This chapter explores the development of the legal concepts of idiocy and imbecility over the eighteenth and nineteenth centuries, examining legal theory as well as evidence from civil court cases to reveal an ongoing conflict between libertarian resistance to state intervention in the lives of citizens, however mentally incapacitated they might be, and a belief that the state should be responsible for protecting individuals against exploitation and the corruption of bloodlines. From the late eighteenth century, French medico-legal theorists, supported by the ‘scientific’ enlightenment ideals of the French revolution, proposed a medicalised appropriation of legal decision-making over capacity. While these ideas gained some currency among a small group of British medical men working in the field of idiocy, they faced strong public and legal resistance throughout the nineteenth century on the grounds of liberty of the subject. Both legal and medical formulations of idiocy in the eighteenth and nineteenth centuries borrowed heavily from popular, ‘common-sense’ public notions about what constituted an idiot.