Effect

Here it may help to turn to a principle, the doctrine of double-effect for explanation.

So, too, it may help us understand our different intuitive responses to the two cases, to the original Trolley case and the Footbridge case.

The principle dates back to Saint Thomas Aquinas (1225–1274) who is believed to have been the first to articulate it. It is called the principle or doctrine of double-effect because it prescribes that although it is never permissible to cause the death of an innocent person, sometimes it is permissible to cause harm as a side-effect of bringing about a greater good.

In the same vein but in slightly different words, the principle or doctrine states that it never permissible to intend an evil, to intend the death of an innocent person whether it be an end in itself or, for that matter, as a means to some greater good.

The principle allows that it is sometimes permissible to do what you merely foresee will bring about an evil, so long as you do not intend the evil. It's a complex doctrine but amazingly fits our common sense notions of what it is to act morally.

Many rely on the principle without being aware that they are doing so and indeed reliance upon this principle may be the best explanation of what's at work in our understanding of the three cases: the original formulation of the Trolley Problem, the Emergency Room Case and the Footbridge Case.

In international relations the principle is frequently used to understand the moral requirements of combat in time of war.

Soldiers faced with an enemy often discover that there are non-combatants in the vicinity of the battlefield. If they aim or shoot at the enemy they foresee that they may kill civilians in the vicinity. As Michael Walzer has written in his widely read *Just and Unjust Wars* "such foresight is common enough in war; soldiers could not fight at all except in the desert and at sea, without endangering nearby civilians." So here we have an example of intended vs. unintended yet foreseen consequences.

To attack civilians is prohibited under the rules of war on the principle that it is never permissible to intend the death of an innocent person. Under current rules of international warfare one may attack only one's attackers.

Direct attacks upon civilians and non-combatants are forbidden.

But it is also frequently the case that in the course of doing battle against the enemy the death of civilians is foreseen. And so long as their death is merely foreseen and not directly intended, the harm done, according to the doctrine, is permissible.

How might this apply to the Trolley Problem?

In both the Emergency Room Case and the Footbridge Case the deaths of the homeless person and the fairly large person are directly intended; whereas in the original Trolley case, the death of the workmen on the side-spur is merely foreseen.

It is also true In both the Emergency Room case and the Footbridge case, the homeless person and the fairly large person are used as a means to bring about a greater good; whereas in the original Trolley case the death of the workman on the side-spur is not a means but a by-product.

Here's the doctrine of double-effect fully laid out as it might apply to the first formulation of the trolley problem. The doctrine states that it is permissible to do harm if the following four conditions are met:

1. *The act itself is good in itself or at least indifferent* which in the first formulation of the trolley problems is the turning of the trolley;
2. *The direct effect of the act is morally acceptable* - the saving of the five workmen'
3. *The Intention of the actor is good; he or she only aims at the good effect, the saving of the five workmen; the bad effect, the killing of the workmen on the side-track is not one of his or her ends nor is it a means to one of his or her ends;*
4. *The good effect is sufficiently good to compensate for allowing the bad effect* - five workmen are saved while only one workmen is lost.

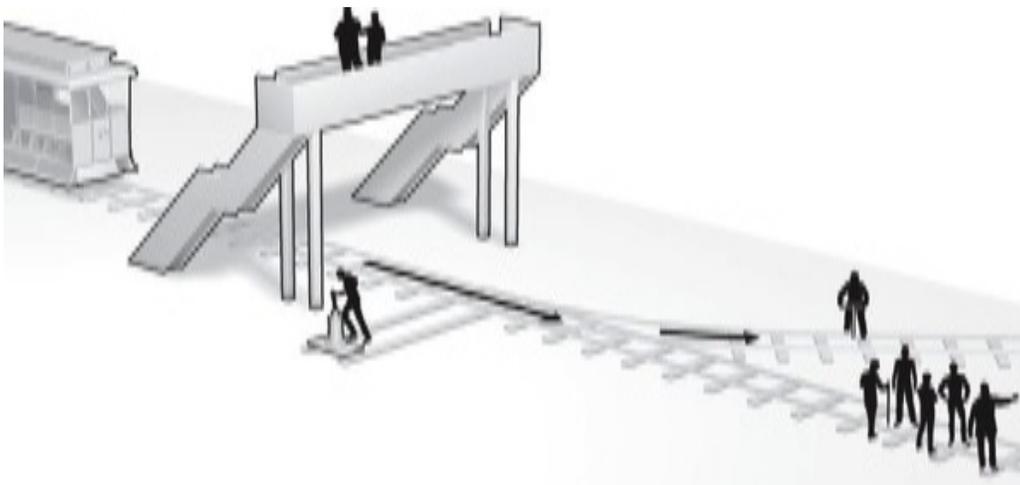
These four conditions and their application to the original trolley case may take some puzzling through, but upon reflection make sense and serve to mark a moral difference between the original Trolley case and the Footbridge case. In the Footbridge Case you pull a lever and open a trap-door upon which the fairly large person is standing but in so doing you directly intend his death in order to stop the trolley.

The stopping of the trolley does have a good consequence, the saving of the five workmen further down the tracks but you save them only by *using* the fairly large person *as a means*; whereas (again) in the original Trolley case you merely *foresee* the death of the one workmen off to the side.

So the principle of double-effect may explain our intuitions in all three cases. We hesitate to kill the homeless person and the fairly large person because in so doing we directly end their deaths as a means whereas the death of one workman on the side-spur is not directly intended. His death is merely foreseen. He is not used as a means.

What do you think?

Have we found our principle?



VI. Conclusion

Whether or not the principle of double-effect effectively captures our intuitions about how each of the cases ought to come out, it is worth noting that the above exercise consisted in the search for a rule or explanation that pulled competing intuitions together and helped to make sense of them.

Puzzling through the cases took a certain form. As is often the case with many of the puzzlers, the exercise started with a case, a case you were to decide without giving your answer too much thought for which you were then asked to give a reason for responding in the way that you had.

You were then presented with a second case, the Emergency Room case, and asked to decide it based on the reason you gave for deciding the first case in the way that you did. But in those instances where the reason given for turning the trolley onto the side-spur was, say, "it is better to save the lives of five persons for the price of one rather than lose all five," the result, in the second case, came out counter-intuitively. Taking the life of the homeless person to save the five patients upstairs in need of a transplant rather than let all five die intuitively seemed to be the wrong thing to do.

To resolve the inconsistency a revision in either one's intuitive responses to the cases or one's reasoning cried out for revision. Perhaps the reason: "save five for the price of one rather than let five die" does not capture the whole moral story. Perhaps it fails to capture all that matters to us from a moral point of view. Perhaps more than numbers count.

The exercise did not end there. Still it's possible to notice with just this much of the exercise on the table that the process involved shuttling back and forth between reasons and cases, between deciding a case immediately and intuitively, thinking of one's reason for deciding the case, then applying one's reason from the first case to a second case to see if it led to an intuitive outcome and, if one discovered it did not, to go back and revise either one's original intuitive judgments or one's reasoning.

This activity of shuttling back and forth between cases, intuitions and reasons might be called, as the subtitle of the "The Trolley Problem" states: "An Exercise in Moral Reasoning." It might also be called simply "thinking things through." Much of our moral thinking, however, appears to follow this pattern. It's not just a matter of applying rules and principles, rules such as "Keep your promises" and acting in accordance with them, that is, doing what the rules and principles prescribe, but a method for discovering the rules and principles themselves that ought to guide and govern our moral conduct. Again, it's not just a matter of applying a rule to cases, but a way of arriving at a conclusion from a set of premises to discover what rule or principle best justifies and explains what it is to act from a moral point of view.

Why engage in this process of moral reasoning?

One explanation, perhaps the best, is that by doing so, one addresses a problem that otherwise plagues the moral life.

Why be good?

Why follow this or that moral principle? Why, for example, keep one's promises? In the absence of a system of enforcement, like a system of punishment, why do what's morally good and right to do?

One answer is to have some good reason to do it.

And this is what the process of moral reasoning is intended to provide, to provide reasons to act morally. Indeed without some good reason to follow the moral rules and principles that guide human conduct, one might wonder why one ought to act in accordance with the rules or principles at all. In this respect, to succeed the moral life has to have its own reason-giving force. Without some good reason or set of reasons to lead a moral life, morality will cease to be credible and lose much of its point.

