When I order a pizza, I want the pizza and not damages for not getting the pizza. So, why will contract law give me damages and not the pizza? One who is tasked with exploring the remedy of specific performance for breach of contract is immediately confronted with its secondary status. Specific performance only kicks in after the primary remedy of damages is assessed to be ‘inadequate’. Even then, a host of other considerations may oust specific performance as the appropriate remedy. The common assumptions that the contractual right is to performance and that contract remedies enforce that right make the rarity of specific performance perplexing to some, and outright wrong to others. For someone who seeks to understand the black-letter law, the natural question is: why do courts so rarely require defendants to perform the contract, as opposed to paying damages?

This event qualifies for 1 CPD credit.

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