

Treatment of Black individuals with convictions in Britain during the early 19th century

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Early 19th century prisons in Britain held an increasing number of inmates, and among this growing prison population were Black individuals accused of criminal activity. This article will explore the topic of Black criminality by adopting a microhistory approach, which involves in-depth case studies regarding the experiences of two men of African descent imprisoned within the period of study. Firstly, William Caines was incarcerated at Ilchester Gaol in 1817 and secondly, John Lewis imprisoned at Stafford County Gaol in 1830. Both of these men, committed, or were accused of committing, a form of theft. Theft was perceived as a grievous crime, as the importance of respecting property in this period was paramount. According to Peter Linebaugh, the chief lesson that the prison system had to teach was to respect private property.¹ Throughout the long 18th century criminals were hanged for an extensive range of crimes due to a series of laws passed in the British Isles mandating the death penalty, known as the 'Bloody Code'.² Yet, recent scholarship, including important work undertaken by King and Ward has suggested there was a reluctance to actually implement capital punishment, particularly towards the end of the 18th century and especially in regions outside of the capital city's jurisdiction.³ Thus, imprisonment and transportation were increasingly regarded as more appropriate methods in tackling criminality.

19th century reformers valued the prison as a site which could restore and reform the criminal by appealing to the convicted person's sense of morality; by extension, prisons were believed to generate a more humane society.⁴ The two prisons that this article will specifically focus upon are Ilchester County Gaol and Stafford County Gaol and House of Correction. Ilchester Gaol operated from 1615 to 1843, it was used as a site of incarceration for a total of 228 years, whereas Stafford Gaol was a newer institution opening in 1793, before closing its doors in 1916, housing prisoners for 123 years.⁵ This article concludes that Black men accused of theft who fostered positive relationships with their contemporaries could expect treatment which did not discriminate against them on the grounds of their colour in the carceral system. Furthermore, if they managed to behave in an exemplary manner they could even be offered job opportunities and shortened sentences.

Black presence in prisons

Scholarship which examines the topic of Black criminality has tended to focus upon the later 19th century. This is partially due to the scarcity of prison and trial records which explicitly recorded ethnicity within the period of study. One notable exception being London, as according to Peter King, there was, 'a uniquely detailed set of court records (the Newgate Calendars) in which ethnicity is systematically described... [as the city of London] contained large numbers of migrants' (p.1).⁶ Jeffrey Green provides

1. Linebaugh, P. (1992). *The London Hanged: Crime and Civil Society in the 18th Century*. Cambridge University Press.
2. King, P., & Ward, R. (2015). Rethinking the Bloody Code in eighteenth-Century Britain: Capital Punishment at the Centre and on the Periphery. *Past & Present*, 288(1), 159-205.
3. See footnote 2: King & Ward (2015).
4. McGowen, R. (1986). A Powerful Sympathy: Terror, the Prison, and Humanitarian Reform in early 19th-Century Britain, *Journal of British Studies*, 25(3), 313-334.
5. <https://www.prisonhistory.org/prison/ilchester-county-gaol-and-house-of-correction/>; <https://www.prisonhistory.org/prison/stafford-county-gaol-and-house-of-correction/> Accessed 16/02/2025.
6. King, P. (2016). Immigrant Communities, the Police and the Courts in Late eighteenth and Early nineteenth-Century London, *Crime, Histoire & Sociétés/Crime, History & Societies*, 20(1), 1-33.

insight into the experiences of Black Britons incarcerated during the Victorian era.⁷ His work analyses several important accounts of individuals who were both Black and convicted of criminal offences, including Joseph Denny, a former sailor who spent time in several prisons including Pentonville, Dartmoor, Liverpool, and Broadmoor. Green's article also makes direct reference to a case which occurred in 1895 and was recorded in several newspaper articles which state that a 'man of colour who gave himself the name Prince Alesam... [was] charged with cheating and defrauding Peter Gobeli, hotel keeper of 25 Edgeware Road' (p.3).⁸ Subsequently, in February of 1896, Alesam was described as 'developing [clear] symptoms of insanity... he has now been certified as a lunatic and will on the expiration of his sentence... be removed to Banstead Asylum as a pauper lunatic' (p.3).⁹ The case of Alesam highlights that during the 19th century, institutionalisation became increasingly widespread, as authorities wished to enforce stricter control over those who were mentally ill by placing them into asylums and prisons in a bid to control the physical body through surveillance.¹⁰

Another significant piece of research is by Peter King and John Carter Wood. Their work suggests that during the late 18th and early 19th centuries, Irish convicts were treated with more discrimination than their Black counterparts. They focus upon source material relating to crimes committed by Black individuals in London.¹¹ King and Carter Wood not only examine the experiences of convicted felons, but also the treatment of Black victims and witnesses during court proceedings. The authors note that clerks employed by the courts, rarely recorded the ethnicity

of the accused or victim; with the exception of the *Old Bailey Proceedings* a series of formal written records.¹² The seeming lack of interest in noting the exterior appearance of the individuals that came before the courts in London at this time may suggest that racially prejudiced stereotypes did not influence magistrates' decisions when passing sentences. While conducting this research I found a similar lack of detail regarding recording ethnicity in prison official documentation, indicating a degree of indifference to noting racial features upon entering carceral institutions at this time. Therefore, this research relies upon primary source material, including detailed letters written by contemporary magistrates, which explicitly stated that men of African descent were present within the British prison system.

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Case study one: William Caines

In the summer of 1817, in the county of Somerset, a Black man named William Caines was accused by Ann Laver of committing 'highway robbery'.¹³ She testified that, following a public fair in Curry-Rivel which had taken place on the 5th of August, a man fitting his exact description attacked and stole from her in the early hours of the morning as she was making her way home. Caines had been exhibiting his wounded arm at the fair as a way to make money telling passers-by that he obtained his injuries following a

naval battle. Caines, the alleged perpetrator, was born in the United States of America and had previously been employed as a privateer seaman, privateers were individuals granted a licence by their respective governments to attack enemy ships.¹⁴ After Caines obtained his disability, he struggled to find alternative

7. Green, J. (2017). The Criminal Justice System and Black People in Victorian Britain. *Prison Service Journal*, 232, 35-38.

8. Lincolnshire Echo. (1985, May 1).

9. Morning Post (London). (1896, February 1).

10. Cox, C., & Marland, H. (2018). Broken Minds and Beaten Bodies: Cultures of Harm and the Management of Mental Illness in mid-to-late 19th century English and Irish Prisons, *Social History of Medicine*, 31(4), 688-710.

11. King, P., & Carter Wood, J. (2015). Black people and the criminal justice system: prejudice and practice in later eighteenth and early nineteenth-century London. *Historical Research*, 88(238), 100-124.

12. See footnote 11: King, P., & Carter Wood, J. (2015).

13. The National Archives (Kew), *Report of Robert Graham on William Caines a 'man of colour' a beggar and formally privateer seaman convicted at the last Somerset Assizes held at Bridgwater, Somerset, for highway robbery committed on Ann Laver, 5th August 1817*, HO 47/56/17.

14. Hillmann, H., & Gathmann, C. (2008). *From Privateering to Navy: How Sea Power Became a Public Good* [Unpublished paper]. Stanford University, Department of Economics.

employment and began travelling around Britain displaying his wounds in order to gain an income and was referred to as an 'itinerant' wanderer. Following the accusation levied against him by Laver, Caines was arrested and was taken to a holding cell, prior to the commencement of his trial. According to a report written by Sir Robert Graham (1744-1836) one of the presiding magistrates for the court case, Caines, was described in his trial proceedings as, 'A man of colour, immensely stout and large, but mutilated in an arm and crippled in the other, th[ough] with some power of using it...' (p.255).¹⁵

Laver is introduced as the plaintiff to the case, who was at the time that the accusation was made, a mere eighteen years old.¹⁶ In her testimony she claimed that Caines wore 'a hanky on his face, he had wounds... in his right arm. He had a stump arm, the left of some cut off about here [she then pointed a little above the elbow].' (p.254).¹⁷ Her description of Caines corroborated exactly with his physical appearance highlighting that she could describe him in detail.¹⁸ Her sister Charlotte Laver, acting as a supporting witness, added further details substantiating the initial part of Ann's testimony, as she claimed that she had also seen Caines on the night in question, stating, 'I was at Curry Fair on the Monday, I saw the Prisoner there he begg'd a half-penny...' (p.254).¹⁹

According to Graham's report, he concurred with the assessment as to how Caines acquired his disability, stating that 'the prisoner... had lost the left arm in battle' suggesting that Caines had been consistent in relating to people how he had lost his limb (p.259).²⁰ The defence tried to argue that it was 'impossible that a man so mutilated [and] otherwise remarkable [in appearance] should hope to disguise

himself by merely putting [on] a handkerchief over his face' (p.257).²¹ Despite the considerable degree of doubt raised, a verdict of guilty was returned and Caines was sentenced to death. However, this decision was overturned, and he was instead sentenced to imprisonment at Ilchester Gaol. The overturning of the initial judgment was not unusual, as according to Gatrell's research, in the early 19th century there was a growing trend to commute even capital convictions to lesser penalties.²²

Caines was moved temporarily to the house of correction, Wilton Gaol, prior to his intended destination of Ilchester. Meanwhile, the local community in the area where the offence had supposedly taken place raised their concerns that Laver was being dishonest about the incident. Graham stated that, 'Immediately on my return from the assizes, I happened to see several of the principal inhabitants of the parish where Ann Laver resides, and I was informed by them that [they had] considerable doubts... as to the said Robbery and in fact it was generally rumoured through the county that what she had said was untrue.' (p.260).²³ In fact, it goes on to state that the locals were right to be wary, as Ann had indeed fabricated the whole event, as five eyewitnesses came forward providing testimonies that Caines could not have been at the field at the time that the

alleged robbery took place.²⁴ Vincent Stuckey (1771-1845), a merchant and prominent banker of Somerset, went to Ilchester prison to meet with Caines in person seeking his testimony on the series of events. This highlights that early 19th century prisons were permeable spaces, which permitted criminals to be interviewed following the sentencing process and Caines was allowed to give his side of the story in

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15. Report of Robert Graham on William Caines.

16. See footnote 13.

17. See footnote 13.

18. See footnote 13.

19. See footnote 13.

20. See footnote 13.

21. See footnote 13.

22. Gatrell, V. A. C., & Gatrell, V. (1994). *The Hanging Tree: Execution and the English People 1770-1868*. Oxford University Press; see also, Briggs, J., Harrison, C., McInnes, A., & Vincent, D. (1996). *Crime and Punishment in England: An Introductory History*, Routledge.

23. Report on Caines.

24. The eyewitnesses were named Betty Moor, Samuel Priddle, James Gilliot, William Hooper and William Hawker.

order to appropriately uphold the judicial system. Stuckey stated that he 'ask[ed] the prisoner 'Caines' several questions [and] everything [that] he said convinced me of the opinion... indeed I am morally certain [that] he was never near the Field in which the girl states the Robbery to have taken place.' (p.261).²⁵ Over the false arrest, Stuckey justified how Caines had previously been found guilty as, 'he is a most remarkable man and she *described him so accurately* that he was soon recognised and taken.' (p.265).²⁶ Due to the hasty conviction, which took place, according to the records 'about a week' after the alleged crime had taken place, the community had been unable to provide the judge presiding on this case this crucial information until a later date. This account highlights that members of the local population were keen to ensure that innocent individuals were not convicted unfairly.

Upon hearing this new evidence, Graham claimed that in Caines's case 'the Prisoner [ought to be] a just object of the Royal Mercy', highlighting that his contemporaries were not necessarily prejudiced against the convicted man due to his skin colour, disability and foreign birth. (p.255).²⁷ An update provided ground-breaking evidence for the defence that 'the prisoner was at the fair in company with a very tall woman who was said to be his wife... they were [seen] at an alehouse called the Ball' at the time in question, providing a direct alibi that meant he could not have been responsible for the crime. (p.263).²⁸ A letter, included with the report, directed to 'Sidmouth', referring to Henry Addington (1757-1844) former Prime Minister from 1801 to 1804, who between 1812 to 1822 acted as Home Secretary, asked that Caines be released from prison. The immediacy of this action suggests that they sought to rectify the previous error, thus Caines was found 'not guilty' and as a result was granted a full royal pardon.²⁹

Caines was incarcerated at Ilchester, but the exact date of his liberation was not mentioned in the

original series of letters. However, material housed at the *Somerset Archives* reveals that he was there between the 7th of August to the 10th of November of 1817. The index of prisoners lists his name and describes him as being at the time of his imprisonment aged forty-two. The same document confirms under the heading which explains how each prisoner was discharged, that he was released by 'free pardon,' providing consistency across the two historical records. Frustratingly, it does not mention his African heritage, highlighting a challenge for researchers when examining the carceral records when ethnicity is omitted entirely.

Upon consultation of the register of sick prisoners serving time in Ilchester between the years 1811 to 1821, there was further evidence of Caines' experience while he was incarcerated. He is described in the register as having suffered from 'constipated bowels' and was admitted as a patient to the infirmary for male patients on the 18th of August, shortly after his arrival at Ilchester Gaol.³⁰ He would remain in medical care until his liberation on November the tenth. It seems remarkable that he stayed as an in-patient for the whole two and a half months for what is considered in the modern era as a minor and common ailment. Perhaps, due to his disability, his case was seen as potentially precarious,

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denoting a particular degree of care that was taken by the prison medical staff. However, according to James Whorton, by the beginning of the 19th century, there was a medical consensus that constipation was considered a serious ailment, as blockages disrupted the ideal humoral balance.³¹ In Caines' case constipation was treated by the prison staff as a concerning condition, requiring medical attention. This record also omitted Caines's ethnicity, illustrating that it was not regarded as worth commentary within a medical context. Caines was potentially fortunate to have been at Ilchester prison in 1817, as according to a letter written by Henry Hunt to Thomas Buxton in March 1821, the prison had seriously declined in

25. See footnote 13.

26. See footnote 13. Italics added for emphasis.

27. See footnote 13.

28. See footnote 13.

29. See footnote 13, 267.

30. Somerset Archives & Record Service (Taunton), *Register of Sick Prisoners from 1811-1821*, Q/Agi/16/1.

31. Whorton, J. (2000). Civilisation and the colon: constipation as the 'disease of diseases', *British Medical Journal*, 321 (7276), 1586 - 1589.

quality, as he wrote there is an 'absence... of instruction, piety and propriety that perhaps was here in 1818.' (p.22).³² However, an account written in 1895, suggests that the jail was 'frightfully overcrowded' in 1817, which might have played a role in Caines being released so swiftly.³³

Overall, this evidence has shown that prison staff and legal officials were clearly not prejudiced towards Caines, as they had gone to great lengths to restore his freedom. It also suggests that while trials were often brief affairs, once incarcerated, Caines was interviewed and given the opportunity to mention alibis to prove his innocence. Moreover, during his stay at Ilchester, the staff ensured that his physical condition did not decline, and they carried out a good quality of care to prevent him from suffering further. This research aligns with the findings of King and Carter Wood that there was no significant discrimination against Black people within the justice system. Those who were defendants were less likely than average to be convicted, and more likely to have their sentences reduced or overturned.³⁴ The case of Caines echoes this interpretation, as he was granted a full pardon and was imprisoned for slightly over two months before being granted his freedom. This indicates that criminals who were both Black and disabled were not especially prejudiced against in this period. However, as this is a unique case, it cannot reveal the full scale of how Black disabled individuals within the prison system were perceived within the period of study. Yet, it is a remarkable account of a man whose own voice remains hidden, nevertheless the impression that he made within the historical carceral record is undeniable.

Case study two: John Lewis (alias Gombo)³⁵

A Black man named John Lewis was arrested in the county of Staffordshire, in December 1829, for

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historical record.

committing the offence of house breaking. According to *The Staffordshire Advertiser*, Lewis was listed as one of the few individuals committed to the county gaol during the winter period. The article states, 'John Lewis, [was] charged with breaking into a dwelling house at Wolverhampton and stealing four pieces of linen cloth, cut for a shirt, the property of Matthew Vickers'. (p.4).³⁶ Lewis was formally charged during the Lent Assizes of 1830 and like Caines, was initially sentenced to death. This original punishment is recorded in an article from the local press dated to the 20th of March, a 'sentence of death [was] recorded against... John Lewis, for breaking into the house... stealing therein four pieces of linen cloth.' (p.4).³⁷ Neither of the two articles in *The Staffordshire Advertiser* mentioned John Lewis' African heritage, rather emphasis was placed upon the offence that he had committed. However, the initial sentence was quickly altered to twelve months imprisonment with hard labour, to be served at Stafford County Gaol.

The most vitally important details concerning the background of Lewis were provided in a series of correspondence between a visiting magistrate based originally at Dorchester named J.M. Colson, and the governor of Stafford Prison, Thomas Brutton. The letters were sent between the pair and were used as evidence to petition Lewis' case. The first letter is dated to the third of January 1830, by Colson to Brutton where he states, 'Sir, you have... in your custody a Black man named John Lewis charged with having committed a burglary or felony — I have known this unfortunate person some few years and have reason to think favourably of his honesty, industry and general behaviour and I shall feel greatly obliged to you if you will give me some little report of his care... and if the rules and regulations of your prison permit it, I shall be glad to send him a few shillings — Lewis will inform you that I am a clergyman and one of the visiting magistrates of the

32. Henry Hunt details the level of corruption of the governor William Bridle. Bridle was deemed responsible for the prison's later poor management. See Hunt, H. (1821). *A Peep Into a Prison, Or, The Inside of Ilchester Bastille*, Thomas Dolby.

33. Rogers Hamilton, W.H. (1895). *West Country Stories and Sketches, Biographical and Historical*, James G. Commin.

34. See footnote 11: King and Carter-Wood (2015).

35. 'Gombo' is used as both a first and last name in central Africa and areas of Asia. This could be Lewis' real name or one he has adopted.

36. *The Staffordshire Advertiser* (Stafford). (1829, December 5), p. 4.

37. *The Staffordshire Advertiser*, (Stafford). (1830, March 20), p. 4.

county gaol at Dorchester.’ (p.739).³⁸ This letter reveals the degree of relationship which had developed between Colson and Lewis, as the magistrate was prepared to testify to his previous good conduct and offer him financial aid to help him adjust to prison living.

The second letter that Colson sent, was dated the 12th of January, only nine days after the first correspondence. Here the account states, ‘You have my thanks for your kind and ready attention to my letter on behalf of poor Lewis... I am glad to hear his behaviour is so orderly.’ (p.745).³⁹ This indicates that the prison staff made efforts to respond quickly to the magistrate’s initial letter. Magistrates were men of considerable status and influence which might explain the staff’s desire to respond promptly. Moreover, it shows that Colson sought to once again highlight Lewis’ orderly behaviour to justify the financial support offered throughout the term of his imprisonment.

The third letter was sent several months later on the 27th of April. Colson remarks that he wishes to ‘endow [Lewis with] a half sov[reign] for his use. I wish I could send him more permanent assistance but fear the [repercussions]. I [hope that upon leaving the Jail he will be able to] re[join] the naval service.’ (p.746).⁴⁰ This piece of communication mentions Lewis’ background as a sailor, highlighting the similarities of his experience with Caines, as both had formerly experienced employment in a maritime career. Additionally, this letter demonstrates that during the early 19th century there was a clear concern about propriety, as Colson is unsure how much money he is allowed to send without damaging his reputation or causing problems for Lewis. Moreover, it suggests that jails permitted people in prison to receive financial assistance, especially if it had been sent by a man of high status. Following the *Gaol Fees Abolition Act*, passed in 1815, it was no longer necessary to pay the gaoler a fee to provide the convicted person with sustenance. Therefore, Colson wanted to send the money in order

to aid Lewis in the procurement of clothing which may have become dirty or damaged, as he declares, ‘I will certainly contribute a trifle towards procuring him better clothing [to wear while he is imprisoned].’ (p.746).⁴¹

The fourth and final letter, which was sent just prior to the decision to shorten his sentence and release him from prison early, is dated to the 13th of August. Here Colson states, ‘I hope I may [add a further contribution] in favour of your prisoner John Lewis — I first knew him [following an event] where [he was] committed to Dorchester Gaol... for a month — here his conduct was so orderly [that] I procured [for] him the situation of cooks mate in the Blonde

Frigate... I had the satisfaction of hearing that his behaviour had been uniformly correct and proper during the whole voyage and that he was discharged with a good character [reference] on account of ill health.’ (p.748).⁴²

This section signifies that although the housebreaking was not Lewis’ first offence, Colson still believed that he deserved another chance.

Thomas Brutton, the governor of the prison, wrote to General Dyatt, one of the presiding magistrates based at Wolverhampton, who stated that ‘Brutton informs me that John Lewis (a Black) whom I committed in December last for

housebreaking who is now undertaking his sentence has behaved very well in prison... I beg to say that I did not consider him a hardened offender and that I approve of the recommendation [to reduce his sentence].’ (p.749).⁴³ Following the letters which passed between the two gentlemen, a decision was ultimately made to alert Sir Robert Peel (1788-1850) of the decision to apply for a royal pardon due to Lewis’ exemplary conduct with the aim of granting him an early release. According to the document entitled, ‘Return of a convict under sentence of imprisonment in his Majesty’s Gaol at Stafford’ he was ‘recommended for a remission of his sentence’, this document states that he was aged thirty at the time of the sentencing and his release. (p.743).⁴⁴ Three visiting

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38. The National Archives (Kew), *Petition for John Lewis Or, Gombo*, HO 17/123/63: 738-751.

39. See footnote 38.

40. See footnote 38.

41. See footnote 38.

42. See footnote 38.

43. See footnote 38.

44. See footnote 38.

justices signed this release to signify that they agreed with the decision to end his sentence early.⁴⁵

In a final twist, Lewis was offered a potential job opportunity working at Stafford Gaol, as Brutton wrote, '[regarding] John Lewis alias 'Gombo', I beg to inform you that his conduct has been so good since he has been in my custody, it is my intention to provide for him and *retain him in my service* unless a better situation can be obtained for him.' (p.751).⁴⁶ The terms of his imprisonment were due to expire on the 11th of March 1831, but he was released early, on the 20th of August 1830 suggesting that he served only five months in total. This case has revealed that Lewis' friendship with a well-respected gentleman coupled with his extremely good behaviour while being imprisoned led to his early release. Moreover, Lewis was offered employment to work within the same institution where he had previously been incarcerated.

Conclusion

This article has demonstrated that prisons in the early decades of the 19th century were permeable locations which held a multitude of functions including infirmaries to heal the inmates, and spaces to carry out interviews to review cases. There were clearly benefits to possessing currency whilst incarcerated as demonstrated by Colson offering money to Lewis to aid him in the procurement of clothing and provisions. Overall, these two cases highlight that people in prison of African descent in this period, could expect equal treatment to their white contemporaries. Caines' was treated in the

infirmery and received at least an adequate standard of care while suffering from constipation. Additionally, while incarcerated he was able to provide an individual testimony to highlight his innocence. In the case of Lewis, despite the housebreaking being his second conviction, he was permitted to leave Stafford Gaol early and was even offered employment by the gaoler Brutton. This investigation has revealed that in these two cases Black prisoners were not necessarily prejudiced against and that their ethnicity did not inhibit sometimes considerable efforts being made on their behalf by men of influence. In Caines' case this may have been primarily due to a desire to right a perceived legal wrong and to uphold justice, but Caines' benefitted from actions following on from those desires. In Lewis' case actions on his behalf were due to more personal connections and his own behaviour which led to a stated belief in his warranting another chance. Magistrates and other men of considerable power and status could influence decisions to offer royal pardons or early release for good behaviour. As this is a very novel area of research the findings are still in their preliminary stages, yet it illustrates the distinct need for further investigation into a topic which has been long neglected. Overall, by adopting a micro-historical approach examining a brief snapshot into the lives of Caines and Lewis, we see that Black prisoners in the early 19th century left their mark within the carceral historical record.

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⁴⁵ See footnote 38.

⁴⁶ See footnote 38, 751. Italics added for emphasis.