I have written, co-authored, or co-edited some twenty-nine books, and these volumes are my eleventh book-length work on this subject. With each successive book, I become more aware how much I owe to many benefactors.

A platoon of excellent professors at the University of Miami Law School launched my legal education. Remembering many of them gratefully, I express my particular thanks to Minnette Massey. Several members of the Harvard Law School faculty provided further stimulation during my graduate year in residence there.

For fifty-one years, my faculty colleagues at Northwestern, Virginia, and Texas have contributed mightily to my understanding of the law and its operation in the controversial area analyzed in these volumes. At faculty workshops and in scores of informal conversations, they have deepened my comprehension of how law develops, what law means, and how the law might be improved. I want to mention in particular the late Page Keeton, my first dean and collaborator, who gave me both his wisdom and his encouragement when I launched my scholarship in this area almost a half century ago. His combination of intellectual rigor and a judgment born of common sense provided an important example. Another beacon in my legal education was Leon Green, first my teacher and then my colleague, a mighty source of insight and legal imagination.

I am especially grateful to Bob Bennett, David Ruder, and Dan Rodriguez, among my deans at Northwestern during my tenure here, for support that has enabled me to complete each edition of this work. I further acknowledge the help of several contributors to research at Northwestern for support of various aspects of this work: the Corporate Counsel Center of Northwestern University School of Law, the Edward B. Berglund Fund, the Edwin Walsh Fund, the Clemens and Jane Werner Faculty Enrichment Fund, and the Northwestern University School of Law Summer Faculty Research Program.

I have appreciated the willingness of the leaders of my law schools to support very long-term research. I note that these volumes build upon five decades of that research. Those books originally began publication life in a work published in 1987 by Warren Gorham & Lamont and continued through editions under the Butterworths label. It is symbolic of the continued growth of the law that this edition approximately quadruples the size of the first edition. CCH/Wolters Kluwer expanded the work in editions published in 2001 and 2010. I have been especially grateful for the wise guidance of Pam Maloney, managing editor for Wolters Kluwer Law and Business, for her implementation of the process that has brought into print the sixth edition in 2013, as well as its immediate predecessor.

Scholars do not move very far without the fuel provided by libraries. I appreciate very much the help I have received from George Pike, Jim McMasters, Chris
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Every schoolteacher draws ideas from his or her students. I have been stimulated by both questions and answers from my classes in torts and products regulation at Northwestern. I owe special thanks to the student assistants who have helped me with the innumerable scholarly minutiae with which one must deal to produce a work of this sort. Notably, these students include John Adams, Kelly Beg, Prudence Beidler, Matt Burke, Cristina Carmody Tilley, Lauren Daniel, Rob Drizin, Michael Doornweerd, Tish Eggleston, Jim Groth, Paige Harrison, Kelly Hollingsworth, Paul Janaskie, Scott Jones, Todd Kossow, James Larry, David Lee, Leighton Leib, Amanda MacDonald, Laura MacDonald, John Martin, Brian McLain, Doug Noren, Kevin Osborn, James Phalen, Joseph Prater, Brooke Pyo, Chuck Regan, Abby Russell, Ian Schwartz, Bob Sell, Jonathan Shaub, Rebecca Stamey-White, Jennifer Sutter, Marcia Tiersky, Seth Traxler, and Kristina Wilson.

Discussions with practicing lawyers about many aspects of tort law have greatly increased my understanding of the subject. I want to mention, as a particularly enriching experience of that kind, my service from 1980 to 1984 as Reporter for the Special Committee on the Tort Liability System of the American Bar Association. That committee, with the late Griffin Bell as its chair, greatly enhanced my education about a topic that meshes large questions of practice and philosophy.

My work as an Adviser to Restatement (Third) of Torts: Products Liability deepened my knowledge of the law in many ways. I learned much from discussions among the Reporters and Advisers and in the cut and thrust of debate on the floor of the American Law Institute. The late Charles Alan Wright, then president of the Institute, provided great encouragement in this endeavor.

I appreciate help that facilitated Part XI of this work, which compares European products law with the American jurisprudence. I did most of the work on that Part at Wolfson College, Cambridge University. I was especially grateful for the hospitality of the late David Williams, then President of the College, who became permanent Vice Chancellor of the University, and for that of the College, which provided an excellent environment for work on that Part. I appreciated also the help of the late Tony Weir of Trinity College, Cambridge, in facilitating my visit to Cambridge and for conversation about the law, and to Keith McVeigh and Peter Zawada, librarians at the Squire Law Library.

I also benefited from an informal seminar on products liability at Balliol College, Oxford, organized by Donald Harris, who was for many years Director of the Center of Socio-Legal Studies at Wolfson College, Oxford, and Jane Stapleton. As I worked on earlier editions, I profited from conversation about European
law with many other persons. Just a few who aided my research with information and insights were Anthony Jolowicz, Basil Markesinis, Dr. Hans Claudius Taschner, and Mary Sharpe of the European Commission; and Christopher Newdick. More recently, I have derived benefit from seminars and other programs at LUISS Guido Carli University in Rome, and in Rio de Janeiro, both organized by Antonio Claudio Tarre; in Kobe, Osaka, and Tokyo, organized by Toshihiko Oinuma; in Girona, organized by Miquel Martin Casals; in Pisa, organized by Emanuela Navarretta; in Barcelona, organized by Pablo Salvador Coderch; and in Bremen, organized by Norbert Reich. I am grateful to Jaap Spier for his help in facilitating several of these programs.


I mention in the Introduction the controversy that has surrounded this subject in the halls of Congress. I have had the honor of testifying to senatorial committees on the subject several times. Some of my testimony drew sharp comment from the senators who invited me, but their invitations always guaranteed a respectful audience. These occasions have advanced my knowledge of the subject and have further sensitized me to its political complexity. Since judge-made law is at some level politics—Tocqueville’s observation that major American issues tend to wind up in court has the corollary that disputed questions of substantive law sometimes wind up before legislatures—these experiences have contributed to my scholarship. They also have confirmed me in the belief that our democracy is a pretty wonderful institution. I found myself moved to say to Senator Stafford on one occasion that I wished my parents had lived to know that I was discussing the law with United States senators. That is no small privilege, and for me it is no trivial symbol of the freedoms we enjoy.

A generation of faculty assistants at Northwestern University School of Law has contributed to the making of these volumes: Michael Sobczak and Derek Gundersen were indispensable, as presently has been my assistant Shona Bonds. I am also grateful to Christy Bailey, Dianne Brubaker, Karen Khalil, Fay Reid, and Joe Rogers, at Northwestern, and to Gail Branch at Texas for their work as I developed the research base for the treatise.

Finally, I thank my family, not least for the example of their own endeavors, which have been a continuing inspiration to me. I am naturally in accord with the observation that as children get older, they decide that their parents may after all possess some small corner of wisdom. But I also learn more each year from the sage observations of my sons Nat Shapo, himself a lawyer and former Director of the Illinois Department of Insurance, and Benjamin Shapo, a research engineer who explores a wonderland of science and technology and who frequently makes astute observations about the law. I express my greatest gratitude to Professor Helene S. Shapo. Her acuteness and clarity of analysis, and the refinement of her critical judgment, serve as a standard for anyone who writes about the law.

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