CODE-SWTICHING IN LEGAL ENGLISH CLASSES: TEACHERS' PRACTICES AND BELIEFS

Minh Nguyen Binh La

Faculty of Legal Foreign Languages – Hanoi Law University, Hanoi, Vietnam

Abstract. *Code-switching in foreign language classrooms is a common phenomenon that has captured interests of researchers worldwide over the past decades. The lack of studies about code-switching in legal English teaching and learning in Vietnam gives rise to this current research. The study aimed to investigate code-switching practices of teachers in legal English classes at a university in Vietnam and examine their perceptions of their own teaching practices. Three legal English lecturers at Hanoi Law University participated in the study. Teachers' classroom observations and interviews were used as methods of data collection. The findings from classroom observations indicate that first language (L1), Vietnamese, was occasionally employed by teachers to serve different purposes: subject access, classroom management and interpersonal relationships. Inter-sentential code-switching predominates intra-sentential and tag switching. The results from teacher interviews shed light on various underlying reasons for teachers' L1 use. The outcomes also reveal some mismatches between teachers' actual practices and their beliefs regarding code-switching for elicitation, recapitulation, and interpersonal relationships. Several suggestions for implementing teacher training programs on the effective strategic use of L1 in L2 instructions, for teachers' practices and for further research are addressed in the present study.*

Key words: *code-switching, teachers' practices, teachers' beliefs, legal English, L1*

1. INTRODUCTION

Code-switching (CS), the practice of moving back and forth between two languages, is employed "in the repertoires of most bilingual people and in most bilingual communities" (Romaine, 1989, p. 2). In English teaching methodology, it is a global strategy that teachers use in both English as a foreign language (EFL) and English for specific purposes (ESP) classrooms. In fact, CS has raised great scholarly interest over the last few decades. Whether or not first language (L1) should be used in foreign language (L2) classes has been highly debated and discussed among researchers and teachers for much of the 20th century (Hall & Cock, 2012a).

Opponents of CS in EFL/ESP classrooms argue that CS in the classroom is a counterproductive behavior because switching between L1 and L2 is either an indication

---

of failure to learn the target language or an unwillingness to do so; therefore, concern has been raised to minimize it. Cummins and Swain (1986) stressed that "progress in the second language is facilitated if only one code is used in the classroom, asserting that the teacher's exclusive use of the target code will counteract the 'pull' towards the native code" (p. 105). The overuse of CS may affect students' optimization of using English (Jingxia, 2010) and the way they communicate later (Zhu, 2008).

On the other hand, CS as viewed by affirmatives is believed to be a facilitative rather than a prohibitive factor in language classrooms. The use of L1 bridges the teaching and learning process (Üstunel, 2016) and is the only solution to solve disruptive communication problems between teachers and students (Nordin et al., 2013). Moreover, Paradowski (2008) suggests that the use of L1 is encouraged because it activates prior knowledge of the target language. More importantly, CS is utilized by teachers to serve such purposes as content access, classroom management and interpersonal relationship (Wu, 2013) or to perform such pedagogical and sociolinguistic functions (Promnath & Tayjasanant, 2016).

CS is a universal phenomenon and is an inevitable part of the teaching and learning process in EFL and ESP classrooms (Polio & Duff, 1994). Mažeikienė (2018) also claimed that "Since the last decade of the 20th century, revival of interest in [...] and use of L1 in foreign language teaching has been noticeable" (p.513). In Vietnamese contexts, Vietnamese is regarded as L1 and is allowed to be employed in foreign language classes. Language teachers use L1 from time to time in different situations. However, research into the use of CS is relatively limited and many studies seem to focus mostly on CS in EFL contexts (Ho-Dac, 2003; Giap, 2009; Canh & Hamied, 2014; Grant & Nguyen, 2017; Le, 2017; Tuan, 2021). A couple of studies on CS have been carried out in ESP contexts (Nguyen, 2007; Pham, 2015). Legal English (LE) has gained its popularity among different types of ESP in Vietnam over the past ten years, however, investigations into CS in this area seem to be largely ignored by researchers. Despite sharing many similarities with other types of ESP, LE differs from the other strains in its linguistic and content features. Therefore, efforts should be made to gain insight into the practice of teachers' CS in this particular field.

The lack of consensus among researchers about the role of CS in teaching EFL/ESP and the gap in the Vietnamese literature concerning CS in LE classrooms pave the way for this research to be done. The aims of this present study are twofold: exploring teachers' practices of CS in teaching LE classes and investigating the teachers' perceptions of their CS practices. To achieve the objectives set out, two research questions were formulated:

1. What are the patterns and functions of code-switching employed by teachers in legal English classes?
2. What are the teachers' perceptions of their code switching practices?

2. LITERATURE REVIEW

2.1. Definitions of code-switching

Different researchers have attempted to explore CS from different perspectives. According to Poplack (1980) and Bokamba (1989), CS is understood as the practice of speakers changing between languages on structural levels including discourse, sentence, phrase, word, or utterance. Hoffmann (1991) defines CS as "the alternative use of two languages or linguistic varieties within the same utterance or during the same conversation" (p. 110). Sharing the similar viewpoint, Nunan and Carter (2001) state that CS is "a phenomenon of

switching from one language to another in the same discourse" (p. 275). These definitions describe CS as a speech practice for alteration of languages at all levels of verbal expression, ranging from the small unit to the discourse level for communication purposes.

Although CS is sometimes referred to as code-mixing or code-borrowing, some researchers have attempted to differentiate among the terms. Ritchie and Bhatia (2004) indicate that CS includes the use of words, phrases, clauses and sentences within a discourse, whereas code-mixing refers to the use of smaller linguistic units such as morphemes, words, modifiers, phrases within a sentence. Poplack (1980) differentiates code-borrowing from CS by describing code-borrowing as the adjustment of lexical, morphological, syntactic and phonological items of the recipient language. The use and adoption of borrowed words or phrases into the part of another language cannot be seen as CS (Haugen, 1956).

On the other hand, some scholars assume that regardless of different types of CS, the three terms code switching, code borrowing, and code mixing can imply similar rhetorical functions (Canagarajah, 1995; Eastman, 1992). Therefore, in the scope of this study, the term CS includes the case of both code-borrowing and code-mixing.

2.2. Types and functions of code-switching

Regarding the types of CS, different researchers have categorized CS into various patterns. In terms of sociolinguistic factors, CS is divided into situational CS and metaphorical CS (Blom & Gumperz, 1972). Specifically, situational CS refers to the case where a discourse is altered into another language because of the change in the situation, i.e., a change in topics or settings, while metaphorical switching is used in cases where the choice of language determines the situation. Poplack (1980) looks at CS from grammatical perspective and classifies it into three types: intra-sentential CS, inter-sentential CS and tag switching. According to her, intra-sentential CS is made up by a switch occurring within a clause boundary, even a word boundary. Whereas inter-sentential CS refers to a switch occurring at a clause or sentence boundary, or between sentences where each clause or sentence is in a different language. Tag switching, also known as extra-sentential switching or emblematic switching, can be inserted anywhere in a speech event without violating any grammatical rules.

CS serves different functions in the teaching and learning process. Adendorff (1996) divides the functions of CS into two main categories, including academic and social functions. The academic functions are to clarify, translate, ask questions, check comprehension, emphasize ideas, and answer questions whereas social functions are for solidarity, and classroom management purposes. Ferguson (2003) classifies them into

Table 1 Ferguson's (2003) functions of code-switching

Subject access	Lexis or grammar explanation (LG)
	Elicit responses from students (EL)
	Clarifying the lesson content (CL)
	Repetition such as reiteration, translation (RE)
Classroom management	Engaging students' attention; encouraging and discipline students; clarifying task instructions; directive (CM)
Interpersonal relations	Humor or laugh (HU)
	Praise and comment (PR)
	Humanize classroom atmosphere; reduce social distance; negotiate different identities; establish intimate relationships with students (IN)

three broad types: code-switching for the subject access, the classroom management, and interpersonal relations. The subcategories of each are demonstrated in the following table.

Poplack' (1980) characterization of CS types and Ferguson's (2003) classification of CS functions serving the aims of learning and teaching in the classroom context are suitable to examine in this study.

2.3. Previous studies on code-switching in EFL/ESP classroom

Extensive research worldwide has been devoted to exploring various aspects of CS phenomenon: types and functions of CS, the reasons for CS and teachers' and learners' perceptions of CS.

Researchers examine the types of CS occurring at linguistic levels (Poplack, 1980; Myers-Scotton, 1993, Belazi et al., 1994). In particular, two main types of CS are identified to differentiate between a switch that occurs between sentences, i.e., inter-sentential, or a switch that occurs within a sentence, i.e., intra-sentential (Poplack, 1980). Intra-sentential switching can sometimes occur from within sentence boundaries to within word boundaries. This adaptation requires the coincidence of grammatical structures of different languages, therefore, teachers are not encouraged to perform. Further, the intra-sentential switching is viewed sometimes as the 'bilingual clause' (Myers-Scotton & Jake, 2000) whereas tag-switching, also known as extra-sentential switching, which refers to the insertion as a tag such as 'by the way' or 'you know' appears frequently in CS studies (Hoffmann, 1991; Alenezi, 2010).

Earlier studies reveal various reasons for teachers to code switch. Garcines et al. (2017) explore the reason for CS as for better and smoother teaching in case English language was not easily understandable for learners. CS is used for various functions in the language teaching and learning, such as clarity, explanation, instruction, and discipline maintenance in the classroom or the development of interpersonal relations (Khaerunnisa, 2016; Rathert, 2012). Memory et al. (2018) find that teachers' CS in the classroom not only enables students to deal with the challenges in English learning, but also contributes to classroom management in certain situations. Those findings are in line with the study of Mujiono et al. (2013), which was carried out in EFL classrooms utilized by instructors of English switching from English, Arabic and Indonesian languages alternatively.

Research into teachers' and students' perceptions of CS shows inconsistent results. While many of research findings depict teachers' and learners' positive attitudes toward the use of L1 in L2 instruction (Al-Nofaie, 2010; Ibrahim et al., 2013), some rebut with contrary evidence (Cheng, 2013).

In Vietnam, CS has received more attention from researchers in recent years. For instance, Canh and Hamied (2014) examines the functions of teachers' CS, as well as their motivation in the context of universities in Vietnam and Indonesia. Ho-Dac (2003), who focuses on the patterns of CS in Vietnamese – English bilingualism. Giap (2009) carries out a study on CS as one of code mixing phenomena in verbal communication whereas Le (2017) investigates CS in conversations to find out the types and reasons for CS among Vietnamese EFL teachers at University of Languages and International Studies. Tuan (2021) studies the perceptions of Vietnamese and foreign students from three large regional universities in Vietnam towards teachers' CS in their language classroom. In ESP teaching and learning contexts, a couple of studies on CS have been carried out. Nguyen (2007) focuses on the use of CS as a translation technique in English for Electronics classes.

Another case study investigating CS by tertiary level teachers in the context of business English by Pham (2015) reveals that teachers use different types of CS for different functions to construct the content and build target language or even manage the classroom. Obviously, CS is under-explored in legal English classes. Therefore, the present study was urged to bridge the gap in the literature in this particular area.

3. METHODOLOGY

3.1. Research design

This study employed a mixed method to examine teachers' use of L1 in LE classes and the reasons for their practices. A case study was conducted exclusively at Hanoi Law University (HLU), Vietnam, where LE courses are taught to students majoring in three different disciplines: Law, International Trade and Business Law, and Legal English Language. The scope of this research limits itself to examine teachers' CS behavior in LE classrooms of English-major students during the second semester of the school year 2020 - 2021.

3.2. Setting and participants

Three lecturers teaching legal English at HLU participated in this study. They have quite similar professional backgrounds. All of them have a Master's degree of English language teaching methodology and a Bachelor of Law. They have been teaching LE for more than 10 years. Therefore, they are considered experienced teachers in both EFL and LE teaching (Farrell, 2012; Koni & Krull, 2018). To observe their CS practices, three LE classes were purposely selected to include all teacher participants' own classes. In these classes, students were introduced to legal English for the first time. Reading skills were taught with vocabulary- and content-centered on different areas of law such as legal system, sources of law, court system, legal professionals, criminal law, tort law, contract law and so on.

3.3. Data collection procedure

3.3.1. Instruments

The study implemented two major instruments to collect data: classroom observations and teacher interviews. Classroom observations were opted by the researchers because they are considered to be objective instruments for observing and analyzing the behaviors that teachers and students demonstrate when they engage in instructional exchanges (Martin, 1977). To aid this procedure of observational strategy, audio-recordings were used as a supplementary tool. After the observational period, teacher participants were invited to a semi-structured interview. Different instruments were used to triangulate the findings and were piloted to confirm their validity and reliability.

3.3.2. Data collection and analysis

The classroom observations were carried out in eight weeks from early March to early May 2021. In line with the classroom observation protocol at HLU, classroom observation was kept to a minimum. Specifically, three sessions for each teacher were observed and audio-recorded with their prior consent. To minimize bias, the researchers

acted as non-participation observers so as not to influence or interfere with participants and the activities under observations. For the purpose of analysis, all recordings of lectures and interviews were transcribed. Rules for transcription were established and applied in the same way to facilitate the consistency of the data gathered. The analytical framework of the present study was based on three pillars: Poplack's (1980) notions of CS types, Ferguson's (2003) theoretical functions of classroom CS and Gibson and Brown's (2009) thematic analysis framework for data collected from interviews. Quantitative data concerning language use and functions of CS employed by teachers were analyzed using descriptive statistics, specifically word count, frequency count and percentage. Qualitative data from interviews were analyzed thematically.

4. RESULTS AND DISCUSSION

In this section, the data obtained from classroom observations are clearly tabulated and demonstrated while the data of teachers' interviews are thematically described. Significant examples and statements are also quoted. The purpose of this is to find out if there is any mismatch between teachers' L1 use and their perceptions of their own CS practices.

4.1. Patterns of code-switching used by teachers

Table 2 L1 and L2 distribution

Teachers' code	L1		L2		Total (word count)
	Word count	Percentage	Word count	Percentage	
T1	2958	28.04	7590	71.06	10,548
T2	3027	25.9	8658	74.1	11,658
T3	4033	33.8	7893	66.1	11,926

Regarding each teacher's use of language in their observed lessons, the well-over one-fourth of language use in L1 indicates that L2 is the main medium of instruction in LE classes at HLU, while L1 plays an important role in these contexts. Earlier research suggests a figure of L1 use of around 20% (Levine, 2014) to 40% (Littlewood & Yu, 2011); therefore, it can be concluded that the proportion of L1 use by the observed teachers in their LE classes is an appropriate classroom practice.

The teachers' interview data reveal similar results. While teachers maintained that English is the medium of instruction in their LE classes, they contended that L1 is inevitable in language teaching and learning. It is considered a natural response in a bilingual situation (Cook, 2001). Regarding the ideal proportion of L1 and L2 in their classes, T1 and T2 suggested a ratio of L1-L2 distribution of around 25%-75% or 30%-70%, while T3 believed L1 use could account for up to 35%. Their beliefs were quite consistent with their own teaching practices. It suggests that teachers were aware of their CS practices and took CS into account in their practices.

Table 3. Teachers' code switching types

Patterns	T1		T2		T3		Total
	Fr	%	Fr	%	Fr	%	(%)
Intra-sentential	54	23.2%	59	24%	49	20.3%	22.5%
Inter-sentential	160	70%	166	67.5%	176	73%	69.8%
Tag switching	18	7.8%	21	8.5%	16	6.7%	7.7%
Total	232	100%	246	100%	241	100%	100%

NB: Fr = frequency; % = percentage

Table 3 clearly illustrates that teachers employed different types of CS in their LE classes. Inter-sentential CS is the most frequently used among the participants with the percentage ranging between 67.5% and 73%. Teachers switched to Vietnamese at or beyond clause or sentence boundary for various purposes, such as explaining legal terms or provisions of the law, translating utterances, clarifying contents, asking questions, etc. This example exemplifies a situation when L1 was used to translate an utterance clarifying the term 'negligence', a type of tort under UK law.

*E.g. 1: <**L1**: There is a specific code of conduct which every person is expected to follow and a legal duty of the public to act in a certain way in order to reduce the risk or harm to others.> (T2)*

Intra-sentential CS is used, mainly to teach legal terms. On some occasions, teachers used L1 to explain grammar rules or syntactic features of legal English.

*E.g. 2: Offer <**L1** offer> is made with the intention of being capable of acceptance...(T1)*

Tag switching occurs less frequently compared to the other two types at almost 7.7%. The tags were generally used at either word or phrase level and primarily in the form of both lexicalized and non-lexicalized sentence fillers.

*E.g. 3: <**L1** I mean...Uh> OK let me just finish what I was saying first. (T3)*

4.2. Functions of code-switching used by teachers

Table 4. Functions of CS used by teachers

Functions		T1		T2		T3		Total
		Fr	%	Fr	%	Fr	%	%
Subject access	LG	69	23.3	78	25	61	19.9	22.7
	EL	46	15.5	52	16.7	44	14.4	15.5
	CL	98	33.1	102	32.7	112	36.6	34.1
	RE	23	7.8	32	10.2	40	13.1	10.4
Classroom management	CM	48	16.2	38	12.2	44	14.4	14.2
Interpersonal relations	HU	2	0.7	1	0.3	0	0	0.4
	PR	7	2.4	5	1.6	4	1.3	1.8
	IN	3	1.0	4	1.3	1	0.3	0.9
Total		296	100	312	100	306	100	100

Table 4 represents functions of CS employed by observed teachers based on Ferguson's (2003) classification. The figures indicate that teachers resorted to L1 for all purposes, among which, first language was opted mainly for subject access (82.7%), sometimes for classroom management purposes (14.2%), and rarely for interpersonal

relations (3.1%). These findings affirmed the conclusions made by previous research conducted in different contexts (Gulzar, 2010; Wu, 2013; Ma, 2019).

4.2.1. Code-switching for subject access

CS for subject access aims to 'facilitate students' understanding of the subject matter' (Wu, 2013, p. 20). Table 4 demonstrates that CL functions were mostly used by teachers (34.1%), followed by LG function (22.7%), EL (15.5%) and RE (10.4%).

Clarification

The data obtained from classrooms observations show that on many occasions, teachers switched to Vietnamese to explain unfamiliar legal terms and concepts and legal aspects. It is found that these contents and concepts were often made clear in L1 via longer utterances.

*E.g. 4:...consideration. In Vietnamese, we don't have an equivalent, so let me explain in Vietnamese. <**L1** Consideration is something of value that party B gives to party A in exchange for something else that part A gives to party B. The most common form of consideration is money, but it can be anything of value, say a service...> (T1)*

*E.g. 5... invitation to treat. <**L1** You go shopping at the supermarket and notice that prices are put up for different items, right? So, the supermarket makes an invitation to treat. Err, if you accept it by choosing an item and bring it to the counter, you make an offer. Acceptance of an invitation to treat amounts to an offer. That's where invitation to treat and offer differ.> (T3)*

In these instances, both teachers clarified two terms in the English contract law and the legal aspects related. T1 used L1 to help students understand clearly the term "consideration" which has no easily identifiable Vietnamese equivalent, while T3 tried to make the two concepts "offer" and "invitation to treat" less confusing and more clearly comprehensible in Vietnamese.

The data from teacher interviews replicate the results. Teachers reported that they often switched to L1 to deliver the contents effectively and help students grasp them easily. They admitted that LE was quite challenging for students for two reasons. Firstly, legal writing often features unfamiliar legal terms, jargons and complicated syntactic features. Secondly, freshmen did not have good background knowledge of law, as this course was delivered in their first year at university. Therefore, L1 was necessitated to assist students overcome these difficulties. These findings are compatible with other research outcomes (Bensen & Çavuşoğlu, 2013; Hall & Cook, 2013b; Zhu & Vanek, 2017).

Students often have difficulties understanding the reading texts because they contain a lot of legal terms and knowledge of the common law tradition. CS is the solution to help them understand clearly and easily. (T2)

I speak in Vietnamese when I need to clarify a term or a term-related issue. In some situations, I have to explain some legal points in Vietnamese because students have not studied about them before. Lack of background knowledge causes a lot of difficulties for my students, so I find it necessary to do that. (T3)

Another underlying reason for teachers to use L1 for clarification is to save time. Kelilo (2012) also argue that "L1 use is often determined as productive, time-saving technique." (p. 24).

I want to make sure my students understand them correctly. Err, it saves time in unnecessary explanation. (T1)

Lexis and grammar

It is also found from the data that teachers employed L1 to teach vocabulary and grammar. In many situations, they resorted to first language to provide students with the meaning of new words, especially legal terms and jargons. L1 was used in limited occasions to teach grammar aspects attributive to legal language. These findings are illustrated via these instances.

*E.g. 6: Actus reus is another component of crime under UK law. This is a Latin term which means criminal intent, in Vietnamese, <**L1** criminal intent...>. (T1)*

*E.g. 7: In this sentence "Lessor shall not be liable for the loss of or damage left, stored, or transported by Hirer...", the modal verb shall means an obligation, <**L1** have to>, not refers to future action. (T2)*

Findings from interviews affirm the data from classroom observations. Teachers agreed that features of written legal language such as technical terms, archaisms, foreign words, which challenge students' capability to comprehend, give rise to the need of using mother tongue to teach vocabulary.

Uhm, legal English has quite special grammatical and syntactic properties, I often remind students of them in first language. (T2)

I often use L1 to teach vocabulary. You know, in legal contexts, students must know exactly what a legal term in English is in their language because they are expected to use legal language precisely. (T3)

The conclusion from the observations and interviews supports previous research findings. Schmitt and McCarthy's (1997) finds that "a learner's L1 is one of the most important factors in learning L2 vocabulary." (p. 2), while Hall and Cook (2013b) claim that learners found L1 use easier to clarify ambiguous vocabulary and grammar. Macaro (2009) argued that teachers found CS legitimate because they had to provide L1 equivalents for L2 lexical items.

Elicitation of students' responses

The data showed that teachers sometimes used L1 to evoke responses and answers from students. Elicitation was done in a number of situations where teachers asked students to come up with vocabulary, background knowledge, ideas and personal perspectives. This example illustrates a teacher's CS to draw on meaning of a legal term.

*E.g. 8:...counterclaim. What's the Vietnamese equivalent of this term? (pause) Let's think about the meaning of the prefix counter- and claim. <**L1** Counter means 'opposite' or 'against'. Claim means sue. OK. So counterclaim means sue against the person who has brought a case, right?> (T2)*

Here, T2 attempted to elicit the Vietnamese term equivalent to the word "counterclaim" by using the technique of asking suggested questions in L1. Though CS was used many times by all the teachers, it is surprising to find out the data obtained from interviews contained no indication of CS for elicitation function.

Repetition

A close examination of teachers' transcripts reveals that Vietnamese was also used by teachers to reinforce learners' understanding of both lexical and syntactic aspects of legal language and knowledge of the law. Repetition usually occurred in the form of translation from L2 to L1. Teachers generally used longer utterances to reiterate the legal aspects, while shorter ones were found to repeat a term or a concept.

*E.g. 9: ...criminal justice. <**L1** OK, so criminal justice refers to the system of law enforcement, involving police, prosecutors, courts, lawyers...>(T3)*

This extract illustrates T3's use of L1 to serve the function of CS for message repetition in the form of translation by reiterating what had just been said in the target language.

It is worthy of notice that teachers reported frequent use of L1 for repetition. They believed it was an effective way for students to reinforce vocabulary, memorize information and comprehend the lessons better.

Err, sometimes I need to repeat both the vocabulary and content input using the mother tongue to engrave them in the students' memories. (T2)

I say something in English then translate it into Vietnamese when necessary to help them understand better. Some low-level students often ask me to translate more. (T3)

Summarizing

Though recapitulation is not listed in the subject access functions of CS as suggested by Ferguson (2003), data from classroom observations indicated that teachers did employ L1 to recapitulate their lessons. On several occasions, teachers attempted to enunciate the focal points after explaining legal aspects introduced in the lessons in L2 or at the end of the lessons to enable students memorize important contents. Legal contents were emphasized while linguistic features seemed to be overlooked. Sometimes, there was an overlap between summarizing and translating teachers' utterances when the summaries were done in L2 and then being translated into L1.

*E.g. 10: Is it clear? <**L1** OK, so, in our jurisdictions, there are different sources of law, such as the constitution, codes and ordinances and normative documents, etc. Normative documents have different legal terms, and try to remember the legislative bodies that make them, for example, decrees are made by the government...> (T3)*

When being interviewed, teachers also addressed L1 usage for summary purpose. This function of CS was not found in previous studies conducted in ESP contexts (Wu, 2013; Promnath & Tayjasanant, 2016). They argued that at the end of the day, students had to take away key linguistic and content aspects. One teacher asserted:

I usually speak in Vietnamese when I go over the main contents as it's quick and effective. (T1)

4.2.2. Code-switching for classroom management

CS was employed by teacher as one of the classroom management techniques with 14.4% of CS times. In these observed classes, L1 was used frequently to clarify the task instructions or direct the students to do some activities. Some examples of L1 used by teachers suggest that it was utilized to encourage students to participate in class activities, maintain class disciplines, and make students focused.

*E.g. 11: ...find the defined terms, OK. <**L1** Remember, look for the highlighted words in the text only>. (T1)*

*E.g. 12: (Hand clap) <**L1** OK class, be quiet and listen to her> (T3)*

In the above exemplifications, T1 tried to remind the students the task requirement to ascertain that students clearly understood and completed it with confidence, while T3 attempted to keep students in order and stay focus.

The quotations from teachers' interviews demonstrate that by common consent, L1 plays an important role in classroom management.

Sometimes I repeat my instructions in L1 so that my students know exactly what they have to do. (T1)

Students are not orderly sometimes, so, uhm, I tell them to maintain classroom disciplines in Vietnamese as it seems to be more authoritative in L1 than in L2. (T2)

Sometimes students are hesitant to discuss and answer questions because of difficulty or something, so I switch to their mother language to encourage them, build up their confidence or give support. (T3)

4.2.3. Code-switching for interpersonal relation

CS for PR dominated the other two functions with 1.8% of occurrences. L1 was chosen by teachers in a few situations. Commenting on the students' answers was mostly done in Vietnamese when students did not answer the questions correctly or understand the content thoroughly. Teachers used mild language in order to avoid hurting the students' feelings. Praises were also given to in L1 as a way to motivate students and create a more positive classroom atmosphere.

E.g. 13: (a conversation between a teacher and her students)

S: Well, I don't agree with Mai. In this case, Ted has committed both a criminal wrong and a tort. Reckless driving is a crime, but Ted's carelessness has not only caused him serious pain and suffering but also financial loss. So, Ted can claim damages in compensation.

T: <L1 Definitely, Chau. Mai, you seemed to overlook an important fact here, right? Next time you should pay more attention to specific details, OK.> (T3)

IN functions were performed in L1 several times either as icebreaker at the beginning of the lessons or as informal social exchanges at the end of the lessons. CS for HU was used only once or twice by two out of three teacher participants.

E.g. 14: <L1 Last lesson in the morning. Tired and hungry, ha?> (T2)

E.g. 15: <L1 There is a> "tort" <L1 that no one wants to eat, that's> "tort". (T1)

It is also worth mentioning that only one teacher reported to use L1 for interpersonal relationship purpose, though in practice, all of them fulfilled such function occasionally. This is an extract from T1's responses, who is also the one who code switched for socialization with students.

Occasionally I use Vietnamese when I want to encourage them to speak or praise them for good work, or keep discipline in the class. (T1)

Teachers' responses show that teachers tend to pay more attention to the transactional i.e. "to get something or to get something done" (Nunan, 1999, p. 228) than interpersonal function i.e. "for social purposes" of L1 and ignore L1 use as a way to "enhance the social atmosphere in the classroom" (Harmer, 2007, pp. 133-134), which is claimed to attribute to a productive classroom environment (Den et al., 2004).

4.3. Discussion

Analysis of data from teachers' interviews suggest that the observed teachers were conscious of their use of CS in their LE classes They deliberately and purposely switched to L1 for some main reasons. Firstly, teachers placed great emphasis on both legal vocabulary and contents; therefore, they used Vietnamese to teach them effectively by way of clarifying, repeating, eliciting and summarizing. Secondly, they believed that CS helps them save time in unnecessary explanation, or manage their classroom effectively. The findings here suggest that teachers held positive stands on L1 use in their LE classrooms. However, this study obtained similar findings to Wu's (2013) in that sometimes teachers switched code accidentally. This unintentional CS occurred when students spoke to teachers in their

language; or when teachers themselves resorted to L1 to explain something, but then continued using it when they moved to another point. It is worthy of notice, however, that this kind of CS did not last long, as teachers realized their improper choice of L1 and moved quickly to L2. Teachers' reaction to their own unplanned CS shows that they want to speak the target language as much as possible (Wu, 2013).

The comparison of data gathered by classroom observations and interviews reveals several mismatches between teachers' actual practices and their beliefs. To be more specific, teachers in fact used L1 for elicitation purpose, but none of them reported this in their interviews. Added to this, CS occurred when teachers summarized the main points or the lessons, while two out three had no mention about it. Finally, teachers opted for their mother tongue for interpersonal relationships, whereas they failed to enunciate it. Therefore, it can be concluded that teachers employed L1 to serve more purposes than they could actually realize.

5. CONCLUSION

This study was undertaken in LE classes at Hanoi Law University, Vietnam, to find out teachers' CS practices and their perceptions of their behaviors. The findings of this current study affirms conclusions drawn from earlier ones with respect to the types and functions of teachers' general use of L1 (Adriosh & Razi, 2019; Bensen & Çavuşoğlu, 2013 Gulzar, 2010; Ma, 2019; Promnath & Tayjasanant, 2016; Wu, 2013), and the various reasons for teachers to switch code in their language classrooms (Hall & Cook, 2012a; Polio & Duff, 1994). They are also in line with previous research findings regarding teachers' awareness of their CS (Grant & Nguyen, 2017) and positive perceptions of CS in their teaching practices (Durano, 2009; Al-Nofaie, 2010). However, some new findings of this study can be found. Firstly, CS for summary function emerged from this study is relatively unique which were not revealed in Adendorff (1996) and Ferguson (2003), Gulzar (2010) and Makulloluwa's (2013) classification. Secondly, the large distribution of L1 for clarification function in LE lessons manifests the significant role of CS for effective teaching of LE - a challenging subject for students due to its complicated legal terminology and content. Thirdly, the teachers in this study used L1 for more purposes than they would think, which is evident by the absence of CS for summary and elicitation purposes in the teacher interviews. This may be an indication that teachers may not thoroughly understand the strategic use of CS in their language classrooms. Instead, their practices are based on personal beliefs and are under the influence of previous teachers' practices. Finally, they also seemed to overlook the value of L1 for interpersonal relationship function as it did not have any mention in the teacher interviews. These novel findings not only enrich the literature of CS in Vietnamese contexts in general and in legal English teaching in particular, but also yield important pedagogical implications for policy makers, program designers and EFL/ESP/LE teachers.

Currently, a national policy on the use of classroom languages in foreign language education has not been developed in Vietnam yet (Nguyen, 2013). Therefore, policy makers should examine the various aspects of CS as a strategic teaching method in order to promulgate an appropriate and feasible policy concerning this matter. Accordingly, training programs on CS as an effective teaching tool are recommended to advance teachers' skills and practices, hence teaching quality.

For teachers, it is of great importance to raise their awareness of pedagogical, managerial and social functional effects of CS in their language classrooms. As a result, teachers can reflect on them and employ this teaching strategy in the most appropriate and effective way to facilitate language learning. Secondly, training teachers on the strategic use of L1 in L2 instruction is critical to ascertain the desired outcomes when it is applied. CS when employed by teachers must be a type of deliberate teaching strategy instead of subconscious and habitual one. Grant and Nguyen (2017) clearly assert that the "CS can be effectively used in EFL classrooms only when it is done selectively and deliberately rather than habitually and automatically" (p.244). Added to this, Vega (2016) pointed out that L1 can be used when feasible to each new words, especially when teachers have difficulty explaining a word in English as they do "not have the picture or a way to do so" (p.279) or when "all learners speak the same language" (p.280). Moreover, the amount of L1 instruction should be restricted to serve specific functions so that teachers will be cautious when and why they code-switch as Turnbull (2001) highlighted some drawbacks to teachers' extensive reliance on L1. In line with this view, Vega (2016) also suggested that reliance too much on translation to teach any language should not be a recommendable approach.

This study only is not enough to explore the full potential of CS in LE classes in Vietnamese context, therefore, further studies about students' perceptions and expectations of teachers' CS practices are necessitated to achieve that aim.

REFERENCES

Adendorff, R. (1996). *The Functions of Code-switching among High School Teachers and Students in KwaZulu and Implications for Teacher Education*. In K. Biley & D. Nunan (Eds.). Voices from the Language Classroom: Qualitative Research in Second Language Education. pp. 388-406. Cambridge: Cambridge University Press.

Adriosh, M., & Razi, O. (2019). Teacher's codes switching in EFL undergraduate classrooms in Lybia: functions and perceptions. *Sage journals.* https://doi.org/10.1177/2158244019846214

Alenezi, A. A. (2010). Students' language attitude towards using code-switching as a medium of instruction in the college of health sciences: An exploratory study. *Annual Review of Education, Communication & Language Sciences*, 7, 1-22. https://research.ncl.ac.uk/media/sites/researchwebsites/arecls/alenezi_vol7.pdf

Al-Nofaie, H. (2010). The attitudes of teachers and students towards using Arabic in EFL classrooms in Saudi public schools - A case study. *Novitas-ROYAL*, *4*, 64-95. http://www.novitasroyal.org/Vol_4_1/al-nofaie.pdf

Bensen, H., & Çavuşoğlu, Ç. (2013). Reasons for the teachers' uses of code-switching in adult EFL classrooms. *Hasan Ali Yücel Eğitim Fakültesi Dergisi*, *10*, 69-82. https://www.hayefjournal.org/Content/files/sayilar/63/69.pdf

Belazi, H. M., Rubin, E. J., & Toribio, A. J. (1994). Code switching and X-bar theory: The functional head constraint. *Linguistic inquiry, 25*(2), 221-237. https://www.jstor.org/stable/4178859

Blom, J. P., & Gumperz, J. (1972). Social Meaning in Linguistic Structures: Code Switching in Northern Norway. In John Gumperz and Del Hymes (Eds.). *Directions in Sociolinguistics: The Ethnography of Communication*, 407-434. New York: Holt, Rinehart, and Winston. https://doi.org/10.4324/9781003060406

Bokamba, E. G. (1989). Are there syntactic constraints on code-mixing? *World Englishes, 8*(3), 277-292. https://doi.org/10.1111/j.1467-971X.1989.tb00669.x

Canagarajah, A. S. (1995). Functions of codeswitching in ESL classroom: Socializing bilingualism in Jaffna. *Journal of Multilingual and Multicultural Development, 6*, 173–195. https://doi.org/10.1080/01434632.1995.9994599

Canh, L. V., & Hamied, F. A. (2014). Code-switching in Universities in Vietnam and Indonesia. In Roger Barnard & James McLellan (Eds.), *Code-switching in University English-Medium Classes: Asian Perspectives*. Bristol: Buffalo. https://doi.org/10.21832/9781783090914-009

Cheng, X. (2013). Research on Chinese college English teachers' classroom code-switching: Beliefs and attitudes. *Journal of Language Teaching and Research, 4*, 1277-1284. https://doi.org/10.4304/ jltr.4.6.1277-1284

Cook, V. (2001). *Second Language Learning and Language Teaching*. London: Arnold.

Cummins, J., & Swain, M. (1986). *Bilingualism in Education*. Harlow: Longman.

Den, B. P., Brekelmans, M., & Wubbels, T. (2004). Interpersonal teacher behaviour and student outcomes. School Effectiveness and School Improvement, 15, 407–442. https://doi.org/10.1080/09243450512331383262

Durano, F. (2009) *Attitudes Towards English and Fil-English Code-switching Amongst High School Students in Ormoc City, Philippines.* (Thesis) Malmö University Electronic Publishing.

Eastman, C. (1992), ed. *Codeswitching*. Clevedon, England: Multilingual Matters.

Farrell, T. S. C. (2012). Novice-Service Language Teacher Development: Bridging the Gap between Pre-service and In-Service Education and Development. *TESOL Quarterly 46*(3), 435-449. https://doi.org/10.1002/tesq.36.

Ferguson, G. (2003). Classroom code-switching in postcolonial contexts: Functions, attitudes and polices. *AILA Review, 16*, 38-51. http://dx.doi.org/10.1075/aila.16.05fer.

Garcines, D. V., Evangeline, D. & Alvarez, H.D. (2017). Code-Switching: Boon or Bane? *International Journal of Research in Humanities and Social Sciences, 4*(8), 1-10. https://www.ijrhss.org/papers/v4-i8/1.pdf

Giap, T. B. H. (2009). *The language mixing phenomena in verbal communicative process between Vietnam and English*. Minor thesis. VNU.

Grant, L. E., & Nguyen, T. H. (2017). Code-switching in Vietnamese university EFL teachers' classroom instruction: A pedagogical focus. *Language Awareness, 26*, 244-259. Routledge. https://doi.org/10.1080/09658 416.2017.1402915

Gibson, W. J., & Brown, A. (2009). *Working with qualitative data*. London, England: Sage.

Gulzar, M. A. (2010). Code-switching: Awareness about its utility in bilingual classrooms. *Bulletin of Education & Research, 32*, 23-44. http://pu.edu.pk/images/journal/ier/PDF-FILES/2-Malik%20Ajmal%20Gulzar.pdf

Hall, G., & Cook, G. (2012a). Own-language use in language teaching and learning. *Language Teaching, 45*, 271-308. https://doi.org/10.1017/S0261444812000067

_____ (2013b). *Own-language use in ELT: Exploring global practices and attitudes* (British Council ELT Research Papers 13-01). London, England: British Council.

Harmer, J. (2007). *The practice of English language teaching*. Harlow: Pearson Longman.

Haugen, E. I. (1956). Bilingualism in the Americas: A bibliography and research guide, 26.

Ho-Dac, T. (2003). *Vietnamese-English Bilingualism: Patterns of code-switching*. London: Routledge.

Hoffmann, C. (1991). *An Introduction to Bilingualism*. London: Longman Publisher.

Ibrahim, E. H. E., Shah, M. I. A., & Armia, N. T. (2013). Code- switching in English as a foreign language classroom: Teachers' attitudes. *English Language Teaching*, *6*, 139-150. https://doi.org/10.5539/elt.v6n7p139

Jingxia, L. (2010). Teachers' code-switching to the L1 in EFL classroom. *The Open Applied Linguistic Journal, 3*(10), 10–23. https://benthamopen.com/ contents/pdf/TOALJ/ TOALJ-3-10.pdf.

Kelilo, J. A. (2012). *Exploring the Use of First Language in 'English Focus' EFL Classroom? Focus on Jimma Teachers' college.* (Thesis). Postgraduate School, JIMMA University. https://asian-efl-journal.com/wp-content/uploads/mgm/downloads/69453700.pdf

Khaerunnisa, L. (2016). An EFL Teacher's Code Switching in a Young Learners' Classroom. Indonesian Journal of EFL and Linguistics, 1(1), 13-26. https://indonesian-efl-journal.org/index.php/ijefll/article/view/1

Koni, I., & Krull, E. (2018). Differences in novice and experienced teachers' perceptions of planning activities in terms of primary instructional tasks. *Teacher Development*, *22*(4), 464-480. https://doi.org/10.1080/13664530.2018.1442876

Le, H. T. (2017). *Vietnamese-English codeswitching in conversations among Vietnamese EFL teachers: A case study.* Unpublished thesis. Vietnam National University.

Levine, G. S. (2014). Principles for code choice in the foreign language classroom: A focus on grammaring. *Language Teaching, 47*(3), 332–348. https://doi.org/10.1017/ S0261444811000498

Littlewood, W. & Yu, B. (2011). First language and target language in the foreign language classroom. *Language Teaching, 44*(1), 64-77. https://doi.org/10.1017/ S0261444809990310

Ma, L. P. F. (2019). Examining the functions of L1 use through teacher and student interactions in an adult migrant English classroom. *International Journal of Bilingual Education and Bilingualism*, *22*, 386-401. https://doi.org/10.1080/13670050.2016. 1257562.

Macaro, E. (2009). Teacher use of codeswitching in the second language classroom: Exploring "optimal" use. In A. P. M. Turnbull & A. P. J. Dailey-O'Cain (Eds.), *First language use in second and foreign language learning,* 35-49. Bristol, UK: Channel View Publications. https://doi.org/10.21832/9781847691972-005

Makulloluwa, E. (2013). Code switching by teachers in the second language classroom. *International Journal of Arts & Sciences*, *6*, 581-598. http://universitypublications. net/ijas/0603/pdf/T3N299.pdf

Martin, J. (1977). The Development and Use of Classroom Observation Instruments. *Canadian Journal of Education /Revue Canadienne De L'éducation, 2*(3), 43-54. https://doi.org/10.2307/1494419

Memory, N. D., Nkengbza, D., & Liswaniso, C. M. (2008). The effects of code switching on English language teaching and learning at two schools in Sibbinda Circuit. *International Journal of English Language Teaching, 6*(5), 56-68. https://www.eajournals.org/wp-content/uploads/The-Effects-of-Code-Switching-On-English-Language-Teaching-and-Learning-at-Two-Schools-in-Sibbinda-Circuit.pdf

Mažeikienė, V. (2018). Translation as a method in teaching ESP: An inductive thematic analysis of literature. Journal of Teaching English for Specific and Academic Purposes, (6)3, 513-523. https://doi.org/10.22190/JTESAP1803513M

Mujiono, M., Poedjosoedarmo, S,. Subroto, E., & Wiratno, T. (2013). Code Switching in English as Foreign Language Instruction Practiced by the English Instructors at

Universities. *International Journal of Linguistics, 5*(2), 46-63. https://doi.org/10.5296/ijl.v5i2.3561

Myers-Scotton, C. (1993). *Social motivations for code-switching: Evidence from Africa.* Oxford: Clarendon Press.

Myers-Scotton, C., & Jake, J. (2000). Four types of morpheme: Evidence from aphasia, code switching, and second-Language acquisition. *Linguistics: An Inter-disciplinary Journal of The Language Sciences, 38*(6), 1053-1100. https://doi.org/10.1515/ling.2000.021

Nguyen, T. H. (2013). Vietnamese university EFL teachers' code-switching in classroom instruction. Ph.D. dissertation, Auckland University of Technology, Auckland, New Zealand. http://orapp.aut.ac.nz/bitstream/handle/10292/7619/NguyenTH.pdf?sequence=1&isAllowed=y

Nguyen, T. V. (2007). Foreign language teaching and learning at the University of Engineering and Technology, Vietnam National University, Hanoi. *VNU Scientific Journal - Foreign Language, 2007* (23), 138-142.

Nordin, N. M., Ali, F. D. R., Zubir, S. I. S. S., & Sadjirin, R. (2013). ESL Learners reactions towards codeswitching in classroom setting. *Procedia-Social and Behavioral Sciences, 90*, 478- 487. https://doi.org/10.1016/j.sbspro.2013.07.117.

Nunan, D. (1999). *Second language teaching and learning*. Boston, Massachusetts: Heinle and Heinle.

Nunan, D., & Carter, D. (2001). *Teaching English to speakers of other languages.* Cambridge: Cambridge University Press.

Paradowski, M. (2008). *Corroborating the role of L1 awareness in FL pedagogy. In 33rd international LAUD symposium: Cognitive approaches to second/foreign language processing: Theory and pedagogy.* Essen: Landau/Pfalz, 515-580. https://files.eric.ed.gov/fulltext/ED501918.pdf

Pham, T. N. H. (2015). *Codeswitching by tertiary level teachers of business English: A Vietnamese perspective*. PhD thesis. Curtin University.

Polio, C. G., & Duff, P. A. (1994). Teachers' language use in university foreign language classrooms: A qualitative analysis of English and target language alternation. *Modern Language Journal, 78*, 313-326. https://doi.org/10.1111/j.1540-4781.1994.tb02045.x

Poplack, S. (1980). Sometimes I'll start a sentence in English y termino en espanal: toward a typology of code-switching. *Linguistics, 18*, 581-616. http://dx.doi.org/10.1515/ling.1980.18.7-8.581.

Promnath, K., & Tayjasanant, C. (2016). English-Thai code-switching of teachers in ESP classes. *PASAA (51)*, 97-126. https://doi.org/10.14456/pasaa.2016.4

Rathert, S. (2012). Functions of Teacher and Students Code-Switching in an EFL classroom and Pedagogical Focus: Observations and Implications. Educational Process: *International Journal*, 7-18. https://doi.org/10.12973/edupij.2012.112.1

Ritchie, W., & Bhatia, T. K. (2004). Bilingualism in media and advertising. In T. K. Bhatia, and W. Ritchie (Eds), *The handbook of bilingualism,* 513-546. Blackwell Publishing Ltd.

Romaine, S. (1989). *Bilingualism*. Oxford: Blackwell.

Schmitt, N., & McCarthy, M. (Eds) (1997). *Vocabulary: Description, Acquisition and Pedagogy.* Cambridge: Cambridge University Press.

Tuan, V. V. (2021). Code Switching in English Language Teaching and Learning in a Multilingual Society in Vietnam. *The International Journal of Interdisciplinary, 16*(1), 79-94. https://doi.org/10.18848/2327-011X/CGP/v16i01/79-94

Turnbull, M. (2001). There is a role for the L1 in second and foreign language teaching, but.... *Canadian Modern Language Review*, *57*, 531-540. https://doi.org/10.3138/cmlr. 57.4.531

Üstunel, E. (2016). EFL classroom code-switching. Turkey: Palgrave Macmillan.

Vega, O. (2016). Effective strategies for teaching and learning academic vocabulary. Journal of Teaching English for Specific and Academic Purposes, (4)2, 277-285. Retrieved at http://espeap.junis.ni.ac.rs/index.php/espeap/article/view/326.

Wu, S. (2013). Teachers' code-switching in the ESP classroom in China. *Studies in Sociology of Science, 4*(4), 16-22. https://doi.org/10.3968/j.sss.1923018420130404.2847.

Zhu, H. (2008) Dueling language, dueling values: Code switching in bilingual intergenerational conflict talk in diasporic families. *Journal of Pragmatics, 40*(10), 1799-1816. https://doi.org/10.1016/j.pragma.2008.02.007.

Zhu, X., & Vanek, N. (2017). Facilitative effects of learner- directed code-switching: Evidence from Chinese learners of English. *International Journal of Bilingual Education and Bilingualism*, *20*, 773-787. https://doi.org/10.1080/13670050.2015.108 7962