

## RECONCEPTUALIZING JUSTICE IN THE GLOBALIZING WORLD

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### *Abstract*

*The very profound transformations that have come to characterize social relations in the in the 21<sup>st</sup> century, facilitated by advances in transportation and information technologies, are inexorably bringing the world together. Thus, in the McLuhan's parlance, the world now constitutes a global village. As nations, peoples and communities across the globe become economically, socially and politically connected the distinction between the global and the local becomes increasingly blurred and the forces that have brought the world together continue to magnify the human potential to generate transnational consequences.*

*Taking the above observations as a point of departure, this paper seeks to highlight how the change occasioned by the speeding up of global process and it attendant de-territorialization of global relations is rendering obsolete the traditional conceptualization of justice in political philosophy. Specifically this paper examines the rise and the meaning of the notion of global justice in a globalizing world. It evaluates the debates between the advocates of global justice and it critics such as the communitarians and the postmoderns. It concludes that in the light of globalization of social relations and the possibility of generating transnational harm, we cannot justifiably confine the concept of justice to territorially bounded communities. (Key Words: Justice, Globalizing World, Information Technology, Deterritorialization).*

### INTRODUCTION

Ideas do not arise in a vacuum, often they are the products of the context of their provenance. Thus, the conceptual tools we employ in understanding social reality must remain sensitive to the fundamental transformations in the arena of their application, lest they become so completely out touch with reality that rather than assisting us to understanding our world, they become outmoded spectacles that render such understanding impossible. The point being made is that the rapidity of change that characterize our world today is not only limited to the empirical, they do have conceptual ramifications, ramifications that must be taking to consideration if we expect our conceptual schemas are to yield an adequate understanding of the objects of our investigation.

One of such fundamental ongoing changes that demand some significant revision of our conceptual schema is a group of processes which may be conveniently described as globalization. In recent scholarship, globalization has come to occupy a central place, thus within disciplines as disparate as Architecture, Sociology and Philosophy, there are

conscious attempts to incorporate the global perspective into the discourses and analyses within these fields. In Philosophy, for instance, fundamental questions are being raised about the nature of “community”, “democracy”, “justice”, “identity”, etc in a globalizing world.\* This paper in particular interrogates the debate over the nature and the scope of justice in an increasingly interconnecting world. It argues the thesis that in the light of the increasing reconfiguration of social geography and the rise of transnational spaces of interaction and effects\*, we cannot continue to narrowly associate the relevant relations of justice to those that hold within territorially bonded communities such as states. Simply put, our conventional understanding of justice must incorporate the global dimension such that it becomes possible that while our fields of vision covers the notion of domestic justice, it does not lose sight of the idea of global justice. In order to systematically flesh out the above propositions, this paper has been divided into four sections. In the first, we provide a brief clarification of two key concepts that are central to this paper, namely, “justice and “globalization”. The second section highlights the bias towards domestic justice in traditional political philosophy as well as the challenge mounted against it by a group of globally minded theorists that we might label as cosmopolitans. In the succeeding section I examine the debate between those cosmopolitans who advocate global justice and the communitarians and relativists like David Miller and Michael Walzer, who argue against the possibility of global justice. In the final section, I articulate a minimalist account of what justice might entail in the global age.

## CONCEPTUAL CLARIFICATION

Along with equality and liberty, the concept of justice “has enjoyed unrivalled prominence in moral and political philosophy from Socrates of Plato’s republic in the 4<sup>th</sup> century to contemporary American philosopher, John Rawls (Bofachi, 1995:686).” Unfortunately in spite, or because, of its prominence, justice had remained an “essentially-contested concept (Gallie, 1964).” A casual survey of the political theory literature from Plato to Gauthier reveals that the concept has been assigned a diverse array of meanings, which sometimes are mutually incommensurable. There is, however, a near consensus that justice has to do with idea of “giving to each one his due” as expressed in the Latin phrase *suum cique tribuere* (Barry and Matravers, 1998:141-147). Thus Aristotle famously defines justice as the treating of equals equally and unequals unequally (Aristotle, 1999:71). Pogge provides a more comprehensive definition when he says justice is a central moral notion associated with fair and impartial procedures...as well as with persons being treated evenhandedly and in a morally befitting way (Pogge, 200: 8055). From these definitions, it should be fairly evident that, whatever else the justice might imply, it is related to impartiality, fairness and even-handed treatment. So much for justice, we may now seek to illuminate the concept of globalization. Compared to justice, globalization is an exceedingly complex concept. That this case could be gleaned from the fact that globalization is at once employed to describe a phenomenon, a process and a philosophy (Muqtedar, 2009). Globalization also has multiplicity of dimensions, namely the political, the economic and the cultural. Beyond this, as a concept globalization is not only prone to the “twin problems of rhetorical overload and analytical incoherence”, it is also an idea that is susceptible to being loaded

with a lot of “moral and political garbage (Holton, 2005:292-312).” This explains why Blieker declares that “globalization is an omnipresent and unruly phenomenon; whose manifestation are diverse as its interpretations are contestable (Blieker, 2004:124-141).”

In spite of the complexity of the globalization concept, we must arrive at a working definition. For our purposes in this presentation, we shall adopt Scholte’s conceptualization of the idea. It may be helpful, however, to examine a few of the attempts to define globalization in order to put Scholte’s conception of globalization in perspective. Political Scientist James Mittelman defines globalization as the compression of space and time (Mittelman, 1996:1-19). By this, he meant that the technologies of globalization have reduced the significance of the distance barrier as well as the salience of time in cross-border interactions. In a closely related definition, sociologist Roland Robertson refers to globalization as “the compression of the world and the intensification of the consciousness of the world as a whole (Robertson, 1992:8).” Another sociologist Anthony Giddens defines globalization as intensification of worldwide relationships which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa (Giddens, 1990:64).

One interesting and common theme that runs through all the above definitions is that they inevitably point to the transnationalization of the connections taking place in the world today. This leads me to Scholte’s conceptualization of globalization. In her view, globalization is synonymous with deterritorialisation. Thus she defines globalization “as the reconfiguration of social geography marked by the rise of supraterritorial spaces (Scholte, 2000:8).” According to Scholte, McGrew and Held captures this reading of globalization when they referred to it a “process (or set processes) which embodies a transformation in the spatial organization of social relations and transactions (McGrew and Held, 16). Conceived as the rise of supraterritorial spaces, globalization spotlights the increasing trans-border or transnational relations, which are taking place in the contemporary world. The point of this perspective is that globalization is restructuring our social space or geography from one that is predominantly territorial to one that is increasingly “trans-national”. In other words, whereas people normally have most of their interactions and affiliations in the past with others who share the same territorial space (e.g. the village, town and nation), there is massive burgeoning of interactions and affiliations across these territories.

What emerges clearly from foregoing analyses is that globalization has brought about the intensification of global relations. It is the contention of this paper, to inform the way we understand justice in the contemporary world. However for this to happen, we must transcend the bias in traditional political philosophy towards domestic justice. In the next section, I will x-ray that bias.

## **THE TRADITIONAL CONCEPTION OF JUSTICE**

The understanding and the conceptualization of justice in political philosophy from its inception in the days of Plato and Aristotle, until only very recently, have been intimately intertwined with territorially bounded communities. Plato and Aristotle, for instance, were particularly concerned with expounding the nature of justice in the small-scale societies of their days. They are perhaps not to be blamed for limiting the idea of justice to the relations within their Greek city states; given the age they lived in,

these philosophical juggernauts, could not have envisaged the large scale communities that exist today and the massive interactions between them. It is instructive however, that the Stoics in the Hellenistic period developed the idea of justice which saw the former as a principle that ought to apply to all humanity irrespective of their ethnic or political affiliation. For the stoics all men are connected by rationality and thus have sufficient basis to subscribe to a set of common norms of justice. Cicero makes the point elegantly when he says

...the first common possession of human beings and God is reason. But those who have reason in common must also have right reason in common. And since right reason is law, we must believe that people have law also in common with the Gods. Further those who share law must also share justice; those who share these are to be regarded as members of the same commonwealth (Stumpf and Fieser, 2003:114).

While the stoic spoke of the brotherhood of humanity and held a cosmopolitan idea of justice, their position was relegated to the margins of political thought. With the exception of Kant, the great majority of thinkers that dealt with the issue of justice almost always operated with the assumption that justice is territorially bounded to the nation state. Carey confirms that the ‘bounded idea of justice’ has been prominent in western thought.

The evolution of thought regarding justice as it applies to political communities has been a fundamental preoccupation of modern political philosophy for centuries. The background analysis and reflection mainly derived from earlier efforts to conceive justice in relation to specific communities. This tradition in western political philosophy can be traced back to ancient Athens and the conception put forth by Plato and Aristotle, carried forward into contemporary era, most notably by John Rawls (Carey, 2003:2).

Thus, even Rawls whose ideas are generally regarded as the starting point for understanding justice in the contemporary era is caught in the web of what Scholte calls “Methodological territorialism”. Methodological territorialism, according to her, is the practice of understanding and investigating social relations through the lens of territorial geography (Carey, 2003:56). Methodological territorialism in Political Philosophy, or the traditional bias that confines the issue of justice to relations within states, has been reinforced and supported by two main tradition of thought in international relations, namely realism and natural law theory. Realist like Thucydides and Hobbes claim that the international realm is characterized by violent anarchy “therefore, “moral norms do not hold between the states even when they hold within states (Christiano and Christman, 2009:8). The natural law perspective which is given one of it finest articulation in the writings of Grotius asserts that the international system is a society of societies. On this reading, states do owe themselves the duty of

non-interference. The implication of this is that the notion of cosmopolitan justice does not arise.

On the whole, then, justice in conventional political philosophy or international political theory is closely connected with the idea of “bounded justice”. Justice in the conventional understanding is nothing but domestic justice or put differently, “justice within (national) borders”. Within the last few decades, however, the preeminence and the analytical accuracy of the state-centric understanding of justice, is increasingly called into question. Critics of the exclusive focus of traditional political philosophy on domestic justice argue that such a perspective is increasingly becoming outmoded in the light of the deterritorialisation of social relations that is being intensified by global forces and processes. Christiano and Christman identify below the global processes that are beginning to lead some political theorist to raise the issue of the appropriateness of the tendency that confines justice relations to those within the borders of nation-states.

The modern era has called the prominence of the state in political theory into question because of the myriad of relations that citizens of one society hold with those of others societies. the massive explosion of international trade, finance, communication , transportation and migration of peoples and increasing awareness of public evils such as air pollution and global warming coupled with the rise of international institutions that have significant power that tie persons in all part of the globe to one another (Christiano and Christman, 2009:19).

It does not take any stretch of imagination to realize that for any conception of justice to take the above developments into account, it will have to become globally sensitive. Around the issues of global justice has emerged the cosmopolitan movement, a group of thinkers bound together by their conviction that the proper scope of justice is global. Prominent within this movement are philosophers such as a Peter Singer, Thomas Pogge, Charles Beitz and Simon Caney. All of these in their different ways have continued to challenge the bias in traditional political theory towards domestic justice as well as provided an alternative account of the nature of justice in an increasing interconnecting world. In the next section I will briefly examine the arguments the cosmopolitans as presented by Pogge and Beitz for global justice and the communitarian objections from David Miller and Michael Walzer.

## **THE COSMOPOLITAN/ COMMUNITARIAN DEBATE**

It is important to point out from the onset that Pogge and Beitz takes Rawls *A Theory of Justice* as their starting point (Rawls, 1971). In fact, the major writings of the duo on justice explicitly aim at extending Rawls famous principles of justice to the global arena.

In his *Political Theory and International Relations*, for instance, Beitz vigorously defended the idea of global justice (Beitz, 1979). He started out by refuting the assumption held by Rawls and the communitarians that the countries of the world are economically and culturally self-contained entities.\* Instead, he argues that the degree of

economic and cultural links between individuals in various nations across the world have effectively transformed the “global” society into a system of mutual cooperation (Beitz, 1979:129).” If Beitz contention that the world approximates a system of mutual cooperation was correct, it would follow that sufficiently “thick” associational ties now characterize global relations and that the notion of justice can be extended beyond the borders of nation states to the global sphere.

In a similar vein, Pogge has attempted to establish the validity of the notion of global justice (Pogge, 2008). He repeats most of Beitz’s arguments, but he takes the cosmopolitan argument further by emphasizing that the obligation of justice is applicable to the world stage because we share a “global basic structure”, i.e., a set of economic and political institutions that has profound and enduring effect on the distribution of the burdens and the benefits among peoples and individuals around the world. Based on the idea of the global structure, which is coercively imposed on the poor by the economically powerful states of the world, Pogge shows that there are morally significant institutional ties that bind the affluent nations and the poor ones together. He therefore concludes that since the present global order harms the poor, issues of justice are generated at the global level.

Having laid out the Beitz and Pogges argument for global justice, in the following section, I will briefly examine some communitarian objections of the idea of global justice.

### **COMMUNITARIAN OBJECTIONS TO GLOBAL JUSTICE**

Miller is unarguably the most trenchant critic of the notion of global justice, even though it appears that his recent writings seem to concede some ground to the cosmopolitan formulation of global justice (Miller, 1995-2007). Thus the reference to his objections to cosmopolitan justice in this work, appropriately refers to the “early” and not the “latter” Miller. He developed two major arguments against global justice, namely, the argument from national self determination and the argument from national affinity. According to the first, the idea of global distributive justice violates the principle of national self determination. Based on this principle, nations have sovereign rights over the resources that falls within their borders; therefore they retain the discretion as to whether or not to share these resources with other nations. Since, Global redistribution seeks to take away this discretion, it should be rejected (Miller, 1995). The second argument is the standard, more popular communitarian objection to global justice.

According to the national affinity argument, it is the prior existence of special associational ties which creates obligation of justice by defining it principles, subjects and objects. According to miller such affinities or special associational ties are found within territorially bounded communities (nations), and since there no such globally shared affinities, there can be no global justice (Miller, 1988:661). Walzer, hints at this points when he argued that “the idea of distributive justice presuppose a bounded world within which distribution take place (Walzer, 1983:31).” The preceding statement attributed to Walzer is better appreciated within the context of his unwavering normative relativism. In one of his recent articles titled “Global and Local Justice” Walzer again denies the possibility of a comprehensive theory of global justice on the account of cultural diversity and relativism. His words:

Global justice would seem to require a global theory—a single philosophically grounded account of what justice is that explains why it ought to be realized in exactly this way, everywhere, right now (Walzer, 2000:1).

In Walzer's estimation such an philosophically grounded account of global justice is impossible because

The diversity of cultures and the plurality of states make it unlikely that a single account of justice could ever be persuasive across the globe or enforceable in everyday practice (Walzer, 2000:1).

If we combine Millers emphasis on the priority of national self determination, the significance of national affinity and Walzers relativism that point to the impossibility of developing a trans-cultural account of global justice, it appears that we must give up on the idea, in spite of the fact that global justice provides a normative basis for regulating transnational relations. I contend, however, that the communitarian arguments against global justice do not necessarily lead to such a gloomy conclusion.

### **EVALUATING THE COSMOPOLITAN-COMMUNITARIAN DEBATE ON GLOBAL JUSTICE**

The communitarian objection from national self-determination to global justice can only be sustained if it is the case that the present global economic order is fair and just. If it is not, it follows that the national self-determination of the poor nations has been violated in the first place. Thus the rich nations, therefore, cannot defend their unjust acquisitions on the account of national self-determination. In fact, one of the central planks of Nozicks entitlement theory of justice is that where the where the principle of just acquisition has been violated, rectification can be effected by redistribution (Nozick, 1974). The argument from national affinity, suggests that it is only shared institutions and nationality that creates obligations of justice. This is certainly not true for justice is could well be a pre-institutional norm. It is, therefore, possible to incur obligation of justice in situations where the agents in question are not bound by shared institutions. I am going to show later how this is possible in my minimalist account of global justice. In any case, Anderson puts a big dent on the national affinity argument, by describing nations as nothing but "imagined communities (Anderson, 1991-1996)." In other words, the idea of national attachments is subjective, one that only lives in the minds of those who see themselves as citizens of the same nation. By implication, the so called national ties are subjective, imaginary and fictitious.

In the same vein, Moore has shown that Millers claim about national attachments are exaggerated. According to her, only in "few states do the territorial frontiers coincide with national communities (Margaret and Hutchinson, 2000:1697)." More significantly, Devetak and Higgot argue that the nature of social bonds in the contemporary globalizing world is more complex than communitarians are willing to admit. According to them "the fabric of the social bond is constantly being rewoven by globalization". Thus, they

conclude, “there are no settled social bonds in the age of globalization (Devetak and Higgot, 1999:483-498).” The picture one gets from Devetak and Higgot, in essence is that while social bonds or attachments are fragmenting within nation states, significant transnational attachments are being forged. Interestingly, the duo is quite aware that the instability of social bonds, occasioned by globalization, does have implication for justice:

...the Westphalian “givens” of justice no longer pertain. The forces and pressures of modernity and globalization, as time and space compress, render the idea of stable bonds improbable. If this is the case how are we to think about justice? When the social bond is undergoing change or modification as a consequence of globalizing pressures, how can justice be conceptualized, let alone be realized. Can there be justice in a world where that bond is constantly being disrupted, renegotiated and transformed by globalization (Devetak and Higgot, 1999: 484)?

The position taken in this paper is that we can still speak of some form of justice in the globalizing age. Indeed the increasing interdependence between societies and its rise of transnational relations means that events in one locale is capable of having beneficial or detrimental consequences for another located thousand miles apart and vice -versa. By extension, the consequences of our action or inaction in the global age are usually not confined to the space within our national borders. Thus, given that globalization has heightened our capacity to generate transnational consequences, the notion of global justice does not only becomes intelligible, it in fact becomes an imperative in order to regulate global relations.

This leads me to Walzer’s charge that it is impossible to develop a trans-cultural account of global justice. This position, no doubt, smacks of an unremitting relativism built on the fact of the world’s cultural diversity. This fact cannot be controverted, but I doubt if cultural diversity implies that we cannot agree on any principles, however, minimal. Ghanaian Philosopher, Wiredu, for example, have shown that there are cultural universals (Wiredu, 1996). Interestingly, even Walzer himself, agrees that we can develop what he calls a “minimalist account of justice-right-now” as opposed to a comprehensive, “maximalist” theory” (Wiredu, 1996:4). In the next section, I develop a brief sketch of minimalist account of justice for a globalizing world.

## **A MINIMALIST ACCOUNT OF GLOBAL JUSTICE**

Essentially, my minimal theory of global justice is built on the simple notions of harm and rectification. Based on the idea of compensatory justice, and the long standing near universal tradition that we are duty bound not to harm others, we can derive the incontrovertible principle that any agent causally responsible for harming another necessarily incurs the obligation to remedy the condition of victim. The harm principle which forms a basic plank of the above principle is well established idea in ethics and socio-political philosophy\*.



The harm principle is so basic and so self evident that even the communitarians would accept it as a principle for regulating human relation. Thus, we have identified one principle that would be endorsed by both cosmopolitans and communitarians. Based on these preliminary observations, let me develop an argument to show how transboundary or global justice could arise:

- (a.) We ought not to inflict harm on others
- (b.) When agent A inflicts harm on agent B, Agent A necessarily incurs the debt of remedying the condition of B.
- (c.) Harm is a spatially situated occurrence: it could take place within a nation, in which case it is domestic harm. However, in the globalizing world, harm is increasingly taking place across borders, in which case harm is transboundary.
- (d.) Transboundary harm requires rectification just as domestic harm. Agents (states, individual, MNCs) responsible for inflicting transboundary harm necessarily acquire transboundary obligations of rectification.
- (e.) Therefore, we can speak of transboundary or global justice.

If the above argument is sound, it follows that the norm of justice is not as spatially bounded as the communitarians contend, nor does Walzer's normative pluralism stop us from agreeing on the harm principle on which the foundation of the whole argument is built. Combining the harm principle with the notion of rectification, we have arrived at what might be called a rectificatory conception of global justice, according to which agents who inflicts identifiable harm on others, owe their victims a duty of justice to rectify such harm.

## CONCLUSION

This paper has demonstrated that in the age of globalization, characterized as it is by the increasing deterritorialization of social relations and the possibility of transnational harm, the traditional bias of academic political philosophy towards domestic justice is no more tenable. Granted that the globalizing forces and processes have been at work from the dawn of history, the present speed and scope of the spread of transnational relations demands that we must now incorporate a global dimension to our understanding of justice. To continue to insist on the national attachments as precondition for the consideration of justice as the communitarians are want to do, is not to come to terms with the reality of global processes which are not only fragmenting attachments within territorial spaces but are also giving rise to new attachments and relations which transcend the territorial spaces of Westphalian cartography. Globalization is changing the nature of social relations from one that is predominantly territorial to one that is significantly supraterritorial. It is imperative therefore that the concept of justice be extended to cover interactions which are taking place in transnational spaces or else we leave the global masses at the mercy of the global economic elite- there can be no just global order until justice goes global.

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